

MINISTRY OF DEFENCE

NOTIFICATION

New Delhi, the 21st August, 2007

S.R.O. 5(E).—Whereas, certain draft Cantonment Electoral Rules, 2007 were published, as required by section 31 of the Cantonments Act, 2006 (41 of 2006), in Part-II, Section 4 of the Gazette of India, dated the 19th April, 2007, *vide* notification of the Government of India in the Ministry of Defence number S.R.O. 2(E), dated the 19th April, 2007 for inviting objections and suggestions from all persons likely to be affected thereby till the expiry of the period of sixty days from the date on which the copies of the said Gazette notification were made available to the public;

And, whereas, the copies of the said Gazette were made available to the public on different dates after 19th April, 2007, ending on 22nd May, 2007 by the Cantonment Boards;

And, whereas, all the objections and suggestions received before the date so specified have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 31 of the said Act, the Central Government hereby makes the following rules, namely :—

CHAPTER I

GENERAL

1. **Short title and extent.**—(1) These rules may be called the Cantonment Electoral Rules, 2007.

(2) It shall extend to the Cantonments in the whole of India

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context.—

- (a) “Act” means the Cantonments Act, 2006 (41 of 2006);
- (b) “Board” has the same meaning assigned to it in clause (b) of Section 2 of the Cantonments Act, 2006 (41 of 2006);
- (c) “Cantonment” means the cantonment concerned;
- (d) “Chief Executive Officer” means the Chief Executive Officer of the Cantonment;
- (e) ‘corrupt practices’ means any of the practices specified in Section 30 of the Act;
- (f) “Form” means a Form set out in the Second Schedule to these rules;
- (g) “President” means the President of the Cantonment Board or where a Board is not constituted the Officer Commanding the Station;
- (h) “Scheduled Castes” and “Scheduled Tribes” shall have the meanings assigned to them in clauses (24) and (25) respectively of article 366 of the Constitution of India.

3. **Division of Cantonments into wards.**—Subject to the provisions of these rules,—

- (a) The Board, shall publish a draft plan for division of Cantonment into wards.
- (b) Such Draft plan as approved by the Board shall be published in the notice board of the Cantonment Board Office and two newspapers having local circulation for inviting objections and suggestions within a period of fifteen days from the date of publication of notification.
- (c) The Board shall, after considering the objections and suggestions, if any, prepare a final plan for, division of Cantonment into wards.
- (d) The Central Government shall publish in the Official Gazette the final plan forwarded by the Board dividing the Cantonment into wards, with modifications, if any, as it may consider appropriate.

4. **Number of members to be elected from each ward in a Cantonment.**—Only one member shall be elected from each ward of any Cantonment by an election.

5. **Reservation of seats for Scheduled Castes and Scheduled Tribes.**—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Cantonment on the basis of the percentage which their population bears to the total population of the Cantonment according to latest census and the minimum percentage required for such reservation shall be as specified in the First Schedule :

Provided that the Scheduled Caste or the Scheduled Tribe population so exceeds the minimum required percentage in any Cantonment that they become entitled to higher reservation, the number of seats reserved for them may be increased proportionately, according to their population of the area and in determining the number of seats to be reserved for the Scheduled Caste or the Scheduled Tribes, if the Scheduled Caste or Scheduled Tribe population falls short by less than 3% of the required minimum percentage, the figure may be rounded off for the reservation of a seat or seats for which they would have otherwise been entitled.

(2) The number of seat or seats reserved for the Scheduled Castes or the Scheduled Tribes referred to in sub-rule (1) shall be allotted to those ward or wards, which have the highest population of Scheduled Castes or Scheduled Tribes, as the case may be.

(3) The wards reserved in every Cantonment shall be notified by the Central Government in the Official Gazette and shall be effective for complete five years or till the next ordinary election, whichever, is later, irrespective of election to fill any casual vacancy.

6. **Reservation of seats for women.**—(a) Not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes.

(b) No reservation shall be made for women candidate of Scheduled Caste or Scheduled Tribe wherever there is only one ward reserved for the Scheduled Castes or as the case may be, the Scheduled Tribes;

(c) 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 in an ordinary election in every Cantonment shall be reserved for women.

(d) The seats reserved under this section shall be effective for complete five years or till the next ordinary election, whichever is later, irrespective of election to fill any casual vacancy.

(e) While calculating the number of seats reserved for women under clauses (a) and (c) a fraction less than half shall be left out and more than half shall be taken as one.

(f) (i) The seats reserved for women in a Cantonment (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) shall be allotted to different wards in the Cantonment in accordance with rule 7.

(ii) The wards reserved for women in every Cantonment shall be notified by the Central Government in the Official Gazette.

7. Manner of rotation of seats reserved for women to different wards of a Cantonment.—(a) While reserving the wards for women in a Cantonment for the first time, the seats reserved for women belonging to Scheduled Castes or Scheduled Tribes shall be allotted to different wards by drawing lots between the wards reserved for Scheduled Castes or Scheduled Tribes, as the case may be.

(b) Reservation for women in respect of the remaining seats, after reservation in accordance with clause (a), shall be allotted by drawing lots between the remaining wards other than those reserved for Scheduled Castes or Scheduled Tribes.

(c) In case of category IV Cantonments, one ward out of two shall be reserved for women candidate alternately in subsequent ordinary election.

(d) During every subsequent ordinary election in a Cantonment other than category IV Cantonment, the procedure for reservation of wards for women as referred to in clauses (a) and (b) shall be followed but all those wards which had been reserved in just earlier election shall not be included while drawing the lots for reservation.

(e) (i) The drawing of lots for reservation of seats for women (including the seats reserved for women belonging to Scheduled Castes or Scheduled Tribes) shall be carried out by the President.

(ii) The place, date and time for drawing lots shall be published by the President at least seven days before the date so fixed, in any two local newspapers having wide circulation.

(iii) The exercise for drawing lots shall be carried out in the presence of members of the Board and general public who wish to witness the proceedings.

CHAPTER II

ELECTORAL ROLLS

8. Registration.—No person shall be entitled to be registered in the electoral roll for more than one ward and no person shall be so registered for any ward more than once.

9. Qualification of elector.—Every person who is eligible for enrolment as an elector under sub-section (1) of section 28 of the Act, and is not otherwise disqualified under sub-section (2) of the said section shall be enrolled as an elector.

10. Preparation of electoral rolls.—(1) The Board or where a Board is not constituted, the Officer Commanding the Station, shall prepare on 1st July of each year, in English and in the language commonly used in the District in which Cantonment is located, an electoral roll in Form I.

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

(3) The names of electors in each part of the roll shall be arranged according to house numbers.

