

MANUAL OF ELECTION LAW



MUNICIPALITIES AND NAGAR PANCHAYATS

A.P. STATE ELECTION COMMISSION

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FOREWORD

The Law relating to conduct of elections to Municipalities and Nagar Panchayats, both direct and indirect, is dispersed in various provisions contained in the A.P. Municipalities Act, 1965 and various sets of rules issued thereunder. Apart from that, there are also certain orders issued by the State Election Commission under Article 243 ZA of the Constitution of India governing the conduct of elections to Municipal Bodies.

For the convenience of officers and staff deployed on election related duties, all provisions of law have been brought at one place in the shape of a Manual.

I hope that this Manual will act as a ready reckoner for the officers and staff involved in election related activities and will contribute in discharging their duties and responsibilities in an efficient manner.

DR. N. RAMESH KUMAR
STATE ELECTION COMMISSIONER

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EXTRACTS FROM THE CONSTITUTION OF INDIA

Article 5. Citizenship at the commencement of the Constitution:- At the commencement of this Constitution, every person who has his domicile in the territory of India and—

- (a) who was born in the territory of India; or
- (b) either of whose parents was born in the territory of India; or
- (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

Article 173. Qualification for membership of the State Legislature:- A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he –

- (a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;
- (b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and
- (c) possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

Article 191. Disqualifications for membership:- (1) A person shall be disqualified for being chosen as, and for being, a Member of the Legislative Assembly or Legislative Council of a State –

- (a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
- (e) if he is so disqualified by or under any law made by Parliament.

Explanation:- For the purposes of this clause, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Minister either for the Union or for such State.

(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.

PART IXA

THE MUNICIPALITIES

Article 243-P. Definitions.—In this Part, unless the context otherwise requires,—

- (a) "Committee" means a Committee constituted under article 243-S;
- (b) "district" means a district in a State;
- (c) "Metropolitan area" means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;
- (d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;
- (e) "Municipality" means an institution of self-government constituted under article 243-Q;
- (f) "Panchayat" means a Panchayat constituted under Article 243-B;
- (g) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Article 243-Q. Constitution of Municipalities.—(1) There shall be constituted in every State,—

- (a) a Nagar Panchayat (by whatever name called) for transitional area, that is to say, an area in transition from a rural area to an urban area;
- (b) a Municipal Council for a smaller urban area; and
- (c) a Municipal Corporation for a larger urban area, in accordance with the provisions of this Part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this Article, "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

Article 243-R. Composition of Municipalities.— (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide—

- (a) for the representation in a Municipality of—

- (i) persons having special knowledge or experience in Municipal administration;
- (ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;
- (iii) the members of the Council of State and the members of the Legislative Council of the State registered as electors within the Municipal area;
- (iv) the Chairpersons of the Committees constituted under clause(5) of article 243-S:

Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;

(b) the manner of election of the Chairperson of a Municipality.

Article 243-S. Constitution and composition of Wards Committees, etc.:— (1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) The Legislature of a State, may, by law, make provision with respect to—

- (a) the composition and the territorial area of a Wards Committee;
- (b) the manner in which the seats in a Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.

(4) Where a Wards Committee consists of—

- (a) one ward, the member representing that ward in the Municipality;
- or
- (b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee, shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

Article 243-T. Reservation of seats.— (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State, may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

Article 243-U. Duration of Municipalities, etc.—(1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed,—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

Article 243-V. Disqualifications for membership.—(1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality—

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

Article 243-W. Powers, authority and responsibilities of Municipalities, etc.—Subject to the provisions of this Constitution, the Legislature of a State, may, by law, endow-

(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—

- (i) the preparation of plans for economic development and social justice;
- (ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

Article 243-X. Power to impose taxes by, and Funds of, the Municipalities.—The Legislature of a State may, by law,—

- (a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys there from, as may be specified in the law.

Article 243-Y. Finance Commission.—(1) The Finance Commission constituted under Article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to—

- (a) the principles which should govern—

- (i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;
- (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;
- (iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;
- (b) the measures needed to improve the financial position of the Municipalities;
- (c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this Article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

Article 243-Z. Audit of accounts of Municipalities.—The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the auditing of such accounts.

Article 243-ZA. Elections to the Municipalities.—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in Article 243-K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

Article 243-ZB. Application to Union territories.—The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

Article 243-ZC. Part not to apply to certain areas.—(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of Article 244.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368.

Article 243-ZD. Committee for district planning.—(1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to—

- (a) the composition of the District Planning Committees;
- (b) the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

- (c) the functions relating to district planning which may be assigned to such Committees;
- (d) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,—

(a) have regard to—

- (i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
- (ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

Article 243-ZE. Committee for Metropolitan planning.—(1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State, may, by law, make provision with respect to—

- (a) the composition of the Metropolitan Planning Committees;
- (b) the manner in which the seats in such Committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

- (c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and Institutions as may be deemed necessary for carrying out the functions assigned to such Committees;
- (d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;
- (e) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan:—

- (a) have regard to—
 - (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;
 - (ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (iii) the overall objectives and priorities set by the Government of India and the Government of the State;
 - (iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

Article 243-ZF. Continuance of existing laws and Municipalities.—Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

Article 243-ZG. Bar to interference by courts in electoral matters.—Notwithstanding anything in this Constitution

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243-ZA, shall not be called in question in any court;
- (b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

Article 324. Superintendence, direction and control of elections to be vested in an Election Commission:- (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission referred to in this Constitution as the Election Commission.

(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that behalf by Parliament be made by the President.

(3) When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

(4) Before each general election to the House of the People and to the Legislative Assembly of each State, and before the first general election and thereafter before each biennial election to the Legislative Council of each State having such Council, the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission by Clause (1).

(5) Subject to the Provisions of any law made by Parliament, the conditions of service and tenure of office of the Election Commissioners and the Regional Commissioners shall be such as the President may by rule determine:

Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment.

Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

(6) The President, or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by Clause (1).

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

Section 13-A. Chief Electoral Officers:- (1) There shall be for each State a chief electoral officer who shall be such officer of Government as the Election Commission may, in consultation with that Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act.

Section 13-AA. District Election Officers:- (1) For each district in a State, the Election Commission shall, in consultation with the Government of the State, designate or nominate a district election officer who shall be an officer of Government:

Provided that the Election Commission may designate or nominate more than one such officer for a district if the Election Commission is satisfied that the functions of the office cannot be performed satisfactorily by one officer.

(2) Where more than one district election officer are designated or nominated for a district under the proviso to sub-section (1), the Election Commission shall in the order designating or nominating the district election officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the chief electoral officer, the district election officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls for all parliamentary, assembly and council constituencies within the district.

(4) The district election officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief electoral officer.

Section 13-B. Electoral Registration Officers:- (1) The electoral roll for each parliamentary constituency in the State of Jammu and Kashmir or in a Union Territory not having a Legislative Assembly, each assembly constituency and each Council constituency shall be prepared and revised by an electoral registration officer who shall be such officer of Government or of a local authority as the Election Commission may, in consultation with the Government of the State in which the constituency is situated, designate or nominate in this behalf.

(2) An electoral registration officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for the constituency.

Section 13-C. Assistant Electoral Registration Officers:- (1) The Election Commission may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.

(2) Every assistant electoral registration officer shall, subject to the control of the electoral registration officer, be competent to perform all or any of the functions of the electoral registration officer.

Section 21. Preparation and revision of electoral rolls:- (1) The electoral roll for each constituency shall be prepared in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The said electoral roll – (a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date –

- (i) before each general election to the House of the People or to the Legislative Assembly of a State; and
- (ii) before each bye-election to fill a casual vacancy in a seat allotted to the constituency; and

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.

(3) Notwithstanding anything contained in sub-section (2), the Election Commission may at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:

Provided that subject to the other provisions of this Act, the electoral roll for the constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

Section 22. Correction of entries in electoral rolls:- If the electoral registration officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency :-

- (a) is erroneous or defective in any particular,
- (b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or
- (c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll,

the electoral registration officer shall, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry after proper verification of facts in such manner as may be prescribed.

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him after proper verification of facts in such manner as may be prescribed.

Section 23. Inclusion of names in electoral rolls:- (1) Any person whose name is not included in the electoral roll of a constituency may apply to the electoral registration officer for the inclusion of his name in that roll.

(2) The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein after proper verification of facts in such manner as may be prescribed:

Provided that if the applicant is registered in the electoral roll of any other constituency, the electoral registration officer shall inform the electoral registration officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll after proper verification of facts in such manner as may be prescribed.

(3) No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election.

Section 24. Appeals:- An appeal shall lie within such time and in such manner as may be prescribed –

- (a) to the district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank from any order of the electoral registration officer under section 22 or section 23.
- (b) to the chief electoral officer from any order of the district magistrate or additional district magistrate under clause (a).

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

Section 8. Disqualification on conviction for certain offences:-

(1) A person convicted of an offence punishable under –

(a) section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or

(b) the Protection of Civil Rights Act, 1955 (22 of 1955) which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act; or

(j) section 6 (offence of conversion of a place of worship) of the Places of Worship (Special Provisions) Act, 1991; or

(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971); or

(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or

(m) the Prevention of Corruption Act, 1988 (49 of 1988); or

(n) the Prevention of Terrorism Act, 2002 (15 of 2002), shall be disqualified, where the convicted person is sentenced to—

(i) only fine, for a period of six years from the date of such conviction;

(ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(2) A person convicted for the contravention of —

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961); and not sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

Explanation: In this section,—

(a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for—

(i) the regulation of production or manufacture of any essential commodity; the control of price at which any essential commodity may be bought or sold;

(ii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;

(iii) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;

(b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);

(c) "essential commodity" has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955);

(d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

CHAPTER IX-A OF INDIAN PENAL CODE, 1860
OFFENCES RELATING TO ELECTIONS

171A. 'Candidate', 'Electoral right' defined:– For the purposes of this Chapter –

- (a) 'candidate' means a person who has been nominated as a candidate at any election;
- (b) 'electoral right' means the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171B. Bribery:– (1) Whoever, –

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise an electoral right or of rewarding any person for having exercised any such right; or
- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery;

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing, what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171C. Undue influence at elections:– (1) Whoever, voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever,-

- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
- (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171D. Personation at elections:— Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

Provided that nothing in this section shall apply to a person who has been authorized to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.

171E. Punishment for bribery:— Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation:— “Treating” means that form of bribery where the gratification consists in food, drink, entertainment or provision.

171F. Punishment for undue influence or personation at an election:— Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine or with both.

171G. False statement in connection with an election:— Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate shall be punished with fine.

171H. Illegal payments in connection with an election:— Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

171I. Failure to keep election accounts:— Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

OTHER RELEVANT PROVISIONS OF INDIAN PENAL CODE, 1860:

144. Joining unlawful assembly armed with deadly weapon:– Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

177. Furnishing false information:– Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations: (a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being bound under clause 5, section VII, 1 Regulation III, 1821, of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest police-station, wilfully misinforms the police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in the latter part of this section.

Explanation:– In section 176 and in this section the word “offence” includes any act committed at any place out of 3 [India], which, if committed in 3 [India], would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word “offender” includes any person who is alleged to have been guilty of any such act.

178. Refusing oath or affirmation when duly required by public servant to make it:– Whoever refuses to bind himself by an oath or affirmation to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

179. Refusing to answer public servant authorized to question:– Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

180. Refusing to sign statement:– Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

181. False statement on oath or affirmation to public servant or person authorized to administer an oath or affirmation:— Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorized by law to administer such oath or affirmation, makes, to such public servant or other person as aforesaid, touching the subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

182. False information with intent to cause public servant to use his lawful power to the injury of another person:— Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant – (a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or (b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

186. Obstructing public servant in discharge of public functions:— Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

187. Omission to assist public servant when bound by law to give assistance:— Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both; and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

188. Disobedience to order duly promulgated by public servant:— Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation:– It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm. Illustration An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

189. Threat of injury to public servant:– Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

190. Threat of injury to induce person to refrain from applying for protection to public servant:– Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

332. Voluntarily causing hurt to deter public servant from his duty:– Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

333. Voluntarily causing grievous hurt to deter public servant from his duty:– Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

353. Assault or criminal force to deter public servant from discharge of his duty:– Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

505. Statements conducing to public mischief:– (1) Whoever makes, publishes or circulates any statement, rumour or report, –

- (a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to 6 [three years], or with fine, or with both.

(2) Statements creating or promoting enmity, hatred or ill-will between classes. – Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or illwill between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) Offence under sub-section (2) committed in place of worship, etc. – Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Exception:– It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it 2 [in good faith and] without any such intent as aforesaid.

EXTRACT FROM THE CODE OF CRIMINAL PROCEDURE, 1973

195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence:—

(1) No Court shall take cognizance –
(a) (i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or
(ii) of any abetment of, attempt to commit, such offence, or
(iii) of any criminal conspiracy to commit, such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate;

(b) (i) of any offence punishable under any of the following section of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or

(ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii), except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate

(2) Where a complaint has been made by a public servant under clause (a) of sub-section (1) any authority to which he is administratively subordinate may order the withdrawal of the complaint and send a copy of such order to the Court; and upon its receipt by the Court, no further proceedings shall be taken on the complaint:

Provided that no such withdrawal shall be ordered if the trial in the Court of first instance has been concluded

(3) In clause (b) of sub-section (1), the term "Court" means a Civil, Revenue or Criminal Court, and includes a tribunal constituted by or under a Central, provincial or State Act if declared by that Act to be a Court for the purposes of this section

(4) For the purposes of clause (b) of sub-section (1), a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from appealable decrees or sentences of such former Court, or in the case of a civil Court from whose decrees no appeal ordinarily lies, to the principal Court having ordinary original civil jurisdiction within whose local jurisdiction such Civil Court is situate:

Provided that –

(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate;

(b) where appeals lie to a civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.

PROVISIONS RELATING TO ELECTIONS IN THE ANDHRA PRADESH
MUNICIPALITIES ACT, 1965 (Act 6 of 1965)

2. Definitions :- In this Act, unless the context otherwise requires,--

(2a) '*Backward Classes*' means any socially and educationally backward classes of citizens recognized by the Government for purposes of Clause (4) of Article 15 of the Constitution of India;]

(7) '*Casual vacancy*' means a vacancy occurring otherwise than by efflux of time and '*casual election*' means an election held to fill a casual vacancy'

(8) '*Chairperson*' means the Chairperson of the Council;

(8-a) '*Commissioner*' means the person appointed as Commissioner under sub-section (1) of Section 29;

(9) '*Company*' means a company as defined in the Companies Act, 1956; (Central Act 1 of 1956), and includes a foreign company within the meaning of Section 591 of that Act;;

(11) '*Council*' means a municipal council constituted under this Act;

(12) '*election authority*' means such officer or authority as may be appointed by the State Election Commission to exercise such powers and to perform such functions in connection with the conduct of elections to the Municipalities;]

(16) '*government*' means the State Government;

(21) '*municipal office*' means the principal office of any Council;

(22) '*municipality*' means a municipality of such grade as may be declared by the Government, from time to time, by notification in the Andhra Pradesh Gazette on the basis of its income and such other criteria as may be prescribed;]

(22-a) '*Nagar Panchayat*' means a body deemed to have been constituted under Section 2-A, for a transitional area specified by the Governor under clause (42-a);

(25) '*ordinary vacancy*' means a vacancy occurring by efflux of time and '*ordinary election*' means an election held to fill an ordinary vacancy;

(27-a) '*population*' or population at the last census' with all its grammatical variations and cognate expressions, means the population as ascertained at the [last census] of which all the relevant and necessary figures have been published;

(32-a) '*qualifying date*' in relation to the preparation and publication of every electoral roll under this Act means the first day of January of the year in which it is so prepared and published;

(32-b) 'Recognized Political Party' and "Registered Political Party" shall have the meanings respectively assigned to them in the Election Symbols (Reservation and Allotment) Order, 1968, issued by the Election Commission of India, under Article 324 of the Constitution of India and in the Registration of Political Parties and Allotment of Symbols Order, 2001, issued by the State Election Commission under Article 243 K read with Article 243 ZA of the Constitution of India."; (Act 28 of 2005).

(38) '*scheduled castes*' means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are notified to be Scheduled Castes under Article 341 of the Constitution of India in relation to the State of Andhra Pradesh;

(39) '*schedule tribes*' means such tribes; or tribal communities or parts of, or groups within, such tribes or tribal communities as are notified to be Scheduled Tribes under Article 342 of the Constitution of India in relation to the State of Andhra Pradesh;

(40) '*State Election Commission*' means the State Election Commission constituted in pursuance of Article 243-K of the Constitution of India

(42-a) '*transitional area*' or a smaller urban area' means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Act, subject to such rules as may be made in this behalf;

2-A. Constitution of Nagar Panchayats:- (1) Where an area is specified as a transitional area under clause (42-a) of Section 2, a Nagar Panchayat shall be deemed to have been constituted for such transitional area.

(2) The provisions of this Act shall apply to a Nagar Panchayat deemed to have been constituted under this section as they apply to a Municipality and to facilitate such application a Nagar Panchayat shall be deemed to be a Municipality.

3. Constitution of Municipalities:- (1) Where a notification is issued specifying an area as a smaller urban area under clause (42-a) of Section 2, a Municipality shall be deemed to have been constituted for such area;

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area of the Municipal Services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an Industrial Township.

(2) Where any local area which is within the jurisdiction of any other local authority is constituted as or included in a Municipality, the government may pass such orders as they may deem fit as to the transfer to the council of such Municipality, or disposal otherwise, of the assets or institutions of any such local authority in the local area and as to discharge of the liabilities, if any, of such local authority relating to such assets or institutions.

(3) Where any local area is excluded from a Municipality and included within the jurisdiction of any other local authority, the Government may pass such orders as they deem fit, as to the transfer to such local authority or disposal otherwise, of the assets or institutions of such Municipality in the local area and as to the discharge of the liabilities, if any, of such municipality relating to such assets or institutions.

(4) Every local area which at the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1995 has been constituted into a Municipality shall, until the criteria for specifying a 'transitional area' and 'smaller urban area' are prescribed be deemed to have been specified as a smaller urban area under clause (42-a) of Section 2 and a Municipality of the same grade existing as at such commencement shall be deemed to have been constituted under this Act:

Provided that after the criteria for specifying a 'transitional area' and 'smaller urban area' are prescribed, if a local area which is deemed to have been specified as a smaller urban area does not satisfy the criteria therefor, but satisfies the criteria for specifying as a 'transitional area', then it shall be competent for the Governor to specify such local area as a transitional area and thereupon a Nagar Panchayat shall be deemed to have been constituted for such transitional area.

3-A. Abolition of Municipalities:- (1) The Government may, by notification, abolish any municipality to which this Act applies, where in the opinion of the Government it is not financially sound or for such other reasons as may be recorded in writing:-

Provided that -

- (a) the Government shall, before they issue such notification, communicate to the municipal council the grounds on which they propose to do so, fix a reasonable period for the municipal council to show cause against proposal and consider its explanations and objections, if any
- (b) the notification shall contain a statement of the reasons of the Government and shall be laid before the Andhra Pradesh Legislative Assembly.

(2) From such date as may be specified in such notification, the provisions of this Act and all notifications, rules, bye-laws, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the area previously comprised in the municipality; the balance of the municipal fund and all other property vested in the municipal council and all its liabilities shall stand transferred to the Government or to such local or other authority or to such officer or other person as they may, by order, direct.

5. Constitution of Municipal Council:- (1) There shall be constituted for each Municipality a body of members to be called the Municipal Council having authority over the Municipality.

(2) The Council shall consist of the following members, namely:-

- (i) such number of elected members as may be notified from time to time by the Government in the Andhra Pradesh Gazette, in accordance with such principles as may be prescribed;

Provided that the number of members to be elected in respect of each Council existing at the commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 shall be as it stood at such commencement until such number is revised by the Government in accordance with the principles prescribed;

- (ii) every Member of the Legislative Assembly of the State representing a constituency of which a Municipality or a portion thereof forms part:

Provided that a Member of the Legislative Assembly representing a constituency which comprises more than one Municipality including a part of any Municipality, shall be ex-officio member of one such Municipality which he chooses within a period of thirty days from the date of conduct of ordinary elections to the Municipalities or the date of election as Member of the Legislative Assembly by notice in writing duly signed by him and delivered to the Commissioner of that Municipality or Nagar Panchayat and he shall also have the right to speak in and otherwise to take part in the proceedings of any meeting of the other councils comprised within the constituency, but shall not be entitled to vote at any such meeting. The intimation so given shall be final and irrevocable. In default of such intimation within the aforesaid period, the Election Authority shall decide the Municipality and inform the Member of the Legislative Assembly.

- (iii) every member of the House of the People representing a constituency of which a Municipality or a portion thereof forms part:

Provided that a member of the House of the People representing constituency which comprises more than one Municipality including a part of any Municipality, shall be ex-officio member of one such Municipality which he chooses within a period of thirty days from the date of conduct of ordinary elections to the Municipalities or the date of election as Member of the House of the People by notice in writing duly signed by him and delivered to the Commissioner of that Municipality or Nagar Panchayat and he shall also have the right to speak in and otherwise to take part in the proceedings of any meeting of the other councils comprised within the constituency, but shall not be entitled to vote at any such meeting. The intimation so given shall be final and irrevocable. In default of such intimation within the aforesaid period, the Election Authority shall decide the Municipality and inform the Member of the House of the People.

- (iv) every Member of the Council of States registered as an elector within the Municipality ex-officio;

- (iv-a) every Member of the Legislative Council of the State registered as an elector within the area of the Municipality as on the date of filing of nomination for becoming Member of Legislative Council or on the date of nomination by the Governor, as the case may be, shall be ex-officio member of the Municipality."

