



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
DEPARTMENT OF HOUSING & URBAN AFFAIRS

NOTIFICATION

The 28th November, 2022

No. E-229781/176.- In exercise of the powers conferred by section 354, section 372, section 374 and sub-section (2) of section 8 of the Assam Municipal Corporation Act, 2022 (Assam Act VIII of 2022), the Governor of Assam is pleased to make the following rules to facilitate the conduct of elections to the Municipal Corporations established under the Assam Municipal Corporation Act, 2022, namely:-

Chapter I Preliminary

Short title and commencement	1. (1) These rules may be called the Assam Municipal Corporation Election Rules, 2022.
	(2) They shall come into force on the date of their publication in the Official Gazette.
Definitions	2. (1) In these rules, unless the context otherwise requires,- (a) "Act" means the Assam Municipal Corporation Act, 2022 (Assam Act....of 2022); (b) "Ballot box" includes any box, bag or other receptacle for use for the insertion of ballot papers by electors;

- (c) "Candidate" means a contesting candidate;
 - (d) "Election" means an election of councillors, Mayor;
 - (e) "Elector" means a person whose name is entered in the electoral roll of the ward for the time being in force and who is not subject to any disqualification for voting;
 - (f) "Electoral Roll No." of a person means-
 - (i) the serial No. of entry in the electoral roll in respect of that person;
 - (ii) the serial No. of the part of the electoral roll in which such entry occurs;
 - (iii) the number and name of the ward of Municipal Corporation to which the electoral roll relates;
 - (g) "Form" means a form appended to these rules and includes a translation thereof in Assamese ;
 - (h) "Registration Officer" means the Electoral Registration Officer to conduct Registration of Electors Rules 1960.
 - (i) "Section" means a section of the Act.
- (2) For the purposes of these rules a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper, if-
- (a) he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such officer as may be specified in this behalf by the State Election Commission; and
 - (b) such officer on being satisfied as to his identity has attested the mark as being the mark of that person.

Chapter II
QUALIFICATIONS OF ELECTORS AND PREPARATION, PUBLICATION,
CORRECTION AND REVISION OF ELECTORAL ROLLS

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| Superintendence and Control of Elections | 3. The superintendence, direction and control of preparation of electoral rolls for all elections to Municipal Corporation(s) shall be vested in the State Election Commission as per section 8 of the Act. |
| Registration Officer | 4. The electoral roll of every ward shall be prepared and published by the officer referred to in these rules as the Registration Officer appointed in this behalf by the State Election Commission by notification in the Official Gazette. |
| Preparation, publication, revision and correction of electoral rolls | 5. (1) For the purpose of election to the Corporation, the assembly electoral roll for the time being in force on such date, as the State Election Commission may by notification in the Official Gazette specify, shall be the basis for preparation of draft electoral rolls for the wards of the respective city: |

Provided that for the purpose of the first general election for constitution of the Corporation a summary revision of electoral roll shall be taken up for preparation of the draft ward electoral rolls.

- (2) The eligibility for inclusion of names in the ward electoral roll shall be in accordance of the provisions of the Representation of People Act, 1950.

Every person whose name is in an electoral roll shall be deemed to be entitled to vote at that ward election, and every person whose name is not in the said roll shall be deemed to be not entitled to vote.

- (3) Printed copy of the draft electoral roll for each ward shall be published by the Registration Officer by affixing for public inspection a complete copy of the roll and displaying a notice of such publication, at-
- (i) the main office of the Corporation;
 - (ii) Police Stations or outposts situated within the ward or within the jurisdiction of which the ward or any part of it may be situated;
 - (iii) any other suitable place the Registration Officer may think fit.

- Period for lodging claims and objections
6. Every claim for inclusion of names in the electoral roll and every objection to any entry therein shall be lodged within a period of seven days from the date of publication of the draft electoral roll.
- Claims and objections
7. (1) Every claim shall be,-
- (a) in **Form 1** as appended;
 - (b) signed by the person desiring his name to be included in that ward roll and countersigned by another person whose name is already included in that ward roll.
- (2) Every objection to the inclusion of a name in the electoral roll shall be-
- (a) in **Form 2**;
 - (b) preferred only by a person whose name is already included in that electoral roll;
 - (c) countersigned by another person whose name is already included in that ward roll in which the name objected to appears.
- (3) Every objection to a particular or particulars of an entry in the ward roll shall be-
- (a) in **Form 3**;
 - (b) Preferred only by the person to whom that entry relates.
- (4) Every claim or objection shall be presented to the Registration Officer or to such other officer as may be designated by him.
- Procedure of maintaining lists of claims and objection
8. The Registration Officer shall,-
- (a) maintain in duplicate, the lists of claims and objections, entering therein the relevant particulars;
 - (b) keep exhibited one copy of such list in the notice board in his office.
- Disposal of claims an objections
9. In the matter of disposal of claims and objections the procedure as laid down under the Registration of Electors Rules, 1960 shall be followed.
- Final publication of electoral roll
10. (1) The Registration Officer shall thereafter,-
- (a) prepare a list of amendments to carry out his decision under rule 9 above and to correct any clerical

- or printing errors or other inaccuracies subsequently found in the roll; and
- (b) publish the electoral roll together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice stating the fact of final publication at his office.
- (2) On such publication, the roll together with the list of amendments shall be the electoral roll of the ward.
- Expenditure of electoral roll 11. (1) The cost of preparing the electoral roll shall be determined by the State Election Commission and the sum so determined shall be paid by the State Government.
- (2) The Registration Officer shall forward the requisite number of copies of electoral rolls to the State Election Commission. Printed copies of the electoral roll shall be sold to the public on payment of such charges as the State Election Commission may direct.
- Commencement of duration of Municipal rolls 12. The Municipal electoral roll received under the last preceding rule shall come into operation on the date on which the roll shall be finally published.

CHAPTER -III

APPOINTMENT OF RETURNING OFFICERS, ASSISTANT RETURNING OFFICERS, PRESIDING OFFICERS AND POLLING OFFICERS FOR THE CONDUCT OF ELECTIONS

- Appointment of Returning Officers 13. The State Election Commission in consultation with the State Government shall designate or nominate a Returning Officer for every ward, who shall be an officer of the Government:

Provided that nothing in this rule shall prevent the Commission from designating the same person as Returning Officer for one or more wards.

General duty of the Returning Officers

14. It shall be the general duty of the Returning Officers at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules or order made thereunder.

Appointment of Assistant Returning Officers

15. (1) The State Election Commission may appoint one or more persons to be the Assistant Returning Officer or Officers to assist any Returning Officer in the performance of his functions:

Provided that every such person shall be an officer of Government.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer, which relates to the scrutiny of a nomination, unless the Returning Officer is unavoidably prevented from performing the said functions.

Appointment of Presiding Officers and Polling Officers, etc

16. (1) The Returning Officer shall appoint a Presiding Officer for each polling station and shall appoint Polling Officers and other persons, as he may deem necessary to assist him at the poll, but he shall not so appoint any person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election:

Provided that if the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station or for any other reason, his function shall be performed by such Polling Officers as may be authorised in this behalf by the State Election Commission or Returning Officer.

- (2) The State Election Commission shall pay to Presiding Officer and other polling staff such travelling allowances as may be admissible under the rules applicable to the respective service to which they belong.

Duties of the
Presiding
Officer

17. (1) The Presiding Officer shall-
- (a) keep order at the polling station;
 - (b) ensure that the poll is taken fairly and strictly in accordance with the provisions of the Act and the rules;
 - (c) regulate the number of voters to be admitted at any one time inside the polling station and exclude there from all other persons except-
 - (i) the Polling Officers and other staff engaged on polling duty;
 - (ii) the candidates and the polling agents of such candidates;
 - (iii) police officers and public servants on duty;
 - (iv) a child in arms accompanying a voter;
 - (v) a companion of a blind or differently abled voter, who cannot move without help.
- (2) It shall be the duty of a Polling Officer at a polling station to assist the Presiding Officer as may be required by him.
- (3) The other staff appointed in a polling station shall perform such function as may be assigned to them by the Presiding Officer.

Remuneration
to the polling
and counting
staff etc

18. The State Election Commission shall pay such remuneration to the polling and counting staff and others for their services as may be sanctioned by the State Election Commission in this behalf.

- Delegation of power to Officers 19. The State Election Commission may by order in writing direct that any powers conferred or any duty imposed on the State Election Commission under these rules shall, under such conditions, if any, as may be specified in the direction, be discharged by such officer or class of officers as may be specified.
- Deputation 20. The Officers shall be on deputation to the State Election Commission during election. The Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other officer appointed under these rules and any Police Officer designated for the time being by the State Government for the conduct of the Municipal Corporation election 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 Municipal Corporation election and ending with the date of declaration of the results of the election and such Officers shall, during that period be subject to the control, superintendence and discipline of the State Election Commission.

Chapter – IV

NOTIFICATION OF CANDIDATES, FORM OF NOMINATION PAPER, OBJECTION TO NOMINATION AND SCRUTINY OF NOMINATION, ETC.

- Nomination of candidate for election 21. Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill the seat under the provisions of the Act and the rules made thereunder.
- Appointment of dates for nomination etc 22. As soon as the notification or notifications calling upon a ward or wards to elect a Councillor or Councillors is or are issued under the provisions of section 372 of the Act, the State Election Commission shall, by notification in the Official Gazette, appoint –
- (a) the last date for making nominations, which shall be the seventh working day after the date of publication of the notification;
 - (b) the date for the scrutiny of nominations which shall be the second day after the last date for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday;

- (c) the last date for the withdrawal of nominations of candidates which shall be the third day after for scrutiny of nominations, etc or if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) The date of poll, if any, shall not be earlier than 15th day after the last date of withdrawal of candidates.