Explanation.—For the purposes of this sub-rule, any building or unit line used for the purpose of lodging troops shall be deemed to be a house.

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

11. Manner of ascertaining names of electors for inclusion in the electoral roll.—(1) The Chief Executive Officer may for the purpose of preparing the electoral roll, send letters of request in Form I-A to the occupants of dwelling houses in the Cantonment and every person receiving any such letter shall furnish the information called for therein to the best of his ability.

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

12. Notice of publication of electoral rolls.—(1) Copies of the electoral roll prepared under rule 10 shall be displayed at the notice board of the office of Cantonment

Board, and at the same time notice of their preparation shall be displayed in Form II at the notice Board of the said Office and at such places throughout the Cantonment, there being at least one such place in each ward, as the Board, or where a Board is not constituted, the Officer Commanding the Station, may specify.

(2) The notice shall also specify the mode in which claims and objections are to be preferred and disposed of.

CHAPTER III

CLAIMS AND OBJECTIONS

13. Claims and objections.—(1) Every claim for the inclusion of a name in the electoral roll and every objection to an entry therein shall be made within a period of twenty days from the date of publication of the notice referred to in rule 12.

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

- (a) in Form III.
- (b) signed by the person desiring his name to be included in the roll.
- (c) countersigned by another person whose name is already included in that part of the roll in which the claimant desires his name to be included.

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

- (a) in Form IV.
- (b) preferred only by a person whose name is already included in that roll.
- (c) countersigned by another person whose name is already included in that part of the roll in which the name objected to appears.

(4) Every objection to any particular in an entry in the roll shall be—

- (a) in Form IV -A; and
- (b) preferred only by the person to whom that entry relates.

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

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

(7) The Chief Executive Officer shall reject any claim or objection which is not made within the period or in the form and manner specified in this rule.

14. Publication of list of corrections to electoral rolls.—The Chief Executive Officer may of his own motion remove from the roll the names of any person whom he

knows to be dead and may also make correction in pursuance of any claim :

Provided that he shall publish a list of all such corrections with the list of claims and objections referred to in rule 15.

15. Publication of list of claims and objections and time and place of their hearing.—(1) A list of all claims and objections not disposed of under sub-rule (7) of rule 13 or under rule 14 shall be published in Form V in the same manner as notice in rule 12 not later than three days after the last day fixed for receipt of claims and objections.

(2) The list shall give intimation of the time and place of the hearing of such claims or objections.

(3) The place of hearing will ordinarily be the Cantonment Board Office and the date of hearing shall be not earlier than fifteen and not later than thirty days of the date of publication under this sub-rule.

(4) At the same time as action under sub-rule (1) of the rule is taken, notice of hearing together with a copy of the objections shall be sent to all persons who are the subject of objections except where the objector is himself the subject.

(5) Notices may be served through the Cantonment Board Staff as ordinarily employed for that purpose, or by registered post, to the place of residence or business of the individual as the case may be, and shall be deemed sufficiently served if left at such place of residence or business, or duly posted, as the case may be.

16. Hearing of claims and objections and issue of orders thereon.—(1) The President or some other person not being an elected member, the Chief Executive Officer or a servant of the Board nominated by him shall hear all claims and objections published under rule 15 or the subject of corrections under rule 14.

(2) Evidence, documentary or oral, may be adduced in respect of any claim or objection, subject to its being produced on the date of hearing fixed under rule 15.

(3) Appearance by legal practitioner shall not be allowed.

(4) The President or his nominee, after hearing the party or parties to a claim or objection taking such evidence as may be produced in respect thereof, and making such other enquiry as appears to him necessary, shall pass order in writing thereon, stating as briefly as possible the reasons for his decision; and such orders shall be final, when passed by the President, but subject to the result of an appeal, if any, made within two days to the President when passed by his nominee.

17. Final publication of the electoral rolls.—(1) The Chief Executive Officer shall correct the electoral roll in accordance with the orders passed under rule 16 and prepare by printing or otherwise as many copies thereof in

English and in the Indian language of the District as is reasonably necessary.

(2) A copy of the corrected roll shall be pasted at the notice board of the Cantonment Board Office and notice thereof shall be published throughout the Cantonment in the same manner as in rule 12, on 15th September of each year :

Provided that publication of notice shall not be necessary if there are no corrections in the electoral roll as originally prepared :

Provided further that the Chief Executive Officer shall remove from the roll the names of any persons from any local area forming part of a Cantonment when, by a notification under Section 4 of the Act, such areas cease to be under the control of the Board after the final publication of the rolls.

(3) If the electoral roll is not prepared or finally published on the dates specified in rule 10 or sub-rule (1) of rule 17 respectively, the Central Government may direct the Board or where a Board is not constituted, the Officer Commanding the Station to have the electoral roll prepared or finally published on such dates as may be specified in the order, and the Board or the Officer Commanding the Station, as the case may be, shall comply with such direction ;

(4) Any person whose name is borne on the electoral roll as finally published in a ward shall be entitled to purchase from the Chief Executive Officer, at a reasonable price, to be fixed by the Board or where a Board has not been constituted, the Officer Commanding the Station, one copy of the roll of his own ward.

18. Re-arrangement of rolls on alteration of wards.—(1) Where, after the electoral rolls for a Cantonment have been published under rule 17, the division of the Cantonment into wards is altered, the President shall, in order to give effect to the alteration of the wards, cause the names of the electoral rolls to be re-arranged on the basis of the altered wards.

(2) The roll with the names so re-arranged shall be published in the manner specified in rule 12 and shall, on such publication, be the electoral roll for the altered wards.

19. Inclusion of names in the electoral roll.—(1) Where, a notification regarding election to fill any vacancy has been issued by the Central Government under sub-section (1) or sub-section (2) of Section 15 of the Act, every person whose name is not included in the electoral roll as finally published under rule 17, may apply as provided hereinafter for the inclusion of his name in the roll.

(2) Every application under sub-rule (1) shall be made in duplicate in Form III to the President after the Central Government directs the date of election to be held by notification under Section 15 of the Act and before the expiry of three days after the publication of the public notice as required under rule 20.

(3) The President shall immediately on receipt of the application referred to in sub-rule (1), cause one copy thereof to be pasted at the Notice Board of the office of the Cantonment Board with a notice inviting objections to such application within a period of three days from the date of such posting.

(4) After the expiry of the period referred to in sub-rule (3), the application and the objections received thereto shall be heard and disposed of in the manner laid down in rule 16.

(5) The President, on such hearing if satisfied that the applicant is entitled to be registered in the roll, shall direct the Chief Executive Officer to include the name of the applicant in the electoral roll.

(6) Every direction made under sub-rule (5) shall be final.