- [(v) one person having special knowledge or experience in municipal administration be co-opted as member of the Nagar Panchayat or Municipality in the prescribed manner by the Council from among the persons who are registered votes in the Nagar Panchayat or Municipality as the case may be and who is not less than twenty-one years of age;

Provided that the member co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of Nagar Panchayat or the Municipality, as the case may be, but shall not have the right to vote;

- (vi) two persons belonging to the minorities of whom one shall be women be co-opted as members of the Nagar Panchayat or Municipality in the prescribed manner by the members specified in clauses (i) to (iv) from among the persons who are registered voters in the Nagar Panchayat or Municipality as the case may be and who are not less than twenty-one years of age:

Provided that the member co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of the Nagar Panchayat or the Municipality, as the case may be, without the right to vote."

5-A. Symbols for direct elections:- The State Election Commission shall, as soon as may be, after the issue of election notification, for any direct election by the voters in the Municipality, to any office specify by notification published in the Andhra Pradesh Gazette, the symbols, including the symbols reserved for recognized political parties and the symbols, if any, reserved for registered political parties for exclusive allotment to contesting candidates set up by such parties, that may be chosen by the candidates contesting at such an election and the restrictions to which their choice shall be subject.

7. Special provision in the case of newly constituted and reconstituted councils:- (1) Notwithstanding any other provision in this Act, where a municipality is constituted for the first time the Government may appoint a Special Officer to exercise the powers, discharge the duties and perform the functions of the council, its [Chairperson], its Wards Committees, its committees referred to in Sections 43 and 74, and the Commissioner.

(2) The Special Officer shall cause arrangements for elections to be made so that the Chairperson and the elected members may come into office on such date as may be specified by the Government by an order made in this behalf;

Provided that the Government may, from time to time, postpone the date within a period of two years so specified it, for any reason, the election cannot be completed before such date.

(2A) Notwithstanding anything contained in this Act, every Special Officer appointed under sub-section (1) read with sub-section (6) to any municipality in the State, shall cause arrangements for election to be made to that municipality so that the elected members and the Chairperson thereof may come into office on such date as may be specified by the Government by an order made in this behalf;

(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions, of the council until the elected members come into office, of the Chairperson until a Chairperson is elected, of the wards committees until the wards committees are constituted of the committees referred to in Section 43 and 74 until committees thereof have been constituted and of the Commissioner until a Commissioner has been appointed, as the case may be.

Sub-section (4) was omitted by Act No.33/86 and sub-section (5) was omitted Act No.28 of 2005)

(6) The provisions of sub-sections (1) to (5) shall so far as may be, apply to all cases of reconstitution of councils, unless otherwise provided in this Act.

(7) Where the number of seats on a council is increased by or in consequence of a notification under sub-section (1) of Section 5, the members elected for the additional seats or the members elected in their places at casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding will vacate office.

8. Reservation of seats:- (1) In every Municipality, out of the total strength of elected members determined under section 5, the Government shall, subject to such rules as may be prescribed, by notification, reserve -

- (a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by them, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Municipal council, as the population of the Scheduled Castes, or as the case may be, of the Scheduled Tribes in that Municipality bears to the total population of that Municipality; and such seats may be allotted by rotation to different Wards in a Municipality;
- (b) one third of the total number of seats to the Backward Classes and such seats may be allotted by rotation to different Wards in the Municipality;
- (c) Not less than one-third of the total number of seats reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes;
- (d) Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to every Municipal Council, for women and such seats may be allotted by rotation to different Wards in a Municipality.

Explanation-I: In this section the expression "Scheduled Castes, Scheduled Tribes" shall have the meanings respectively assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India.

(2) Nothing in sub-section (1) shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or Backward Classes from standing for election to the non-reserved seats in the Municipality.

9. Reservation of Office of members and Chairperson to cease after certain date:- The provisions of Section 8 and 23 relating to the reservation of office of member or the Chairperson for the Scheduled Castes and Scheduled Tribes shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

10. Division of municipalities into wards, etc., for the purpose of election of members:- (1) For the purpose of election of members to a council, the Government may, after consulting the council, by notification in the Andhra Pradesh Gazette-

- (a) Divide the municipality into as many as single member wards as the number of members notified under Section 5;
- (b) determine the wards in which the seats, if any, reserved under sub-section (1) of Section 8 shall be set apart; and
- (c) declare for whom such seats are reserved.

(3) All the electors of a ward shall be entitled to vote at an election to any seat in the ward whether reserved or not.

(3-A) Where a notification issued under sub-section (1) results in the material alteration of the existing division of a municipality into wards, the Government may direct that the alteration shall take effect from the date of next ordinary elections.

(3-B) Where any local area within the jurisdiction of any other local authority is included in a Municipality under Section 3, the local area shall be added to such adjoining ward or wards of the municipality, as the Government may direct.

(4) When a new ward is formed, or when an existing ward is abolished, the election authority shall, with the approval of the Government, determine –

- (a) the ward which each elected member then on the council shall be deemed to represent; and
- (b) the ward or wards in which elections shall be held to fill the vacancies, if any, in the council.

10-A. State Election Commission. The preparation of electoral rolls for, and the conduct of elections to, all municipalities in the State shall be under the superintendence, direction and control of the State Election Commission.

10-B. Powers and functions of the State Election Commission :- (1) All elections to the Municipalities shall be held under the supervision and control of the State Election Commission and for this purpose it shall have power to give such directions as it "may deem necessary to the Commissioner and Director of Municipal Administration, District Collector or any officer or servant of the Government and the Municipalities so as to ensure efficient conduct of the elections under this Act.

(2) The preparation of electoral rolls for the conduct of all elections under the Act shall be done under the supervision and control of the State Election Commission.

(3) For the purposes of this section the Government shall provide the State Election Commission with such staff as may be necessary.

(4) On the request of the State Election Commission, the State Government shall place at the disposal of the Commission such staff of the State Government, Municipalities for the purpose of conduct of elections under this Act.

(5) The State Election Commissioner may, subject to control and revision, delegate his powers to such officers as he may deem necessary.

11. Preparation and Publication of electoral roll for a municipality:- (1) The electoral roll for a municipality shall be prepared and published by the person authorized by the State Election Commissioner in such manner by reference to such qualifying date as may be prescribed and the electoral roll for a municipality shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for a municipality shall consist of such part of the electoral roll for the Assembly constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, up to qualifying data as relates to municipality or any portion thereof:

Provided that any amendment, transposition or deletion of any entries in the electoral roll, any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under Section 22 or Section 23, as the case may be, of the Representation of the People Act, 1950, upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the municipality and any such names included shall be added to the part relating to the concerned ward.

Explanation :- When in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the municipality, all persons whose names are entered in such roll under the registration area comprising the municipality and whose addresses as entered are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

(2) The electoral roll for a municipality,-

- (a) shall be prepared and published in the prescribed manner by reference to the qualifying date,-
 - (i) before each ordinary election; and
 - (ii) before each casual election to fill a casual vacancy in the office of the Chairperson or Member of Municipality; and
- (b) shall be prepared and published, in any years, in the prescribed manner, by reference to the qualifying date, if so, directed by the State Election Commission,

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.

(3) When a municipality has been divided into Wards, the Electoral Roll for the Municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alteration thereto have been published under sub-section (2), the Municipality is divided into Wards for the first time or the division of the Municipality into wards is altered or the limits of the Municipality are varied, the person authorised by the State Election Commission in this behalf shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the division of the Municipality into wards or to the alteration of the variation of the limits, as the case may be, authorize a re-arrangement and republication of the electoral roll for the Municipality or any part of such roll, in such manner as the State Election Commission may direct.

(5) The electoral roll published under sub-section (1) or as the case may be under sub-section (4) shall be the electoral roll for the municipality and it shall remain in force till a fresh electoral roll for the municipality is published under this section.

(6) Every person whose name appears in that part of the electoral roll relating to a ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(7) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

Explanation:- In this section, the expression "Assembly Constituency" shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.

12-Voter Identity Cards:- With a view to preventing personation of electors, provision may be made by rules made under this Act, for the production before the Presiding Officer or Polling Officer of a Polling Station by every such elector, of his identity card before the delivery of a ballot paper or ballot papers to him, if under the rules made in that behalf under the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 (Central Act 43 of 1950), electors of the Legislative Assembly Constituency or Constituencies in which the Municipality is situated, have been supplied with identity cards with or without their respective photographs attached thereto.

13-Qualification of candidates :- A person shall be qualified for election as a member only if his name appears on the electoral roll for the municipality and if he is not less than twenty one years of age.

13-A. General disqualification:- A person shall be disqualified for being chosen as, or for being a Member of a municipality if he is disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years.

13-B. Persons having more than two children to be disqualified:- A person having more than two children shall be disqualified for election or for continuing as Member;

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 (hereinafter in this Section referred to as the date of such commencement) of an additional child or children shall not be taken into consideration for the purposes of this Section;

Provided further that a person having more than two children (excluding the child or children if any born within one year from date of such commencement) shall not be disqualified under this section for so long as the number of children he/she had on the date of such commencement does not increase;

Provided also that where a person is having one child through first delivery and more than one child are born in the subsequent delivery, such person shall not incur disqualification under this section.

Provided also that the Government may direct that the disqualification in this Section shall not apply in respect of a person for reasons to be recorded in writing.

14. Disqualification for election or for holding office as a member:- A person holding an office of profit under a municipality, the Central Government or the State Government shall be disqualified for election or for holding office as member.

Provided that a person shall not be deemed to hold an office of profit under municipality by reason only that he is a Chairperson or member of a municipality in the State.

Provided further that a village officer who is not actually performing the functions or discharging the duties as such officer shall not be so disqualified.

15. Other disqualifications of candidates:- (1) A person who has been sentenced by a criminal court.

(a) to imprisonment for an offence under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955)

(b) for any offence other than an offence of political character or any offence not involving moral delinquency, such sentence not having been suspended, reversed or the offence pardoned.

shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof.

(2) A person shall be disqualified for election as a member if such person is, on the date fixed for scrutiny of nomination for election –

(a) of unsound mind and stands so declared by a competent Court, a deaf-mute or suffering from leprosy;

(b) an applicant to be adjudicated an insolvent or undischarged insolvent;

- (c) interested in a subsisting lease or contract entered into with or any work being done for, the council except as a share-holder, other than a director, in a company;

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in –

- (i) any sale or purchase of immovable property or any agreement for the same; or
 - (ii) any public loan raised by municipality or any security for the payment of money only; or
 - (iii) any newspaper in which any advertisement relating to the affairs of the council is inserted; or
 - (iv) the sale to the council of any articles in which he regularly trades, or the purchase from the council of any articles to a value in either case not exceeding five hundred rupees in the aggregate in any year during the period of the contract of work;
 - (v) the occasional letting out on hire to the municipality or hiring from the municipality of any article for an amount not exceeding in aggregate in any one year five hundred rupees.
 - (d) employed as a paid legal practitioner on behalf of the council or as a legal practitioner against the council;
 - (e) an honorary magistrate for the municipal town;
 - (ee) already a member or Sarpanch of a Gram Panchayat or a member of a Mandal Paraja Parishad or Zilla Praja Parishad constituted under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 or a member of a Municipal Corporation constituted under any law relating to Municipal Corporations for the time being in force in the State of Andhra Pradesh.”;
 - (f) already a member whose term of office as such will not expire before his fresh election can take effect, or has already been elected a member whose term of office has not yet commenced.
- Explanation:-Nothing in this clause, shall be construed as disqualifying a sitting member of a municipality for re-election as member to that municipality;
- (g) the employee or employer or the official subordinate or official superior of a member holding office on the said date;
 - (h) in arrears of any kind due by him otherwise than in a fiduciary capacity to the municipality upto and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time if any specified therein for payment, has expired; or
 - (i) dismissed from service of the Central Government, the State Government, any municipality or any local authority for misconduct.

15- A Disqualification on ground of corrupt practice or election offence:- Any person who is convicted of any offence punishable under Chapter IX A of the Indian Penal Code 1860, or any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed under this Act or any person convicted of an offence punishable under Chapter III of Part VI of this Act, shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

15-B. Disqualification for failure to lodge account of election:- If the State Election Commission is satisfied that a person, -

(a) has failed to lodge an account of election expenses within the time limit prescribed and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Andhra Pradesh Gazette, declare him, -

- (i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act; and
- (ii) to have ceased to hold office, in case he is elected.

16. Disqualification of members:- (1) Subject to the provisions of Section 17, a member shall cease to hold his office, if he -

- (a) is sentenced by a Criminal Court to such punishment and for such offence as is described in sub-section (1) of Section 15;
- (aa) is elected to a Ward/Office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes, and subsequently the community certificate, on the basis of which he is elected is cancelled, under Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993
- (b) become of unsound mind and stands so declared by a competent Court;
- (c) is a deaf-mute or is suffering from leprosy;
- (d) applies to be adjudicated or is adjudicated an insolvent;
- (e) subject to the proviso to Clause (c) of sub-section (2) of Section 15, acquires any interest in any subsisting contract made with, or work being done for, the council except as a share-holder, other than a director, in a company;
- (f) is employed as a paid legal practitioner on behalf of the council or legal practitioner against the council;
- (g) is appointed as an officer or servant under this Act or as an honorary Magistrate for the municipal town;
- (h) accepts employment under or becomes the official subordinate of any other member;
- (i) ceases to reside for a period of more than six months in the municipality or within two kilometers from the outer limits therefrom;

- (j) fails to pay arrears of any kind due by him, otherwise than in a fiduciary capacity, to the municipality within three months after a bill or notice has been served upon him under this Act, or where, in the case of any arrears, this Act does not require the service of any bill or notice, within three months after a notice requiring payment of the arrears, which notice it shall be the duty of the Commissioner to serve at the earliest possible date, has been duly served upon him by the Commissioner;
- (k) absents himself from the meetings of the council for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under sub section (3) as the case may be, or if within the said period less than three ordinary meetings have been held absents himself from three consecutive ordinary meetings held after the said date.

Provided that in the case of a woman member a period of not more than two months at a time shall be excluded in reckoning the period of absence aforesaid if, for reasons of physical disability due to advanced stage of pregnancy and of delivery, such member absents herself from meetings of the council after giving a written intimation to the Commissioner of the date from which she would be absent;

Provided further that no meeting from which a member absented himself shall be counted against him under this clause if notice of that meeting was not duly served on him;

Provided also that nothing in this clause shall apply to an ex-officio member:

Explanation:- For the purpose of this clause.-

- (i) 'ordinary meeting' shall mean a meeting referred to in sub-rule (1) of Rule 2 in Schedule I.
- (ii) Where a meeting other than an ordinary meeting intervenes between one ordinary meeting and another ordinary meeting, those two ordinary meetings shall be regarded as being consecutive to each other.

(2) Where a person ceases to be a member under Clause (a) of sub-section (1) or under Section 19, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration if and when the sentence or order is annulled on appeal or revision and any person elected to fill the vacancy in the interim shall on such restoration, vacate office.

(3) Where a person ceases to be a member under Clause (k) of sub-section (1), the Commissioner shall at once intimate the fact in writing to such person and report the same to the council at its next meeting. If such person applies for restoration to the council on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation; the council may at the meeting next after the receipt of such application, or *suomotu* restore him to the office of member;

Provided that a member shall not be so restored more than thrice during his term of office.

17. District Judge to decide questions of disqualifications of members:- (1) Where an allegation is made by any voter or authority to the Commissioner in writing that any person who is elected as a member has not qualified or has become disqualified under Section 13, Section 13-A, Section 13-B, Section 14, Section 15, Section 16 or Section 19 and the Commissioner has given intimation of such allegation to the member and such member disputes the correctness of the allegation so made or where any member himself entertains any doubt whether or not he has become disqualified under any of those sections.

- (a) such member or any other member may, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, and
- (b) the Commissioner shall, either on the direction of the Council or with the approval of the Government if no such direction is given within a period of two months from the date of placing of the matter by the Commissioner before the Council, apply for a decision to the District Judge of the district in which the municipality is situated.

(2) The said Judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified and his decision shall be final.

(3) Pending such decision, the member shall be entitled to act, as if he was not disqualified.

(Sections 18 and 19 omitted by Act 28 of 2005)

20. Term of office of members and filling of seats:- (1) (a) The term of office of elected members shall, save as otherwise expressly provided in this Act, be five years from the date appointed by the election authority for the first meeting of the Council;

(b) An ex-officio member shall hold office so long as he continues to be the member of the Legislative Assembly of the State or as the case may be, of the House of the People.

(2) Ordinary vacancies in the office of the members shall be filled at ordinary elections which shall be completed before the expiry of the term of office of the members.

(3) A member elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith but shall hold office only as long as he would have been entitled to hold office if he had been elected before the occurrence of the vacancy.

(Sub-section (4) omitted by Act 28 of 2005)

(5) A member elected at an ordinary election hereafter the occurrence of a vacancy shall enter upon office forthwith but shall hold office only so long as he would have been entitled to hold office if he has been elected before the occurrence of the vacancy.

21. Casual vacancies of members:- (1) Every casual vacancy in the office of an elected member of a Municipality shall be reported by the Commissioner to the State Election

Commission within fifteen days from the date of occurrence of such vacancy and shall be filled within four months from that date.

(2) A member elected in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(3) No casual election shall be held to a Municipality within six months before the date on which the term of office of its members expires by efflux of time.

21-A. Postponement of casual elections to the office of members and Chairperson:-

Notwithstanding anything in this Act, or the rules made thereunder, it shall be lawful for the State Election Commission, to postpone, from time to time by general or special order, and for reasons specified therein, any election to fill a casual vacancy in the office of a Chairperson or a member of a municipality:

Provided that the total period of such postponement shall in no case exceed one year.

22. Procedure when no member is elected:- (1) if at an ordinary or casual election held under Section 20 or Section 21, no member is elected, a fresh election shall be held on such day as the election authority may fix.

(2) The term of office of a member elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

23. Election of Chairperson and Vice-Chairperson:- (1) The elected members referred to in clause (i) as well as ex-officio members referred to in clauses (ii) and (iv-a) of sub-section (2) of Section 5 of this Act, shall elect one of its elected Members to be its Chairperson and another to be its Vice-Chairperson at the first meeting of the Council after the ordinary elections by show of hands on party basis duly obeying the party whip given by such functionary of the recognized political party, in the manner prescribed. At an election held for that purpose, if Chairperson or Vice-Chairperson is not elected, fresh election shall be held on the next day. The names of Chairperson or Vice-Chairperson so elected shall be published in the prescribed manner. Any casual vacancy in the said offices shall be filled, in the same manner at a casual election and a person elected as Chairperson or Vice-Chairperson in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred:

Provided that a member voting under this sub-section in disobedience of the party whip shall cease to hold office in the manner prescribed and the vacancy caused by such cessation shall be filled as a casual vacancy.

(2) The Chairperson or Vice-Chairperson as the case may be, shall be deemed to have assumed office on his being declared as such and shall hold office in accordance with the provisions of this Act and as long as he continues to be an elected member, unless resigned or removed from such office by no-confidence motion or for any other reason in accordance with the provisions of the Act.

23-A. Resolution of disputes relating to cessation for disobedience of party whip.

Where a member ceased to hold office for disobedience of the party whip, he may apply to the District Court having jurisdiction over the area in which the office of Municipality is situated for a decision.” (Act No.5 of 2008)

24. Reservation of Offices of Chairpersons:- Out of the total number of offices of Chairpersons in the State, the Government shall, subject to such rules as may be prescribed, reserve—

- (i) such number of offices to the Scheduled Castes and Scheduled Tribes as may be determined subject to the Condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or Scheduled Tribes, as the case may be, in the Municipalities of the State bears to the total population of the Municipalities in the State and such offices may be allotted by rotation to different Municipalities in the State;
- (ii) one-third of the Offices to the Backward Classes and such offices may be allotted by rotation to the different Municipalities in the State;
- (iii) not less the one-third of the total number of offices reserved under clauses (i) and (ii) above for women belonging to the Scheduled Castes and Scheduled Tribes, or as the case may be, Backward Classes; and
- (iv) not less than one-third (including the number of offices reserved for women belonging to Scheduled Castes and Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State, for women and such offices may be allotted by rotation to different Municipalities in the State.” (Act No.16 of 2009)

26. Cessation of office of Chairperson and Vice-Chairperson:- The Chairperson shall cease to hold office as such, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term or on his otherwise ceasing to be Chairperson: and the Vice-Chairperson shall cease to hold office as such, on the expiry of the term of office as a member or on his otherwise ceasing to be a member.

26-A. Procedure when office of Chairperson is vacant:- (1) Where the office of the Chairperson falls vacant, the Vice-Chairperson shall perform the functions of the chairperson until a new Chairperson is elected. Immediately on the occurrence of such vacancy the Commissioner shall intimate the fact to the election authority and the election authority shall arrange for the election of the Chairperson.

(2) Where the office of the Chairperson is vacant and there is either a vacancy in the office of the Vice-Chairperson, or the Vice-Chairperson has been continuously absent from jurisdiction for more than fifteen days or is incapacitated for more than fifteen days, the District Collector, in the case of a special selection grade municipality or the Revenue Divisional Officer, in the case of any other municipality, shall notwithstanding anything in this Act or in the rules and notifications issued thereunder, exercise the powers and perform the functions of the Chairperson until a new Chairperson or Vice-Chairperson is elected, or the Vice-Chairperson returns to jurisdiction or recovers from incapacity.

27. Notification of elections:- All elections of members, Chairperson and Vice-Chairperson shall, as soon as may be, be notified in the prescribed manner.