Explanation – In this rule, public holiday means any day which is public holiday for the purpose of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881) or any day which has been declared by the State Government to be a holiday for the Government offices in Assam.

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| Public notice of election | 23. On the issue of a notification under rule 22 the Returning Officer for the ward shall give public notice of the intended election in Form 4 which shall, subject to any directions of the State Election Commission, be published in such manner as the Returning Officer thinks fit. |
| Symbols | <p>24. (1) The State Election Commission shall specify, by notification in the Official Gazette, the symbols that may be chosen by candidates and the restriction to which their choice shall be subject.</p> <p>(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbol made in the nomination paper first delivered, and no other declaration as to symbol shall be taken into consideration under rule 30 even if that nomination paper has been rejected.</p> <p>(3) A failure to complete, or a defect in completing the declaration as to symbol in a nomination paper shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 27.</p> |
| Presentation of nomination paper and requirement for a valid nomination | 25. (1) On or before the date appointed under clause (a) of rule 22, each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Returning Officer at the place specified in this behalf in the notice issued under rule 23 a nomination paper |

completed in **Form 5** and signed by the candidate and by an elector of the ward as proposer.

- (2) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll:

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

- (3) Where the candidate is an elector of a different ward, a copy of the electoral roll of that ward or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced by the candidate before the Returning Officer at the time of scrutiny.
- (4) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper:

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

Notice of nominations and the time and place for their scrutiny

26. The Returning Officer shall, on receiving the nomination paper under sub-rule (1) of rule 25 inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of the nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be, thereafter cause to be affixed in some conspicuous place in his office, a notice in **Form 6** of the nomination containing description similar to those contained in the nomination paper both of the candidate and of the proposer.

Scrutiny of
nomination
paper

27. (1) On the date fixed for the scrutiny of nomination papers under rule 22, the candidate and two other person duly authorised in writing by him but no other persons, may attend at such time and place as has been specified in the notice issued under rule 23 and the Returning Officer shall give them all reasonable facilities for examining the nomination paper of all candidate which have been delivered within the time and manner laid down in rule 25.
- (2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination paper on any one of the following grounds:
- (a) that on the date fixed for the scrutiny of nomination paper the candidate either is not qualified or is disqualified for being chosen as a councillor under the Act; or
 - (b) that there has been a failure to comply with any of the provisions of rule 25 or rule 28; or
 - (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.
- (3) Nothing contained in clause (b) or clause (c) of sub-rule (2) above shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.
- (4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of substantial character.
- (5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 22 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot, open violence or by causes beyond his control:

Provided that in case an objection is raised by the Returning Officer or is made by other person, 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 Returning Officer shall record his decision on the date to which the proceeding have been adjourned.

- (6) The Returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.
- (7) For the purpose of this rule, a certified copy of any entry in the electoral roll, for the time being in force, of a ward shall be conclusive evidence of the fact that person referred to in that entry is an elector for that ward unless it is provided that he is subject to a disqualification mentioned in section 16 of the Representation of the People Act, 1950.
- (8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare in **Form 7** a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix a copy of it to his notice board.

CHAPTER V

DEPOSITS TO BE MADE BY CANDIDATES AND TIME AND MANNER OF MAKING SUCH DEPOSITIS ETC.

28. (1) A candidate shall not be deemed to be fully nominated unless he deposits or causes to be deposited a sum of five thousand rupees or where the candidate is a member of a Scheduled Caste or a Scheduled Tribe a sum of two thousand and five hundred rupees with the Returning Officer or in the office of the Corporation.

- (2) Any sum required to be deposited under sub-rule (1) above shall not be deemed to have been deposited under that sub-rule unless at the time of delivery of the nomination paper under sub-rule (1) of rule 25, the candidate has either deposited or caused to be deposited that sum in cash with the Returning Officer or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the office of the Corporation.
- (3) If a candidate, by whom or on whose behalf the deposit has been made, withdraws his candidature under rule 29 or if the nomination of any such candidate is rejected, the deposit shall be returned to the candidate or if he dies before the commencement of the poll, to the legal representative.
- (4) If a contesting candidate is not elected, and the number of valid votes polled by him has not exceeded one-sixth of the total number of valid votes polled, the deposit shall stand forfeited to the Corporation.
- (5) The deposit shall, where it is not forfeited under sub-rule (4) above be returned to the candidate or if he is dead, to his legal representative, after publication of the result of the election in the Official Gazette.

CHAPTER VI

WITHDRAWAL OF CANDIDATURE, ETC.

29. (1) Any candidate may withdraw his candidature by a notice in writing in **Form 8** which shall be subscribed by him and delivered before three O'clock in the afternoon on the day fixed under clause (c) of rule 22 to the Returning Officer by such candidate in person or by his proposer.
- (2) On receipt of such notice, the Returning Officer shall note thereon the date and time at which it was delivered.

- (3) No person who has given a notice of withdrawal of his candidature under sub-rule (1) above shall be allowed to cancel the notice.
- (4) The Returning Officer shall, on being satisfied as to the genuineness of a notice withdrawal and identity of the person delivering it under sub-rule (1) above cause the notice to be affixed in **Form 9** in some conspicuous place in his office.
- Preparation of list of contesting candidates 30. (1) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 29, the Returning Officer shall prepare in **Form 10** a list of contesting candidates within the said period.
- (2) The said list shall contain the names of the candidates in alphabetical order in Assamese language and the address of the contesting candidates as given in the nomination paper. The alphabetical order shall be determined with reference to the names proper of the candidates.
- (3) Where poll become necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination paper and shall, subject to any general or special direction issued in this behalf by the State Election Commission-
- (a) allot a different symbol to each contesting candidate in conformity as far as practicable, with his choice; and
- (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.
- (4) The allotment by the Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with any direction issued by the State Election Commission in this behalf in which case the State Election Commission may revise the allotment in such manner as he thinks fit.

- (5) Every contesting candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.
- Publication of the list of contesting candidates
31. The Returning Officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in his office board and supply a copy of it to each of the contesting candidates and also send copies to the State Election Commission for publication in the office of the Corporation.

CHAPTER VII

APPOINTMENT OF AGENTS OF CANDIDATES

- Appointment of election agents
32. (1) A candidate may, at an election, appoint any person other than himself to be his election agent. The appointment of agent shall be made in **Form 11**.
- (2) When any such appointment is made, notice of such appointment shall be given by forwarding in duplicate in **Form 11** being filed up by the Returning Officer, who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.
- (3) Any person who is for the time being disqualified for being chosen as and for being a councillor, so long as the disqualification subsists, also be disqualified for being an election agent at any election.
- (4) Any revocation of the appointment of an election agent shall be made in **Form 12** and shall be signed by the candidate, and shall operate from the date on which such form is lodged with the Returning Officer.
- (5) In the event of such a revocation or of the death of the election agent whether the event occurs before or during the election, the candidate may, appoint another person to be his election agent as seen sub-rule (2) above, and when such appointment is made, notice of the appointment shall be given to the Returning Officer as per sub-rule (2) above.

- Appointment of polling agents 33. (1) A contesting candidate may appoint one agent and two relief agents of such candidate at each polling station and every such appointment shall be made in **Form 13** and shall be made over to the polling agents for production at the polling station.
- (2) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (1) above after duly completing and signing before the Presiding Officer the declaration contained therein.
- Revocation of the appointment on death of a polling agent 34. Any revocation of the appointment of a polling agent shall be signed by the candidate in **Form 14** and shall operate from the date and time on which it is lodged with the Presiding Officer and in the event of such a revocation or of the death of polling agent before the close of the poll, the candidate may appoint another polling agent at any time before the poll is closed and shall forthwith give a notice of such appointment to the Presiding Officer in the manner prescribed in rule 33.
- Candidates and agents to wear badges function of agents 35. (1) The candidates and polling agents to be admitted inside the polling station shall be supplied by the State Election Commission on payment of such amount as he may fix, official badges which shall be worn for the purpose of identification. No candidate or polling agent shall be allowed to enter the polling station unless he wears the official badge.
- (2) A polling agent may perform such functions in connection with the poll as are authorised by these rules to be performed by a polling agent.
- Attendance of a candidate at polling station 36. (1) At every election where a poll is taken, each contesting candidate at such election shall, subject to the provisions of sub-rule (1) of rule 35 has a right to be present at any polling station appointed under rule 40 for conduct of election.

- (2) A contesting candidate may himself do any act or thing which any polling agent or counting agent of such candidate, if appointed, would have been authorized by these rules to do, or may assist any polling agent or the counting agent of such candidate in doing any such act or thing.
- Non-attendance of polling or counting agents
37. Where any act or thing is required or authorised by 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.

CHAPTER-VIII

GENERAL PROCEDURE AT ELECTION

- Death of candidate before commencement of the poll
38. If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of candidate, countermand the poll and report the fact to the State Election Commission and all proceedings with reference to the election shall be commenced anew in all respects as if a new election:
- Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at time of the countermanding of the poll.
- Provided further that no person who has given a notice of withdrawal of his candidature under rule 29 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.
- Procedure in contested and uncontested election
39. (1) If the number of the contesting candidates is more than one, a poll shall be taken.
- (2) If there is only one contesting candidate, the Returning Officer shall forthwith declare him to be duly elected to fill the seat in the **Form 15**.
- (3) Where a ward has failed to elect a person to fill the seat allotted to it, the State Election Commission shall, by notification in the Official Gazette under section 374 of the Act, again call upon the ward to elect a person.

CHAPTER IX**POLL AND OTHER MATTERS RELATING TO CONDUCT OF ELECTIONS.**

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| Selection of polling station | 40. The State Election Commission shall select and appoint as many polling stations as he may consider necessary for each ward and shall publish in such manner as he deems fit, a list of the polling stations so provided and the polling areas for which these have respectively been provided and shall also describe the boundaries of the respective polling stations in such manner as he may deem necessary. |
| Arrangement at polling stations | 41. (1) Outside each polling station there shall be displayed prominently:-
(a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled; and
(b) a copy of the list of contesting candidates.