(7) The Chief Executive Officer shall comply with the directions made under sub-rule (5) where no appeal has been preferred under these rules.

CHAPTER IV

POLLING, NOMINATION AND SCRUTINY

20. Public notice of election.—As soon as possible after the notification by the Central Government of the date of an election under Section 15 of the Act, the Board or where a Board has not been constituted, the Officer Commanding the station shall draw up and publish in the same manner as in rule 12, a public notice setting out—

- (a) the date, time and places of polling,
- (b) the number of persons to be elected and details of wards reserved for Scheduled Castes or Scheduled Tribes or Women,
- (c) the time and place for receipt of nominations,
- (d) the time and place for scrutiny of nominations,
- (e) the symbols that may be chosen by candidates and the restrictions to which their choice shall be subject; and
- (f) any other matter which may be necessary for information and assistance of voters and candidates :

Provided that the Central Government may, on receipt of a recommendation to that effect from the President, postpone, by not more than forty days, the date of such election to a later date if—

- (i) the date of election coinciding with or is in close proximity of the date of election for the Lok Sabha, State Assembly or any adjacent local authority;
- (ii) a riot or open violence breaks out or there is tension in the Cantonment on account of such riot or violence; or
- (iii) some natural calamity affects the Cantonment :

Provided further that, in respect of items (ii) and (iii) of the preceding proviso, the President, may, if deemed necessary, on receipt of a report from the Returning Officer, adjourn the polling in any ward of the Cantonment in case—

- (a) Riot or open violence breaks out in that ward or any of the polling stations on the eve of or on the date of polling; or
- (b) some sudden natural calamity affects the Cantonment :

Provided also that on receipt of a report of such adjournment of election or polling, the Central Government may appoint the day on which such postponed election or polling will be held by publishing a notification to that effect in the Official Gazette and after the date is so notified, the President, shall notify locally, in the manner specified in this rule, the place and time of polling for the election so postponed without de novo compliance of formalities specified in the rules.

21. Polling stations and the responsibility for their management.—(1) The President shall fix such place or places as he deems fit as polling stations for the purposes of recording of votes and shall lay down the area which each polling station shall serve:

Provided that there shall be at least one polling station for each ward.

(2) The President shall appoint a person other than the Chief Executive Officer, to be a Returning Officer who shall be responsible for the proper conduct of the election, and the Returning Officer shall appoint for each polling station, a Polling Officer who shall be in charge of the voting arrangements, and be responsible for the fair conduct of the election at his polling station on the polling day.

(3) Each Polling Officer may appoint, subject to the sanction of the President, one or two assistants as may be necessary to assist him in his duties on the polling day, and for whose conduct he shall be responsible.

22. Nomination of candidate for election and appointment of election agent.—(1) A candidate for election shall be nominated by a nomination paper in Form VI.

(2) The nomination paper shall be signed by a registered elector of the ward for which the candidate proposes to stand, as proposer, and shall contain a declaration signed by the candidate that he assents to the nomination.

(3) No elector shall act as proposer for more than one candidate in a ward.

(4) Each candidate may appoint one person by power of attorney, as his election agent and such agent shall be entitled to act for the candidate unless otherwise provided by these rules.

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

23. Presentation of nomination papers.—(1) Every nomination paper shall be presented to the Returning Officer at the Cantonment Board office, on the day and within the hours specified in the public notice referred to in rule 20, by the candidate or his election agent or his proposer.

(2) Any nomination paper not presented within the proper hours, or presented by any person other than those referred to in this sub-rule, shall be rejected.

(3) Subject to the provisions of these rules, a candidate or on his behalf his election agent or proposer shall not present more than four nomination paper in total in the same ward.

(4) Each candidate with his nomination paper shall deposit, or cause to be deposited with the Returning Officer, a sum of rupees three thousand in cash :

Provided that where the candidate belongs to Scheduled Caste or Scheduled Tribe the amount of such deposit shall be rupees one thousand and five hundred only :

Provided further that where more than one nomination paper is presented, one deposit only shall be sufficient.

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

Explanation:—For the purposes of this rule, “Election agent” means any person appointed in writing by a candidate to represent him.

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

25. Valid nominations and time and place for scrutiny of nomination papers.—Immediately after the hour for receipt of nomination papers is past, the Returning Officer shall draw up in Form VII, a list of candidates, excluding anyone whose nomination papers have been rejected under sub-rules (2) and (5) of rule 23, and post it at the notice Board of the Office of Cantonment Board, with notice of the time and place fixed for scrutiny of nomination papers.

26. Scrutiny of and objections to nomination papers.—(1) On the date and at the time appointed, the Returning Officer shall undertake scrutiny of the nomination papers.

(2) No person other than the candidates, their election agents and proposers shall be permitted to be present and they shall be given all reasonable facilities for the examination of nomination papers.

(3) Objections to a nomination paper may be oral or in writing and may relate not only to the form of the nomination but also to the violation or non-observance of any provision of the Act or the rules made thereunder relating to such nomination, including objections to the eligibility of the candidate to stand for election or of the proposer to nominate :

Provided that no objection to a candidate or the proposer which relates to his registration in the electoral roll and anything referred to in rule 13 shall be considered :

Provided further that any objection raised merely in regard to failure to complete, or defect in completing the declaration as to symbols in a nomination paper shall not be considered, as a ground for rejecting the nomination paper and when any such objection being raised the Returning Officer shall cause the nomination paper to be completed or defect rectified by the candidate who has filed or on whose behalf the nomination paper has been filed.

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

(5) If the Returning Officer is unable to undertake the scrutiny of nomination papers, it shall be undertaken by a person other than the Chief Executive Officer, an elected member or a servant of the Board, nominated by the Returning Officer :

Provided that the aggrieved party may appeal to the President against the decision of such nominee within two days of such decision.

27. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by notice in writing in Form VII-A signed by him and delivered in person by him or by his election agent to the Returning Officer before four O'clock in the afternoon on the day following the scrutiny of nomination papers under sub-rule (1) of rule 26 :

Provided that if scrutiny is undertaken by nominee of Returning Officer and the person aggrieved prefers an appeal before the President, in such cases the date of withdrawal shall be the day, following the day the President decides the appeal.

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

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

(4) A candidate who has given notice of withdrawal of his candidature under sub-rule (1) shall not be allowed to cancel the notice, or to be renominated as a candidate for the same election.

CHAPTER V

POLLS, POLLING OFFICER, THE PROCEDURE BY WHICH THE POLLING IS TO BE CARRIED OUT AND THE COUNTING OF VOTES

28. Procedure in contested and un-contested elections.—After the hour for withdrawal provided in sub-rule (1) of rule 27 has expired, if —

- (a) The number of contesting candidates in a ward is more than one, a poll shall be taken;
- (b) The number of such candidates is one, the Returning Officer shall forthwith declare such candidate to be duly elected.