28. Requisitioning of premises and vehicles for election purposes:- (1) If it appears to the Government that in connection with any election held under this Act:-

- (a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or
- (b) any vehicle is needed or is likely to be needed for the purpose of transport of personnel or ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the Government may, by order in writing, requisition such premises or such vehicle, as the case may be, and may make such further orders as may appear to them to be necessary or expedient, in connection with the requisitioning;

Provided that no vehicle which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation:- For the purpose of this section, 'premises' means any land, building, part of a building and include a hut, shed or other structure or any part thereof; and 'vehicle' means any vehicle used or capable of being used, for the purpose of road transport, whether propelled by Mechanical power or otherwise.

28-E. Voting machines at elections:- Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such ward or wards as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation:- For the purpose of this section, 'voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.

46. Motion of no confidence in Chairperson / Vice-Chairperson:- (1) A motion expressing want of confidence in the Chairperson otherwise than directly elected or Vice-Chairperson may be made by giving a written notice of intention to move the motion, in such form as may be specified by the Government, signed not less than one half of the total number

of members of the Council having right to vote, together with a copy of the proposed motion to the District Collector concerned in accordance with the procedure prescribed:

Provided that no notice of motion under this section shall be made within four (4) years of the date of assumption of office by the person against whom the motion is sought to be moved:

Provided further that if the motion is not carried by two-thirds majority as prescribed or if the meeting could not be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same person shall be made until after the expiration of one year from the date of such first meeting:

Provided also that the membership of a suspended member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

(2) The District Collector shall, then convene a meeting for the consideration of the motion at the office of Municipal Council on the date appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (1) was delivered to him. He shall give to the members, Chairperson or Vice-Chairperson as the case may be and the Ex-officio members, notice of not less than fifteen clear days excluding the date of the notice and the date of the proposed meeting of such meeting in such form as may be prescribed by the Government and such notice shall be delivered as may be specified.

Explanation:- In computing the period of thirty days specified in this sub-section, the period during which a stay order, if any, issued by a competent court on a petition filed against a notice under sub-section (1) is in force shall be excluded.

(3) The District Collector or Revenue Divisional Officer nominated by the District Collector (hereinafter referred to as *presiding officer*) shall preside at such meeting. The quorum for such meeting shall be two-thirds of the total number of members. If within half an hour after the time appointed for the meeting, there is no quorum for the meeting the Presiding officer shall adjourn the meeting to some other time on the same date and notify the same in the notice board of the Council. If there is no quorum at the adjourned time of the same day, no further meeting shall be convened for consideration of that motion and the meeting shall stand dissolved and the notice given under sub-section (1) shall lapse.

(4) As soon as the meeting convened under this section commences, the presiding officer shall read only the motion for the consideration of which the meeting has been convened and shall put it to vote without any debate. The voting shall be, by show of hands duly obeying the party whip given by such functionary of the recognized political party, in the manner prescribed:

Provided that a member voting under this sub-section in disobedience of the party whip shall cease to hold office forthwith and the vacancy caused by such cessation shall be filled as a casual vacancy.

(5) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall be forwarded immediately on the termination of the meeting

by the said presiding officer to the District Collector. The District Collector shall forward the same along with his remarks to the Government.

(6) If the motion is carried with the support of two-thirds majority of the total number of the members including the *ex-officio* members as on the date of the meeting, the Government shall by notification remove the Chairperson or Vice-Chairperson as the case may be from office and the resultant vacancy shall be filled in the same manner as a casual vacancy.

Explanation I:- For the removal of doubts, it is hereby declared that for the purpose of this section the expression "total number of members" means, all the members who are entitled to vote in the election to the office concerned including the *ex-officio* members.

Explanation II:- For the purposes of the section, in the determination of two-thirds of the total number of members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one."

55. Resignation of member, Vice-Chairperson or Chairperson:- Any member, the Vice-Chairperson or the Chairperson may, by writing under his hand addressed to the Commissioner resign his office. The Commissioner shall, on receipt of such resignation, place it before the next meeting of the council. The council shall, if it is satisfied as to its genuineness from the concerned person, accept the resignation; and the resignation so accepted shall take effect from the date of such acceptance. If the council is not satisfied as to the genuineness of the resignation, the notice of resignation shall lapse. Before the resignation is so accepted, it shall be open to the person concerned to withdraw such resignation by writing under his hand addressed to the Commissioner.

60. Government's power to remove Chairperson or Vice-Chairperson:- (1) The Government may, by notification in the Andhra Pradesh Gazette, remove any Chairperson or Vice-Chairperson who, in their opinion willfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, bye-laws, regulations or lawful orders issued thereunder or abuses his position or the powers vested in him.

(2) The Government shall, when they propose to remove a Chairperson or Vice-Chairperson under sub-section (1), give the Chairperson or Vice-Chairperson concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of the Government for the action taken.

(3) Any person removed under sub-section (1) from the office of Chairperson or from the office of Vice-Chairperson shall not be eligible for election to either of the said offices until the date on which notice of the next ordinary elections to the council is published in the prescribed manner.

62. Government's power to dissolve the council:- (1) if, in the opinion of the Government, a council is not competent to perform, or persistently makes default in performing , the duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses its position or powers or a situation exists in which the municipal administration cannot be carried on in accordance with the provisions of this Act or the financial stability or credit of the council is threatened, the Government may, by notification in the Andhra Pradesh Gazette, direct that the council be dissolved with effect from a specified date

and reconstituted either immediately or with effect from another specified date not later than six months from the date of dissolution; and the notification shall be laid before both Houses of the State Legislature.

(2) [Omitted].

(3) For purpose of reconstitution of dissolved council under this section, the vacancies in the office of all the elected members shall be deemed to be casual vacancies.

(4) Before publishing a notification under sub-section (1), the Government shall communicate to the council concerned the grounds on which they propose to do so, fix a reasonable period for the council to show-cause against the proposal and consider its explanations or objections, if any; and the Chairperson of the Municipality concerned shall also be given a reasonable opportunity of being heard;

(5) On the date fixed for the dissolution of the council under sub-section (1), all its members including ex-officio members as well as its Chairperson, and Vice-Chairperson shall forthwith be deemed to have vacated their offices as such.

(6) During the interval between the dissolution and the reconstitution of the council, all or any of the powers and functions of the council and of its Chairperson and wards Committees and of the Committees referred to in Section 43 and 47 may be exercised and performed, as far as may be, and to such extent as the Government may determine, by such person as the Government may appoint in that behalf, and any person who is not a District Collector or Revenue Division Officer may, if the Government so directs, receive payment for his services from the Municipal fund; the Government may determine the relations of such person with the District Controlling Officers and themselves the Government may direct the Commissioner to exercise and perform any powers and duties under this Act in addition to his own.

(7) The members including the ex-officio members of the reconstituted Council shall enter upon their office on the date fixed for its reconstitution and the term of office of the elected members shall continue only for the remainder of the period for which the dissolved Municipality would have continued had it not been dissolved.

(8) The Government may reconstitute the council before the expiry of the period notified under sub-section (1) or sub-section (2).

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any elections under this clause for constituting the Municipality for such period.

(9) When a council is dissolved under this section, the Government until the date of the reconstitution thereof, and the reconstituted council thereafter, shall be entitled to all the assets and be subject to all the liabilities of the council as on the date of the dissolution and on the date of the reconstitution respectively.

62-A. Appointment of Special Officer:- (1) Notwithstanding anything contained in this Act, where in the opinion of the Government it is not possible to hold the elections to the

municipalities in accordance with the provisions of this Act, before the date of expiration of the term, and to bring the newly elected members into office on the date of expiration of the term as aforesaid the Government may, by notification appoint a Special Officer to exercise the powers, perform the duties and discharge the functions of :-

- (a) the Council;
- (b) the Chairperson; and
- (c) the Commissioner; under the Act, for a period which shall not exceed six years from the date of such appointment;

Provided that the Government may, from time to time, by notification in the Andhra Pradesh Gazette and for reasons specified therein extend the said period of appointment of Special Officer beyond six years for a further period or periods, so however the period of appointment of the special officer shall not, in the aggregate exceed ten years or till the newly elected councils assume office whichever is earlier.

(2) The Government shall cause elections to be held to the municipality under the Principal Act, so that the newly elected members may come into office on such date as may be specified by the Government in this behalf by a notification, in the Andhra Pradesh Gazette.

Provided that the Government may, from time to time, advance or postpone the date specified under this sub-section and fix instead another date;

Provided further that the date fixed under this sub-section shall be the date on which the appointment of the Special Officer expires.

(3) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the council until the elected members come into office, of the Chairperson until a Chairperson is elected, and of the Commissioner until a Commissioner is appointed by the Government and the committees referred to in Section 43 and 74 until such committees are constituted, as the case may be and any such officer may, if the Government so direct, receive remuneration for his service from the municipal fund.

326. Power of Government to make rules:- (1) the Government may by notification in A.P. Gazette make rules for carrying out in all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power they may make rules.

- (a) with reference to all matters expressly required or allowed by this Act to be prescribed;
- (b) with regard to all matters not expressly provided for in this Act, relating to electoral rolls, conduct of elections and resolution of disputes relating to elections to any office including deposits to be made by candidates standing for direct elections and the conditions under which such deposits may be forfeited.
- (c) as to the conditions on which property may be acquired by the council or on which property vested in or belonging to the council may be transferred by sale, mortgage, lease, exchange or otherwise;

- (d) as to the working of provident funds;
- (e) as to the matters mentioned in Rule 39 of the Taxation and Finance Rules in Schedule II; as to the conditions on which grants-in-aid shall be paid from the municipal fund for purposes of education and medical relief and as to the conditions on which grants and loans may be made to co-operative building societies;
- (f) as to the intermediate offices, if any, through which correspondence between the municipal authorities and the Government or officers of the Government shall pass;
- (g) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the council and the power of the municipal authorities or officers of the Government, to accord professional or administrative sanction to estimates;
- (h) as to the accounts to be kept by the council, the manner in which such accounts shall be audited and published and as to the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered or omitted therein;
- (i) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by council;
- (j) as to the modes in which the officers of the Government shall advise and assist council in carrying out the purposes of this Act;
- (k) as to the interpellation of the Chairperson by the Members;
- (l) as to the moving of resolutions at the meetings of the Council;
- (m) for regulating the sharing between local authorities of the proceeds of the tax on carriages and carts, tax on animals, and other taxes or income levied or obtained under this or any other Act;
- (n) as to the form of registers and returns of births and deaths and the manner in which the registers shall be maintained, the dates on which returns shall be made and the officer to whom returns shall be sent;
- (o) as to the transfer of allotments entered in the sanctioned budget of a council from one head to another;
- (p) as to the powers of auditors, inspecting and superintending officers and officers authorised to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection, and superintendence;
- (q) For determining the cost of buildings and lands;
- (r) as to the fines to be imposed in respect of breach of bye-laws made under Section 330;
- (s) as to the procedure to be followed in the making of a layout and forming of street or road and the setting apart of areas for public purposes and for determining the information and plans to be submitted with the applications for permission to make layouts and form streets or roads and set apart areas for public purposes and for regulating the level and width of public streets or roads and the height of buildings abutting thereon;

(3) In making any rules, the Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

(4) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified in the Andhra Pradesh Gazette, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

CORRUPT PRACTICES AND ELECTION OFFENCES

CORRUPT PRACTICES

343 A. Corrupt Practices:- The following shall be deemed to be corrupt practices for the purposes of this Act-

(1) Bribery, that is to say,-

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object directly or indirectly of inducing,-

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

(b) an elector to vote or refrain from voting at an election, or as a reward to-

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,-

(a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate, or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation:- For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of

any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses.

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

Provided that-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein, who-

- (i) threatens any candidate or any elector or any person in whom a candidate, or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or
- (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols, or the use of, or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(4) The promotion of, or attempt to promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate, or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or of pre-judicially affecting the election of any candidate.

(5) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for pre-judicially affecting the election of any candidate.

Explanation.- For the purpose of this clause, "sati" and "glorification" in relation of sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act,1987. (Central Act 3 of 1988)

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

(7) The hiring or procuring whether, on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself, the members of his family or his agent to or from any polling station:

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

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

Explanation:- In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(8) The incurring or authorizing of expenses in contravention of Section 343 ZC.

(9) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the State or Central Government, Local Authority or a Corporation owned or controlled by the State or Central Government:

Provided that where any person, in the service of the State or Central Government or a Local Authority or a Corporation owned or controlled by the State or Central Government in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(10) Booth capturing by candidate or his agent or other person.

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

(2) For the purposes of Clause (9) a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

(3) For the purposes of Clause (9), notwithstanding anything contained in any other law, the publication in the Andhra Pradesh Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government shall be conclusive proof-

- (i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be; and
- (ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.

ELECTORAL OFFENCES

343 B. Promoting enmity between classes in connection with election. Any person who, in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings or enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees.

343 C. Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.- (1) No person shall-

- (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematography, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of election.

343 D. Disturbance at election meetings. (1) Any person who at a public meeting to which this section applies acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) This section applies to any public meeting of a political character held in any Municipality/Nagar Panchayat between the date of the issue of notification under this Act calling upon the voters to elect a ward member or members or Chairperson and the date on which such election is held.

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

343 E. Restrictions on the printing of pamphlets, posters etc. (1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster :-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document-

(i) where it is printed in the capital of the State, to the Election Authority, and

(ii) in any other case, to the District Magistrate of the district in which it is printed.

(3) For the purpose of this section,-

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

343 F. Maintenance of secrecy of voting. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

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

343 G. Officers etc., at elections not to act for candidates or to influence voting:- (1) No person who is a District Election Authority or an Election Officer or an Assistant Election Officer, or a Presiding Officer or Polling Officer at an election, or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

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

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

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

343 H. 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 metres 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 signs (other than an official notice) relating to the election.

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

343 I. 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 neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aids or abets the contravention of the provisions of sub-section (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 section, 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-section (1), and may seize any apparatus used for such contravention.

343 J. 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 station 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-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having opportunity of voting at that station.

(3) If any person who has been so removed from polling station re-enters 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.

343 K. Penalty for failure to observe procedure for voting: If an elector, to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

343 L. Penalty for illegal hiring or procuring of conveyance at elections:- If any person is guilty of any such corrupt practice as is specified in clause (7) of Section 343 A at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

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

(2) An offence punishable under sub-section (1) shall be cognizable.

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

(4) The persons to whom this section applies are the District Election Officers, election officers, assistant election officers, polling officers, and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act.

343 N. Penalty for Government Servants etc. for acting as election agent, polling agent or counting agent:- If any person in the service of the State or Central Government or a Local Authority or a Corporation owned or controlled by the State or Central Government acts as an election agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

343 O. Prohibition of going armed to or near a polling station.- (1) No person other than the Returning Officer, any Police Officer and any other person appointed to maintain peace and order, at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (Central Act 54 of 1959), of any kind within the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) An offence punishable under sub-section (2) shall be cognizable.

343 P. Removal of ballot papers or ballot boxes from polling stations to be an offence:- (1) Any person who, at any election, unauthorizedly takes or attempts to take a ballot paper or ballot box out of 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 five years and with fine which may extend upto five thousand rupees.

(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-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and such person may 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-section (1) shall be cognizable.

343 Q. Offence of booth capturing:- (1) Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation.- For the purposes of this sub-section and section 343 ZE "booth capturing" includes, among other things, all or any of the following activities, namely-

- (a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;
- (b) taking possession of polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;
- (c) coercing or intimidating or threatening directly or indirectly threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;
- (d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;
- (e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

(2) An offence punishable under sub-section (1) shall be cognizable.

343 R. Liquor not to be sold given or distributed on polling day.- (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession

shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

343 S. Other offences and penalties thereunder. (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 or destroys or removes any list, notice or other documents affixed by or under the authority of a election 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 by postal ballot; 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 authorised 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 section shall,-

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

(3) For the purposes of this section 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, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

343 T. Penalty for offences not otherwise provided for. Whoever does any act in contravention of any of the provisions of this Act, or of any rule, notification or order made, issued or passed, thereunder and not otherwise provided for in this Act shall, on conviction be punished with imprisonment which may extend to two years or with fine which may extend to two thousand rupees or with both.

CHAPTER – IV **MISCELLANEOUS ELECTION MATTERS**

343U. Adjournment of poll in emergencies:- (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an 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 shall

announce an adjournment of the poll to a date to be notified later, and he shall forthwith inform the election officer concerned.

(2) Whenever a poll is adjourned under sub-section (1), the election officer shall immediately report the circumstances to the District Election Authority and the State Election Commission, and shall, as soon as may be, with the previous approval of the State Election Commission, appoint the day on which the poll shall recommence, and fix 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 election officer shall notify in such manner as the State Election Commission may direct, the date and hours of polling fixed under sub-section (2).

343 V. 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 is unlawfully taken out of the custody of the presiding officer or the election officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained; or
- (b) any voting machine develops a mechanical failure during the course of the recording of votes; or
- (c) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the election officer shall forthwith report the matter to the State Election Commission.

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

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

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

343 W. 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 in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or
- (b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the Election Officer shall forthwith report the matter to the State Election Commission.

(2) The State Election Commission shall, on the receipt of a report from the Election Officer under sub-section (1), and after taking all material circumstances into account, either,-

- (a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit, or—
- (b) If satisfied that in view of the large number of polling stations 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 result of the election, countermand the election in that constituency.

Explanation: In this section, "booth capturing" shall have the same meaning as in Section 343 Q.

343 X. Destruction, loss, etc., of ballot papers at the time of counting:- (1) If at any time before the counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the election officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the election officer shall forthwith report the matter to the State Election Commission.

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

- (a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
- (b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election, issue such directions to the election officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

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

343 Y. Electoral officers and staff etc. deemed to be on deputation. (1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls

for, and the conduct of all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(2) The District Election Authority, Election Officer, Assistant Election Officer, Presiding Officer, Polling Officer and any other officer appointed under this Act, and any police officer designated for the time being by the State Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

343 Z. Delegation of the powers of the Commission:- The State Election Commissioner may, subject to such conditions and restrictions as he may specify, by general or special order, delegate to any officer or authority in the State Government, either generally or as respects any particular matter or class of matters any powers of the Commission under this Act.

343 ZA. Election petitions. No election held under this Act shall be called in question except by an election petition presented in accordance with such rules as may be made in this behalf and to such authority as may be specified in such rules.

ELECTION EXPENSES

343 ZB. Application of Chapter. This chapter shall apply to candidates of any election held under this Act.

343 ZC. Account of election expenses. (1) Every candidate, at any election held under this Act shall, either by himself, or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated, and the date of declaration of the result of the election, both dates inclusive (hereinafter in this chapter referred to as 'election expenses').

Explanation-I. 'Election expenses' for purpose of this Act shall mean all expenses in connection with the election,-

- (a) incurred, or authorized by the contesting candidate, or by his election agent;
- (b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent), aimed at promoting or procuring the election of the candidate concerned; and
- (c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:

Provided that any expenses incurred by any political party as part of its general propaganda, (which is distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken, or by signs or visible representations, or by audio-visual devices, or through print or electronic media or otherwise, shall not constitute 'election expenses' for purposes of this Act.

Explanation-II:- (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or

thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (9) of section 343 A in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

(2) The account of election expenses shall contain such particulars, as may by order, be specified by the State Election Commission.

(3) The total of the said expenses shall not exceed such amount, as may by order, be specified by the State Election Commission.

343 ZD. Lodging of account with the District Election Authority. every contesting candidate at an election shall, within forty five days from the date of declaration of the result of the election, lodge with the District Election Authority, an account of his election expenses, which shall be a true copy of the account kept by him, or by his election agent, under section 343 ZC”;

APPOINTMENT OF OBSERVERS

343-ZE. Appointment of Observers.- (1) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a ward or a group of wards or for a Municipality or a group of Municipalities and to perform such other functions as may be entrusted to him by the Commission in relation thereto.

(2) The Observer nominated under sub-section (1) shall have the power to direct the Election Officer for the or for any of the wards for which he has been nominated, to stop the counting of votes at any time before the declaration of the result, or not to declare the result, if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at counting centres or any ballot papers used at a polling station are unlawfully taken out of the custody of the Election Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained.

(3) Where an Observer has directed the Election Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 343 W or Section 343 X in the matter of declaration of results.

(4) It shall be competent for the State Election Commission to appoint an Election Expenditure Observer for a group of wards or for a Municipality or group of Municipalities so as to ensure that the provisions of Chapter V are strictly adhered to and in that behalf the Commission may issue such instructions as it deems fit, from time to time, to such Observers.

347. Power of persons conducting election and other enquiries:- All persons authorized by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any enquiries into matters falling within the scope of their duties shall have, for the purposes of such enquiries the same powers in regard to the issue of summons for the

attendance of witnesses and the production of documents, as are conferred on revenue officers by the law relating to the issue of revenue summonses for the time being in force and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

353. Method of serving documents:- (1) When any notice, or other documents is required by this Act or by any rule, bye-law, regulation or order made under it, is to be served on or sent to any person, the service or sending thereof may be effected—

- (a) by giving or tendering the said document to such person; or
- (b) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family or
- (c) if such person does not reside in the municipality and his address elsewhere is known to the Commissioner by sending the same to him by post registered; or
- (d) if none of the means aforesaid be available, by fixing the same in some conspicuous part of such place of abode or business.

(2) Where the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice or document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or sent it to, one of such owners or occupiers.

(3) Whenever in any bill, notice, form or other document, served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall save as otherwise provided in this Act, be calculated from the date of such service or sending.

371. Power of Election Authority to defend himself, if sued:- The election authority may defend himself, if sued or joined as party in any proceeding relating to the preparation or publication of electoral rolls or the conduct of elections, as the case may be, and the expenses incurred by the election authority in so doing shall be payable from the municipal fund.