(2) At each polling station there shall be set up one or more voting compartments in which electors can record their votes free from observation. |
| Printing and form of ballot papers | 42. (1) Every ballot paper shall be in such form as the State Election Commission may direct and the particulars therein shall be printed in the Assamese language.

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

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation, residence or in some other manner. |
| Design of ballot boxes | 43. Every ballot box shall be of such design as may be approved by the State Election Commission. |
| Provision of ballot boxes ballot papers at the polling stations | 44. The State Election Commission shall provide at each polling station:-
(a) copies of the electoral roll pertaining to the polling area or areas,
(b) a sufficient number of ballot paper,
(c) stationery equipment required for taking the poll, and |

- (d) sufficient number of ballot boxes with slit open for depositing ballot papers.

- Time of poll 45. (1) The State Election Commission shall fix the hours during which the poll shall be taken, and the hours so fixed shall be published by notification in the Official Gazette:
- Provided that the total period allotted on any one day for polling at election in the ward shall not be less than eight hours.
- (2) The Presiding Officer shall open and close the polling station precisely at the hours fixed under sub-rule (1) above and shall not admit thereto any voter before or after the hours so fixed:
- Provided that all voters awaiting at the polling station for exercising their votes before it is so closed shall be entitled to have their votes recorded.
- (3) If any question arises as to whether any voter shall, for the purpose of sub-rule (2) above be deemed to be present at the polling station before it is closed, the question be referred for decision of the Presiding Officer of such polling station and this decision shall be final.
- Extending the hours of poll 46. If, for any unavoidable reasons, the polling station opens at a time later than that fixed under sub-rule (1) of rule 45, the Presiding Officer shall extend the time for closing, so that the total period allowed for polling shall be the same as fixed sub-rule (1) of rule 45.
- Adjournment of poll in emergencies 47. (1) If at an election the proceedings at any polling station are interrupted or obstructed by riot or open violence, or if at an election it is not possible to take the poll at any polling station 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 forthwith inform the Returning Officer concerned and the State Election Commission.

- (2) Whenever a poll is adjourned under sub-rule (1) above, the Returning Officer shall immediately report the circumstance to 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 polling station at which and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll have been completed.
- (3) In every such case as aforesaid, the Returning Officer shall notify in such manner as he may deem fit the date, place and hours of polling fixed under sub-rule (2) above.

Fresh poll in the case of destruction, etc., of ballot boxes

- 48. (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 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 such error or irregularity in procedure as is likely to vitiate the poll, is committed at a polling station,

the Returning Officer shall forthwith report the matter to the State Election Commission.
- (2) Thereupon the State Election Commission shall after taking all material circumstance 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 he may deem fit; or
 - (b) if satisfied that the result of a fresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is

not material, issue such directions to the Returning Officer as he may deem proper for further conduct and completion of the election.

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

Polling Officers to be supplied with electoral roll ballot papers etc.

49. The Polling Officers detailed for issuing ballot paper shall be provided with-
- (a) as many of the electoral roll of the area as may be necessary;
 - (b) sufficient number of ballot papers;
 - (c) an indelible ink phial for marking the left forefinger of a vote; and
 - (d) a sufficient of form of the tendered voter lists.

CHAPTER X

Method of voting

50. (1) At every election where a poll is taken votes shall be given by ballot and no votes shall be received by proxy.
- (2) Save as hereinafter provided, all electors voting at an election shall do so in person at the polling station provided for them under rule 40.

Method of voting

51. Notwithstanding anything contained in these rules, the giving and recording of votes by voting machines, maybe adopted in such electoral ward or wards, as the State Election Commission may, having regard to the circumstances of each case, specify.

Admission to polling station

52. The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude there from all persons other than-
- (a) Polling Officers;
 - (b) candidates and subject to the provisions of rule 32 one polling agent of each candidate;
 - (c) persons authorised by the State Election Commission;
 - (d) public servants on duty in connection with the election;
 - (e) a child in arms accompanying an elector;
 - (f) a person accompanying blind or differently abled elector who cannot move without help; and

(g) such other persons as the Returning or the Presiding Officer may employ under sub-rule (2) of rule 54 or sub-rule (1) of rule 55.

Preparation
of ballot
boxes for poll

53. (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 signature of such of the 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 there for in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remain 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 seals.
- (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 insertion of ballot papers remains open and shall allow the polling agent 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 with-
- (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 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) above.
- (7) The ballot box shall then be closed sealed and secured and placed in full view of the Presiding Officer and the polling agents.

- Facilities for women electors
54. (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 Returning Officer of the Presiding Officer may appoint a woman to serve an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors and in particular to help in frisking any woman elector in case it becomes necessary.
- Identification of electors
55. (1) The Presiding Officer may employ at the polling station such as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.
- (2) As each elector enters the polling station the Presiding Officer or the Polling Officer authorised by him in this behalf shall check electors name and other particulars with the relevant entries in the electoral roll and then call out the serial number name and other particulars of the elector.
- (3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall over-look merely clerical or printing errors in any entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.
- Challenging of identity or challenged votes
56. (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 Presiding Officer for each such challenge.
- (2) On such deposit being made, the Presiding shall-
- (a) warn the person challenged of penalty for personation;
 - (b) read with relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
 - (c) enter his name and address in the list of challenged votes in **Form 16**; and
 - (d) require him to affix his signature in the said list.

- (3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose-
- (a) require the challenger 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 enquiry, the Presiding Officer considers that the challenge has not been established he shall allow the person challenged to vote; and if he considers that challenge has been established, he shall debar the person challenged from voting.
- (5) If the Presiding Officer is of 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) above be forfeited to the Corporation and his order in this respect shall be final; and in any other case, he shall return it to the challenger at the conclusion of the enquiry.
- (6) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes in **Form 16**.

Safeguard
against
personation

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

- (3) Where a poll is taken simultaneously in any Assembly and/ or Parliamentary constituency and a ward, an elector whose left forefinger has been marked with indelible ink at one such election shall, notwithstanding anything contained in sub-rule (1) and (2) above, be supplied with a ballot paper for the other election.
- (4) Any reference in this rule to the left forefinger of an elector shall, where the elector has his left forefinger missing, be construed as a reference to any other finger of this 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 hand are missing, be construed as a reference to such extremity of his left or right arm as he possesses.
- Issue of ballot paper to electors 58. (1) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the State Election Commission may direct.
- (2) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the State Election Commission may direct.
- (3) Save as provided in sub rule (2) above, no person in the polling station shall not down the serial numbers of the ballot papers issued to electors.
- Procedure of voting in ballot box 59. (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 instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;

- (d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;
- (e) insert the folded ballot paper into the ballot box; and
- (f) leave the polling station silently.

- (2) Every elector shall vote without undue delay.
- (3) No elector shall be allowed to enter a votive compartment when another elector is inside it.

Recording of vote of blind or differently abled elector

60. (1) If the Presiding Officer is satisfied that owing to illiteracy, blindness or other physical infirmity, an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than twenty one years of age 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 inserting it into the ballot box:

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

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

- (2) The Presiding Officer shall keep a record in **Form 17** of all cases under this rule.

Tendered votes

61. (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as

such elector, he shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a '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 18**.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling station 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 with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) 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 to the Presiding Officer, who shall place it in a cover specially kept for the purpose:

Provided that if there is reasonable ground for believing that the person, by applying for a tendered ballot paper, has committed the offence of personation, the Presiding Officer shall immediately direct the Police to arrest him.

Spoilt and returned ballot papers

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

- (2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned shall be marked as "Returned: Cancelled" by the Presiding Officer.
- (3) All ballot paper cancelled under sub-rule (1) or sub-rule (2) above shall be kept in a separate packet.
- Sealing of ballot boxes after poll
63. (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.
- (2) The ballot box shall there under be sealed and secured.
- (3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) above, before another box is put into use.
- Account of ballot paper
64. (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in **Form 19** and enclose it in a separate cover with the words "Ballot Paper Account" super scribed thereon.
- (2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate, or his or her election agent, or his or her Polling agent, who may be present at the Polling station and may desire to affix his or her seal thereon.
- Sealing of other packets
65. (1) The Presiding Officer shall them make into separate packets-
- (a) the marked copy of the electoral roll;
 - (b) the unused ballot papers;
 - (c) the cancelled ballot papers;

- (d) the cover containing the tendered ballot papers and the list in **Form 18**;
- (e) the list of challenged votes; and
- (f) any other paper directed by the State Election Commission to be kept in a sealed packet.
- (2) Each such packet shall be sealed with the seals of the Presiding Officer and of those polling agent who may desire to affix their seals thereon.
- Transmission of ballot boxes, etc., to the Returning Officer
66. (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as Returning Officer may direct-
- (a) the ballot boxes referred to in rule 63;
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 65; and
- (d) all other papers used at the poll.
- (2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.
- Procedure and adjournment of poll
67. (1) If the poll at any polling station is adjourned under rule 47, the provisions of rules 63 to 66 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 45.
- (2) When an adjourned poll is recommended under sub-rule (2) above, of rule 47, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the electoral roll and a new ballot box or boxes.

- (4) The Presiding Officer shall open the seal packet in the presence of such candidates or their agents as may be present and use the marked copy of the electoral roll for recording the serial numbers of ballot papers issued to electors at the adjourned poll.