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

30. Eligibility of women candidates to hold seats not reserved for women.—A women candidate shall not be disqualified to hold a seat not reserved for women, if she is otherwise qualified to hold such seat under the provision of the Act.

31. Publication of list of contesting candidates and publication of results of uncontested election.—(1) The Returning Officer shall draw up in Form VII-C a list ward by ward, of candidates who are standing for election and also a list of candidates, if any, who have been declared duly elected under the provisions of clause (b) of rule 28.

(2) The lists referred to in sub-rule (1) shall be published in the same manner as a notice under rule 12 and not later than twenty days before the date of poll.

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

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

- (a) allot a different symbol to each contesting candidate, in conformity, as far as practicable; with his choice; and
- (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol shall be allotted.

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

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

32. Death of candidate before poll.—If a candidate who has been duly nominated under these rules dies after the date fixed for the scrutiny of nominations and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer, shall, upon being satisfied of the fact of the death of the candidate, countermand the poll for the ward concerned and report the fact to the President and all proceedings with reference to the election in that ward shall be commenced anew in all respects as if for a new election :

Provided that in the case of a candidate whose nomination was valid at the time of the countermanding of the poll, no further nomination shall be necessary, and it shall be sufficient if the candidate intimates in writing to the Returning Officer on or before the last of the dates fixed for receipt of nomination papers that he wishes his candidature to stand.

33. Forfeiture and return of deposits.—(1) Subject to the provisions of sub-rule (2), the deposit made by a candidate under sub-rule (4) of rule 23 shall be forfeited to the Board and credited to the Cantonment fund if at an election a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one sixth of the total number of valid votes polled by all the candidates in the ward.

(2) The deposit made by a candidate—

- (a) whose nomination is rejected or declared invalid; or
- (b) who withdraws his candidature in the manner provided in sub-rule (1) of rule 27 and before the time stipulated therein ; or
- (c) who dies before the commencement of the poll ; or
- (d) who is elected;

shall be returned to the candidate (or in the event of his death, to his legal representative as soon as may be after the publication of result of the election under rule 51.

34. Duties of Polling Officer.—(1) Each Polling Officer appointed to keep order at his polling station, shall

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

(2) The Returning Officer shall provide to each Polling Officer a copy of the electoral roll for the ward of the Cantonment which his polling station serves, containing an additional column for recording the serial number of ballot papers issued and he shall also provide sufficient number of ballot boxes, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot paper.

(3) There shall be displayed prominently outside each polling station—

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

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

35. Ballot box and its preparation for poll.—(1) Every ballot box used at a polling station shall be so made that papers once inserted cannot be withdrawn without unlocking it.

(2) Immediately before the commencement of the voting, the polling officer shall show the ballot box empty to such persons as may be present at the polling station and shall lock it up and place a seal upon the ballot box in such manner as to prevent its being opened without breaking the seal.

(3) The Polling Officer shall also seal the key, if any, of the ballot box in such manner as to prevent its being used and keep the key sealed with him.

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

- (i) the number of the ward,
- (ii) the serial number of the polling station, if there are more than one polling station in the ward.
- (iii) the serial number of the ballot box (to be filled at the end of the poll on the label outside the ballot box only), and
- (iv) the date of poll.

(5) The ballot box closed, sealed, secured and labelled as provided under this rule, shall be placed in full view of the polling officer.

36. Use of Electronic Voting Machines.—In case the Board decides to use electronic voting machines provided by the Election Commission, in that eventuality, the rules or instructions of the Election Commission or of any other such authority involved in conduct of elections, as the case may be, regarding use of electronic voting machines shall mutatis mutandis apply to Cantonment Board election under the control, supervision, and direction of the Returning officer :

Provided that in case elections are conducted by use of electronic voting machines, the provision under these rules regarding use of ballot paper shall not apply to the extent polling is conducted by the use of such electronic machines.

Explanation.—For the purposes of this rule, 'electronic voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes.

37. Ballot paper.—(1) The ballot paper shall be printed in Form VIII in English or in the official language or in the language commonly used in the State or both, and shall indicate the names and symbols of contesting candidates.

(2) Each ballot paper shall be serially numbered on its back :

Provided that a tendered ballot paper referred to in rule 42 shall be printed on a paper of different colour which shall bear a serial number of its own.

(3) The names of the candidates shall be arranged in the same order in which they appear in the list of candidates contesting the election published under rule 31.

(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) The candidates belonging to the Scheduled Castes or the Scheduled Tribes or women shall be distinguished by placing the letter "S" or "W" circumscribed by a circle against their names.

38. Prohibition of canvassing in or near polling station.—(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 cinematograph, 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) No person shall on the date on which a poll is taken at any polling station commit any of the following acts within a 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 placard (other than an official notice or placard) relating to election.

(3) No person shall on the date 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 public or private places in the neighbourhood thereof, any apparatus for amplifying or reproducing of 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 public places in the neighbourhood thereof,

So as to cause annoyance to any person visiting the polling station for poll, or as to interfere with the work of the officers and other persons on duty at the polling station.

(4) Any person who contravenes any of the provisions of this rule shall, on conviction, be punishable with fine which may extend to rupees one thousand.

39. Voting.—(1) Voting shall be in person.

(2) Notwithstanding anything contained in sub-rule (1), any elector of a ward who is, by reason of his being on duty at a polling station or for other reasons of exigencies of public service, unable to be present and to vote at the polling station where he is entitled to vote, may apply by an application to the Returning Officer at least seven days before the date of the first of the dates fixed for the poll at that ward for permission to vote at the election by postal ballot.

(3) Every such application shall specify the name of the elector, his address and his serial number in the electoral roll for that ward.

(4) If the Returning Officer is satisfied that the claim is just and that the applicant is entitled to vote, in the ward, he shall allow the application and permit the applicant to cast his vote at the election by postal ballot and thereupon the applicant may give his vote at such election by postal ballot and shall not be entitled to give his vote thereat in any other manner.

(5) Each elector shall have one vote only irrespective of the number of candidates.

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

- (i) a blank declaration form in Form VIII-A;
- (ii) an envelope with the number of ballot paper entered on its face in Form VIII-B by the Returning Officer;
- (iii) a large cover addressed to the Returning Officer in Form VIII-C; and
- (iv) a letter in Form VIII-D.

(b) The ballot paper together with the declaration, envelope cover and letter shall be sent to the elector at the address given in the application made by him referred to in sub-rule (3).