372. Injunctions not to be granted in election proceedings:- Notwithstanding anything in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), or in any other law for the time being in force, no Court shall grant any temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act, for the preparation or publication of electoral rolls or for the conduct of any elections.

373. Indemnity to the Government, Collector, Revenue Divisional Officer, Municipal Authorities, Officers and Agents:- No suit shall be maintainable against the Government, the District Collector, the Revenue Divisional Officer or any Chairperson, Municipal Authority, officer or employee or any person acting under the direction of any Chairperson, municipal authority, officer or employee, or of a Magistrate, in respect of anything done in good faith under this Act or any rule, bye-law, regulation or order made under it.

386. Oath of allegiance to be taken by Member:- (1) Every person who is elected to be a Member shall, before taking the seat, make at a meeting of the council on oath or affirmation of his allegiance to the Constitution of India in the following form, namely:-

"I, having become a Member of the Municipal Council swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter".

(2) Any such Member who fails to make, within three months from the date on which his term of office commences or at one of the first three meetings held after the said date, which ever is later, the oath or affirmation laid down in sub-section (1), shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) No such Chairperson or Member shall take his seat at a meeting of the Council or do any act as such Member unless he has made the oath or affirmation as laid down in this Section.

(4) Where a person ceases to hold office under sub-section (2) the Commissioner shall report the same to the council at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be a Member under that sub-section on the council may grant his further time which shall not be less than three months for making the oath or affirmation and if he makes the oath or affirmation within the time so granted, he shall, notwithstanding anything in the foregoing sub-sections, continue to hold his office.

387-A. Power to give directions:- The Government may from time to time give such directions not inconsistent with the provisions of the Act or the rules made thereunder to the municipalities as it may consider necessary for carrying out the purposes of this Act.

EXTRACT OF SECTION 12 OF THE ANDHRA PRADESH (SCHEDULED CASTES, SCHEDULED TRIBES AND BACKWARD CLASSES) REGULATION OF ISSUE OF COMMUNITY CERTIFICATES ACT, 1993.

Section 12:- Penalty for securing an appointment or election to political offices etc, on the basis of false community certificates:- (1) whoever not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes secures an appointment in Government or other institutions referred to in section 11 against the posts reserved for the Scheduled Castes, Scheduled Tribes or Backward Classes or is elected to any of the elective offices of any local authority or co-operative society against the offices reserved for such Castes, Tribes or Classes on the basis of a false community certificate, shall on conviction be punishable with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the Judgment, impose a sentence of imprisonment for a lesser term or fine.

(2) Whoever not being a person belonging to a Scheduled Tribe secures any benefit or protection intended for a member of a Scheduled Tribe under a notification, direction or regulation made under the Fifth Schedule to the Constitution of India or under any other law in force in the Scheduled Areas on the basis of a false community certificate shall, on conviction be punishable with rigorous imprisonment for a term which shall not be six months but which may extend up to two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees.

**THE ANDHRA PRADESH MUNICIPALITIES AND NAGAR PANCHAYATS
(PREPARATION AND PUBLICATION OF ELECTORAL ROLLS) RULES,**

2001

[G.O.Ms.No.516, MA & UD (Elecs.I) DEPT., Dt.15-10-2001].

In exercise of the powers conferred by sub-section (1) of Section 326 read with Section 11 of the Andhra Pradesh Municipalities Act, 1965 read with Andhra Pradesh Municipal Laws (Fourth Amendment) Act, 2001 (Act No.34 of 2001) and in supersession of the Andhra Pradesh Municipalities and Nagar Panchayats (Registration of Electors) Rules, 1994 issued in G.O.Ms.No.625, M.A. dt.14-12-1994, the Governor of Andhra Pradesh hereby makes the following rules for Preparation and Publication of Electoral Rolls in Municipalities and Nagar Panchayats in the State.

1. Short Title, extent and Commencement:- (1) These rules may be called the Andhra Pradesh Municipalities and Nagar Panchayats (Preparation and Publication of Electoral Rolls) Rules, 2001.

(2) These rules shall apply to all the Municipalities and Nagar Panchayats in the State.

(3) These rules shall come into force from the date of publication in Andhra Pradesh Gazette.

2. Definitions: In these rules, unless the context otherwise requires:-

- (a) "Election Commission" means the State Election Commission constituted under Article 243-K read with Article 243 ZA of the Constitution of India;
- (b) "Roll" means the electoral roll for the Municipality/Nagar Panchayats;
- (c) "Section" means Section of the Act;
- (d) words and expression used but not defined in these rules shall have the meanings respectively assigned to them in the Andhra Pradesh Municipalities Act, 1965.

3. Preparation of Electoral Roll:- The Electoral Roll for the Municipality / Naga Panchayat shall be such part or parts of the current electoral roll of the Andhra Pradesh Legislative Assembly Constituencies, prepared and published under the Representation of the People Act, 1950, as relates to the Municipality/Nagar Panchayat, which shall be prepared by such person authorized by the State Election Commissioner, on such date as may be specified by the Election Commission, and any amendments issued to the said electoral roll of the Assembly Constituencies, thereafter, as they relate to the Municipality / Nagar Panchayat, upto the date of election notification, shall be carried out therein.

4. Form and Language of the roll:- (1) The Roll shall be prepared in such form as the Election Commission may direct.

(2) The Roll shall be prepared in such language or languages in which the roll or rolls of the Andhra Pradesh Legislative Assembly Constituencies, which forms part of Municipality/Nagar Panchayat area are prepared.

5. Publication of copies of electoral rolls:- (1) As soon as the roll is prepared in accordance with these rules, the same shall be divided into as many lists as there are wards as per the delimitation of wards by the person authorized under Rule 3 and sufficient number of copies shall be taken and shall be published along with notice in Form-I for inspection by the general public:

- (a) on the notice board of the Municipal/Nagar Panchayat office concerned;
- (b) on the notice board of the office of the person authorized under Rule 3;
- (c) on the notice board of the office of the concerned Mandal Revenue Officer;
- (d) on the notice board of the office of the concerned Revenue Divisional Officer;
- (e) supply free of cost one copy of each separate list of the roll to every political party for which a symbol has been exclusively reserved by the Election Commission;

(2) Upon such publication under this rule, the roll shall be electoral roll of the Municipality/Nagar Panchayat and shall remain in force till a fresh electoral roll is prepared and published.

6. Procedure for lodging claims and objections:- All omissions of names in any part of the roll or objections to any entry in the roll, at any point of time after its publication under Rule 5, shall be settled only after a suitable amendment to the relevant entry in the electoral roll of the Legislative Assembly Constituency is made based on which the Municipality/Nagar Panchayat electoral roll was prepared. Anybody wishing to prefer a claim for inclusion or deletion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of electors Rules, 1960 made under the Representation of People Act, 1950 to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions of Section 11 of the Andhra Pradesh Municipalities Act, 1965 and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the person authorized by the State Election Commissioner shall carry out consequential amendments in the Electoral Roll of the Municipality / Nagar Panchayat upto the date of election notification. In case of any clerical or printing error or both, or when the entries deviate from the particulars of the Assembly Electoral Roll, the person authorized by the State Election Commissioner may cause such errors rectified, so as to bring it in conformity with the particulars of the Assembly Electoral Roll concerned. However, the person authorized by the State Election Commissioner, shall not resort to suo motu revision of the rolls by way of deletions or additions or modifications.

FORM-I
NOTICE OF PUBLICATION OF ELECTORAL ROLL
(See Rule 5)

Notice is hereby given that the electoral roll of the Municipality / Nagar Panchayat has been prepared ward-wise as per delimitation of wards, in accordance with the Andhra Pradesh Municipalities and Nagar Panchayats (Preparation and Publication of electoral Rolls) Rules, 2001 by adopting the existing entries in the relevant part of the Electoral Roll for Legislative Assembly Constituency prepared under the Representation of the People Act, 1950. The same is kept open for inspection by general public.

2. Any person who wishes to lodge any claim for including his/her name in the roll or any objection to the inclusion of a name or any objection to the particulars in any entry in the said roll, shall first get such claim or objection settled with reference to the corresponding entry in the Electoral Roll of the Assembly Constituencies by lodging suitable claim or objection under the provisions of the Representation of People Act, 1950 and the Registration of Electors Rules, 1960 made thereunder, before the Electoral Registration Officer of the concerned Assembly Constituency.

3. All orders of inclusion, deletion or corrections issued on the basis of these claims and objections by the said Electoral Registration Officer till the date of the election notification will be duly incorporated in the electoral roll of the Municipality/Nagar Panchayat.

ANDHRA PRADESH MUNICIPALITIES (CONDUCT OF ELECTIONS OF MEMBERS) RULES, 2005
(G.O.MS. NO. 666, M.A. & U.D. (ELEC.II) DEPT., DT: 11.07.2005).

In exercise of the powers conferred by clause (b) of sub-section (2) of Section 326, read with clause (12) of Section 2, Section 10A, 20, 27 and 28E of the Andhra Pradesh Municipalities Act, 1965 (Andhra Pradesh Act 6 of 1965), and in supersession of the rules issued in G.O.Ms.No.938, M.A, dated the 28th July 1965, as amended from time to time, the Governor of Andhra Pradesh, hereby makes the following rules for the conduct of election of Members to Municipalities and Nagar Panchayats in the State.

RULES

1. Short title –

(2) These rules may be called the **Andhra Pradesh Municipalities (Conduct of Election of Members) Rules, 2005.**

2. Applicability:-

(2) These rules shall apply to all the Municipalities and Nagar Panchayats in the State of Andhra Pradesh.

CHAPTER – I
PRELIMINARY

3. Definitions - (1) In these rules unless there is anything repugnant in the subject, or context,-

- (a) "Government" means the Government of Andhra Pradesh;
- (b) "Act" means the Andhra Pradesh Municipalities Act, 1965;
- (c) "Elector" in relation to an election to any municipality means a person whose name appears in the electoral roll of the Municipality as it remains in force, except a person who is declared to be a man of unsound mind and stands so declared by a competent court;
- (d) "Election Officer" means the Municipal Commissioner or any person or officer authorised or appointed by the Election Authority to do any act or perform any function in connection with the conduct of elections under these rules.
- (e) "electronic voting machine" means the voting machine referred to in section 28-E of the Act;
- (f) "electoral roll" means the electoral roll prepared and published under section 11 of the Act;

- (g) "Form" means the form appended to these rules and includes the translation of the matter in Telugu or any other languages specified in Schedule VIII of the Constitution.
- (h) "ballot box" includes any box, bag or other receptacle used for the insertion of ballot paper by voters;
- (i) "counterfoil" means the counterfoil attached to a ballot paper printed under the provisions of these rules;
- (j) "marked copy of the electoral roll" means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election or the names of electors who are allowed to vote through electronic voting machine;
- (k) "municipality" includes a Nagar Panchayat;
- (l) "Polling Station" in relation to an election of members means the place fixed for taking the poll at such election;
- (m) "Presiding Officer", includes any polling officer performing any of the functions of a Presiding Officer under sub-rules (2) and (3) of rule 30;
- (n) "Public Holiday means any day declared as such by Government.
- (o) "Voters on election duty means any polling agent, any polling officer, Presiding Officer or other public servant who is an elector in the ward and is by reason of his/her being on election duty unable to vote at the polling station where he / she is entitled to vote;

(2) Words and expressions used in these rules but not defined shall have the same meaning assigned to them respectively under the Act.

(3) For the purpose of these rules, a person who is unable to write his / her name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper, if –

- (a) he / she has placed a mark on such instrument or other paper in the presence of the Election Officer or the Presiding Officer or such other Officer specified in these rules;
- (b) such officer on being satisfied as to his / her identity has attested the mark as being the mark of that person".

CHAPTER-II

ELECTION OF MEMBERS

4. Administrative Machinery for the Conduct of Elections- (1) (a) The conduct of Elections to all Municipalities in the State shall be under the superintendence, direction and control of the State Election Commission.

(b) The Election authority appointed by the State Election Commission shall exercise such powers and perform such functions in connection with the conduct of elections under these rules, as may be assigned to him under the Act and the rules.

(2) The District Collector shall be the District Election Authority. He shall, within his jurisdiction perform such functions of the Election Authority under these rules as may be assigned to him by the Election Authority.

(3) Subject to the general superintendence, direction and control of the Election authority, the District Election Authority shall be responsible for the conduct, co-ordination and supervision of all works in connection with the conduct of the elections to the Municipalities within his jurisdiction.

(4) The Election Authority may appoint one or more persons who shall be an officer or officers of the Local Authority or the Government as Additional Election Officer or Assistant Election Officer and they shall, subject to the control of the Election Officer be competent to perform all or any functions of the Election Officer, except the functions which relate the scrutiny of nominations, unless the Election Officer is unavoidably prevented from performing the said function

5. Display of voters list:- The Election Officer shall affix a notice on the notice board of the municipal office showing the voters list pertaining to the various wards of the municipality on the day of publication of notice under rule 6;

6. Publication of election notice:- The Election Officer shall, on the basis of the election notification issued by the State Election Commission, prepare and publish a notice on the notice board of the Municipality and in one or more conspicuous places in each ward of the Municipality for which election is due in English and in the main language of the District stating:-

- (a) the number of members to be elected;
- (b) the wards for which they are to be elected;
- (c) the category for which it is reserved, namely, for the members of the Scheduled Tribes, the Scheduled Castes, Women and Backward Classes as the case may be, under section 8 (1) of the Act;
- (d) the date upto which, the places at which and the hours between which and to whom nomination papers shall be presented, which shall be a date not earlier than the fourth day and not later than the tenth day after the date of publication of the election notice, whether or not it is a public holiday;

- (e) the date on which, the hours between which and the place at which the nomination papers will be taken up for scrutiny, such date being the date, next to the last date fixed for the presentation of nomination papers, whether or not it is a public holiday;
- (f) the last date and time for withdrawal of the candidature, which shall not be later than 3 'o' clock in the afternoon of the third day after the date fixed for scrutiny of nominations, whether or not it is a public holiday;
- (g) the date on which and place or places at which the poll will be taken, should there be a poll and the hours during which the poll will be taken:
 - (i) Provided that the date on which a poll shall be taken shall be a date not earlier than the twelfth day after the date for withdrawal of candidatures:
 - (ii) Provided further that the total period allotted to any one day for polling at an election in a ward shall not be less than eight hours; and
- (h) the day on which and the place and the hour at which the counting of votes shall commence.

7. Special Election programme:- Notwithstanding anything contained in these rules, where the election process is interrupted or the election programme has to be altered on account of the orders of any Court of Law or for other valid reasons to be recorded in writing, it shall be competent for the State Election Commissioner either generally or in respect of all or any of the wards of a municipality to alter the election programme notified under rule 6 and to re-notify the election programme as he deems fit in the circumstances of the case without having regard to the guidelines mentioned in the said rule and the election officer shall give effect to the same.

Provided that where the election programme is re-notified under this rule commencing from the making of nominations, the nominations already made shall be disregarded and the deposits, if any, made shall be refunded.

8. Nomination of Candidates:- (1) The nomination of every candidate shall be made by means of nomination paper in Form I, which shall on application, be supplied free of cost by the Election Officer to any elector whose name is on the electoral roll for the municipality:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Election Officer for election in the same ward for any particular seat.

(2) Every nomination paper shall be signed by one such elector as proposer and the candidate shall sign a declaration on it expressing his willingness to stand for election.

Note:- The candidate for a ward need not be a person whose name is registered in the electoral roll for that ward, but the proposer shall be a person whose name is registered in the electoral roll for that ward.

(3) Each candidate shall be nominated by a separate nomination paper. An elector standing as a candidate for election to a seat shall not sign his own nomination papers as proposer.

(4) Every nomination paper shall be presented by the candidate in person or by his proposer on the date, at the place and during the hours appointed, to the Election Officer or to such other person as may be authorised by him in this behalf. The Election Officer or such other authorised person shall forthwith number the nomination papers serially in the order in which they are presented and enter on each nomination paper, the time at which it is presented. He shall give a receipt for the same as in Form I.

(5) Where a person has signed as proposer more than one nomination paper first received shall only be valid.

(6) The rejection of a nomination paper of any candidate on the ground of any irregularity in respect thereof shall not affect the validity of the nomination of the candidate if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(7) No nomination paper shall be received after the appointed time on the last date appointed for the presentation of nomination papers, whether or not it is a public holiday.

(8) In the case of every nomination filed in respect of a seat reserved for Scheduled Tribes, Scheduled Castes and Backward Classes, a declaration in Form II made before an officer not below the rank of a Deputy Tahsildar of the Revenue Department by the candidate shall be attached to the nomination.

(9) Every candidate shall, along with the nomination paper also file a declaration with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format attested by two witnesses.

9. Verification of entry in the electoral roll: – (1) On the presentation of a nomination paper, the Election Officer or other authorised person referred to in sub-rule (4) of rule 8 may require the person or persons presenting the same to produce a copy of the electoral roll in which the candidate and his proposer are registered or the necessary entries therein and shall satisfy himself that the name and number of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the electoral roll.

(2) Election Officer may so interpret an entry in the electoral roll, as to overlook merely clerical or printing errors but he shall record the interpretation adopted by him together with the reasons therefor.

10. Deposits:- (1) The State Election Commission, may, before every ordinary elections, by notification, specify amounts of deposit which each candidate wishing to stand for election as member shall make and different amounts may be specified for different categories of candidates. At or before the time of presentation of his nomination paper or papers, each candidate shall remit or cause to be remitted the amount of deposit, as may be specified, in any Government Treasury or Bank or in cash with the Election Officer. No candidate shall be deemed to be duly nominated, unless the deposit as aforesaid has been made.

Explanation:- The delivery of a receipt to the Election Officer from any Government Treasury or Bank wherein the Municipality has an account, evidencing the payment by or on behalf of a candidate, to the credit of the Municipality of the amount required to be deposited under this sub-rule shall be deemed to be a deposit of such amount within the meaning of this sub-rule made by or on behalf of such candidate at the time of such delivery.

(2) If no nomination paper is received within the time appointed in that behalf in respect of any person by whom or on whose behalf the deposit referred to in sub-rule (1) has been made or if the nomination of any such person is rejected or if he withdraws his candidature in the manner and within the time specified, the deposit shall be refunded to the person by whom it was made and if any candidate dies before the commencement of the poll, any such deposit if made by him shall be refunded to his legal representative or if not made by the candidate, shall be refunded to the person by whom it was made or to his legal representative.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of valid votes polled by him does not exceed one-sixth of the valid votes polled, the deposit shall be forfeited to the Municipality.

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

(5) The deposits which are not forfeited under sub-rule (3) shall be refunded to the candidates or to the persons who have made the deposits on their behalf as the case may be as soon as may be after the declaration of the result of the election.

(6) Notwithstanding anything contained in sub-rules (2) and (5) where deposits have been made by or on behalf of a candidate in respect of two or more seats not more than one of the deposits shall be returned and the remainder shall be forfeited to the Municipality irrespective of the fact whether nominations were received from the candidate for the seat or not.

(7) Notwithstanding anything contained in this rule, a deposit made under sub-rule (1) shall not be refunded unless a claim therefor is delivered or sent by post to the Election Officer by the person who made the deposit or by his legal representative, as the case may be, within six months of the date of declaration of the result.

11. Publication of list of nominations received:- On the last day appointed for the receipt of nomination papers and immediately after the hour for their receipt is past, the Election Officer or the authorised person referred to in sub-rule (4) of Rule 8 shall publish in the municipal office a list in Form III of all nominations received with a notice that the nomination papers will be taken up by the Election Officer for scrutiny at the municipal office or other specified place on the date and time appointed under Rule 6.

12. Scrutiny of Nomination Papers:- (1) On the date appointed for the scrutiny of nominations, the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate and no other person, except for the purpose of assisting the Election Officer may attend at such time and place as may be specified under rule 11 and the Election Officer shall give such persons all reasonable facilities to examine the nomination papers of all candidates which have been received within time.

(2) The Election Officer shall then examine the nomination papers and shall decide all objections which may be made at the time 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:

- (i) that the candidate is ineligible for election under Sections 13, 13A, 13B, 14, 15, 15A and 15 B of the Act; or
- (ii) that the proposer is a person whose name is not registered in the electoral roll of the concerned ward; or
- (iii) that there has been any failure on the part of the candidate or his proposer to comply with any of the provisions of Rules 8 and 10; or
- (iv) that, in case the seat is reserved for any community or for women, the candidate does not belong to that community or is not a woman, as the case may be;

Provided that the nomination of a candidate shall not be rejected merely on the ground of any incorrect description of his name or of the name of his proposer or of any other particulars relating to the candidate or his proposer as entered on the electoral roll, if the identity of the candidate or proposer as the case may be, is established beyond reasonable doubt:

Provided further that the Election Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(3) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day appointed in this behalf under Rule 6 and no adjournment of the proceeding shall be allowed, except when such proceedings are interrupted or obstructed by riot or open violence or for causes beyond the control of the Election Officer:

Provided that in case an objection is made, the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Election Officer shall record his decision on the date to which the proceedings have been adjourned.

(4) When the scrutiny has been completed a list of validly nominated candidates shall be published in Form IV. There shall be one entry only in respect of each validly nominated candidate in the list, although more nomination papers than one in respect of him may have been accepted as valid. If none of the nomination papers is found valid on scrutiny, no name of the candidate should be entered in the list.

13. Withdrawal of candidature:- (1) Any candidate may withdraw his candidature by notice in writing in Form V, signed by him and delivered personally to the Election Officer at any time after presentation of his nomination paper or papers and before three 'O' clock in the afternoon on the third day after scrutiny of nominations whether or not it is a public holiday. When the

notice is not delivered by such candidate in person it shall be delivered by his proposer or election agent who has been authorised in this behalf in writing by such candidate.

