

ELECTIONS CANDIDATES AND VOTERS

P. N. KRISHNA MANI

Foreword by
Dr. ZAKIR HUSAIN
Vice-President of India

THE INSTITUTE OF CONSTITUTIONAL AND PARLIAMENTARY STUDIES
New Delhi

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ABBREVIATIONS

art.	Article of the Constitution of India
r.	Rule
s.	Section
R. P. Act, 1950	The Representation of the People Act, 1950
R. P. Act, 1951	The Representation of the People Act, 1951
R. E. Rules, 1960	The Registration of Electors Rules, 1960
C. E. Rules, 1961	The Conduct of Elections Rules, 1961

FOREWORD

VICE-PRESIDENT,
INDIA

December 22, 1966

I warmly commend this brochure on ELECTIONS, CANDIDATES AND VOTERS which is being brought out by the Institute of Constitutional and Parliamentary Studies. It is a most useful and timely publication. The author, Shri P. N. Krishna Mani, has had wide experience, first as the Constitutional Adviser's Private Secretary during the years that the Constituent Assembly was in session and later as a member of the staff of the Rajya Sabha Secretariat. He was also on the staff of the Election Commission at the time of the first general elections in 1951-52. He has made effective use of the intimate knowledge thus gained of the Constitution, both in its formative processes and in actual operation, for producing a brochure which describes in simple and precise language the structure of the electoral machinery and the various stages of a general election in India.

The completely non-partisan and impersonal approach adopted by the author greatly enhances the value of the brochure. The factual account is comprehensive and ignores no aspect of the elections which may be of interest to voters, candidates and observers. The author has confined his analysis to an impartial scrutiny of the vast apparatus which leaps to sight on the eve of every general election but calls for sustained care and vigilance during the intervening years. With an electorate which is likely to be in the neighbourhood of 240 million, this country has aptly been labelled "the world's largest democracy". This brochure throws a great deal of light on its functioning and will be read with profit and pleasure by everyone interested in the peaceful progress of this country on democratic lines.

ZAKIR HUSAIN

P R E F A C E

Universal adult suffrage conferred on the citizens of India by the Constitution has made it possible for nearly two hundred and forty million voters to go to the polls at the Fourth General Elections to be held in February this year and thus participate in the governance of our country. Except in certain circumstances, it is the voter's choice that will finally determine the Government which will be in power for the next five years at the Centre and the States. Truly, elections are "Democracy's ceremonial, its feast and its great function".

The law and procedure relating to elections are, for the most part highly technical, legalistic and complicated for an average voter to comprehend. There is thus a great need for a popular presentation of the law and practice relating to elections. In bringing out this brochure on Elections, Candidates and Voters, nearly six weeks before the next General Elections, the Institute of Constitutional and Parliamentary Studies is not only seeking to meet this widely felt need but also to fulfil one of its objectives, namely that it should disseminate democratic values and foster broadbased civic education and awareness. In no field is such an awareness so vital as in that of elections. In fact, it is the first step in the voter's direct contact with and control of Government through his elected representatives in Parliament and State Legislatures.

The election law in India has undergone many amendments as a result of experience gained in the last three elections, and this brochure seeks to explain the law as it stands today. We hope that it will enable every one concerned and more particularly the candidate and voter to comprehend the processes involved in a General Election in their proper perspective.

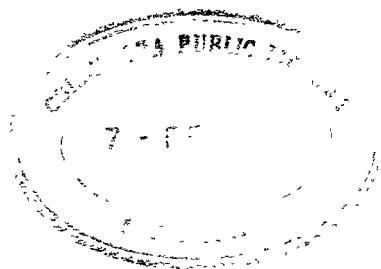
Shri P. N. Krishna Mani, Deputy Secretary, Rajya Sabha Secretariat was entrusted the task of preparing the manuscript of this work in view of his long experience in this field. We

are thankful to him for preparing the manuscript in a very short time and for the simple and clear way in which he has tried to explain a highly technical subject.