CHAPTER XI

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| Postal ballot for electors employed on duty at polling stations | 68. (1) | A Presiding Officer a Polling Officer or any other public servant who is an elector in a ward and is by reason of his being on election duty unable to vote at the polling station where he is entitled to do so may application be allowed to record his vote in that ward by postal ballot. |
| | (2) | Every such application shall be made in Form 20 and shall be sent to the Returning Officer so as to reach him at least seven days or such shorter period as the Returning Officer may allow before the date of poll. |
| | (3) | If the Returning Officer is satisfied that the applicant is entitled to vote by postal ballot under sub-rule (1) above, he shall issue a ballot paper to him. |
| Form of postal ballot paper | 69. (1) | A postal ballot paper shall be in Assamese Language and in such form as the State Election Commission may direct. |
| | (2) | The names of the candidates shall be arranged in the order in which they appear in the list of contesting candidates. |
| | (3) | If two or more candidates bear the same name they shall be distinguished by the addition of their occupation or residence or in some other manner. |
| Issue of postal ballot papers | 70. (1) | The Returning Officer shall as soon as practicable deliver or cause to be delivered personally a postal ballot paper to each elector entitled to vote by postal ballot and shall at the same time- |

- (a) record in such manner as he thinks fit the serial number of each ballot paper against the entry relating to that elector in the copy of the electoral roll set apart for the purpose (hereinafter referred to as the marked copy of the electoral roll; and
 - (b) Ensure that the elector is not allowed to vote at a polling station.
 - (2) Along with the ballot paper the Returning Officer shall send to the elector-
 - (a) a declaration in **Form 21**;
 - (b) a cover in **Form 22**;
 - (c) a large cover addressed to Returning Officer in **Form 23**; and
 - (d) Instruction for the guidance of the elector in **Form 24**.
 - (3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure that the same is delivered to the addressee without delay.
 - (4) After ballot papers have been issued to all the electors entitled to vote by postal ballot the Returning Officer shall seal up in a packet the marked copy of the electoral roll used in connection with the issue of postal ballot papers and record on the packet a brief description of its contents the name of the ward and the date on which it is sealed.
 - (5) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.
- Recording of votes on postal ballot papers
71. (1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the direction contained in Part 1 of **Form 24** and then enclose it in the cover in **Form 22**.

- (2) The elector shall sign the declaration in **Form 21** in the presence of and have the signature attested by a stipendiary Magistrate or a Gazetted Officer to whom he is personally known or to whose satisfaction he has been identified.
- Re-issue of postal ballot papers
72. (1) When a postal ballot paper and other papers sent under rule 70 are for any reason returned undelivered the Returning Officer may reissue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.
- (2) If any elector has inadvertently dealt with his ballot paper or any of other paper sent to him under rule 70 in such a manner that they cannot conveniently be used, a second set of the paper shall be issued to him after he has returned the spoilt papers on being satisfied by the Returning Officer of the inadvertence.
- (3) The Returning Officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting there on the serial numbers of all such cancelled ballot papers.
- Return of postal ballot papers
73. (1) After an elector has recorded his vote and made his declaration under rule 61 or 72 he shall return the postal ballot paper and declaration to the Returning Officer of the ward in which the elector is entitled to vote in accordance with the instruction communicated to him in **Form 24** so as to reach the Returning Officer before the sealing of ballot boxes after poll under rule 63.
- (2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub rule (1) above, he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

- (3) 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.
- Time and place for counting of vote 74. The Returning Officer, shall, at least one week before the date or the first of the dates fixed for the poll appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent:
- Provided that if any reason the Returning Officer finds it necessary so to do he may alter the date time and place or places so fixed or any them after giving notice of the same in writing to each candidate or his election agent.
- Appointment of counting agents and revocation of such appointment 75. (1) The number of counting agents that a candidate may appoint shall, subject to such general or special direction as the State Election Commission may issue in this behalf, not exceed sixteen at the place or each of the places fixed for counting under rule 74.
- (2) Every such appointment shall be made in **Form 25** in duplicate one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agents concerned for production before the Returning Officer before 4 P.M on the day immediately preceding the date fixed for counting under rule 74.
- (3) No counting agents shall be admitted into the place fixed for counting unless he/ they delivers/ deliver to the Returning Officer the second copy of appointment little under sub-rule (2) above after duly completing and signing the declaration contained therein and receiving from the Returning Officer an authority for entry into the place fixed for counting.

- (4) Any revocation of the appointment of counting agent/ agents shall be signed by the candidate in **Form 26** and shall operate from the date on which it is lodged with the Returning Officer and in the event of such a revocation or of the death of a counting agent if there be only one before the commencement of the counting of votes, the candidates may appoint another counting agent in accordance with sub-rule (2) above, at any time before the counting of votes is commenced and shall forthwith give notice thereof to the Returning Officer.
- Admission to the place fixed for counting
76. (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except-
- (a) such person as he may appoint assist him in the counting;
 - (b) candidates and their counting agents;
 - (c) persons authorised by the State Election Commission; and
 - (d) public servants on duty in connection with the election.
- (2) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.
- (3) Any person who during the counting of votes misconducts himself or fails to obey the direction of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by police on duty or by any person authorised in this behalf by the Returning Officer.
- Maintenance of secrecy of voting
77. The Returning Officer shall, before he commences the counting, read out the provisions of section 128 of the Representation of the People Act, 1951 (43 of 1951) to such persons as may be present as provided under rule 76.

- Scrutiny and opening of ballot boxes
78. (1) The Returning Officer may have the ballot boxed used at more than one polling station opened and their contents counted simultaneously.
- (2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and satisfy themselves that it is intact.
- (3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.
- (4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 48 in respect of that polling station.
- Scrutiny and rejection of ballot papers
79. (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.
- (2) The Returning Officer shall reject a ballot paper-
- (a) if it bears any mark or writing by which the elector can be identified; or
 - (b) if no vote is recorded thereon; or
 - (c) if votes are given on it in favour of more than one candidate; or
 - (d) if in 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 a design different from the serial number or design of the ballot papers authorised for use at the particular polling station; or

(h) if it does not bear the mark which it would have borne under the provisions of sub-rule (1) of rule 55:

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 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.

- (3) Before rejecting any ballot paper under sub-rule (2) above, the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him handle it or any other ballot paper.
- (4) The Returning Officer shall record on every 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.
- (5) All ballot papers rejected under this rule shall be bundled together.

Counting of
votes

80. (1) Every ballot paper which is not rejected under rule 79 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.

- (2) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in **Form 27** and announce the particulars.
- (3) The valid ballot papers shall thereafter be bundled together and kept alongwith the bundle of 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.
- Counting to be Continuous 81. The Returning Officer shall, as far as practicable, proceed continuously with the counting and shall, during any interval when the counting has to be suspended, keep the voting machine, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.
- Recommencement of counting after fresh polls 82. (1) If a fresh poll is held under rule 48, the Returning Officer shall, after completion of that poll recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.
- (2) The provisions of rules 78 to 80 shall apply so far as may be to such further counting.
- Scrutiny and counting of postal ballot papers 83. After or before counting of the ballot papers found in ballot boxes has been completed, the Returning Officer shall deal with the postal ballot papers in the manner hereinafter provided,-

- (i) No cover in **Form 23** received by the Returning Officer after the expiry of the time fixed in that behalf under rule 73 (1) above shall be opened and no vote contained in any such cover shall be counted.
- (ii) The other covers shall be opened one after another and as such cover is opened, the Returning Officer shall first scrutinize the declaration in **Form 21** contained therein.
- (iii) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the postal ballot paper as entered in it differs from the serial number endorsed on the cover in **Form 22** that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the postal ballot paper therein contained.
- (iv) Each cover so endorsed and the declaration received with it shall be replace in the cover in **Form 23** and all such covers in **Form 23** shall kept in a separate packet which shall be sealed and on which shall be sealed recorded the name of the ward, the date of counting and brief description of its contains.
- (v) The Returning Officer shall then place all the declaration in **Form 23** which he has found to be in order in a separate packet which shall be sealed before any cover in **Form 22** is open and on which shall be recorded the particulars referred to in sub-rule (5) above.
- (vi) The covers in **Form 22** not already dealt with under the foregoing provisions of this rule shall than be open one after another and the Returning Officer shall scrutinize each postal ballot paper and decide the validity of the vote recorded thereon.
- (vii) A postal ballot paper shall be rejected -
 - (a) if no vote is recorded thereon; or
 - (b) if votes are given on it in favour of more candidates than one; or
 - (c) if it is spurious ballot paper; or
 - (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established;

- (e) if it is not returned in the cover sent alongwith it to the elector by the Returning Officer.
- (viii) 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.
- (ix) A vote recorded on a postal 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 ballot paper is marked.
- (x) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in **Form 27** and announce the same.
- (xi) Thereafter all the valid postal ballot papers and all the rejected postal ballot papers 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.
- Recount of votes
84. (1) After the completion of the counting, the Returning Officer shall record, in the result sheet in **Form 27** the total number of votes polled by each candidate and announce the same.
- (2) After such announcement has been made, a candidate or, in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to re-count the votes either wholly or in part stating the grounds on which the demands such re-count.
- (3) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it *in toto* if it appears to him to be frivolous or unreasonable.
- (4) Every decision of Returning Officer under sub-rule (3) shall be in writing and shall contain the reasons thereof.

- (5) If the Returning Officer decides under sub-rule (3) above to allow an application either in whole or in part, he shall-
 - (a) do the re-counting, as the case may be;
 - (b) amend the result sheet in **Form 27** to the extent necessary after such recount; and
 - (c) announce the amendments so made by him.
- (6) After total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5) above the Returning Officer shall complete and sign the result sheet in **Form 27** and no application for re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule(2) above.