(2) The Election Officer on receiving a notice of the withdrawal under sub-rule (1) shall, as soon as may be, cause a notice of the withdrawal in Form VI to be affixed on the notice board of the Municipal Office.

(3) A candidate who has withdrawn his candidature under sub-rule (1) shall not be allowed to cancel the withdrawal.

14. Publication of the list of contesting candidates- (1) On the expiry of the time allowed for withdrawal of candidature under Rule 13 (1), the Election Officer shall prepare a list in Form VII of persons whose nominations have not been rejected and who have not withdrawn their candidature which may be called as list of contesting candidates and publish it on the notice board of the Municipal Office forthwith whether or not it is a public holiday and in any case at least twelve days before the date fixed for the election.

(1A) For the purpose of listing the names under sub-rule (1), the candidates shall be classified into three categories as follows:-

- (i) candidates of recognised political parties;
- (ii) candidates of registered political parties;
- (iii) other candidates.

(1B) The names of the candidates shall be arranged in each of the above three categories as per the procedure laid down in sub-rule (2). The serial number of the candidates in all the above three categories shall be given consecutively and not separately in each category.

(2) The names of the candidates shall be arranged with reference to surnames of the candidates in alphabetical order in Telugu. Where there is no surname, the proper name shall be taken into consideration and where only the initials precede the proper name, the initials have to be ignored while arranging the names in the list of contesting candidates. If a poll is found to be necessary, the Election Officer shall also specify the distinctive symbols assigned to them under sub-rule (3).

Provided that 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. The names of such candidates shall be arranged in the order in which their nominations were received by the Election Officer.

(3) If a poll is found to be necessary the Election Officer shall assign to every contesting candidate on distinctive symbol as per the provisions of paragraph 6 of the Registration of Political parties and Allotment of symbols order, 2001 issued by the State Election Commission and any other instructions issued by the State Election Commission in this behalf from time to time.

(4) In every case where a symbol has been assigned to a candidate under sub-rule (3) such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Election Officer.

15. Uncontested election:- After the list of contesting candidates is published under Rule 14, if there is only one contesting candidate, the Election Officer shall declare the candidate as duly elected. If the number of contesting candidates is more than one, a poll shall be held. If there are no valid nominations to fill the seats, the Election Officer shall report the same to the State Election Commission through the Election Authority.

16. Death of a contesting candidate before poll:- (1) If a candidate set up by a recognised political party or a candidate set up by a registered political party to whom a symbol is reserved by the State Election Commission,-

- (a) dies at any time after 10.00 A.M. on the last date for making nominations and his nomination is found valid on scrutiny; or
- (b) whose nomination has been found valid on scrutiny and who has not withdrawn his candidature dies, and in either case, a report of his death is received at any time before the publication of the list of contesting candidates; or
- (c) dies as a contesting candidate and a report of his death is received before the commencement of the poll,

the Election Officer shall, upon being satisfied about the fact of the death of the candidate, by order, announce an adjournment of poll to a date to be notified later and report the facts to the State Election Commission and to the election authority:

Provided that no order for adjourning a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(2) The State Election Commission shall, on the receipt of a report from the Election Officer under sub-rule (1), call upon the recognised or registered political party, as the case may be, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognised or registered political party and the provisions of rule 8 to 13 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 13 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

(3) Where a list of contesting candidates has been published under rule 14 before the adjournment of the poll under sub-rule (1), the Election Officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-rule (2).

17. Appointment of Election Agent - (1) Every person nominated as a candidate for an election may appoint in writing a person to be his election agent. The appointment shall be in Form VIII and notice of appointment shall be given in writing to the Election Officer.

(2) When a candidate for election appoints a person to be his election agent, he shall obtain, in writing the acceptance of such person to be his election agent.

(3) No person shall be appointed as an election agent who is disqualified under section 15, excepting the one mentioned in clause (f) of sub-section (2) thereof.

(4) (i) Any revocation of the appointment of an election agent shall be signed by the candidate and shall operate from the date on which it is lodged with the Election Officer.

(ii) In the event of such revocation or of the death of an election agent the candidate may appoint in like manner another person to be his election agent; and when such appointment is made, notice thereof shall be given in the manner laid down in sub-rule (1).

(5) Every election agent shall perform such functions in connection with each election for which he is appointed as election agent, as are required to be performed by such agent.

18. Appointment of Polling agents:- (1) At an election at which a poll is to be taken each candidate or his election agent, if any, may appoint one agent and two relief agents, to act as polling agents of such candidate at each polling station or, where a polling station has more than one polling booth, at each such polling booth for the poll, as the case may be, and such appointment shall be made by a letter in writing in duplicate in Form IX signed by the candidate or his election agent, if any, under intimation to Election Officer atleast three days before the commencement of the poll.

(2) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the polling agent who shall, on the date fixed for the poll, present the copy to, and sign the declaration contained therein, before the presiding officer of the polling station where such polling agent is appointed for duty and the presiding officer shall thereafter retain it in his custody. No polling agent shall be allowed to perform any duty at the polling station or at the place fixed for the poll unless he has complied with the provisions of this sub-rule.

(3) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent as the case may be. Such revocation shall operate from the date on which it is lodged with the Election Officer and in the event of such a revocation or of the death of a polling agent before the close of the poll the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment as laid down in sub-rule (1).

19. Appointment of counting agents:- (1) Each candidate or his election agent if any, may, before the commencement of the counting of votes appoint a counting agent of such candidate by a letter in writing in duplicate in Form-X signed by the candidate or his election agent, if any.

(2) As soon as may be after the appointment of the counting agent of a candidate, and in any case before the commencement of the counting of votes, the candidate or his election agent shall give notice of the appointment, of such counting agent to the Election Officer by forwarding to such officer the letter of appointment, referred to in sub-rule (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes present the copy to, and sign the declaration contained therein, before the Election Officer, and the Election Officer shall thereafter retain it in his custody. No counting agent shall be allowed to perform any duty at the counting of votes unless he has complied with the provisions of this sub-rule.

(4) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent as the case may be. Such revocation shall operate from the date on which it is lodged with the Election Officer. In the event of a revocation or of the death of a counting agent at any time before the counting of votes is commenced, the candidate or his election agent may appoint another person as the counting agent and when an appointment is made, a notice of such appointment in the manner prescribed above shall be given to the Election Officer.

20. Rights of candidates and his election agent:- (1) At every election where a poll is taken, each candidate at such election and his election agent shall have a right to be present at any polling station.

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

21. Non-attendance of agents:- Where any act or thing is required or authorised by or under these rules to be done in the presence of the polling or counting agent, 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.

VOTING

22. Voting by postal Ballot:- At an election in a ward where a poll is taken, any member of the Armed Forces of the Union or a member of the Armed Police Forces of the State serving outside the State may give his vote by a postal ballot and such person shall not be entitled to give his vote in any other manner. The wife of any such person may also give her vote by postal ballot.

23. Electors under preventive detention:- (1) Subject to the other provisions of these rules, a voter of a ward may, if he is subject to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such ward where a poll is taken.

(2) As soon as possible, after a notice is published under rule 6, the Election Officer shall ascertain in writing from the Collector of the District whether any voter in that Municipality is

subject to preventive detention under any law for the time being in force. The Collector shall within five days from the date of receipt of such communication from the Election Officer forward list of names of any such voters in that municipality, if any, together with their addresses and the particulars about their place of detention to the Election Officer.

(3) Any voter who is subject to preventive detention under any law for the time being in force or on his behalf any member of his family may within ten days from the date of publication of the notice apply to the Election Officer of the ward for permission to give his vote by postal ballot at the election. Every such application shall specify the name of the voter, his address, his serial number in the electoral roll and the particulars regarding his place of detention.

(4) If the Election Officer is satisfied that the person whose name has been forwarded under sub-rule (2) or who has made an application under sub-rule (3) is under preventive detention and is a voter in the ward to which the election relates and is entitled to vote at such election he shall permit such person to give his vote at the election by postal ballot.

(5) While granting any such permission, the Election Officer shall, at the same time, put the letters 'P.B.' which means that a postal ballot has been issued in each copy of the electoral roll in which such person's name is registered and which is intended to be used at the polling station where such person would, if he had not been under detention, have normally voted so as to indicate that such person has been permitted to give vote at the election by postal ballot.

23-A. Intimation by voters on election duty:- (1) A voter on election duty, who wishes to vote by post at an election, shall send an application in Form X-A to the Election Officer seeking permission to vote by postal ballot, so as to reach him at least seven days or such shorter period as the Election Officer may allow before the date of poll. If the Election Officer is satisfied that the applicant is a voter on election duty, he may permit the applicant to give his vote at that election by postal ballot. Thereupon, the applicant may give his vote at such election by postal ballot and shall not be entitled to give his vote thereat in any other manner. The Election Officer shall mark "PB" against the name of such voter in the marked copy of the electoral roll.

(2) Where such voter, being a Polling Officer, Presiding Officer or other public servant on election duty in the ward constituency of which he is an elector, wishes to vote in person at an election and not by post, he shall send an application in Form X-B to the Election Officer so as to reach him at least four days, or such shorter period as the Election Officer may allow, before the date of poll; and if the Election Officer is satisfied that the applicant is such public servant and voter on election duty in the ward constituency, he shall —

- (a) issue to the applicant an Election Duty Certificate in Form X-C,
- (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and
- (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

24. Procedure for issue of Postal Ballot - (1) The Election Officer shall, in the case of every voter who is entitled under Rule 22 or who has been permitted under sub-rule (4) of rule

23 or under sub-rule (1) of Rule 23-A to give his vote at the election by postal ballot, as soon as may be after the publication under Rule 14 of the list of candidates at the election, send by registered post to each such voter a ballot paper along with the copy of instructions contained in Form XI. He shall note down the electoral part No. and the Serial No. of the elector as entered in the marked copy of the electoral roll on the counterfoil of the ballot paper and detach the ballot paper from the counterfoil.

(2) Along with the ballot paper, the Election Officer shall also send-

- (a) An envelope addressed to himself in Form XII;
- (b) another envelope with the number of the ballot paper entered on its face; and
- (c) a letter in Form XIII.

The Election Officer shall have the number of the ballot paper entered at the left hand bottom corner of the envelope cover in Form XII.

(3) The ballot paper together with the envelopes and the letter shall be sent, -

- (a) in case where the voter is a member of the Armed Forces of the Union or of the Armed Police Force of the State serving outside the State, to the address of the voter as shown in the electoral roll;
- (b) in case where the voter is a person subject to preventive detention, to such voter to the place of his detention.
- (c) in case of voters on election duty covered by sub-rule (1) of Rule 23-A, the Election Officer may send the postal ballot paper and other connected papers and envelopes to the address of the voter given in the application for postal ballot paper in Form X-A or to deliver them or cause them to be delivered personally to such voters.

(4) After all the ballot papers are issued under this rule, the Election Officer, shall seal in a separate packet the counterfoils of the ballot paper issued to the voters entitled to vote under postal ballot and record on the packet a brief description of its contents and the date on which it was sealed.

(5) No election shall be invalidated by reason that a voter has not received his ballot paper.

25. Recording of vote - (1) Every voter, on receiving his ballot paper sent under Rule 24 shall, if he desires to vote at the election, record his vote thereon and sign the declaration on its back in accordance with the letter and instructions sent with ballot paper.

(2) The voter shall then place the ballot paper in the envelope, close the envelope, place it in the other envelope and send the same cover to the Election Officer in accordance with the instructions contained in the letter so as to reach him before the hour fixed for commencement of counting of votes. Any envelope which is not received by the Election Officer before the hour

fixed for commencement of counting of votes shall be rejected. All such rejected envelopes shall be kept in a separate sealed packet by the Election Officer.

26. Attestation:- A voter shall obtain attestation of his signature, but not of his vote on the postal ballot paper by a Gazetted Officer of the State or Central Government to whom the voter is personally known or to whose satisfaction the voter has been identified or-

- (a) in the case referred to in clause (a) of sub-rule (3) of Rule 24 by such officer as may be appointed in this behalf by any commanding officer of the unit in which the voter is employed, and
- (b) in the case referred to in clause (b) of sub-rule (3) of Rule 24 by the Superintendent of the Jail or Commandant of the detention camp in which the voter is under detention.
- (c) In the case of voter on election duty referred to in Rule 23-A, by the Presiding Officer of the polling station at which he is on election duty.

27. Assistance to disabled Voters - (1) If a voter to whom a ballot paper is sent under Rule 24 is illiterate or is unable, due to physical incapacity, to record his vote and sign the declaration on the back of the ballot paper in accordance with the provisions of Rule 25, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his signature and declaration under Rule 26.

(2) Any such voter as aforesaid may deliver the ballot paper, together with the envelope and the other envelope received by him from the Election Officer to an officer referred to in sub-rule (1) and such officer shall, on being so requested by the voter-

- (a) certify on the back of the ballot paper the voter's incapacity; and
- (b) attest the fact that he was requested by the voter-
 - (i) to sign the declaration on the back of the ballot paper; and
 - (ii) to mark the ballot paper for him

(3) Such Officer shall further certify that he has put the mark on the ballot paper in accordance with the wishes of the voter and that the ballot paper was so signed and marked by him in the presence of the voter.

(4) Such officer shall thereupon place the marked ballot paper in the envelope and close the same and place it in the other envelope which he shall seal and hand over to the voter. The voter shall then send the sealed envelope forthwith to the Election Officer in accordance with the instructions contained in the letter sent to the voter along with the ballot paper so as to reach the Election Officer before hour fixed for commencement of counting of votes. Any envelope which is not received by the Election Officer before hour fixed for commencement of counting of votes shall be rejected and kept along with the envelopes rejected under the sub-rule (2) of Rule 25.

28. Reissue of ballot papers - (1) When a ballot paper and other connected paper sent by registered post under Rule 24 are for any reason returned undelivered, the Election Officer may re-issue them by registered post.

(2) In cases where any voter has inadvertently dealt with his ballot paper or any of the connected papers in such manner that the papers cannot conveniently be used, the Election Officer after satisfying himself of the inadvertence may issue a second set of ballot paper and other connected papers to the voter or the voters returning the ballot paper and other connected papers. The paper so returned shall be marked as cancelled by the Election Officer. The paper so cancelled be kept in a separate envelope set apart for the purpose.

29. Safe Custody of postal ballots:- The Election Officer shall keep in safe custody until the commencement of the counting of votes all envelopes containing postal ballot papers received by him under Rule 25 or Rule 27.

30. Voting at Polling Station - (1) A polling station shall have one or more polling booths. If a poll has to be taken, the Election Officer shall appoint forthwith a Presiding Officer and one or more Polling Officers, for each polling booth and may pay them reasonable remuneration for their services. The Election Officer may, if necessary, appoint one or more identifying officers to assist the Presiding Officer in identifying the electors. The polling personnel shall not consist of any Members, or any officer, or other employee of the municipality except those appointed as identifying officers:

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

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

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

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

(4) The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except:-

(a) the candidates and at each booth one agent of each candidate at a time hereinafter referred to as the polling agent;

- (b) the police or other public servants on duty;
 - (c) his own Polling Officers and such persons as the Presiding Officer may from time to time admit for the purpose of identifying electors;
 - (d) a child in arms accompanying a voter; and
 - (e) the companions of blind and infirm voters who cannot move without help.
- (5) (a) Where a woman elector cannot be identified by the identification officers appointed under sub-rule (1) by reason of her observing 'purdah' she may be required to be identified by any of her near relatives unless she otherwise satisfies the Presiding Officer of her identity.
- (b) If any question arises as to whether a person is or is not a near relative within the meaning of clause (a) above, it shall be decided by the Presiding Officer and his decision shall be final.
- (6) It shall be the duty of every Polling Officer provided by the Election Officer at a polling station / booth to assist the Presiding Officer for such station / booth in the performance of his functions.

31. Voting Compartments:- Each polling station, and where a polling station has more than one polling booth, each such booth, shall contain a separate compartment in which electors can record their votes screened from observation. As far as possible, separate compartments and separate entrances and exits shall, where action is not taken under Rule 32, be provided for women electors.

32. Separate Polling Station for women:- Notwithstanding anything herein before contained, the Election Officer may, at his discretion, if a sufficient number of women suitable and willing to act as polling officers are available, provide a separate polling station for taking the votes of the women electors for any polling area or make such other arrangements as may be necessary to ensure the privacy of such electors.

33. Arrangements at the polling station where ballot boxes are used:- The Election Officer shall provide at each polling station sufficient number of ballot boxes together with copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at the station and such other papers, and articles necessary for electors to mark the ballot papers, stationery and forms, as may be necessary. He shall further display in bold and clear manner the name of each candidate, the serial number and the symbol assigned to him and the seat for which the election is held. The Election Officer shall also display a notice specifying the polling area, the electors of which are entitled to vote at that polling station.

34. Paper seal:- (1) Where a paper seal is used for securing a ballot box the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the candidates or their polling agents present as are desirous of affixing the same.

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

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

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

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

- (a) the serial number, if any, and name of the ward;
- (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;

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

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

(8) Before the polling station is opened for the recording of the votes the Presiding Officer shall read to such persons as may be present the provisions of Section 343F of the Act, and shall explain the substance thereof in the main language of the district.

35. Demonstration of the Marked copy of the electoral role:- Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the Polling Agents and others present that the marked copy of the electoral roll to be used during the poll does not contain:-

- (a) any entry other than that made in pursuance of Rules 22, 23, 24 and 48: and
- (b) any mark other than the mark made in pursuance of those rules.

36. Manner of Voting:- (1) The manner of voting shall be by way of marking system. Every ballot paper shall be in such Form and in such colour as may be specified by the State Election Commission. The ballot paper shall contain the number of the candidates in serial order, their names against the serial number and the symbols assigned to them.

37. Distinguishing Mark:- Before a ballot paper is issued to an elector, the ballot paper and the counterfoil attached thereto, shall be stamped on the back with such distinguishing mark as the Election Authority may direct and every ballot paper before it is issued shall be signed in full on its back by the Presiding Officer.

38. Issuing of ballot paper:– (1) Every elector who seeks a ballot paper for the purpose of voting at a polling station, shall before receiving such paper, allow;

- (a) the inspection of his left fore-finger by the polling officer; and
- (b) an indelible ink mark to be put on his left fore-finger.

(2) If any such elector—

- (a) refuses to allow such inspection of his left fore-finger; or
- (b) refuses to allow an indelible ink mark to be put on his left fore-finger; or
- (c) refuses to put his signature or thumb impression on the counter-foil; or
- (d) does any act in order to remove any such mark after it has been put

he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) No person who already has such a mark on his left fore-finger at the time he enters the polling station shall be supplied with any ballot paper.'

(4) Any reference in this rule to the left fore-finger of an elector shall, in the case where the elector has no left fore-finger be construed as a reference to another finger of his left hand and shall in the case whether there are no fingers on his left hand be construed as a reference to the fore finger or any other finger on his right hand and shall in the case where he has no finger on both the hands be construed as a reference to such extremity of his right or left arm as he possesses.

(5) The Polling Officer shall, at the time of delivery of the ballot paper to an elector, underline the entry of the voter in the marked copy of the electoral roll in his possession to denote that such voter has received a ballot paper.

(6) In deciding the right of a person to obtain a ballot paper under this rule, the Presiding Officer at any polling station may inspect the entry in the electoral roll so as to overlook merely clerical or printing errors, provided that he is satisfied that such person is identical with the voter to whom such entry relates.

39. Recording of entries on the counterfoil: - Immediately before any ballot paper is delivered to an elector-

- (a) the number, name and description of the elector as stated in the electoral roll shall be called out; and
- (b) the Polling Officer shall record the Part No. and Serial No. of the voter as entered in the marked copy of the electoral roll on the Counterfoil of the ballot paper and obtain his signature or thumb impression thereon.

40. Marking on ballot paper:- An elector shall be given only one ballot paper and the Presiding Officer or the Polling Officer shall explain to the elector that the elector shall 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.

41. Voting Procedure - (1) 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 papers so as to conceal his vote;
- (d) if required, to 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;

(2) Every elector shall vote without undue delay;

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

(4) Every elector to whom a ballot paper has been issued under these rules, shall maintain secrecy of voting within polling station and for the purpose observe the voting procedure hereinafter laid down.

(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-rules(1) and 2) the ballot paper issued to him shall whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.

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

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

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

42. Blind and infirm voters:- (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognize the symbols on ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of the age of not less than eighteen years to the voting compartment for recording 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 insert it into the ballot box:

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

Provided further that when any person is permitted to act as the companion of the elector on any day under this rule, the person shall be required to declare that he shall 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 booth on that day.

(2) The Presiding Officer, shall keep declarations in Form XIV and the list in Form-XV in sealed covers and send them to the Election Officer along with the other covers.

43. Facilities for woman electors:- (1) Where a polling station is for both men and women electors, the President Officer may direct that they shall be admitted into the polling station alternately in separate batches.

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

44. Verification of genuineness of voters:- (1) When a person presents himself to vote before a ballot paper is supplied to him, the Presiding Officer may of his own accord and shall, if so required by a candidate or polling agent, put to such person either or both of the following questions,-

- (i) Are you the person enrolled as shown in the entry in the roll?
- (ii) Have you already voted at the present election at this polling station or at any other polling stations;

and the person shall not be supplied with a ballot paper unless he gives an unqualified answer to the first question in the affirmative and the second in the negative; except as mentioned herein and subject to the provision of section 11 of the Act, every person whose name is found on the electoral roll shall be entitled to be supplied with a ballot paper.