(c) An elector who receives a postal ballot paper sent under clause (a) and desires to vote, shall record his vote on the ballot paper and sign the declaration in Form VIII-A and also obtain the attestation of his signature by any officer authorised in this behalf by the President, or any Magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified, in accordance with the instructions contained in the letter sent with the ballot paper.

(d) The elector shall place the ballot paper in the envelope in Form VIII-B, close the envelope and enclose it with the declaration in Form VIII-A in the cover (Form VIII-C) and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him before 5 P.M. on the date fixed for the poll.

(e) Any cover which is not received by the Returning Officer before 5 P.M. on the date fixed for the poll shall be rejected.

(f) All such rejected covers shall be kept in a separate sealed packet by the Returning Officer.

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

(h) No election shall be invalidated merely by reason of an elector not having received his ballot paper :

Provided that a ballot paper has been issued to him in accordance with the provisions of this rule.

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

(8) After the ballot papers have been issued to all electors entitled to vote by post, the Returning Officer shall enclose and seal the marked copy of the electoral roll relating to each polling station in special covers and shall

hand over personally the covers containing the marked copy of the electoral roll to the Polling Officer concerned on the day of the poll.

40. Identity of elector.—(1) Except as hereinafter provided, every person whose name is registered on the electoral roll, and who is present and intending to vote shall be supplied with a ballot paper.

(2) The Polling Officer shall of his own accord put to each person applying for a ballot paper such question as he thinks necessary in order to satisfy himself that he is the person who represents himself to be and is entitled to receive a ballot paper.

(3) He shall also to the same end, put any further questions that may be suggested by a candidate or an election agent, who is present, and may call on and question persons who purport to be able to identify such person.

(4) Every elector, about whose identity the Polling Officer is satisfied, shall allow his left fore-finger to be inspected, by the Polling Officer and an indelible mark to be put on it.

(5) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (4) or has already such a mark on his left forefinger or does any act with a view to remove the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

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

41. Procedure for the supply of ballot papers and method of voting.—(1) On satisfying himself that a person is entitled to receive a ballot paper, the Polling Officer shall—

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

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

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

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

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

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

(a) proceed to one of the voting compartments;

(b) make a mark on the ballot paper with the instrument supplied for the purpose on or near

the symbol of the candidate for whom he intends to vote;

- (c) fold the ballot paper so as to conceal his vote;
 - (d) show to the Polling Officer if required, the distinguishing mark on the ballot paper,
 - (e) insert the folded ballot paper into the ballot box, and
 - (f) quit the polling station.
- (4) Every elector shall vote without undue delay.
- (5) No elector shall be allowed to enter a voting compartment when another elector is inside.

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

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

42. Tendered votes.—(1) If a person representing himself to be a particular elector named on the electoral roll, applies for a ballot paper after another person has voted as such elector, the applicant shall after duly answering such questions as the Polling Officer may put to him, be entitled to mark a ballot paper (in these rules called a tendered ballot paper) in the same manner as any other voter, but such ballot paper shall be of a colour differing from the other ballot papers and instead of being put into the ballot box, shall be taken by the Polling Officer endorsed by him with the name of the voter and his number on the electoral roll and set aside in a separate packet and shall not be counted by the Returning Officer.

(2) The name of the voter and his number on the electoral roll and the name or distinctive number of the polling station shall be entered in a list in Form IX called the tendered votes list.

(3) The person tendering such ballot paper shall sign his name on the list or affix his thumb impression thereto, and give his address.

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

44. Challenging of identity.—(1) Any candidate or his election agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of one hundred rupees in cash with the Polling Officer for each such challenge.

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

- (a) warn the person challenged, the penalty for impersonation :
- (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 X : and
- (d) require him to affix his signature in the said list.

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

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

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

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

45. No challenge for a mistake committed in the bonafide exercise of one's duty.—No election of a candidate shall be challenged merely on the ground that the Polling Officer in the bonafide exercise of his duties has wrongly permitted or refused an elector permission to vote, as a result of proceedings under any of the provisions of rules 40, 42 and 44.

CHAPTER VI

CONCLUSION OF POLLING, RESULT OF ELECTION AND CUSTODY OF ELECTION PAPERS

46. Closing of poll.—(1) At the time fixed for the conclusion of polling, the Polling Officer shall close the polling station, and shall not thereafter admit any elector into the polling station :

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

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

47. Ballot boxes and other papers to be sealed and forwarded to the Returning Officer.—(1) As soon as

practicable after the closing of the poll, the Polling Officer shall, in the presence of such of the candidates and their election agents as may be in attendance, close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, seal up the slit with his own seal and also allow any candidates or their election agents as may desire to affix their seals.

(2) The Polling Officer shall also attach the sealed key, if any, to the ballot box and shall also enclose in separate packets and seal up in the same manner :—

- (a) the tendered ballot papers,
- (b) the unused ballot papers,
- (c) the spoilt ballot papers,
- (d) the marked copy of the electoral roll,
- (e) the tendered votes list,
- (f) the challenged votes list.

(3) (i) The packets shall be clearly marked with the name or number of the polling station and number of the ward and the number of its contents, and, together with the ballot box or boxes, and key thereof shall be forwarded without delay to the Returning Officer.

(ii) The Polling Officer shall forward a list of articles despatched to the Returning Officer and shall also forward details of accounting for the ballot papers and tendered ballot papers received by him and their issue.

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

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

(3) The only person allowed to be present, apart from those persons referred to in this rule, shall be the candidates and their election agents.

49. Opening of ballot boxes, scrutiny of ballot papers and counting of votes.—(1) The ballot box or if more than one ballot box is used for each polling station, such box or boxes as the case may be, shall be opened separately, and the Returning Officer shall take out the papers there from distributing them for counting as he thinks fit, care being taken that where there is more than one polling station for a ward, the ballot boxes relating thereto shall be opened at the same time or immediately following one after another, keeping the papers taken out from each such box in a separate heap.

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

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

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

- (b) if no vote is recorded thereon; or
- (c) if votes are given on it in favour of more candidates than one; 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 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 number, or as the case may be, the design, of the ballot paper authorised for use at the particular polling station; or
- (h) if it does not bear the official mark which it should have borne under the provision of clause (b) of sub-rule (1) of rule 41.

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

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

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

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

(6) The Returning Officer shall bundle together all the rejected ballot papers under this rule and then count or cause to be counted the valid votes given to each candidate on the ballot papers :

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

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

(8) The valid ballot papers shall then be bundled together and kept along with the bundle of the rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely :—

- (a) The name of the ward;

(b) The particulars of the polling station where the ballot papers have been used; and

(c) The date of counting.