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| Declaration of result of elections | 85. The Returning Officer shall subject to the provisions of rule 84 and so far as they apply to the particular case, declare to be elected the candidate to whom the largest number of valid votes has been given, complete and certify the return of election in Form 28 and send signed copies thereof to the State Election Commission. |
| Grant of certificate of election to returned candidate | 86. As soon as may be after a candidate has been declared by the Returning Officer under rule 86 to be elected, the Returning Officer shall grant to such candidate a certificate of election in Form 29 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the State election Commission. |
| A person elected to more than one seat | 87. If a person is elected to more than one seat, then unless within three days from the date of publication of the result of election under section 377 of the Act, he resigns all but one of the seats by writing under his hand addressed to the State Election Commission, all the seats shall become vacant. |
| Custody of ballot boxes and papers relating to election | 88. (1) All ballot boxes used at an election shall be kept in such custody as the State Election Commission may direct. |

- (2) The Returning Officer shall forward the packets of unused ballot papers, the packets of used ballot papers whether valid, tendered or rejected, and all other papers relating to the election to the State Election Commission who shall keep the same in safe custody.
- Production and inspection of election papers
89. (1) While in the custody of the State Election Commission-
- (a) the packet of unused ballot papers;
 - (b) the packets of used ballot papers whether valid, tendered or rejected;
 - (c) the packets of the marked copy of the electoral roll; and
 - (d) the packets of the declaration by electors and the attestation of their signature;
- shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under order of a competent Court.
- (2) All other papers relating to the election shall be opened to public inspection subject to such conditions and to the payment of such fee, if any, as the State Election Commission may direct.
- Disposal of election papers
90. Subject to any direction to the contrary given by a competent Court, the packets and other papers referred to in sub-rule (2) of rule 89 shall be retained for a period of six months from the date of publication of the result of election under section 377 of the Act, and shall thereafter be destroyed:
- Provided that if an election petition is filed in the Court of the District Judge at Gauhati, the packets and other papers referred to in this rule shall not be destroyed unless the petition is finally disposed of.

CHAPTER XII
VOTING BY ELECTRONIC VOTING MACHINES

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| Design of
Electronic
Voting
Machines | 91. (1) | Every electronic voting machine (hereinafter referred to as the voting machine) shall comprise of two units, a Control Unit and a Balloting Unit and shall be of such design as may be approved by the State Election Commission. |
| Preparation of
Voting
Machine | (2) | The Balloting Unit of the voting machine shall contain such particulars in Assamese language or such 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. |
| Preparation of
Voting
Machine | 92. | Subject to the provisions of the rule 91, the Returning 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 or her 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 or her seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same. |
| Arrangements
at the Polling
Stations | 93. (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 Returning 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.
- Admission to Polling Station 94. The provisions of rule 52 of these rules shall apply to regulate the entry of electors and other persons inside the Polling station.
- Preparation of voting machine for poll 95. (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 or stations as the case may be;
 - (c) the serial number of the Balloting Unit and Control 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) above.
- (3) A paper seal shall be used for securing the control unit of the voting machine, and the Presiding Officer shall affix his or her 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 therefore 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.

Marked copy
of electoral roll

96. 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.

Facilities for
women
electors

97. (1) Where a Polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted to the Polling station alternately in separate batches.
- (2) The returning 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 woman electors, and in particular, to help frisking any woman elector in case it becomes necessary.

Identification
of electors

98. (1) The Presiding Officer may employ at the Polling station such persons as he or she thinks fit to help in the identification of the electors or to assist him or her otherwise in taking the poll.
- (2) As each elector enters the Polling station, the Presiding Officer or the Polling Officer authorized by him or her 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 made

under the Representation of People Act, 1950, (Central Act 43 of 1950) the elector shall produce his or her identity card before the Presiding Officer or the Polling Officer authorized by him/her in this behalf. Where such identity cards are not issued, each elector shall establish his or her 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 or her vote, the Presiding Officer or the Polling Officer, as the case may be, shall over-look merely clerical or printing errors in any entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

Challenging of
Identity

99. Where the identity of an elector is challenged, the provisions of rule 56 of these rules shall apply.

Safeguard
against
personation

100. (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his or her 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) refuses to allow his or her left forefinger to be inspected or marked in accordance with sub-rule (1) above or has already such a mark on his or her left forefinger or does any act with a view to removing the ink mark, or
(b) fails or refuses to produce his or her identity card as required by sub-rule (3) of rule 98, he or she 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 or her left forefinger missing, be construed as a reference to any other finger to his or her 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 the right hand, and shall, in the case where all the fingers of both the hands are missing, be construed as a reference to such extremity of his or her left or right arm as he possesses.

Procedure for
voting by
voting
machines

101. (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 30**.
- (b) obtain the signature or the thumb impression of an 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.
- (d) give details of the document produced by the elector in proof of his/her identification:

Provided that no elector shall be allowed to vote unless he has put his or her signature or thumb impression on the Register of Voters.

- (2) Notwithstanding anything contained in sub-rule (1) above, it shall 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.

Maintenance of secrecy of voting by electors within the Polling station and voting procedures

102. (1) Every elector who has been permitted to vote under rule 102 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 voting compartment;
 - (b) record his or her vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he or she 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 101 or rule 105 refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (3) above, 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) above, 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 30** by the Presiding Officer under his or her signature.

Recording of
votes of blind
or infirm
electors

103. (1) If the Presiding Officer is satisfied that owing to illiteracy, blindness or other physical infirmity 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 or her vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him or her a companion of not less than twenty-one years of age to the voting compartment for recording the vote on his or her behalf and in accordance with his or her 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 that he or she shall keep secret the vote recorded by him or her on behalf of the elector and that he or she has not already acted as the companion of any other elector at any other Polling station on that day.

- (2) While acting under this rule the Presiding Officer shall observe as much secrecy as is feasible and shall keep a brief record of each of such instances in **Form 30** as remarks.

Elector
deciding not
to vote

104. If an elector, after his or her electoral roll number has been duly entered in the register of voters in **Form 30** and has put his or her signature or thumb impression thereon as required under sub-rule (1) of rule 101, decides not to record his or her vote, a remark to this effect shall be made against the said entry in **Form 30** by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

Tendered
votes

105. (1) If a person representing himself or herself to be a particular elector seeks to vote after another person has already voted as such elector, he or she shall, on satisfactorily answering such questions relating to his or her 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 of such design, and the particulars of which shall be in Assamese or such language or languages as the State Election Commission may specify.

(2) Every such elector shall, before being supplied with tendered ballot paper, write his or her name against the entry relating to him or her in **Form 31**.

(3) Every voter receiving the ballot paper shall forthwith, -

(a) proceed to the voting compartment;

(b) record there his or her vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he or she intends to vote;

- (c) fold the ballot paper so as to conceal his or her vote;
 - (d) show to the Presiding Officer, if required, the distinguishing mark on the ballot paper;
 - (e) give it to the Presiding Officer who shall place it in a cover specially kept for the purpose; and
 - (f) leave the Polling station.
- (4) If owing to blindness or physical infirmities, such elector is unable to record his or her vote without assistance, the Presiding Officer shall permit him or her to take with him or her a companion, subject to the same condition and following the same procedure as laid down in rule 103 for recording the vote in accordance with his or her wishes.
- Presiding Officer's entry in the voting compartment during poll
106. (1) The Presiding Officer may whenever he or she considers it necessary so to do, 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 has remained inside the voting compartment for unduly long period, he or she 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 or she shall permit the Polling agents present to accompany him if they so desire.

Closing of the poll 107. (1) The Presiding Officer shall close the Polling station at the hour fixed in that behalf under rule 15 and shall not admit thereto any elector before or after that hour:

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

(2) Any question that may arise as to whether an elector shall, for the purpose of the proviso to sub-rule (1) above, be deemed to be present at the Polling station before it is closed, shall be decided by the Presiding Officer whose decision shall be final.

Account of votes recorded 108. (1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in **Form 32** and enclose it in a separate cover with the words "Account of Votes Recorded" super scribed 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 32** after obtaining receipt from the said Polling agent there for and shall attest it as a true copy.

Sealing of voting machine after poll 109. (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 the 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 be possible to open the units without breaking the seals.

- (3) The Polling agents present at the Polling station, who desire to affix their seals shall also be permitted to do so.

Sealing of other packets

110. (1) The Presiding Officer shall then make into separate packet,-

- (a) the marked copy of the electoral roll;
- (b) the Register of Voters in **Form 30**;
- (c) the cover containing the tendered ballot papers and the list in **Form 31**;
- (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 his or her election agent, or his or her Polling agent, who may be present at the Polling station and may desire to affix his or her seal thereon.

Transmission of voting machines, etc., to the Returning Officer

111. (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct, -

- (a) the voting machine;
- (b) the account of votes recorded in **Form 32** ;
- (c) the sealed packets referred to in rule 110; and
- (d) all other papers used at the poll.

- Procedure on adjournment of poll
112. (1) (2) The Returning 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.
- (1) If the poll at any Polling station is adjourned under rule 47, provision of rules 108 to 111 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 45.
- (2) When an adjourned poll is recommended under rule 47, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The Returning Officer shall provide the Presiding Officer of the Polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, Register of Voters in **Form 30** 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 marking the names of the electors who are allowed to vote at the adjourned poll.
- (5) The provisions of rule 2 above and rules 91 to 111 shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

Closing of voting machines in case of booth capturing

113. 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 or she 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.

Counting of votes where electronic voting machines have been used

114. In relation to the counting of votes at a Polling station where voting machine has been used, the provisions of rules 80 and 81 shall mutatis mutandis apply, along with the following sub-rules, namely:-

- (1) Before the votes recorded in any control unit of voting machine are counted, the candidate or his or her election agent or his or her 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 intact.
- (2) The Returning Officer shall satisfy himself that none of the voting machines has in fact been tampered with.
- (3) If the Returning Officer is satisfied that any voting machine has in fact been tampered with, he or she shall not count the votes recorded in that machine and shall report the matter to the State Election Commission.
- (4) After the Returning Officer is satisfied that a voting machine has in fact not been tampered with, he or she 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.