Identification of electors:

(2) Where the electors have been supplied with identity cards under the provisions of the registration of Electors Rules, 1960 issued under Representation of People Act, 1951, the elector shall produce his identity card before the Presiding Officer or the Polling Officer authorised by him in this behalf. Where such identity card are not issued, each elector shall establish his identity by providing any such documents as are specified, by order, by the State Election Commission.

(3) No person shall vote at an election in more than one ward; and if a person votes in more than one such ward, his votes in all such wards shall be void.

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

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

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

45. Tendered vote:- (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be 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 shall, before being supplied with a tendered ballot paper sign his name against the entry relating to him in a list in Form XVI.

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

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

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

46. 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 five 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 XVII; and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose:

- (a) require the challenger to advice evidence in proof of the challenge and the person challenged to advice evidence of proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on other; 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 a good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the municipality and in any other case, return to the challenger at the conclusion of the inquiry.

47. Spoilt ballot paper:- (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 satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt one, the spoilt one being marked as "Spoilt: Cancelled" by the Presiding Officer.

(2) [Omitted vide G.O.Ms.No.43, MA & UD, Dt.29.01.2018 due to introduction of None of the Above (NOTA) option].

(3) Omitted vide G.O.Ms.No.43, MA & UD, Dt.29.01.2018 due to introduction of None of the Above (NOTA) option].

48. Facilities for public servants on election duty:- (1) Any person who produces at the polling station an election duty certificate in Form X-C and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote within the same ward constituency.

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

- (a) obtain thereon the signature of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at that polling station.

49. Adjournment of poll in emergencies:- (1) (a)Where the poll is adjourned under section 343 U of the Act, the fact that the poll has been so stopped shall be immediately be announced by the Presiding Officer to the persons present at the polling station.

(b) If the Presiding Officer considers it necessary to stop polling for a short interval due to heavy rain or dislocation of work in the polling station for some reason or other or due to disturbance of peace in the neighborhood of the polling station, he can do so by informing the

public to that effect under intimation to the Election Officer. In such an event, the poll can be resumed and continued beyond the period fixed for the poll to the extent of the time for which the poll was stopped.

(2) Where a Presiding Officer stops a poll under sub-rule (1) (a), he shall observe the procedure laid down in Rule 52 and make a full report of the circumstances to the Election Officer who shall forward the same expeditiously with his remarks thereon, to the State Election Commission through the Election Authority.

(3) The State Election Commission shall thereupon order,-

- (a) that the poll be continued at the polling station for the number of hours for which it was not held on the previous occasion, provided that not less than 50% of the voters had cast their votes; or
- (b) that the proceedings at the poll held at the polling station on the previous occasion be ignored and that a fresh poll be held at such polling station for the full number of hours for which it should have been held on the previous occasion.

(4) Any order passed under sub-rule (3) shall state,-

- (i) the date on which and the hours between which the continuation poll or the fresh poll, as the case may be, shall be held; and
- (ii) the date on which and the place and hour at which, the Election Officer will commence the counting of the votes under Rule 54; and

(5) (a) where an order is passed under Clause (a) of Sub-rule (3) for the continuation of the poll, the Election Officer shall proceed afresh under sub-rule (1) of Rule 30 and return to the Presiding Officer appointed under that sub-rule, all the packets received by him under sub-rule (2) of this rule.

(b) the Presiding Officer shall open the packets just before the commencement of the continuation poll in the presence of such persons as may be present at the polling station and commence such poll precisely at the hour fixed therefor in the order passed by the State Election Commission under clause (a) of sub-rule (3).

(c) at the continuation poll, the Presiding Officer shall allow only such electors to vote who did not vote on the previous occasion.

(6) Where an order is passed under clause (b) of sub-rule (3) for holding a fresh poll, the Election Officer shall proceed afresh under sub-rule (1) of rule 30 and a fresh poll shall be held at the polling station concerned in accordance with the provisions of these rules in all respects as if it were being held at such polling station for the first time.

Explanation:- There shall be no fresh nominations in cases falling under this sub-rule.

(7) Notwithstanding anything contained in this rule, if a candidate belonging to a recognised political party or a registered political party to which a symbol, if any, is reserved, dies at any time before orders are passed by the State Election Commission under sub-rule (3) or at any time after the passing of such orders but before the commencement of continuation poll or of the fresh poll, as the case may be, the Election Officer shall upon being satisfied of the fact of the death of the candidate, intimate such fact to the State Election Commission through the Election Authority and stop all further proceedings in connection with the election and start election proceedings afresh in all respects as if for a new election to the seat concerned:

Provided that no fresh nomination shall be necessary in the case of the remaining candidates who stood nominated at the time when poll was stopped.

50. Fresh poll in case of destruction of ballot box:- (1) If at any election, a ballot box is unlawfully taken out of the custody of the Election Officer or the Presiding Officer and is in any way damaged or tampered with or is either accidentally or intentionally destroyed or lost, the procedure prescribed in section 343V of the Act shall be followed.

51. Adjournment of poll etc., on the ground of booth capturing:- Where booth capturing taken place the procedure prescribed in Section 343 W of the Act shall be followed.

52. Closure of poll:- (1) The Presiding Officer shall close the polling station at the hour appointed for closing under Rule 6 or sub-rule (1) (b) of rule 49 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 as to whether any elector shall, for the purpose of the proviso to sub-rule (1) be deemed to be present within the polling station before it is closed, it shall be decided by the Presiding Officer whose decision shall be final.

(3) The Presiding Officer of each polling station, as soon as practicable after the close of the poll, 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 put his seal. The ballot box shall thereafter be sealed and secured.

(4) The Presiding Officer of each polling station as soon as practicable after the close of the poll shall, in the presence of any candidate, polling agent or election agent, who may be present, make up into separate packets the following items, and seal them with his own seal and the seals of such candidates or agents as may desire to affix their seals:

- (i) the tendered ballot papers;
- (ii) the unused ballot papers with counterfoil or foils;
- (iii) the counterfoils of issued ballot papers including tendered ballot papers;
- (iv) the spoilt ballot papers;
- (v) the marked copy of the electoral roll;
- (vi) the tendered votes list;

- (vii) the list of challenged votes;
- (viii) [deleted vide G.O.Ms.No.51, MA & UD (G) Dept., dt.11.01.2020]
- (ix) any other paper directed by the State Election Commission to be kept in a sealed packet / cover.

(5) Each packet shall be numbered and shall bear a note as to its contents, the name of the polling station and name and number of the ward.

53. Account of ballot paper - (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form XIX 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.

54. Delivery of ballot boxes:- (1) The Presiding Officer shall then as soon as may be delivered the ballot boxes and all such packets and papers used at the polling station or cause them to be delivered to the Election Officer at such places as he may direct.

(2) The Election Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in this rule from polling stations and for their safe custody until the commencement of this counting of votes.

55. Counting of votes:- (1) The counting of votes shall commence on the day and at the place and hour appointed in that behalf. The postal ballot papers shall be counted first. Votes shall be counted by or under the supervision of the Election Officer. Each candidate, the election agent and the counting agent of each candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such person as the Election Officer may appoint to assist him in counting votes and no person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(2) The Election Officer shall, before he commences to count the votes, read out the provisions of section 343 F of the Act to such person as may be present and shall then count and check all the ballot boxes placed for the counting of votes and satisfy himself that all such ballot boxes as contain the ballot papers which are to be counted at such place have been received and accounted for.

(3) The Election Officer shall allow, the candidates and their election agents and counting agents present at the counting, reasonable opportunities to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(4) If any ballot box is found by the Election Officer to have been tampered or interfered with or destroyed or lost, or if at any time, before counting of votes is completed and ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Election Officer or are accidentally or intentionally, destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or

place cannot be ascertained, the Election Officer shall follow the procedure laid down in section 343 X of the Act.

(5) The ballot boxes relating to all polling stations in a ward and all envelopes pertaining thereto enclosed which may have been received shall be opened one after another according to the serial number of the polling stations. The Election Officer shall take out the ballot papers from all the ballot boxes. The ballot papers so taken out shall be mixed, counted and record the total number of votes secured by the candidate concerned in a statement.

(6) The Election Officer shall allow the candidates and their agents reasonable opportunities to inspect without handling, all ballot papers which in his opinion are liable to be rejected. He shall endorse the word 'rejected' on every ballot paper which is rejected. If any candidate or agent present questions the correctness of the rejection, he shall also record on the ballot papers the grounds for the rejection.

(6) The Election Officer shall, as far as practicable, proceed continuously with the counting of the votes and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them and shall cause adequate precautions to be taken for their custody.

56. Grounds for rejection of ballot papers - (1) The Election Officer shall reject a ballot paper,-

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if it bears no mark at all or, to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose, or
- (c) if votes are given on it in favour of more than one candidates, or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
- (e) if it is a spurious ballot paper, or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (g) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or
- (h) if it does not bear both the mark and the signature which it should have borne under the provisions of rule 37.

Provided that where the Election Officer is satisfied that any such defect as is mentioned in clause(g) or clause (h) has been caused by any mistake or failure on the part of a Presiding

Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect.

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

(2) Before rejecting any ballot paper under sub-rule (1), the Election Officer shall allow candidates and their counting agents present a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(3) The Election Officer shall endorse on every ballot paper which he rejects the word "rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

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

(5) 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.

- (a) the mark is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
- (b) the mark and some other figures or set opposite the name of the same candidate; or
- (c) it bears any mark of writing by which the elector can be identified; or
- (d) is a spurious one; or
- (e) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be identified; or
- (f) bears the marks belonging to a ward different from that of the ballot box in which it is found;

Provided that a ballot paper shall not be rejected under Clause (e), if the Election Officer is satisfied beyond reasonable doubt that the ballot paper was the one issued by the Presiding Officer of the polling station concerned.

(6) A postal ballot paper shall be rejected if it is not duly marked, or on which-

- (a) more than one mark is placed against any candidate's name; or

- (b) the mark is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate intended to apply; or
- (c) a mark is placed in such a manner as to make it doubtful to which candidate it has been given; or
- (d) the signature of the voter is not duly attested.

57. Recounting of Votes:- (1) After the completion of the counting, the Election Officer shall make entries in the result sheet in Form XX (Part-I) and announce the particulars. After such announcement has been made, a candidate or in his absence his election agent or any of his counting agents may apply in writing to the Election Officer for recounting of voters either wholly or in part stating the grounds on which he demands such recount.

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

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

(4) If the Election Officer decides under sub-rule(2) to allow a recount of votes either wholly or in part he shall,-

- (a) arrange for recounting of votes in accordance with rule 55;
- (b) amend the result sheet in Form XX (Part-I) to the extent necessary after such recount.
- (c) announce the amendments so made by him.

(5) After the total number of votes polled by each candidate has been announced under sub-rule (4), the Election Officer shall complete and sign the result sheet in Form XX (Part-I) and no application for further or second recounting shall be entertained thereafter.

(6) Any candidate or his agent shall on application be permitted to take a copy of an extract from the result sheet in Form XX (Part-I).

58. Declaration of result of election:- (1) After the Election Officer has completed the scrutiny and counting of votes, he shall prepare a return of the results of the polling in Form XX (part I) and shall, subject to the provisions of Rule 60 declare that the candidate who has secured the largest number of valid votes has been duly elected.

(2) Any candidate or his agent shall, on application be permitted to take a copy of an extract from the return in the said Form XX.

59. Sealing of election papers:- (1) The Election Officer shall not open the sealed packets containing tendered ballot papers and the marked copy of the electoral roll. He shall verify the

statement submitted by the Presiding Officer under sub-rule (1) of Rule 53 by comparing it with the number of accepted ballot papers, rejected ballot papers and unused ballot papers in his possession.

(2) The Election Officer shall then make up into separate bundles in respect of each candidate-

- (i) such of the ballot papers as have been accepted as valid; and
- (ii) the remaining ballot papers which have been rejected as invalid.

He shall then make up both the bundles into one packet and seal the packet with his own seal. He shall also reclose and reseal each of the other packets which were opened by him and record on each such packet a description of its contents.

60. Disposal of Ballot Papers - (1) In case the Municipal Commissioner is not Election Officer, the Election Officer shall after declaring the results, forward a copy of the return to the Commissioner of the Municipality concerned and shall hand over to the Officer authorised by the Election Authority the packets of the ballot papers whether counted, rejected or tendered and the counterfoils of the used ballot papers. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of election tribunal or other competent Court.

(2) The Officer so authorised shall retain the packets and the marked copies of the electoral roll for a year and shall then, unless otherwise directed by the orders of an election tribunal or other competent Court, cause them to be destroyed.

61. General - (1) If any person has been elected for more wards than one, he shall by notice in writing signed by him intimate to the Election Officer, the ward for which he chooses to serve. Such intimation shall reach the Election Officer within seventy-two hours of the declaration of the results of elections in the last ward for which such person stood as a candidate.

(2) On receipt of the intimation, the Election Officer shall declare the said person to have been elected for the ward chosen by him. In default of such intimation, the Election Officer shall declare him to have been elected for any one of the wards. In either case, election proceedings shall be started afresh by the State Election Commission for filling up the resultant vacancy.

62. Equality of votes:- If there is an equality of votes between any two or more candidates, the Election Officer, shall, after notice to the candidates concerned decide by drawing lots which candidate or candidates he shall declare to have been elected. The Election Officer, shall permit the contesting candidates if they so desire, to sign on the chits before drawing lots.

63. Publication of results:- (1) The name or names of the candidate or candidates duly elected shall be forwarded without delay by the Election Officer to the Director of Printing and Stationery, Government Central Press, Hyderabad for publication in the Andhra Pradesh Gazette and shall also be published on the notice board of the Municipal Office.

(2) The Election Officer shall send a list of elected candidates to the State Election Commission, the Election Authority and the Collector concerned and also to the Revenue Divisional Officer concerned.

64. Date of election:- For the purpose of the Andhra Pradesh Municipalities Act, 1965 the date on which a candidate is declared by the Election Officer under these rules to have been elected to a municipal council shall be the date of election of the candidate irrespective of the date of publication of the result in the Gazette.

65. Interpretation of Rules: - (1) If any question arises as to the interpretation of these rules otherwise than in connection with an enquiry held under the rules for the decision of disputes as to the validity of an election the question shall be referred to the State Election Commission whose decision shall be final:

Provided that the State Election Commission shall not entertain any petition relating to irregularities that arise from the time of calling for nominations and till the declaration of results. Such cases shall be decided by the Election Tribunal.

(2) Pending the decision of the State Election Commission on any such reference made to them or the issue of final orders on any enquiry which the State Election Commission may institute upon receipt of information that an election is being or about to be held in contravention of the rules it shall be lawful for the State Election Commission to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the State Election Commission under this rule, shall be void and of no effect whatsoever.

(3) Unless it is otherwise ordered by the State Election Commission election proceedings stayed under this rule shall on cancellation of the stay order, proceed from the stage at which they were stayed on fresh dates to be fixed.

(4) If any difficulty arises as to the holding of any election under these rules, the State Election Commission may, by order, do anything not inconsistent with these rules which appears to them necessary for the proper holding of the election.

66. Special schedule in certain cases: - Notwithstanding anything contained in the foregoing rules, the State Election Commission may, for special reasons fix dates and periods other than those specified or fixed by or under these rules for all or any of the stages of the election proceedings connected therewith and the Election Authority and Election Offices shall give effect to the same.

67. Maximum election expenses:- (1) No expenses, exceeding such amount, as may be specified by the State Election Commission, by notification, from time to time, shall be incurred or authorised to be incurred by a contesting candidate or his election agent, if any, or on account of or in connection with the conduct and management of an election to the Office of Member of a ward.

(2) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct day to day account of all expenditure in connection with election,

incurred or authorised to be incurred by him, or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(3) It shall be competent for the State Election Commission to issue such instructions, as they may deem necessary, for the purposes of carrying out the provisions of sub-rules (1) and (2).

67-A. Particulars of account of election expenses: (1) The account of election expenses to be kept by a candidate or his election agent shall contain such particulars and shall be in such proforma as may be specified by the State Election Commission.

(2) The account of Election Expenses shall be submitted to the District Election Authority through the Municipal Commissioner within forty-five days of the declaration of the result of the election. The date of submitting the return in the Office of the Municipal Commissioner shall be deemed to be the date of filing the return under Section 343-ZC of the A.P. Municipalities Act, 1965. The Municipal Commissioner shall forward all returns received by him to the District Election Authority immediately on the expiry of forty-five days from the date of declaration of the results of elections.

(3) The Commissioner shall also send a list of contesting candidates who have failed to submit the accounts of election expenditure within the time specified in sub-rule (2). He shall also forward any accounts of election expenditure submitted after the due date with his report.

67-B. Notice by District Election Authority for inspection of accounts: The District Election Authority shall, within two days from the date on which the account of election expenses has been received by him, cause a notice to be affixed to his notice board, specifying,

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- (a) the date on which the account has been lodged before the Municipal Commissioner,
- (b) the name of the candidate; and
- (c) the time and place at which such account can be inspected by any intending person.

67-C. Inspection of account and the obtaining of copies thereof: Any person shall on payment of a fee of five rupees, be entitled to inspect any such account and on payment of a fee equal to cost of making copies be entitled to obtain attested copies of such account or of any part thereof.

67-D. Report by District Election Authority as to the lodging of the Account of election expenses and the decision of the State Election Commission thereon: (1) As soon as may be, after the expiration of the time specified in Section 343-ZC of the Act for the lodging of the accounts of election expenses at any election, the District Election Authority shall, report to the State Election Commission, -

- (a) the name of each contesting candidate;

- (b) whether such candidate has lodged his account of election expenses, and if so, the date on which such account has been lodged; and
- (c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.

(2) Where the District Election Authority is of the opinion that the account of election expenses of any candidate has not been lodged within the due date or lodged by not in the manner required by the Act and these rules, he shall make a report to the State Election Commission and with every such report, forward the account of election expenses of that candidate and the vouchers lodged along with it, if any.

(3) Immediately after the submission of the report referred to in sub-rule (1), the District Election Authority shall publish a copy thereof affixing the same on his notice board.

(4) As soon as may be, after the receipt of the report referred to in sub-rule (1), the State Election Commission shall, consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.

(5) Where the State Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and/or in the manner required by the Act and these rules, it shall by notice in writing call upon the candidate to show cause why he should not be disqualified, and declared to have ceased to hold office in case he is elected under Section 15-B of the Act for the failure.

(6) Any contesting candidate who has been called upon to show cause under sub-rule (5) may, within twenty days of the receipt of such notice, submit in respect of the matter a representation in writing to the State Election Commission, and shall at the same time send to District Election Authority a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

(7) The District Election Authority shall, within five days of the receipt thereof, forward to the State Election Commission, the copy of the representation and the account, if any, with such comments as he wishes to make thereon.

(8) If, after considering the representation submitted by the candidate and the comments made by the District Election Authority, and after such inquiry as it thinks fit, the State Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him by an order made under Section 15-B of the Act to be ineligible for a period of three years, from the date of the said order, to contest any election held for any office under the Act and if he is an elected candidate declare him to have ceased to hold office with immediate effect and publish the order in the Official Gazette.

CHAPTER-III

VOTING BY ELECTRONIC VOTING MACHINES

68. Design of Voting Machine:— Every Electronic Voting Machine(hereinafter referred to as the Voting machine) shall have a Control Unit and a Balloting Unit and shall be of such designs as may be approved by the State Election Commission.

69. Preparation of Voting Machine by the Election Officer:- (1) One Voting Machine shall be used for Election to the Office of Ward Member.

(2) The Balloting Unit of the voting machine shall contain such particulars in such language or languages as the State Election Commission may specify.

(3) The names of the candidates shall be arranged on the Balloting Unit in the same order in which they appear in the list of the contesting candidates.

(4) 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.

(5) Subject to the foregoing provisions of the Rule, the Election Officer shall;

- (a) fix the label containing the names and symbols of the contesting candidates in the Balloting Unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.
- (b) Set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

69-A. None of the Above (NOTA) option on Ballot Papers:- (1) Notwithstanding anything contained in these rules, in the Postal Ballot Papers and in the Ballot Papers used for conduct of poll at polling stations with Ballot Boxes or Electronic Voting Machines (EVMs), provision shall be made for 'None of the Above' (NOTA) option for the benefit of those electors who may wish to exercise their option of not voting to any of the candidates in the fray. The last panel of the ballot paper below the last candidate shall be earmarked for 'None of the Above' (NOTA) option.

(2) The State Election Commission may give such directions, as may be necessary, for effective implementation of 'None of the Above' (NOTA) option.

70. Arrangements at the Polling Stations – (1) Outside each polling station there shall be displayed prominently,-

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

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

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

71. Admission to Polling Station:- The provisions of sub-rule (4) of rule 30 shall apply to regulate the entry of electors and other persons inside the polling station.

72. Preparation of voting machine for poll:- (1) The control unit and balloting unit of every voting machine used at a polling station shall bear a label marked with:-

- (a) the serial number and the name of the ward;
- (b) the serial number and the name of the polling station;
- (c) the serial number of the unit; and
- (d) the date of poll.

(2) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule(4).

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

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

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

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

73. 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 with regard to issue of postal ballot papers and election duty certificates.

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

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

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

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

(3) Where the electors have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960 issued under Representation of People Act, 1951, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf. Where such identity cards are not issued, each elector shall establish his identity by producing any such documents as are specified, by order, by the State Election Commission.

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

76. Facilities for public servants on election duty – (1) The provisions of Rule 75 shall not apply to any person, who produces at the polling station an election duty certificate issued by Election Officer and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

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

- (a) obtain thereon, the signature of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

77. Challenging of Identity – Where the identity of an elector is challenged, the provision of rule 46 shall apply.

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

(2) If any elector,

- (a) refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or
- (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 75 he shall not be 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 to his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed

as a reference to the forefinger or any other finger if both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

79. Procedure for voting by voting machines – (1) Before permitting an elector to vote, the polling officer shall

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form –XXI
- (b) obtain the signature or the thumb impression of the elector on the said register of voters, and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote.