50. Scrutiny of postal ballot paper and counting of votes.—(1) After scrutiny and counting the ballot papers found in ballot boxes has been completed, the Returning Officer shall deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form VIII-C shall be opened and no vote contained in any such cover shall be counted by the Returning Officer if received after the expiry of the time fixed in this behalf under clause (d) of sub-rule (6) of rule 39.

(3) The other covers shall be opened one after the other and as each cover is opened the Returning Officer shall scrutinise the declaration in Form VIII-A.

(4) If the declaration referred to in sub-rule (3) is not found or has not been duly signed and attested or is otherwise substantially defective or if the serial number as entered in it differs from the serial number endorsed on the envelope containing the postal ballot paper, that envelope shall not be opened and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.

(5) Each envelope so endorsed and the declaration received with it shall be replaced in the cover in Form VIII-C and all such covers in the said Form shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the ward, the date of counting and brief description of its contents.

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

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

(8) A postal ballot paper shall be rejected—

- (a) if no vote is recorded thereon; or
- (b) if votes are given in favour of more candidates than one; or
- (c) if it is a spurious ballot paper; or
- (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (e) if it is not returned in the envelope sent along with it to the elector by the Returning Officer.

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

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicated on the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

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

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

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

51. Results of polling.—(1) After the counting has been completed and result recorded in Form X-A, the Returning Officer shall prepare a return in Form XI of the results of polling and he shall also declare to be elected the candidates to whom most valid votes have been given.

Provided that if there is equality of votes between any two or more candidates in a ward, the Returning Officer shall after such notice as may be necessary to the candidates concerned decide by drawing lots which candidate he shall declare to have been elected.

(2) The Returning Officer shall also simultaneously publish the return showing the results of election in Form XI in the same manner as the notice in rule 12 and also cause the same to be published in a local newspaper.

52. Transmission of documents, etc. to the Chief Executive Officer for safe custody.—The Returning Officer shall, immediately after the declaration of the results of poll, forward to the Chief Executive Officer—

- (i) the sealed packets referred to in sub-rule (2) of rule 47,
- (ii) the empty ballot boxes and their keys, if any,
- (iii) the lists of articles referred to in clause (ii) of sub-rule (3) of rule 47 received by him from the Polling Officers,
- (iv) account of ballot papers and tendered ballot papers referred to in clause (ii) of sub-rule (3) of rule 47,
- (v) the sealed packets referred to in sub-rule (8) of rule 49.
- (vi) all unopened cover in Form VIII-C referred to in sub-rule (2) of rule 50 enclosed in a sealed packet, the contents thereof being marked outside.
- (viii) the sealed packets referred to in sub-rules (5), (6) and (13) of rule 50.

53. Custody and preservation of ballot boxes and papers.—(1) The Chief Executive Officer shall preserve for a period of one year all article sent to him under rule 52 after which, unless the President sees good reason to the contrary, he shall, except for the ballot boxes, destroy them.

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

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

CHAPTER VII

ELECTION PETITION AND DISPUTE

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

55. Officer to whom the petition should be presented.—A petition calling in question the validity of an election or the return of a particular Candidate may be presented in writing to the District Judge of the district within which the election has been held (or where there is no District Judge to such Judicial Officer as the State Government may appoint in this behalf) within seven days after the date on which the result of the election was declared, either by a person who was a candidate at the election or by not less than five persons entitled to vote at the said election :

Provided that no such petition shall be presented on the ground either that the name of any person qualified to vote has been omitted from the electoral roll or that the name of any person not so qualified has been inserted in the roll.

56. Deposit of security.—(1) Every petition shall be accompanied by a deposit of three thousand rupees in cash as security for the costs likely to be incurred :—

Provided that where such petition relates to the election of a candidate belonging to the Scheduled castes or the Scheduled Tribes, the amount of such deposit shall be one thousand and five hundred rupees only.

(2) At the conclusion of the dispute, the deposit or, if the petitioner has been directed under rule 58 to pay costs, the balance, if any, of the deposit after deduction of those costs, shall be refunded to the petitioner.

57. Inquiry into election.—Where a petition has been presented under rule 55 and the security deposited as required by rule 56, the District Judge or the officer appointed in accordance with rule 55, or any Judicial Officer subordinate to him and not below such rank as the State Government may by notification in the Official Gazette in this behalf to whom the District Judge may transfer the

petition, shall after notice to all candidates for the ward concerned at the election (other than such of them as may be petitioners) hold such inquiry as he deems necessary.

58. Powers of inquiry officer.—For the purpose of any inquiry referred to in rule 57, the inquiry officer may summon and enforce the attendance of Witnesses and compel them to give evidence as if he were a Civil Court, and may also direct by whom the whole or any part of the costs of the inquiry shall be paid and such costs shall except to such extent as they may be directed to be recovered from the deposit made under rule 56, be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (5 of 1908).

59. Grounds for declaring election void.—If in the opinion of the inquiry officer—

- (a) the election has not been a free election by reason of the general employment of bribery or undue influence within the meaning of Section 171B or Section 171C of the Indian Penal Code (45 of 1860), or the result of the election has been materially affected by—
 - (i) the commission of a corrupt practice; or
 - (ii) the improper acceptance or refusal of a nomination paper; or
 - (iii) the improper reception or refusal of a vote; or
 - (iv) the failure to comply with any provision of the Act or these rules,

he shall set aside the election.

- (b) the election of a candidate has been procured, induced or aided by a corrupt practice by such candidate, but the election has not been otherwise materially affected, he shall declare the election of such candidate to be void and shall pass an order amending the declared result of the election accordingly.

60. Decision of the inquiry officer to be final.—

The decision or order of the inquiry officer under rule 59 shall be final.

61. Penalty for Commission of corrupt practice.—

If after an inquiry under rule 57, the inquiry officer is satisfied that a corrupt practice has been committed in connection with the election by any person, he may, if he thinks fit, declare such person to be disqualified from being a candidate in any election to any Cantonment Board for a period not exceeding five years; and such declaration shall be final :

Provided that the Central Government may, if it thinks fit, at any time relieve such person from such disqualification.

62. Effect of notification of public holidays.—

Notwithstanding anything contained in these rules, if any day, on which any act or proceeding is posted or intended, to be done or taken, is notified to be a public holiday for the purposes of Section 25 of the Negotiable Instruments Act, 1881 (26 of 1881) or is notified by the State Government

to be a holiday for the Government offices in the State, then, that act or proceeding shall be done or taken on the next succeeding day which is not a public holiday.