Above all, we are deeply beholden to Dr. Zakir Husain, Vice-President of India and a Patron of the Institute, for contributing a foreword which has greatly enhanced the value of this publication.

DATED;
January 1, 1967

L. M. SINGHVI,
Executive Chairman,
Institute of Constitutional and
Parliamentary Studies



CHAPTER II

THE ELECTORAL MACHINERY

1. The Election Commission

The chief electoral authority is the Election Commission with its headquarters at New Delhi. In the Commission is vested complete power to superintend, direct and control all elections. This power is to be exercised in accordance with the provisions of the Constitution and the two Representation of the People Acts.

At the head of the Election Commission is the Chief Election Commissioner. The Constitution has ensured that this officer shall perform his duties uninfluenced by party or political considerations and free from executive interference. The Chief Election Commissioner cannot be removed from his office except in like manner and on the like grounds as a judge of the Supreme Court.³ His conditions of service cannot be varied to his disadvantage after his appointment. The President and the Governors of the States are required to make available to the Commission such staff as it may consider necessary for the discharge of

³Clauses (4) and (5) of article 124 of the Constitution prescribe the procedure for the removal from office of a Supreme Court Judge :

- (4) A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.
- (5) Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (4).

its functions. It is a noteworthy feature of the last three general elections that there has been wide recognition of independent and impartial functioning by the Election Commission.

The Chief Election Commissioner is assisted at the headquarters by a Deputy Election Commissioner, a Secretary and other competent staff. The functions of the Election Commission—normally exercised by the Chief Election Commissioner—may also be performed by the Deputy Election Commissioner or by the Secretary to the Commission, subject to general or special directions given by the Commission.⁴

2. Machinery in the States

There is a Chief Electoral Officer for every State, designated or nominated by the Election Commission in consultation with the State Government. He is usually a senior executive or judicial officer of the State Government. An officer of the State Government is appointed to this important post, because the election machinery in a State has to be in constant and intimate touch with the State Government and a large number of its officers are deputed for the conduct of the elections. The preparations for and the holding of elections demand the closest collaboration with the State Government. The duties of the Chief Electoral Officer are to supervise the preparation of the electoral rolls and the conduct of elections in the State. In the performance of his duties, he functions under the authority and control of the Election Commission.

For each district in a State, there is a district election officer.⁵ There may be more than one such officer in a large district. He functions under the control of the Chief Electoral Officer of the State. He co-ordinates and supervises all work in the district in connection with the preparation and revision of electoral

⁴See s. 19A of the R.P. Act, 1951, inserted by s. 21 of the R.P. (Amendment) Act, 1966.

⁵This office was created by the Representation of the People (Amendment) Act, 1966, and gives effect to a recommendation of the Election Commission in its report on the third general elections.

rolls and the conduct of elections. He provides, with the prior approval of the Election Commission, the polling stations for every constituency, the whole or greater part of which lies within his jurisdiction. He appoints the personnel required for the conduct of the poll in his area.

The responsibility to prepare and revise the electoral rolls of every constituency is vested in an officer called the electoral registration officer. He is assisted by one or more assistant electoral registration officers.

For every parliamentary and assembly constituency, there is a returning officer. To assist him in the performance of his functions, assistant returning officers are appointed. The returning officer receives the nomination papers of candidates in each constituency. He is the authority to scrutinise the nomination papers and accept or reject them. His decision can be challenged only on an election petition being duly presented, after the election. He is also responsible for the counting of the votes, and finally he declares the results.

In the Union territories, the provision of polling stations and the appointment of polling personnel are entrusted to the returning officers, as there are no district election officers in these territories.

Like the Chief Electoral Officer, the district election officer, the electoral registration officer, the assistant electoral registration officer, the returning officer and the assistant returning officer are all appointed by the Election Commission. Their duties and functions, some of which have been enumerated above, are defined in the two Representation of the People Acts.