- (5) As the votes polled by each candidate are displayed on the control unit, the Returning Officer shall have:
 - a) number of such votes recorded separately in respect of each candidate in Part II of **Form 32**;
 - b) part II of **Form 32** 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 33**, and the particulars so entered in the result sheet announced.
- (6) After the result of voting recorded in control unit has been ascertained candidate-wise, and entered in **Form 32** and **Form 33**, the Returning Officer shall reseal the unit with his or her 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.
- (7) The control unit so sealed shall be kept in specially prepared boxes on which the Returning 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.
- (8) the provisions of rules 81 to 84 shall, so far as may be, apply in relating to voting by voting
- (9) machines and any reference in those rules to ballot paper shall be construed as including a reference to such voting machine;
- (10) All voting machines used at an election shall be kept in such custody as the Commissioner, State Election Commission, Assam may direct.
- (11) The authority authorised for custody of the voting machines in (1) above shall keep in safe custody,-
- (a) the packets of unused postal ballot papers with counter foils attached thereto;
 - (b) the packets of used postal ballot papers whether valid, tendered or rejected;
 - (c) the packets of counter foils of used postal ballot papers;
 - (d) the packets of the marked copy of the electoral roll or, as the case may be;
 - (e) the packets containing register of voters in **Form 30**, including voters' slip;
 - (f) the packets of the declarations by electors and the attestation of their signatures.

- Applicability of Central Rules, Statutory Orders, etc. 115. (1) Without prejudice to the foregoing provisions, wherever no specific provisions with respect to the use of electronic voting machines at elections is made, the corresponding provisions related to the Chapters IX, X and XI in these rules shall mutatis mutandis apply in such cases.
- (2) Without prejudice to the foregoing provisions, wherever no specific provisions are made in these rules, the provisions of the Conduct of Elections Rules, 1961 made under the Representation of People Act, 1951 as amended from time to time and instructions, statutory orders and clarifications issued by the Election Commission of India shall mutatis mutandis apply for the cases under these rules.
- Power of the State Election Commission to issue directions 116. 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 the occasion requires, to facilitate the holding of elections under these rules.

CHAPTER XIII

- Trial of Election petitions - Definitions 117. In this part, unless the context otherwise requires-
- (a) 'Candidate' means a person who has been or claims to have been a duly nominated candidate at any election and any such person shall be deemed to have been a candidate as from the time when with the election in prospect, he began hold himself out as a prospective candidate;
- (b) 'Court' means the Court of the District Judge at Gauhati;
- (c) 'Electoral right' means the right of a person to stand or not to stand or

to withdraw from being a candidate, or to vote or refrain from voting at an election;

(d) 'Pleader' means any person entitled to appear and plead for another in a Civil Court and includes and Advocate, a Vakil and an Attorney of a High Court.

- Petition to be dismissed on Certain Grounds
118. If the provisions of section 380 is not complied , the Court shall dismiss the petition:
Provided that the petition shall not be dismissed without giving the petitioner and opportunity of being heard.
- Procedure before the court
119. (1) As soon as the Court received the petition it shall served on each respondent a Notice in such form as it thinks fit directing the respondent to appear before the court and answer the claim made in the petition on a day to be specified therein.
- (2) Any candidate not already a respondent shall, upon an application made by him to the Court within 14 days from the date fixed for the despondence to appear and subject to the provisions be entitled to be joint as a respondent.
- Appearance before the Court
120. Any appearance application or submission before the Court may be made or done by the Party in person or by a pleader duly appointed to act on his behalf:
- Provided that it shall be opened to the Court to direct any Party to appear in person whenever the Court considers it necessary.
- Powers of the Court
121. The Court shall have the powers which are vested in a Civil Court when trying a suit in respect of the following matters:-
- (a) discover and inspection;
 - (b) enforcing the attendance of witness an requiring the deposit of their expenses;
 - (c) compelling the production of documents;
 - (d) the examining witness on oath;
 - (e) reception of the evidence taken on affidavit;
 - (f) issuing commissions for the examination of witnesses.

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| Documentary evidence | 122. | Notwithstanding anything contained in any other law to the contrary, no document shall be inadmissible in evidence at the trial petition on the ground that it is not stamped or registered. |
| Secrecy of voting not to be infringed | 123. | No witness or other person shall be required to state for whom he has voted at an election. |
| Order as to costs | 124. | The Court may while making and order allowed in any election petition under section 383, also fixed a cost in favour of the petitioner:
Provided that where a petition is dismissed under clause (a) of sub-section (1) of section 383 the returned candidate shall be entitled to the cost incurred by him in contesting the petition and accordingly the court shall make and order for cost in favour of the returned candidate. |
| Communication of order to the State Election Commission and transmission of the records of the case | 125. | The Court shall after announcing the order made by it under section 383, send a copy of the order and the records of the case to the Commissioner. |
| Costs | 126. | Costs including pleader's fee shall be in the discretion of the Court and shall be paid out of the security deposit. |
| Payment of costs out of security deposit and return of such deposit | 127. | (1) If in any order as to costs under the provisions of this Part there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of security deposit made by such party under this Part on an application made in writing in that behalf within a period of six months from the date of the order of the Court to the State Election Commission by the person in whose favour the costs have been awarded.

(2) If there is any balance left out of the said security deposit after payment under sub-rule (1) of the cost referred to in that sub-rule such balance, or where no cost have been awarded or no application as aforesaid has been made within the said period of six months, the whole of the said security |

deposit, may on an application made in that behalf in writing to the State Election Commission by the person by whom the deposit has been made, or if such person dies after making such deposit by the legal representative of such person, be returned to the person or to his legal representative as the case may be.

CHAPTER XIV MISCELLANEOUS

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| Misconduct at the polling station | 128. | <p>If any person acts in a disorderly manner or is guilty of misconduct or commits an offence against the election rules at a polling station, or fails to obey the orders of the Presiding Officer, he may immediately by order of the returning Officer or the Presiding officer be removed from the polling station by any police officer or by any other person authorized in writing by any of the officers herein mentioned to remove him, and the person so removed shall not, save with the prior permission of the Presiding Officer, be allowed again to enter the polling station during the day:</p> <p>Provided that no person who is otherwise entitled to vote at any polling station shall be prevented from having an opportunity of voting at that station.</p> |
| Extension of time for completion of election | 129. | <p>It shall be competent for the Commissioner, for reasons which he considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by him under rule 22.</p> |
| Staff of Government and every local and statutory authority to be made available for election works | 130. | <p>The State Government shall, when so requested by the State Election Commission, make available to the State Election Commission such staff from the officers of the State Government, local and statutory authority within the limits of the city of Guwahati as may be necessary for the performance of any duty in connection with the election.</p> |
| Requisitioning of premises, vehicles, etc for election purposes | 131. (1) | <p>If it appears to the State Government that in connection with an election under these rules-</p> <p>(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or any other purpose in connection with the election; or</p> |

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of voting machine and other election material to or from any polling station or transport of officers or other persons performing any duty in connection with such election or transport of members of the police force for maintaining law and order during the conduct of such election;

the State Government may, by order in writing, authorize the Commissioner, the District Magistrate or any other person, as case may be, to requisition such premises, or such vehicles, vessels or animals, as the case may be order in writing addressed to the person who in his opinion is the owner or is in the possession of the property and served in the manner laid down in section 316, requisition such premises or such vehicles, vessels, or animals as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisition :

Provided that no vehicles, vessel, or animal 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 the rule.

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

(3) Where any premises have been requisitioned under sub-rule (1), the owner or the person in possession of the premises shall deliver possession thereof to the District Magistrate of the person authorized or to any person authorized by him in this behalf at the time specified for the purpose in the order of requisitioning and if any person refused or fails to deliver possession, the District Magistrate or the person authorized may take possession of premises and may for the purpose use such force as may be necessary.

- (4) Whenever any premises or any vehicle, vessel or animal are requisitioned under this rule, there shall be paid to the person in actual possession of the premises immediately before the requisition, or where no person was in actual possession, to the owner of the premises, or as the case may be, to the owner of the vehicle or animal, such compensation as the District Magistrate or the person authorized deems reasonable:

Provided that where any person does accept the amount of compensation as reasonable the District Magistrate or the person authorized shall refer the matter to an arbitrator for his decision and the decision of the arbitrator shall be final.

- (5) Any premises requisitioned under this rule shall be release from requisition immediately on the expiry of the period for which it was requisitioned and the possession thereof shall be deliver to the person from whom the possession was taken or if there were no such person, to the person who, in the opinion of ³[the District Magistrate or the person authorized] is the owner and such delivery of the possession shall be full discharge of the District Magistrate or the person authorized from all liabilities in respect of such delivery :

Provided that where the person to whom the possession of any premises is to be given under this rule cannot be found or has no agent of any other person to accept delivery on his behalf ⁴[the District magistrate or the person authorized] shall cause a notice declaring the such premises are released from requisition to be affixed on some conspicuous part of the premises and thereupon the premises shall cease to be subject to requisition and be deemed to have been deliver to the person entitled to possession thereof.

- (6) The State Government may, by order in writing, direct that any powers conferred or any duty imposed on the District Magistrate or the person authorized by this rule shall, under such condition if any, as may be specified in this direction, be exercised or discharged by such officer or class of officers as may be so specified.

CHAPTER XV
RULES FOR THE ELECTION OF MAYOR

Election of Mayor 132. (1) Every candidate for election to Mayor under section 14 of the Act shall be proposed by one Councillor and seconded by another Councillor at the meeting held for the purpose. The names of all the candidates proposed and seconded shall be read out by the Presiding Officer and the votes of the Councillors present at the meeting shall then be taken by ballot. The authorized officer under section 22 of the Assam Municipal Corporation Act, 2022 shall make adequate arrangements for securing the privacy of the ballot.