FIRST SCHEDULE

[See rule 5]

Cantonments	Approximate Percentage of Scheduled Caste or Scheduled Tribe population to total population
Cantonments which have to elect 8 members	12%
Cantonments which have to elect 7 members	14%
Cantonments which have to elect 6 members	16%
Cantonments which have to elect 2 members	50%

SECOND SCHEDULE**FORMS****FORM I**

[See rule 10]

Electoral roll for Cantonment
Part Ward No.

Serial No.	Name	Age	Father's name or Husband's name	Address in full
1	2	3	4	5
1.				
2.				
3.				
4.				

FORM I-A

[See rule 11]

LETTER OF REQUEST

Place

Date

To

The occupant of
..... Cantonment

Dear Sir/Madam,

The preparation of the Electoral roll for Ward No. of the cantonment in which you are resident has been taken in hand. It will greatly facilitate my work if you will kindly complete the statement given below after reading the attached instructions and hand it over to my assistant who will call for it.

Yours faithfully,
Chief Executive Officer

STATEMENT

Name and particulars of adults residing in the above premises.

Name	Particulars as to father or husband	Age on 1st March, 20
(1)	(2)	(3)
1.		
2.		
3.		
4.		

etc.

Signature

Date

INSTRUCTIONS

1. The names of all persons who have completed 18 years of age on or before 1st March of this year and who are ordinarily residing in the premises should be entered.

2. Only the names of those who are continuously residing in the Cantonment for a period of not less than six months immediately preceding 1st March should be entered.

3. Enter against serial No. 1 in the column (1), the name of the head or other senior member of the family, provided he or she has the qualification mentioned in paragraphs 1 and 2.

4. In the case of every male resident, enter column (2), the name of his father preceded by the words son of.

5. In the case of every female resident enter in column (2)—

- (i) The name of the husband preceded by the words 'wife of' if she be married;
- (ii) The name of the late husband preceded by the words 'widow of' if she be a widow, and
- (iii) The name of the father preceded by the words 'daughter of' if she be unmarried.

6. In column (3), enter the age of the person as accurately as possible, giving only the number of complete years and ignoring the months.

FORM II

[See Rule 12]

NOTICE TO FILE CLAIMS AND OBJECTIONS

The preliminary electoral roll of voters for the Cantonment..... is open to inspection at the Cantonment Board Office daily between 11 A.M. and 4 P.M. upto 15th August.

2. Any person who claims to be entered in this roll and who is not entered therein or is entered in an incorrect place or with incorrect particulars may put in a claim

addressed to the Chief Executive Officer to have his name entered, or the registry corrected, as the case may be.

3. Any person whose name is borne on this roll and who objects to the inclusion of his own name, or that of any other person whose name is on the roll, may prefer the objection addressed to the Chief Executive Officer.

4. Claims shall be preferred in Form III and objections in Form IV or Form IV-A appended to this notice and must be signed by the claimant or objector or by his duly authorised agent; copies of the forms will be supplied free by the Chief Executive Officer on application.

5. Claims and objections may be presented to the Chief Executive Officer at any time during office hours or sent by post but it must reach him within twenty days of the date of issue of this notice.

6. Claims and objections which are not preferred in the proper form or are not received by the date prescribed will be rejected.

7. All claim and objections received in time and in proper form will be heard byat.....on.....
Date : President

FORM III

[See Rule 13 (2)]

CLAIM APPLICATION FOR INCLUSION OF NAME

To,

The Chief Executive Officer

..... Cantonment.

Sir,

I request that my name be included in the electoral roll for the Ward No. of the Cantonment.

Name (in full)

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

Particulars of my place of residence are—

House No.

Street/Mohalla.....

Ward Number.....

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

- (i) that I am a resident of Ward No. of the Cantonment and that I have been continuously residing in the Cantonment for a period of not less than six months immediately preceding 1st March.....
- (ii) that my age on the first day of March last was years and months.
- (iii) that I am resident at the address given above and am eligible for registration as an elector.
- (iv) that I have not applied for the inclusion of my name in the electoral roll for any other ward of the cantonment.

- (v) that my name has not been included in the electoral roll for any other ward.

or

that my name has been included in the electoral roll for Ward No. of the Cantonment under the address mentioned below, and if so, I request that the same may be excluded from the electoral roll of the said ward.

.....
Signature or thumb impression of the claimant

Place

Date

I being an elector whose name is included in part of the electoral roll under Serial No. support this claim and countersign it.

.....
Signature of the elector Name (in full)

FORM IV

[See Rule 13 (3)]

OBJECTION TO INCLUSION OF NAME

To,

The Chief Executive Officer

..... Cantonment.

Sir,

I object to the inclusion of my name/the name of Serial No. in part of the electoral roll for Ward No. of the Cantonment for the following reason (s)—

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

Name has been included in the electoral roll for this ward as follows—

Name (in full)

*Father's/Husband's/Mother's name.....

Serial No.

Part No.

Signature/thumb impression of objector

Date (full postal address).....

I being an elector whose name is included in part of the electoral roll under Serial No. support this objection and countersign it.

.....
Signature of the elector Name (in full)

*Strike out inapplicable portion.

FORM IV-A

[See Rule 13 (4)]

OBJECTION TO PARTICULARS IN ANY ENTRY

To,

The Chief Executive Officer

..... Cantonment

Sir,

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

Signature/thumb impression of elector

Place

Date

FORM V

[See Rule 15]

LIST OF CLAIM AND OBJECTION

- (a) The following persons have put in claims to be registered as electors (or to have the registry of their names corrected) on the roll for Ward No. of the cantonment.

Ward No.	Name of claimant	Address
1	2	3
1.		
2.		
3.		
4.		

- (b) The following objections have been received regarding entries in the roll for the Cantonment.

Ward No.	Name of objector and number on roll	Name of person objected to and number on roll
1	2	3
1.		
2.		
3.		
4.		

- (c) The following corrections have been made by the Chief Executive Officer of his own motion in the roll

for Ward No. of the Cantonment.

Ward No.	Number on roll	Nature of corrections
1	2	3

The above claims and objections will be heard (and corrections finally considered) by on at

*Strike out inapplicable portion. Chief Executive Officer

FORM VI

[See Rule 22]

NOMINATION PAPER

Election for the Cantonment Board to be held on

(To be filled by the Proposer)

I hereby nominate as a candidate for election from Ward No. at the election referred to above.

1. Full name proposer

2. Electoral roll

Number of proposer

Ward No.

Roll No.

Part No.

3. Name of candidate's Father/husband

4. Full postal address of candidate

5. Electoral roll No. of candidate.

Ward No.

Roll No.

Part No.

Date

Signature of Proposer

(To be filled by the Candidate)

I, the above mentioned candidate, hereby declare that to the best of my knowledge and belief I am eligible for election as a member of the Cantonment Board and assent to this nomination. The symbols I have chosen are in order of preference.