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

(2) It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

80. Maintenance of secrecy of voting by electors within the polling station and voting procedure – (1) Every elector who has been permitted to vote under rule 79 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

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

(3) The elector shall thereafter forthwith

- (a) proceed to the voting compartment:
- (b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote, and
- (c) come out of the voting compartment and leave the polling station.

(4) Every elector shall vote without undue delay.

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

(6) If an elector who has been permitted to vote under rule 79 or rule 83 refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) of

Rule 80 or sub-rule (3) of Rule 83, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form – XXI by the presiding officer under his signature.

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

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

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

(2) The presiding officer shall keep a record of all cases under this rule in Forms – XIV and XV.

82. [Omitted vide G.O.Ms.No.43, MA&UD, Dt:29.01.2018 due to introduction of None of the Above (NOTA) option].

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

(2) Every such elector shall before being supplied with tendered ballot paper affix his signature or thumb impression against the entry relating to him in a list in Form – XXII.

(3) On receiving the ballot paper he shall forthwith

- (a) proceed to the voting compartment;
- (b) record there his vote on the ballot paper by placing a cross mark "X" with instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote.
- (c) fold the ballot paper so as to conceal his vote,
- (d) give it to the presiding officer who shall place it in a cover specially kept for the purpose, and
- (e) leave the polling station.

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 81 for recording the vote in accordance with his wishes.

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

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

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

85. Closing of Poll – (1) The presiding officer shall close a polling station at the hour fixed in that behalf under Rule 6.

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.

86. Account of votes recorded:- (1) The presiding officer shall at the close of the poll prepare an account of votes recorded in Form – XXIII and enclose it in a separate cover with the words "Account of Votes Recorded" superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll, a true copy of the entries made in Form XXIII after obtaining a receipt from the said polling agent therefore and shall attest it as a true copy.

87. Sealing of voting machine after poll – (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from control unit.

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

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

88. Sealing of other packets – (1) The Presiding Officer shall then make into separate packets, -

- (a) the marked copy of the electoral roll;
- (b) the register of voters in Form XXI;
- (c) the cover containing the tendered ballot papers and the list in Form XXII;
- (d) the list of challenged votes; and
- (e) any other papers directed by the State Election Commission to be kept in a sealed packet.

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

89. Transmission of voting machines, etc., to the Election Officer – (1) The Presiding Officer shall then deliver or cause to be delivered to the Election Officer at such place as the Election Officer may direct,

- (a) the voting machine;
- (b) the account of votes recorded in Form XXIII;
- (c) the sealed packets referred to in rule 88 and
- (d) all other papers used at the poll.

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

90. Procedure on adjournment of poll – (1) If the poll at any polling stations is adjourned under section 343V of the Act, the provisions of rules 86 to 89, shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf.

(2) When an adjourned poll is recommended under sub-section (2) of section 343V of the Act, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Election Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with sealed packet containing the marked copy of the electoral roll, register of voters in Form XXI and a new voting machine.

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

(5) The provisions of rules 68 to 88 shall apply in relating to the conduct of an adjourned poll before it was so adjourned.

91. Closing of voting machines in case of booth capturing - Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the

poll, he shall immediately close the control unit of voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit and thereupon the provision of section 343 W of the Act, in so far as they relate to booth-capturing at a polling station shall apply.

92. Scrutiny and inspection of voting machines – (1) The Election Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

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

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

(4) If the Election Officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall report the matter to the State Election Commission.

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

(2) As the votes polled by each candidate are displayed on the control unit, the election officers shall have:-

- (a) number of such votes recorded separately in respect of each candidate in Part II of Form XXIII;
- (b) part II of Form XXIII completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and
- (c) corresponding entries made in a result sheet in Form XXIV, and the particulars so entered in the result sheet announced.

94. Sealing of Machines – (1) After the result of voting recorded in control unit has been ascertained candidate-wise, and entered in Form XXIII, and in the form prescribed for this purpose, the Election Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the election officer shall record the following particulars, namely:-

- (a) the serial number and name of the ward;
- (b) the particulars of the polling station where the control unit has been used;
- (c) serial number of the control unit;
- (d) date of poll; and
- (e) date of counting.

95. Custody of voting machines and papers relating to election –(1) All voting machines used at an election shall be kept in the custody of the concerned Collector & District Election Authority or the Officer authorized by him.

(2) The Collector & District Election authority or the Officer authorized by him shall keep in the safe custody-

- (a) the packets of marked copy of the electoral roll;
- (b) the packets containing register of voters in Form XXI;
- (c) the packets containing the number of votes recorded in respect of each candidate in Form XXIII;
- (d) all other papers relating to election;

96. Production and Inspection of voting machines and election papers – (1) While in the custody of the Collector & District Election Authority or the Officer authorized by him –

- (a) the packets of marked copy of electoral roll;
- (b) the packets containing registers of voters in Form XXI

shall not be opened and their contents shall not be inspected by, or produced before any person or authority except under the order of the competent court.

(2) The control unit sealed as per the provisions of rule 94 and kept in the custody of the Collector & District Election Authority or the Officer authorized by him and shall be stored in Government Treasury or sub-Treasury and shall not be opened and inspected by, or produced before any person or authority except under the order of the competent court.

97. Safe custody of voting machines and all other packets - (1) The Voting machines kept in the custody of the Collector & District Election authority or the Officer authorized by him shall be retained intact for such period as the State Election Commission may direct and shall not be used at any subsequent election without previous approval of the State Election Commission.

(2) All other packets relating to elections where there is no election petition, shall be destroyed as per the provisions of these rules.

98. Power of the State Election Commission to issue directions -

Subject to the other provisions of these rules, the State Election Commission may issue such directions as it may consider necessary to facilitate the proper use and operation of the voting machines and also as occasion requires to facilitate the holding of elections under these rules.

**VEENA ISH
SECRETARY TO GOVERNMENT**

NOTICE OF ELECTION

[See Rule 6]

Ordinary Elections 2020

NOTICE FOR THE ELECTION OF WARD MEMBERS of MUNICIPALITY / NAGAR PANCHAYAT.

(1) Wards notified for election:

(2) Reservation particulars :

Ward Nos.	Reservation Category

(3) Nomination papers may be delivered by a candidate or his/her proposer to the Returning Officer or to Assistant Returning Officer, at the office of _____ (place) between **11.00 A.M.** and **3.00 P.M.** from (date) _____ to _____ (date) (whether or not it is a public holiday).

(4) Nomination papers will be taken up for scrutiny at _____ (time) on _____ (date) at _____ place.

(5) Notice of withdrawal of candidature may be delivered either by the candidate or by his/her proposer / Election Agent, who has been authorised in writing by the candidate to deliver it to either of the officers specified in paragraph (2) above at his/her office before 3.00 P.M. on _____ (date) (Whether or not it is a Public Holiday).

(6) In the event of the election being contested, the poll will be taken on _____ (date) between the hours of _____ and _____ .

(7) Counting of votes will commence at _____ on _____ (date) at _____ (time).

Place:

ELECTION OFFICER

Date:

** Strike off the inappropriate alternative.*

An Election officer is appointed for a group of 2-4 wards. In the Notice, the EO shall give notice for the wards assigned to him only.

FORM - I

Nomination Paper to be filled by the Candidate

[See Rule 8(1)]

Election to the Municipality.

Nomination for election as Member from Ward No.
(Name of the Ward)

1.	Full Name of the Candidate: (in block letters)	
2.	Number of candidate in the electoral roll:	
3.	Father's or Husband's Name:	
4.	Age:	
5.	Sex:	
6.	Occupation and address:	
7.	Community: OC/SC/ST/BC:	
8.	Full name of the proposer:	
9.	No. of the proposer in the electoral roll:	
10	Signature of the proposer:	
.		

(to be filled by the candidate)

I declare that I am willing to stand for Election as Ward Member from the ward of Municipality on the Symbol ofParty/Free Symbol allotted by the Election Officer as per the directions of the State Election Commission.

I further declare that the code of conduct prescribed by the State Election Commission has been read by me / read over to me and I will abide by the conditions stipulated therein.

Date:

Signature of Candidate.

(To be filled by the Election Officer)

Serial No. of the Nomination Paper:

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

Election Officer or Authorised Person

Note:- *In respect of Municipalities for which the office of the member is reserved for S.Cs / S.Ts/ B.Cs, the certificate prescribed in Rule 8(8) shall be enclosed.*

Decision of Election Officer accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with Rule 12 of the Andhra Pradesh Municipalities (Conduct of Election of members) Rules, 2005 and decided as follows:-

Accepted / Rejected

Date:

Election Officer

.....

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial Number of Nomination Paper.....

The Nomination Paper of a candidate for election as member from Ward no. Ward in Municipality was delivered to me at my office (hours) on (date) by the candidate / proposer. All the Nomination Papers will be taken up for scrutiny at (hours) on (date)Place.

Date:

Election Officer or
Other Authorised person

FORM – I A
DECLARATION AS TO CHOICE OF SYMBOLS

(Election to the office of Member of.....Ward inMunicipality / Nagar Panchayat).

(i) I am set up at this election as a candidate for this office by..... Party, which is a Recognized National Party / Recognized State Party in the State of Andhra Pradesh/ Recognized State Party in other States / Registered Political Party with a reserved symbol.

OR

(ii) I am set up at this election as a candidate for this office by the Party which is a Registered Political Party without a reserved symbol / that I am contesting the election as an Independent candidate (strike out which is not appropriate) and that the symbols I have chosen, in order of preference are indicated here under :-

- 1.
- 2.
- 3.

Date:-

Signature of Candidate
Name:

FORM - II

[See Rule 8 (8)]

**Declaration in the case of Scheduled Tribe / Scheduled Caste / Backward Class
Candidate**

I hereby declare that I am a member of the Scheduled Tribe /
Caste / Backward Class in Andhra Pradesh in relation to Tribe /Caste / Backward Class in
Andhra Pradesh in relation to District or area in the State.

Date:

Signature of Candidate

The above declaration is solemnly affirmed before me by who is
personally known to me / who has been identified to my satisfaction by

Signature of an Officer of the Revenue
Department not below the rank of Deputy Tahsildar

Full Designation:

(Seal of the Office)

Date:

FORM - III

[See Rule 11]

List of Nominations received on for election as member,
(date)

.....**Ward****Municipality**

Sl. No	Name of the candidate	Father's / Husband Name	Age	Sex	Occupation and Address	Where the candidate is a member of the ST/ SC/ BCs, the particular Tribe / Caste /Class to which the candidate belongs	Name of the proposer	Serial No. of proposer in the (Ward) list in which his name is included
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Note: Column No. 7 to be filled up only in the case of a (ward) where the seat to be filled up is reserved for the STs/ SCs/ BCs. In other cases this column shall be struck off.

Election Officer or other Authorised person

FORM -IV

[See Rule 12 (4)]

**List of Validity Nominated Candidates Election to the Office of the member
..... Ward Municipality.**

Sl.No.	Name of the Candidate	Name of *Father / Mother / Husband	Address of Candidate	Party Affiliation
(1)	(2)	(3)	(4)	(5)

Place:

Date:

Election Officer

*Strike off the inappropriate alternative.

FORM - V

[See Rule 13 (1)]

Notice of withdrawal of candidature by the candidate

Election to the Member of.....Ward Municipality

The Election Officer.

I (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) that.....

Date: Election 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 the ward no. was delivered to me by the at my office at (hour) to me by the candidate * the candidate's proposer / election agent who has been authorised in writing by the candidate to deliver it at my office at (hour) on(date)

Date:

Election Officer

* Strike off whichever is inapplicable

FORM – VI

[See Rule 13 (2)]

Notice of Withdrawal of Candidatures

ELECTION TO THE WARD MEMBER/..... Municipality

Notice is hereby given that the following validly nominated

- * Candidate / candidates at the above election withdraw his
- * Candidature / their candidatures today.

Name of validly nominated candidate	Address of validly nominated candidate	Remarks
1. 2. 3. 4. 5. 6. 7. 8.		
Date:		Election Officer.

* Strike off the inappropriate alternative

FORM - VII

[See Rule 14 (1)]

(The list of contesting candidates)

Names of the Municipality.....

Election to the office of Member of Ward no..... & Name

Sl. No	Name of the Candidate	Sex	Address of Candidate	Party affiliation, if any	Distinctive symbol assigned to candidate
(1)	(2)	(3)	(4)	(5)	(6)

Note:-The poll will be taken between the hours of and (date)
at the polling stations fixed for the poll to be notified separately.

Place

Date

Election Officer

FORM - VIII

[See Rule 17 (1)]

Appointment of Election Agent

To

The Election Officer

For the election of member Ward Municipality.
(No) (Name)

I a candidate for the election as member Ward hereby appoint
..... of as my election agent from this day at the above election.

Place

Date

Signature of Candidate

I accept the above appointment.

Place

Date

Signature of Election Agent

FORM - IX

[See Rule 18 (1)]

Appointment of Polling Agent

Election to the member..... Ward Municipality
(No) (Name)

To

The Election Officer

I a candidate for election as member, Municipality
..... Election Agent of Sri..... who is a candidate at
the present election, do hereby give notice that I have appointed as polling
agent to attend the Polling Station the polling booth No..... at the Polling
Station the place fixed for the poll.....

Signature of Candidate/
Election Agent

Place
Date

I agree to act as such polling agent.....

Place
Date.....

Signature of Polling Agent

Declaration of Polling Agent to be signed before the Presiding Officer

I hereby declare that I will not at this election do anything forbidden by Section 343 F of
the Andhra Pradesh Municipalities Act, 1965 which I have read or which has been read out and
explained to me.

Signature of the Polling Agent

Signed before me

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

Presiding Officer

FORM - X

[See Rule 19 (1)]

Appointment of Counting Agent

Election to the member..... Ward Municipality
(No) (Name)

To

The Election Officer

I a candidate for the election of member Municipality
..... Election Agent of Sri..... candidate at the present
election, do hereby give notice that I have appointed as a counting agent to..... at the
counting of votes.

Signature of the Candidate /
Election Agent

I agree to act as such counting agent.....

Date:.....

Place

Signature of Counting Agent

Declaration of Counting Agent to be signed before the Election Officer

I, hereby declare that at this election I will not do anything forbidden by
Section 343 F of the Andhra Pradesh Municipalities Act, 1965 which I have read or which has
been read out and explained to me.

Date.....

Signature of Counting Agent

Signed before me.

Date.....

Election Officer

FORM X-A

[See Rule 23-A (1)]

APPLICATION FOR ISSUE OF POSTAL BALLOT PAPER

Election to the office of Member of Ward of Municipality
/ Nagar Panchayat.

To

The Election Officer,

..... Ward,

..... Municipality / Nagar Panchayat.

Sir,

I intend to cast my vote by post at the ensuing election to the office of Member of
..... Ward of Municipality / Nagar Panchayat.

My name is entered in the electoral roll at Serial No. in Polling Station No
..... of the said Ward.

The ballot paper may be sent to me at the following address:

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

Place :.....

Date :.....

Yours faithfully

.....

FORM X-B
[See Rule 23-A (2)]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To
The Election Officer,
..... Ward,
..... Municipality / Nagar Panchayat.
Sir,

I intend to cast my vote in person at the ensuing election to the office of Member of
..... Ward of Municipality / Nagar Panchayat.

I have been posted on election duty within the ward constituency
at (No. & Name of the Polling Station), but my name is entered
at Serial No..... in Polling Station No. of Ward No.
.....comprised within the Municipality / Nagar Panchayat.

I request that an Election Duty Certificate in Form X-C may be issued to enable me
to vote at the polling station where I may be on duty on the polling day. It may be sent
to me at the following address.

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

Place :.....
Date :.....

Yours faithfully
.....

FORM X-C

[See Rule 23-A (2)(a)]

ELECTION DUTY CERTIFICATE

Certified that Sri / Smt. / Kum. is an elector in the Ward of Municipality / Nagar Panchayat His / her electoral roll number is..... By reason of his being on election duty, he / she is unable to vote at the polling station where he / she is entitled to vote and that he / she is, therefore, hereby authorised to vote at any polling station in the said Ward of Municipality / Nagar Panchayat.

Place: _____

Date : _____

Signature of Election Officer

Ward No. _____

_____ Municipality / Nagar Panchayat

FORM - XI
[See Rule 24 (1)]

Instructions

1. Not more than one vote may be given to a candidate.
2. The ballot paper printed on coloured paper with their names and symbols indicate that they are intended to be used for voting in the election of member.
3. Vote shall be recorded by placing a mark on the ballot paper opposite the name of the candidate for whom the votes wishes to vote (please also see further in the accompanying letter).
4. A voter shall obtain the attestation of his signature on the back of this form by any Gazetted officer whom the voter is personally known or to whose satisfaction the voter has been identified; or
 - (a) in case where the voter is a member of Armed Force of the Union or a member of the Armed Police Force of the State serving outside the State, by the Commanding Officer of the unit in which the voter is employed; and
 - (b) in case where the voter is a person subject to preventive detention by the Superintendent of the Jail or the commandant of the detention camp in which the voter is under detention.
 - (c) In case of voters on election duty referred to in Rule 23-A, by the Presiding Officer of the polling station at which he is on election duty
5. The attesting officer shall attest the signature of the vote but not his vote which should not be recorded in the presence of the attesting officer.

(FORM ON THE BACK OF BALLOT PAPERS)

Serial Number of ballot paper.....

I hereby declare that I am the person whose name appears as voter No..... on the electoral roll for..... Ward and that I have not voted in this ward in any other manner and that at this ordinary / casual election I have not voted in any other ward.

Date:.....

Signature of the voter

Signed in my presence by Who is personally known to me (or who has been identified to my satisfaction).

Signature of Attesting Officer
Stamp
Address.....
Date

FORM - XII
[See Rule 24 (2) (a)]

Form of Cover

Election of member.....Ward..... Municipality
(No.) (Name of the ward)

To

The Election Officer

Address.....

No.....

FORM - XIII

[See Rule 24 (2) (c)]

Form of Letter of Intimation

Election to the Member of..... Ward..... Municipality 2005.

Dear Sir / Madam,

1. The persons names are printed on the ballot paper sent herewith are the contesting candidates for election of Member of ward no. municipality should you desire to vote at this election, I have to request that - -
 - (a) you will record your vote by placing a mark on the ballot paper opposite the name of the candidate for whom you wish to vote.
 - (b) you shall not place mark opposite the name of more than one candidate.
 - (c) you will sign the declaration on the back of the ballot paper in the presence of an attesting officer who shall attest only your signature but not your vote which you should not record in the presence of the attesting Officer.
 - (d) you will then place the ballot paper in the envelope sent with this letter and close it up and enclose the envelope in the cover addressed to me and return the cover to me by prepaid post or by messenger so as to reach me before the hour fixed for commencement of counting of votes.
2. Covers returned by the post on which the postage has not been prepaid will not be received by me.
3. The officers who are empowered to attest ballot papers have been specified in the instructions sent along with the ballot paper.
4. Rule 27 of the Andhra Pradesh Municipalities (Conduct of Election of Members) Rules, 2005 provides that if a voter is illiterate or unable due to physical incapacity to record his vote and sign the declaration on the back of the ballot paper he may make his declaration and record his vote by the hand of an Officer referred to in paragraph 3 above who is empowered to attest his signature and such voter may for this purpose deliver his ballot paper together with the envelope and the cover sent with this letter to such officer and request him to sign the declaration on the back of the ballot paper and to mark the ballot paper for such voter. The said rule further provides that such officer - -

- (a) shall on being so requested by the voter certify on the back of the ballot paper the voter's incapacity and shall attest the fact that he was requested by the voter to sign the declaration on the back of the ballot paper and to mark the ballot paper for him and that he has put the mark on the ballot paper in accordance with the wishes of the and that the ballot paper was so signed and marked by him in the presence of the voter, and
- (b) shall thereupon place the marked ballot paper in the envelope mentioned above and close the same and enclose it in the cover referred to above and seal it and handover the sealed cover to the voter and the voter shall then send in forthwith to the Election Officer in accordance with the instructions contained in clause (d) of paragraph (1) of this letter.

5. Sub – rule (6) of Rule 56 of the aforesaid rules provides as follows:

A postal ballot paper which is not duly marked or on which, (a) more than one mark is placed against any candidate's name, or (b) votes are given to more candidates than one candidates to be elected, or (c) a mark is placed in such a manner as to make doubtful to which candidate it has been given, or (d) the signature of the voter is not duly attested, shall be invalid.

6. Your number on the elected roll for Ward is You should insert this number in the declaration the back of the ballot paper.

Address:.....
.....

Yours faithfully,
Election Officer.

Date:.....

FORM - XIV

[See Rule 42 (2)]

Declaration by the companion of blind or infirm voter

Election of member Ward Municipality.

Name of the Polling Station / Booth

I Son of aged years resident of
..... hereby declare that
.....