(2) Every Councillor wishing to vote shall be supplied with a voting paper on which the names of all the candidates shall be printed, typed, or legibly written in the following form :-

Sl No	Name	Vote
-------	------	------

1. (a)

2. (b)

3. (c)

Each Councillor shall then proceed to the place set apart for the purpose and there place a mark against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and insert the same in the ballot box. The ballot box shall be so constructed that the voting paper may be inserted therein but not extracted therefrom without the box being opened. The Presiding Officer shall then open the box and count the votes in the presence of the councillors and declare the result of the election.

(3) If there is only one duly nominated candidate no ballot shall be necessary and he shall be considered to have been elected; provided that the proposal is carried by a resolution of the

council in the same meeting. If no such resolution is passed, a fresh election shall be held forthwith in accordance with these rules.

- (4) (a) If there are two candidates the one who secures the highest number of votes shall be declared to have been elected. If there is an equality of votes between the two candidates, the Presiding Officers shall draw the lot in the presence of the Councillors and the person whose name is first drawn shall be declared to have been elected.
- (b) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates last in the list have obtained an equal number of votes, a ballot shall be taken in order to decide which of them shall be eliminated. If at such ballot there is an equality of votes, a further ballot shall be taken and if this further ballot is also indecisive, the Presiding Officer shall ascertain by drawing lot in the presence of the Councillors which of the candidates considered to have been eliminated. The elimination shall be repeated until two candidates only are left. When vote shall be taken for the last time the candidate who secures the highest number of votes shall be declared to have been elected. If there is an equality of votes at the final stage between the two remaining candidates, the Presiding Officer shall draw lot in the presence of the Councillors whose name is first drawn shall be declared to have been elected.
- (5) Any voting paper which contains the signature or writing of any of the voting Councillors or on which a mark is made against more than one name shall be invalid.

FORM 1

[See rule7 (1)]

CLAIM APPLICATION FOR INCLUSION OF NAME

To

The Registration Officer
Ward No
..... Municipal Corporation

Sir,

I request that my name be included in the electoral roll for the above ward

My name (in full)

My father's/husband's name

Particulars of my place of residence are -

House No

Street/Road

Ward No

Post Office

Police Station

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

- (i) that I am a citizen of India ;
- (ii) that my age on the first day of January/was years
and months;
- (iii) that I am ordinary a resident at the address given above;
- (iv) that I have not applied for the inclusion of my name in the electoral
roll for any other ward;
- (v) that my name has not been included in the electoral roll of this or
any other ward.

Place

Date Signature or thumb impression
Of claimant

I am an elector included in the electoral roll of the same ward in which the
claimant has applied for inclusion.

My particulars of enrolment are-

Part No

Name of Street

Serial No

I support this claim and countersign it.

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

FORM 2

[See rule 7(2)]

OBJECTION TO INCLUSION OF NAME

To

The Registration Officer
Ward No
.....Municipal Corporation

Sir,

I object to the inclusion of the name of At Serial No.....
Part No of the electoral roll of Ward Nofor the following
Reason (s) :

.....

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

My name has been included in the electoral roll of this ward.

Name in full

Father's/Husband's name

Serial No

Part No

Date

Signature/thumb

Impression of objector

I am an elector in the same part of the electoral roll in which the name objected
to appear. My serial No is

I support this objection and countersign it.

Signature of the elector

Name (in full)

FORM 3

[See rule 7(3)]

OBJECTION TO PARTICULARS IN AN ENTRY

Sir,

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

.....

Place

Date

Signature or thumb

Impression of the elector

FORM 4

[See rule 23]

PUBLIC NOTICE OF ELECTION

Notice is hereby given that _____

- (1) an election is to be held for election of councilors;
- (2) forms of nomination paper may be obtained at the offices of the officers specified in paragraph (6) below between the hours ofandfrom(date) to (date)
- (3) nomination papers may be delivered between the hours of 11 in the morning and 3 in the afternoon by a candidate or his proposer to any of the officers specified in paragraph (6) at his office on any day (other than a public holiday) not later than the day of
- (4) the nomination papers will be taken up for scrutiny at(hour) on..... (date) at (Place);
- (5) notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent to any one of the officers specified in paragraph (6) at his office before 3 in the afternoon on
- (6) nomination papers and notices of withdrawals may be delivered to the **I**..... at his office;
- (7) in the event of the election being contested the poll will take place on between the hours ofand

Place

Date

Returning Officer

..... ward

FORM 5

[See rule 25(1)]

NOMINATION PAPER

Election to theMunicipal Corporation from Ward No

(To be filled by the proposer)

I hereby nominate as a candidate for election from Ward No..... of theMunicipal Corporation.

1. Full name of proposer
2. Electoral Roll No. of proposer
3. Name of candidate's father/husband
4. Full postal address of candidate
5. Electoral Roll No. of candidate

Date

(Signature of proposer)

(To be filled in by the candidate)

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

- (a) that I have completed years of age;
- (b) that I am sponsored at this election by the Party;
- (c) that the following are the symbols I have chosen in order of preference
 - (i)
 - (ii); and
 - (iii)

Date

Signature of candidate

*Further declaration to be made by a Scheduled Caste candidate .

I hereby declare that I am a member of the Caste/Tribe which is a Scheduled Caste /Tribe in the State of Assam.

Date

Signature of candidate

(To be filled in by the Returning Officer)

Serial No. of nomination paper

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

Date

Returning Officer

Decision accepting or rejecting the nomination paper

I have examined this nomination paper in accordance with Rule 26 of the Assam Municipal Corporation Election Rules, 2022 and decide as follows :

Date

Returning Officer

Here insert _____

- (i) the number of the ward of the Municipal Corporation ;
- (ii) the serial number of the part of the electoral roll in which the number of the proposer or the candidate, as the case may be, has been entered; and
- (iii) the serial number of the entry in that part. Strike off the inappropriate alternative. Strike off one of the alternatives as unnecessary .

1. Here insert the name and designation of the officer 9s) to whom and the place at which the nomination papers and notice of withdrawal are to be delivered.

2. Strike off the alternative not necessary.

FORM 6

[See rule 26]

NOTICE OF NOMINATION

Election to theMunicipal Corporation from Ward No _____

Notice is hereby given that the following nomination in respect of the above election have been received up to 3 p.m. today :

Sl No. of nomination paper	Name of candidate	Name of *father/husband	Address	Particulars of caste for candidates belonging to Scheduled Caste/Tribes	Electoral roll number of candidate	Name of proposer	Electoral Roll No. of proposer
1	2	3	4	5	6	7	8

Date

Place

Returning Officer

FORM 7

[See rule 27 (8)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to theMunicipal Corporation from Ward No

Serial No.	Name of Candidate	Name of *father/husband	Address of candidate
------------	-------------------	----------------------------	-------------------------

Place

Date

Returning Officer

-
1. Strike off the inappropriate alternative.

FORM 8

[See rule 29 (1)]

NOTICE OF WITHDRAWAL

Election to theMunicipal Corporation from Ward No

To,

The Returning Officer

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

Place

Date.....

Signature of candidate

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

Date

Returning Officer

Receipt for notice of withdrawal

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

This notice of withdrawal of candidature by a candidate at the election of theMunicipal Corporation from Ward No.
was delivered to me by at my office at (hours) on (date)

Returning Officer

FORM 9

[See rule 29 (4)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to theMunicipal Corporation from Ward No

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

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

Date

Returning Officer

1. Here insert one of the following alternatives as may be appropriate

(a) candidate (b) Candidate's proposer

FORM 10

[See rule 30(1)]

LIST OF CONTESTING CANDIDATES

Election to the Municipal Corporation from Ward No

Serial No.	Name of Candidate	Address of candidate	Symbol allotted
1	2	3	4
1.			
2.			
3. etc.			

Place

Date

Returning Officer

FORM 11

[See rule 32(1) and (2)]

APPOINTMENT OF ELECTION AGENT

Election to theMunicipal Corporation from Ward No

To

The Returning Officer

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

Place

Date

Signature of candidate

I accept the above appointment

Place

Date

Signature of election agent

FORM 12

[See rule 32 (4)]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

Election to theMunicipal Corporation from Ward No

To

The Returning Officer

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

Place

Date

Signature of candidate

FORM 13

[See rule 33 (1)]

APPOINTMENT OF POLLING AGENT

Election to theMunicipal Corporation from Ward No

I,a candidate at the above election do hereby appoint of
..... as Polling agent to attend [Polling Station No at
Place
Date Signature of candidate

I agree to act as such polling agent.
Place
Date Signature of polling agent

Declaration by polling agent to be signed before Presiding Officer.

I, hereby declare that at the above election I will not do anything forbidden by
Section 128 of the Representation of the People Act, 1951 (43 of 1951)..... Which
I have read/has been read over to me.

Place
Date Signature of polling agent

Signed before me
Date..... Presiding Officer

Section 128 of the Representation of the People Act, 1951

Maintenance of secrecy of voting.—(1) Every officer or 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 the 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.

FORM 14

[See rule 34]

REVOCATION OF APPOINTMENT OF POLLING AGENT

Election to the Municipal Corporation from Ward No

To,

The Presiding Officer,

I, a candidate at the above election, hereby revoke the appointment of
..... My polling agent in respect of Polling Station No.

Name

Place

Date

Signature of candidate

FORM 15

[See rule 39 (2)]

(FOR USE IN ELECTION WHEN SEAT IS UNCONTESTED)

Declaration of the result of Election under sub-rule (2) of rule 39 of the Assam Municipal Corporation Election Rules, 2022.

Election to the..... Municipal Corporation from Ward No.
.....

In pursuance of the provisions contained in sub-rule (2) of rule 39 of the Assam Municipal Corporation Election Rules, 2022, I declare that—

.....(Name) [sponsored by..... (Address) (name of the
recognised/registered
political party)]

has been duly elected to fill the seat in that Municipal Corporation from the above
Ward.