(i)

(ii)

(iii)

Date

Signature of candidate

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**Further declaration to be made by a Scheduled Caste or
a Scheduled Tribe candidate**

I hereby declare that I am a member of the
*caste/tribe which is a Scheduled Caste/Tribe of the State
of in relation to (area) in
the State.

Dated

Signature of candidate

(To be filled by the Returning Officer)

Serial No. of nomination paper

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

Date Returning
Officer,

*Strike off one of the alternative as necessary.

FORM VII

[See Rule 25]

LIST OF VALIDLY NOMINATED CANDIDATES.

Election to the Cantonment Board

Sl. No.	Name of candidate	Name of **father/ husband/ mother	Address of candidate	Ward for nominated
1	2	3	4	5

Note.—The nomination papers will be taken up for
scrutiny at (time) on the (date)
..... at (place) Date
.....

Returning Officer

** Strike out in-appropriate alternative.

FORM VII-A

[See Rule 27 (1)]

NOTICE OF WITHDRAWAL

Election to the Cantonment Board

I

(To be filled by the candidate)

To,

The Returning Officer

Cantonment Board election

Cantonment.

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

Place

Signature of candidate

Date

II

(To be filled by the Returning Officer)

The notice was given to me at
(hour) (date) by
(name) candidate/election agent.

Returning Officer

Date

III

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidate by
candidate at the election to the Cantonment Board
..... from ward No. was
delivered to me (hour) on
..... (date).

Returning Officer
Seal

Date

FORM VII-B

[See Rule 27(3)]

NOTICE OF WITHDRAWAL OF CANDIDATURES

Election to the Cantonment Board

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

Name of candidate	Name of father/ mother/ husband	Address of candidate	Ward for which the candidate had been nominated
----------------------	--	-------------------------	---

1.

2.

3.

Date

Returning Officer
Seal

FORM VII-C

[See Rule 31]

LIST OF CONTESTING CANDIDATES

Election to the Cantonment Board
on

Sl. No.	Name of candidate	Address of candidate	Ward for which nominated	Symbol allotted
1	2	3	4	5

1.

2.

3.

4.

..... Cantonment

Date

Returning Officer

'A' sent herewith, close the envelope and secure it by seal or otherwise.

- (d) You will then sign the enclosed declaration in Form VIII-A 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. You must not show your ballot paper to the attesting officer nor tell him how you have voted.
- (e) You will then place the closed envelope marked 'A' and the duly attested declaration form, in the cover Marked 'B' addressed to me and return the cover to me by prepaid post or by messenger so as to reach me before 5 P.M. on the day of 20.....
2. The number of the members to be elected is one only .
3. Cover returned by post on which the postage has not been pre-paid will not be received by me.
4. The officers who are empowered to attest the ballot paper are (1) or (2) any stipendary Magistrate.
5. Your number on the electoral roll for Ward is You should insert this number in the declaration Form VIII-A.

Yours faithfully,
Returning Officer

To

Shri/Smt.

Address

Date

FORM IX

[See Rule 42]

TENDERED VOTES LIST

No. on electoral roll	Name	Address	Signature of elector if literate or thumb impression of elector if illiterate with signature of witness
1.			
2.			
3.			
4.			

FORM X

[See Rule 44]

LIST OF CHALLENGED VOTES

No. on the electoral roll	Name	Address	Signature of elector if literate or thumb impression of elector if illiterate with signature of witness

FORM X-A

[See Rules 49 and 50]

FINAL RESULTS SHEET

ELECTION

To the Cantonment Board.....
from Ward No.....

Polling station	Number of valid votes cast in favour of	Number of
Sl. No.	Name	A B C Valid Rejected Votes Votes

Total votes for polling station REMARKS

Total number of votes recorded at polling station

Number of votes recorded on postal ballot papers.

Total votes polled

Place

Date

Returning Officer

FORM XI

[See Rule 51]

*RETURN SHOWING THE RESULTS OF THE ELECTION FOR THE CANTONMENT.

Ward No.	Names of candidates	Number of valid votes received	Candidate declared to be elected
1	2	3	4
1			
2			
3			
4			

I do hereby declare that the candidates whose names are entered in column 4 have been duly elected.

Returning Officer

*Entries in column (1) and (2) are merely illustrative.

[F. No. 10(20)/2007/D(Q & C)]

ANAND MISRA, Jt. Secy.

FORM VIII

[See Rule 37]

Ballot paper

Name	(S)	(W)	(Symbol)
Election to the Cantonment Board (Name of Cantt.) Ward No.20.....			
(S) indicates Scheduled Caste/Tribe candidates		(W) indicates Women candidates	

Name	(S)	(W)	(Symbol)
*	*	*	*
*	*	*	*
*	*	*	*

Back of ballot paper
Print here serial number

FORM VIII-A

[See Rules 39 (6) (a) (i)]

DECLARATION BY ELECTOR

Election to the Cantonment Board Ward No.

I hereby declare that I am the person whose name appears as elector number on the electoral roll for Ward No. to whom the postal ballot paper bearing serial number has been issued at the above election and that I have voted in the election for this Cantonment.

Place

Date

Signature of elector

Address

.....

Attestation of signature

The above has been signed in my presence by (Elector) who is personally known to me/ has been identified to my satisfaction by

Signature of identifier, if any.

Signature of attesting officer
Name (in block capital letters)

Designation.....

Address

.....

Date

Address

.....

.....

FORM VIII-B

[See Rules 39 (6) (a) (ii)]

Envelope

NOT TO BE OPENED BEFORE COUNTING

- (a) Election to the Cantonment Board
Ward No.

POSTAL BALLOT PAPER

Serial number of ballot paper

FORM VIII-C

[See Rules 39 (6) (a) (iii)]

Cover

NOT TO BE OPENED BEFORE COUNTING

(b)

Election Immediate

Cantonment of

POSTAL BALLOT PAPER

Election to the Cantonment Board

Ward No.

To

The Returning Officer,

Cantonment of

..... Ward

(Address of Returning Officer)

..... Cantonment

FORM VIII-D

[See Rules 39 (6) (a) (iv)]

FORM OF LETTER OF INTIMATION AND INSTRUCTIONS TO ELECTOR

Cantonment of

Election to

..... Ward.

Dear Sir/Madam,

1. The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the election to the Cantonment Board of ward should you desire to vote at this election, I have to request that —

- (a) You will record your vote by placing a 'X' mark (clearly) on the ballot paper on or near the symbol opposite to the name of the candidate for whom you wish to vote. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
- (b) You shall not given more than one vote.
- (c) After you have recorded your vote on the ballot paper, place the ballot paper in the envelope marked