1. I have not acted as companion of any other elector at any Polling Station / booth today
the and

2. I will keep secret the vote recorded by me on behalf of
.....

Signature of the Companion

FORM - XV

[See Rule 42 (2)]

List of blind or inform voters

Part No. & Sl.No. of Elector	Full name of the elector	Full name of the companion	Address of companion	Signature or left thumb impression of companion
(1)	(2)	(3)	(4)	(5)

Signature of Presiding Officer

Polling Station No. & Name

FORM - XVI

[See Rule 45 (2)]

Tender Votes List

Election of member to..... Ward..... Municipality.
(No.) (Name of the ward)

No. and name of the Polling Station

Part No., Sl. No. and name of the Elector	Address of elector	Sl. No. of tendered ballot paper	Sl. No. of the ballot paper issued to the person who has already voted	Signature or left thumb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)

Date:

Signature of Presiding Officer

FORM - XVII

[See rule 46 (2) (c)]

List of challenged votes

Election of member to..... WardMunicipality.
(No.) (Name of the ward)

Name and No. of the Polling Station

Sl. No. of entry	Name of the elector	Serial number of		Signature of thumb impression or person challenged
		Part of roll	Elector's name in the part	
(1)	(2)	(3)	(4)	(5)

Address of the person challenged	Name of the identifier, if any	Name of the challenger	Orders of polling officer	Signature or challenger on receiving refund of deposit
(6)	(7)	(8)	(9)	(10)

Date:

Signature of Presiding Officer

FORM - XIX*[See Rule 53 (1)]***BALLOT PAPER ACCOUNT**
(when ballot boxes are used)**Ballot Paper Account to be sent by Presiding Officer in respect of Election of Member**
..... Ward Municipality/Nagar Panchayat**PART - I**

Ward No.....

Municipality/Nagar Panchayat

Name and No. of the Polling Station.....

Sl. No.	Details	Serial No (s)		Total No
		From	To	
(1)	(2)	(3)	(4)	(5)
1	Ballot Papers Received	.....	.....	.....
2	*Ballot Papers unused (i.e. not issued to Voters):			
	(a) With the signature of Presiding Officer	.....	
	(b) Without the Signature of Presiding Officer	.....	
	(c) 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 41	.....	
	(b) Ballot Papers cancelled for other reasons	.....	
	(c) Ballot Papers used as Tendered Ballot Papers	.....	
	(d) Total (a) + (b) + (c)			.....
5	* Ballot Papers to be found in the Ballot Box (3-4=5)			.....

Place :**Date :****Signature of the Presiding Officer****PS No. & Name**

* Serial number need not be given

FORM - XX
[See Rule 58(1)]

PART – I

**Return showing the results of the election of Member Ward
Municipality / Nagar Panchayat.**

Sl.No.	Name of the Candidate	Party affiliation	No. of valid votes cast
(1)			
(2)			
(3)			
(4)			
(5)			

Total No. of Electors : _____
Total No. of valid votes polled : _____
Total No. of votes polled for 'None of the Above' (NOTA) option : _____
Total No. of rejected ballot papers : _____

1. Signature of Counting Supervisor

Date:.....

2. Signature of Election Officer

PART – II
Declaration to be made by the Election Officer

I do hereby declare that –

Name: Party affiliation (if any):

Address:

has been duly elected as Member Ward Municipality / Nagar
Panchayat.

Place:

Date:

Election Officer

FORM – XXI

[See Rule 79]

Register of Voters

Election to the office of the member Ward..... Municipality
(No.) (Name of the ward)

No. & Name of the Polling Station _____

Sl. No.	Sl. No. of elector in the electoral roll	Signature / Thumb impression of elector	Remarks
1			
2			
3			
4			
Etc			

Date

Signature of the Presiding Officer

FORM – XXII

[See Rule (83)]

List of Tendered Votes

Election to the office of the..... Ward Municipality
(No.) (Name of the ward)

No. & Name of the Polling Station _____

Sl. No.	Name of Elector	Sl. No. of elector in electoral roll	Sl. No. in Registered of voters (Form) of the person who has already voted in place of elector	Signature / Thumb impression of elector
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Date:

Signature of the Presiding Officer

FORM No. XXIII

[See Rule (86)]

PART – I – Account of Votes Recorded

Election to the office of the Ward Municipality
(No.) (Name of the ward)

No. & Name of the Polling Station _____

Identification No. of Voting Control Unit _____

Machine Number used at the polling station balloting unit _____

1. Total No. of electors assigned to the Polling Station.
2. Total No. of voters as entered in the Register of voters(Form-XXI)
3. *[Omitted]*
4. No. of voters not allowed to vote under Rule 80.
5. Total No. of votes recorded as per voting machine.
6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus No. of voters as against item 4.
[5=2-4] or any discrepancy noticed.
7. No. of voters to whom tendered ballot Papers were issued under Rule 83.
8. No. of tendered ballot papers.

	From	_____	Sl. No.	_____
			To	
(a)	received for use			
(b)	issued to electors			
(c)	not used returned			

9. Account of papers seals

1. Serial number of paper seal
From Sl. No. To .
2. Total number supplied.
3. Number of paper seals used.
4. Number of unused paper seals
returned to Election Officer
(Deduct item 3 from item 2)
5. Serial number of damaged paper seal, if any

Signature of Polling Agents.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Date
Place

Signature of Presiding Officer
Polling Station No.

Part – II

Result of counting
Rule 93 (2) (a) (b)

Sl.No.	Name of the Candidate	No. of Votes recorded
1		
2		
3		
4		
5		
6		
7	None of the Above (NOTA)	
	Total:	

Whether the total nos. of votes shown above tallies with the total No. of votes shown against item 5 of Part – I or any discrepancy noticed between the two totals. If any discrepancy noticed, the reasons for discrepancy are

Place:

Date:

Counting Supervisor

S.No.	Name of the Candidate/ Election Agent/ Counting Agent	Full Signature
1)		
2)		
3)		
4)		
5)		
6)		

Place:

Date:

Election Officer

FORM – XXIV
FINAL RESULT SHEET

(to be used when the counting of votes is done by mixing where Ballot Boxes are used)

***Ordinary/ Casual Elections**

Election to Member of Ward No of Municipality.

Sl. No.	Polling Station No.	Total votes found in the ballot box (es)	No. of tendered votes
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
Total			

1. Total No. of valid votes recorded for candidates and of rejected Ballot Papers	Candidate's wise polled valid votes				Total Valid Votes (A+B+C+D) = (I)	No. of rejected votes (II)	NOTA (III)	Total votes polled (I)+(II)+(III)
	A	B	C	D				
1st Round								
2nd Round								
3rd Round								
4th Round								
5th Round								
6th Round								
2. Total number of valid votes recorded on postal ballot papers for candidates and of rejected Postal ballot papers								
Grand Total								

Place.....

Date

Election Officer

* Strike off the inappropriate alternative.

**A.P. MUNICIPALITIES (CONDUCT OF ELECTION OF CHAIRPERSON AND
VICE-CHAIRPERSON) RULES, 2005**
**[G.O.Ms.No.763, M A & UD (Elec.II), Dt.19-08-2005 and published in
A.P. Gazette, R.S. to Part-I (Ext), dt.20-08-2005]**

In exercise of the powers conferred by clause (b) of sub-section (2) of Section 326 read with clause (12) of Section 2, Sections 5, 10A, 23 and 27 of the APM Act, 1965 (Andhra Pradesh Act 6 of 1965) and in supersession of the Andhra Pradesh Municipal Councils / Nagar Panchayats (Direct Election of Chairperson) Rules, 1986 issued in G.O.Ms.No.629. Housing, MA & UD (Elections), dt.12-11-1986, as amended from time to time, the Governor of Andhra Pradesh hereby makes the following Rules relating to Conduct of Election of Chairperson and Vice-Chairperson of Municipality.

PART I
Preliminary

1. Short title:- These Rules may be called the Andhra Pradesh Municipalities (Conduct of Election of Chairperson and Vice-Chairperson) Rules, 2005.

2. Definitions:- In these Rules, unless the context otherwise requires,--

- (i) "*Act*" means the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965);
- (ii) "*Election Authority*" means such officer or authority as may be appointed by the State Election Commission under clause (12) of Section 2;
- (iii) "*Form*" means the Form appended to these Rules;
- (iv) "*Municipality*" includes a Nagar Panchayat;
- (v) "*Section*" means a section of the Act; and
- (vi) Words and expression used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Powers of Election Authority:- Subject to the general superintendence, direction and control of the State Election Commission, the Election Authority shall be responsible for the conduct of elections of the Chairperson and Vice-Chairperson.

PART-II
ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON OF MUNICIPALITY

4. Convening of special Meeting for Election of Chairperson:- (1) a special meeting of the members of Municipality Specified in clauses (i) to (iv) of sub-section (2) of Section (5) of the Act shall be held in the Office of the Municipality by any Gazetted Officer of the Government authorized by the District Collector in this behalf in Form I, for the election of Chairperson and Vice-Chairperson in the manner laid down hereafter.

(2) Notice of the date and hour of such meeting shall be given in Form-II to the members specified in clauses (i) to (iv) of sub-section (2) of Section 5 of the Act atleast three clear days in advance of the date of the meeting fixed for the election of the Chairperson and Vice-Chairperson by the District Collector or the Gazetted Officer authorized by him.

5. Quorum:- No meeting for the conduct of election of Chairperson or Vice-Chairperson shall be held unless there be present at the meeting at least one-half of the number of members then on the Municipal Council who are entitled to vote at the election within one hour from the time appointed for the meeting;

Provided that where at an election held for the purpose, the Chairperson or Vice-Chairperson is not elected, a fresh election shall be held on the next day whether or not it is a public holiday for the Municipality concerned and where the Chairperson or Vice-Chairperson could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election;

Provided further, that where the election of Chairperson or Vice-Chairperson could not be conducted in the first two special meetings convened for the purpose for want of quorum, the Chairperson or Vice-Chairperson shall be elected in the subsequent meeting/meetings convened for the purpose from among the members present without insisting for quorum.

Explanation :- For the purpose of this rule, it is hereby clarified that in determination of one-half of the members under this rule, any fraction below 0.5 should be ignored and any fraction of 0.5 or above shall be taken as one.

6. Manner of election:- (1) A candidate for the office of Chairperson or Vice-Chairperson shall be proposed by one member and seconded by another, who are entitled to vote. If any candidate claims to be contesting on behalf of a recognized political party, he shall produce an authorization, from the President of the Party in the State President under his office seal and such authorization shall be produced before the or a person duly authorized by the State Presiding Officer on or before 10.00 a.m., on the day of the election.

The names of all candidates validly proposed and seconded shall be read out, along with the name of the political party which has set him up, by the Presiding Officer in such a meeting.

(2) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.

(3) If there are two or more candidates, election shall be held by show of hands and votes taken of the members present at the meeting.

(4) When an election notice is issued for conducting election to both the offices of Chairperson and Vice-Chairperson, no election to the office of the Vice-Chairperson shall be conducted, unless the office of the Chairperson is filled up. Only after completion of election of Chairperson, the Presiding Officer shall conduct election of Vice-Chairperson.

(5) The Presiding Officer shall thereafter record the number of votes polled, for each such candidate ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(6) In the event of there being an equality of votes between two or more candidates, the Presiding Officer shall draw lots in the presence of the members and the candidates whose name is first drawn shall be declared to have been duly elected.

(7) Every recognized political party may appoint on behalf of that political party a whip and intimation of such appointment shall be issued by the State President or a person authorised by him under his seal and such intimation shall be sent to the Presiding Officer to reach him on or before 11.00 a.m., on the day preceding the day of the election to the office of the Chairperson and Vice-Chairperson.

Explanation:- Recognized political party means a political party recognized by Election Commission of India, New Delhi, as per the provisions of Election Symbols (Reservation and Allotment) Order, 1968 issued under Article 324 of the Constitution of India.

(8) (I) Any member of the Municipality elected on behalf of a recognized political party, shall cease to be a Member of the Municipality for disobeying the directions of the Party Whip so issued.

(ii) The Presiding Officer shall, on receipt of a written report from the Party Whip within three days of the election that a member belonging to his party has disobeyed the Whip issued in connection with the election, give a show-cause notice to the member concerned as to why he should not be declared to have ceased to hold office and that he should make any representation within seven days from the date of the notice. The Presiding Officer shall, consider any explanation given and pass a speaking order in the matter of cessation for disobedience of the Whip. If no explanation is received, the Presiding Officer shall pass an order on the basis of the material available with him.

7. Record of Proceedings:- Immediately after the declaration of the result of the election, the Presiding Officer, shall, --

- (a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the members who participated in the meeting.
- (b) publish on the notice board of the Municipality a notice signed by him stating the name of the person elected as Chairperson/Vice-Chairperson of the Municipality and send a copy of such a notice to the State Election Commission, the Commissioner & Director of Municipal Administration and the District Collector. A copy of the notice shall also be given to the candidate who is declared elected as Chairperson/Vice-Chairperson of the Municipality.

PART-III

**Filling up of Casual Vacancies in the Office of Chairperson and Vice-Chairperson
of Municipality**

8. Procedure for filling casual vacancies:- The Rules in Part-II shall apply for filling up a casual vacancy in the office of the Chairperson/Vice-Chairperson of a Municipality :

Provided that every casual vacancy shall be filled up within a period of six months from the date of occurrence of such vacancy.

**VEENA ISH,
SECRETARY TO GOVERNMENT**

FORM - I

[See Rule 4 (1)]

I, (name), District Collector hereby authorize Sri..... (name and designation), to convene the special meeting of the Members of Municipality specified in clauses (i) to (iv) of sub-section (2) of Section 5 of the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965) for the election of the Chairperson and Vice-Chairperson ofMunicipality.

Place :

(Signature)

Date :

District Collector.

FORM - II

Notice of Special Meeting for Election of Chairperson and Vice-Chairperson

[See Rule 4 (2)]

Notice is hereby given to Sri.....elected / ex-officio member of the Municipality that a special meeting of the Members of the Municipality will be held at (time.....) on (date) at its office for the election of the Chairperson and Vice-Chairperson. The member is requested to make it convenient to attend the meeting.

Place :

(Signature)

Date :

District Collector / Gazetted Officer
authorized by the District Collector.

ANDHRA PRADESH MUNICIPALITIES (DECISION OF ELECTION DISPUTES)
RULES, 1967

[G.O.Ms.No.1118, MA., dated 17th August, 1967:
G.O.Ms.No.587, dated 20th September, 1967]

In exercise of the powers conferred by clause (b) of sub-section (1) of Section 326 of Andhra Pradesh Municipalities Act, 1965 (Andhra Pradesh Act 6 of 1965], the Governor of Andhra Pradesh hereby makes the following rules for the decision of election disputes, the same having been previously published at pages 55-60 of Rules Supplement to Part 1 of Extraordinary issue of the Andhra Pradesh Gazette, dated 7th April, 1965 as required under clauses (a) and (b) of sub-section (1) of Section 327 of the said Act.

1. (1) Save as otherwise provided, no election held under the Andhra Pradesh Municipalities Act, 1965 whether of a Councill or, Chairman or Vice-Chairman, shall be called in question except by an election petition presented in accordance with these rules to an Election Tribunal as defined by sub-rule (2) by any candidate or elector against the candidate who has been declared to have been duly elected (hereinafter called the returned candidate) or if there are two or more returned candidates against all to any of such candidates.

(2) The Election Tribunal shall be-

- (a) the Subordinate Judge having territorial jurisdiction over the Municipal area or if there is more than one Subordinate Judge, the Principal Subordinate Judge, or
- (b) If there is no such Subordinate Judge, the District Judge having such jurisdiction;

Provided that an election petition may, on application be transferred-

- (i) if presented to Subordinate Judge under clause (a) by the District Judge, concerned to another Subordinate Judge within his jurisdiction or to his own file; and
- (ii) if presented to a District Judge under clause (b) by the High Court to another District Judge or to Subordinate Judge in another district.

(3) Where an election petition is transferred to any Subordinate or District Judge under the foregoing proviso, such judge shall be deemed to be an Election Tribunal.

(4) An Election Tribunal exercising jurisdiction under these rules shall be deemed to exercise such jurisdiction as a persona designate and not in his capacity as a judge of the Court over which he preside.

2. (1) The petition shall be presented within fifteen days of the date of the declaration of the results of the election.

Explanation:- If the Court of the Subordinate Judge or District Judge who is an Election Tribunal is closed on the last of the Fifteenth day referred to in this sub-

rule, the petition may be presented to the Election Tribunal on the next day of the opening of such Court.

(2) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleading under Code of Civil Procedure, 1908.

3. (1) If the irregularities alleged in the petition are likely to affect validity of the election of more than one returned candidate, the petitioner shall join as respondents to his petition all such returned candidates.

(2) A petitioner may claim any of the following declarations :-

(a) that the election of the returned candidate is void;

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected and in such case he shall join as respondents to his petition all other candidates who were nominated for the election but had not withdrawn before the polling; and

(c) that the election as whole is void.

4. (1) At the time presentation of the petition, the petitioner shall deposit with it, as security for the cost of the same,-

(i) a sum of five hundred rupees in the case of election of Chairman; and

(ii) a sum of one hundred rupees in any other case.

Explanation :- Where the election of more than one returned candidate is called in question, a separate deposit shall be made in respect of each such returned candidate.

(2) If the provisions of sub-rule (1) are not complied with, the Election Tribunal shall dismiss the petition.

(3) Upon compliance with the provisions of sub-rule (1) the Election Tribunal shall proceed to inquire into the petition.

5. The Election Tribunal shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Chairman of the municipal council concerned and the Election Authority. Copies shall also be affixed to the notice board of the court over which the Election Tribunal presides in his capacity as a judge and of the municipal office. The Election Tribunal may also call on the petitioner to execute a bond for such amount and with such sureties as he may require for the payment of any further costs. Any candidate not already a respondent shall upon an application made to the tribunal within fourteen days after such publication of the notice shall be entitled to be

joined as a respondent on furnishing similar such security as may be demanded by the Election Tribunal.

6. Every election petition shall be inquired into by the Election Tribunal as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits:

Provided that it shall only be necessary for the Election Tribunal to make a memorandum of the substances of the evidence of any witness examined by him.

Provided further that the Tribunal shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness if it is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such evidence is doing so on frivolous grounds or with a view to delay the proceedings.

Provided also that no witness or other person shall be required to state for whom he has voted at an election.

Explanation :- The Election Tribunal shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters :-

- (a) discovery and inspection;
- (b) enforcing the attendance of witness and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witness on oath;
- (e) reception of evidence taken on affidavit; and
- (f) issuing commissions for examination of witnesses and may summon and examine suo motu any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898).

7. (1) No election petition shall be withdrawn without, the leave of the Election Tribunal.

(2) If there are more petitioner than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the manner specified in Rule 5.

(4) If the application is granted-

(a) the petitioner shall be ordered to pay the cost of the respondent therefore incurred or such portion thereof as the Election Tribunal may think fit, and.

(b) such withdrawal shall be communicated to the Chairman of the municipal council concerned and the Election Authority and also the other respondents by the Election Tribunal.

(5) Any order made by the Election Tribunal regarding the costs of the inquiry shall be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by the Election Tribunal in the capacity as the Judge of a Court.

8. (1) An election petition shall abate only on the death of sole petitioner or of the survivor of several petitioners.

(2) Where an election petition abates under sub-rule (1) the Election Tribunal shall cause the fact to be published on the District Gazette.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner and upon such compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue with proceedings upon such terms as the Election Tribunal may think fit.

9. Where at any inquiry into an election petition any candidate other than a returned candidate claims the seat for himself, the returned candidate or candidates or any other party to the proceedings may produce evidence to prove that the election of such candidate would have been void if he had been a returned candidate and a petition had been presented complaining of his election.

10. If in the opinion of the Election Tribunal-

- (a) a returned candidate, his agent or any other person with the connivance of such candidate or agent, has committed or abated the commission of any election offence falling under Section 18 of the Act or under Chapter IX-A, of the Indian Penal Code, or
- (b) the election of a returned candidate has been procured or induced or the result of the election has been materially affected by any of the following corrupt practices :-
 - (i) any election offence falling under Section 18, of the Act or under Chapter IX-A of the Indian Penal Code when committed by a person who is not a candidate or his agent or a person acting with the connivance of the candidate or his agent;
 - (ii) any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote;
 - (iii) The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance or passengers by hire :

Provided that any elector may hire any boat, vehicle or animal of use any boat, vehicle or animal which is his own property to convey himself to / or from the place where the vote is recorded; and

- (iv) the hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted of any building, room or other place where intoxicating liquor is sold to the public; or
- (c) the result of the election has been materially affected by any irregularity in respect of a nomination paper or by the improper reception or refusal of a nomination paper or vote or by any non-compliance with the provisions of the Act or the Rules made thereunder.

The election of such returned candidate shall be void;

Provided that, if the Election Tribunal is of opinion that, any corrupt practice specified in clause (b) of this rule which does not amount to any form of bribery other than treating as hereinafter explained has been committed and if the Election Tribunal is further of opinion that the candidate has satisfied him, that;

- (a) no corrupt practice was committed at such election by the candidate and that any corrupt practices committed were committed contrary to the orders and without the sanction or connivance of such candidate;
- (b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election;
- (c) the corrupt practices committed were of trivial, unimportant and limited character; and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents; then the Election Tribunal may find that the election of such candidate is not void.

Explanation :- For the purposes of this rule treating' means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

11. (1) The Election Tribunal shall as far as possible within fourteen days of the conclusion of the enquiry, by order declare whether the election of the returned candidate or candidates is void under Rule 10;

(2) If the Election tribunal declares the election of that returned candidate or candidate as void, it shall further pass on order, either-

- (a) declaring the petitioner or any other candidate as duly elected; or
- (b) ordering a fresh election:

(3) The order of the Election Tribunal under sub-rules (1) and (2) shall be final.

(4) A copy of every order under sub-rule (1) or sub-rule (2) shall be communicated to the Commissioner of the Municipal Council concerned and the Election Authority.

12. When an election is declared void under sub-rule (1) of Rule 11 and a fresh election is ordered under clause (b) of sub-rule 2 of that rule, the seat of the returned candidate or the seats of the returned candidates, as the case may be, shall be deemed to be vacant from the date of the order of the Election Tribunal and the authority concerned shall forthwith take necessary steps for holding such fresh election.