Place.....

Signature.....

Date.....

Returning Officer

.....

FORM 16

[See rule 56 (2) and (6)]

LIST OF CHALLENGED VOTES

Election to theMunicipal Corporation from Ward No
No. and name of Polling station

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

Date

Signature of Presiding Officer

FORM 17
[See rule 60 (2)]

LIST OF BLIND AND DIFFERENTLY ABLE VOTERS

No. of Ward

No. and name of the Polling station

Part no. and Serial No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of companion
1	2	3	4	5

Date

Signature of Presiding Officer

FORM 18

[See rule 61(2) and 65(1), (d)]

LIST OF TENDERED VOTERS

Election to theMunicipal Corporation from Ward No

No. and name of the Polling station

Part no. Serial No. and name of elector	Address of elector	Serial No. of tendered ballot paper	Serial No. of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5
<hr/>				

Date

Signature of Presiding Officer

FORM 19

[See rule 64 (1)]

BALLOT PAPER ACCOUNT

Election to theCorporation from Ward No
No.and name of Polling Station

	Sl. No. From ---- to	Total No.
1. Ballot papers received		
2. Ballot papers not used		
3. Ballot papers issued to voters		
4. Ballot papers cancelled		
5. Ballot papers used as tendered ballot papers		

Date

Signature of the Presiding Officer

FORM 20
[See rule 68 (2)]

APPLICATION FOR POSTAL BALLOT

To,

The Returning Officer ,
..... Ward

Sir,

I intend to cast my vote by post at the ensuing election to the Municipal Corporation from Ward as I have been appointed on election duty as

My name has been included in the electoral roll at the following address :

.....

The ballot paper may be sent to me at the following address :

.....

Place

Date

Yours faithfully

FORM 21
[See rule 70 (2), 71 (2) and 83 (II)]
DECLARATION BY ELECTOR

Election to theMunicipal Corporation from Ward
No.....
(This side is to be used only when the elector to whom the postal ballot paper
Bearing serial number has been issued at the above election.

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

.....

(identifier) who is personally known to me.

Signature of identifier, if any

Address.....

Signature of Attesting Officer

Designation.....

Address.....

Date.....

-

FORM 22

COVER

[See rule 70 (2), 71 (1) and 83 (v), (vi)]

NOT TO BE OPENED BEFORE COUNTING

Election to the..... Municipal Corporation

POSTAL BALLOT PAPER

Serial number of ballot paper-----

**FORM 23
LARGE COVER**

[See rule 70 (2) and 83 (i), (iv) and (v)]

NOT TO BE OPENED BEFORE COUNTING
Election to the..... Municipal Corporation

Service unpaid

**ELECTION-IMMEDIATE
POSTAL BALLOT PAPER**

To

For¹ Ward
The Returning Officer
²
Signature of sender.....

FORM 24

[See rule 70 (2), 71 (1) and 73 (1)]

INSTRUCTION FOR THE GUIDANCE OF ELECTORS

Election to the..... Municipal Corporation from Ward No.....

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to, you should record your vote(S) in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

PART I

DIRECTIONS TO ELECTORS

1. The number of councilors to be elected is one.
2. You have only one vote
3. You must not vote for more than one candidate. If you do, your ballot paper will be rejected.
4. Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.
5. 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.
6. An elector shall obtain the attestation of his signature on the declaration in Form 21 by a stipendiary or by any Gazetted Officer.

PART II

INSTRUCTIONS FOR ELECTORS

- (a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have to sign the declaration IN Form 21 also sent herewith in the presence of any stipendiary Magistrate or any gazette officer (See direction 6 above). Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.
- (c) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c) place the declaration IN Form 21 as also the smaller cover marked "A" containing the ballot paper, in the larger cover marked "B". After closing the larger cover, send it to the Election Officer by post or by messenger. You have to give your full signature in the space provided on the cover marked "B" but no postage stamp need be affixed by you.
- (d) You must ensure that the cover reaches the Returning Officer before 4 P.m. on the.....(date).
- (e) Please note that-

- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the Returning Officer after 4 P.m. on the(date) your vote will not be counted.

- 1.** Returning Officer to insert here the name and No. of ward.
- 2.** The Returning Officer to mention here his full postal address.

FORM 25
[See rule 75 (2)]

APPOINTING OF COUNTING AGENTS

Election to the Municipal Corporation from Ward No.....
To,

The Returning Officer,

I a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of vote at.....

Name of the counting agent Address of the counting agent

- 1.
- 2.
- 3.

We agree to act as counting agents

- 1.
- 2.
- 3.

Place.....

Date.....

Signature of counting agents

Declaration of counting agents

(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything forbidden by ¹ Section 128 of the Representation of the People Act, 1951 which ²we have read/ has been read over to us.

- 1.
- 2.
- 3.

Date.....

Signature of counting agents

Signed before me

Date.....

Returning Officer

1. Section 128 of the Representation of the People Act, 1951:

“Maintenance of secrecy for voting—(1) Every officer or 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 the 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.”

2. Strike off the inappropriate alternative.

FORM 26

[See rule 75 (4)]

REVOCATION OF APPOINTMENT OF COUNTING AGENT

Election to theMunicipal Corporation from Ward No.....

To

The Returning Officer,

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

Place.....

Date.....

Signature of candidate

FORM 27

[See rule 80 (2), 83 (x) and 84 (1) and (5)]

RESULT SHEET

Election to theMunicipal Corporation from Ward No.....

Polling station, Serial Number, Name	Number of valid votes cast in favour of-				Number of rejected votes	Total votes polled at the polling station	Number of tendered votes	Remarks
	A	B	C	D				

Total number of votes recorded at the polling station.

Number of votes recorded on postal ballot papers.

Total votes polled

Place.....

Date.....

Returning Officer

FORM 28
[See rule 85]

RETURN OF ELECTION

Election to theMunicipal Corporation from Ward No.....

Sl No.	Name of candidate	Number of valid votes polled
1		
2.....		
3.....		

Total number of valid votes polled.....

Total number of rejected votes.....

Total number of tendered votes.....

I declare that(name)of.....(address) has been duly elected to fill the seat.

Place.....

Date.....

Returning Officer

FORM 29
[See rule 86]

CERTIFICATE OF ELECTION

Election to theMunicipal Corporation

I, Returning Officer for the Ward No..... of..... Municipal Corporation, hereby certify that I have on theday of19 declared Shriofto have been duly elected by the said ward to be a councilor and that in token thereof I have granted to him this certificate of election.

Place.....

Date.....

Returning Officer
for the.....ward

Seal

FORM 30

[See rule 101 (1), 102 (7), 103(2), 104, 110(1), 112(3) and 114 (10)]

Register of Voters

Election to theMunicipal Corporation from Ward No. _____

No. & Name of the Polling Station _____

Part No. of Electoral Roll _____

Sl No	Sl No of elector in the electoral roll	Signature/Thumb impression of the elector	Remarks
1			
2			
3			
4			
Etc.			

Date.....

Signature of the Presiding Officer

.....”

FORM 31

List of Tendered Votes

[See rule 105 and 110 (1)]

Sl No	Name of Elector	Sl. No. of elector in electoral roll	Sl. No. in Register of voters (Form 29) of persons who has already voted in place of elector	Signature / Thumb impression of elector
1				
2				
3				
4				
5				
6				
Etc.				

FORM 32

[See rule 108, 111(1) and 114 (5), (6)]

PART 1. ACCOUNT OF VOTES RECORDED

Election to the Gauhati Municipal Corporation from Ward No.

No. & Name of the Polling Station

Identification No. of Voting Control Unit

Identification No. of Voting Ballot Unit

Machine No. 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 for Voters (Form 30)
3. No. of voters deciding not to record votes under rule 104.
4. No. of voters not allowed to vote under Rule 102 (6).
5. Total No. of votes recorded as per the 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 Nos. of voters deciding not to record votes as against item 3 minus No. of voters as against 4 (2-3-4) or any discrepancy noticed.
7. No. of voters to whom tendered ballot papers were issued under rule 105.
8. No. of tendered ballot papers

(a) received for use		
(b) issued to electors		
(c) not used and returned		

9. Account of paper seals

1. Serial number of paper seal Sl. No.

From To

2. Total number supplied.

3. Number of paper seals used.

4. Number of unused paper seals returned to Magistrate

(Deduct item 3 from item 2)

5. Serial number of damaged paper seal, if any

Signature of Polling Agents.

1.

2.

3.

4.

5.

Date

Place

Signature of Presiding Officer

Polling Station No

PART II.

RESULT OF COUNTING

Sl No	Name of Candidate	No of Votes Recorded
1		
2		
3		
4		
5		
6 Etc.		
NOTA		
Total		

Whether the total number of votes shown above tallies with the total number of votes shown against item 5 of Part I or any discrepancy noticed between the two totals

Signature of the Counting Supervisor

Place

Date

Name of candidate/election agent/counting agent

Full signature

1.

2.

3.

4.

5.

6.

.....

Place

Signature of Returning Officer

Date

Form 33**[See rule 114 (6)]****RESULT SHEET**

Election to theMunicipal Corporation from Ward

No. _____

Total no. of electors _____

Sl No. of Polling Station	No. of valid votes cast in favour of						Total valid votes	No. of rejected votes	Total No. of tendered votes
	A	B	C	D	E	NOTA			
(1)									
(2)									
(3)									
(4)									
Postal Ballot votes									
Total									

TOTAL No. of votes recorded at Polling Stations.

No. of votes recorded on postal ballot papers.

(To be filled in the case of election from a ward)

TOTAL votes polled.

Place

Date

Returning Officer

.....”

KAVITHA PADMANABHAN,
Commissioner & Secretary to the Government of Assam,
Department of Housing & Urban Affairs.