The polling personnel conducting simultaneous elections to the Lok Sabha and to the Legislative Assembly in a constituency normally consists of a common presiding officer (of as high an official status as may be practicable) and five polling officers. One of them is designated assistant presiding officer and attends to the duties of the presiding officer when the latter is unavoidably

absent from duty. The polling officers work under the instructions of the presiding officer.

The presiding officer plays a key role on the day of the election. He keeps order at the polling station and sees that the poll is fairly taken. In choosing a person to fill this post, care is taken to ensure that he possesses adequate administrative capacity and some knowledge of the basic election law and has sufficient social standing and reputation for integrity to command the confidence of the public.

This gives a picture of the vast and intricate electoral mechanism which runs the elections to the representative bodies of India, aptly described as "the world's largest democracy". From the Chief Electoral Officer down to the presiding officer, every one is answerable to the Election Commission for every act of his, thereby ensuring that the elections in India are free and fair.

CHAPTER III

REPRESENTATION AND CONSTITUENCIES

1. Lok Sabha

Article 81 of the Constitution prescribes that the Lok Sabha shall consist of not more than 500 members chosen by direct election from territorial constituencies in the States, and not more than 25 members to represent the Union territories chosen in such manner as Parliament may provide by law. The article further lays down:

- (a) there shall be allotted to each State a number of seats in the Lok Sabha in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States;
- (b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State.

This is intended to secure uniformity in the scale of representation for the States in the Lok Sabha.

Under article 330 of the Constitution, seats are to be reserved in the Lok Sabha for the Scheduled Castes and the Scheduled Tribes. Here also, in order to ensure uniformity of representation, the Constitution provides that the number of seats reserved for the Scheduled Castes or the Scheduled Tribes in any State, shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the Lok Sabha as the population of the Scheduled Castes or the Scheduled Tribes in the State bears to the total population of the State. The same principle applies to Union territories.

The basis for the allotment of seats is the population as ascertained at the last census preceding a general election.

2. The State Legislative Assemblies

Article 170 of the Constitution fixes the maximum limit of 500 and the minimum limit of 60 for the number of members to be chosen by direct election from territorial constituencies in a State for the State Legislative Assembly.⁶ The article requires that each State should be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is the same, as far as practicable, throughout the State.

As in the Lok Sabha, seats are reserved for the Scheduled Castes and the Scheduled Tribes in the State Legislative Assemblies also. (See article 332 of the Constitution.) In the case of Assam, seats are reserved also for the autonomous districts⁷ in the Legislative Assembly of that State. The principles governing the manner of reservation of seats for the Scheduled Castes and the Scheduled Tribes are set out in clauses (3) and (4) of article 332:

332 (3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the

⁶In Nagaland, the number is fixed at 46, under article 371A of the Constitution.

⁷For "autonomous districts" in Assam, see Sixth Schedule to the Constitution.

population of the district bears to the total population of the State.

3. The Constituencies

For the purpose of elections, the States are divided into geographically compact areas, known as constituencies. There are two types of constituencies: parliamentary constituencies (for elections to Lok Sabha) and assembly constituencies (for elections to State Legislative Assemblies). All are single-member constituencies. Each parliamentary constituency consists of an integral number of assembly constituencies. This number varies from State to State.

4. Delimitation Commission

Article 82 of the Constitution provides that upon the completion of each census the allocation of seats in the Lok Sabha to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may determine by law. Clause (3) of article 170 makes similar provision in regard to the seats in the State Legislative Assemblies and the division of the States into territorial constituencies.

Article 327 confers specific power on Parliament to make law with respect to the delimitation of constituencies.

Pursuant to these provisions, Parliament has enacted the Delimitation Commission Act, 1962. Under this Act, a Commission known as the Delimitation Commission is constituted. This Commission is a high-powered body consisting of three members, two of whom are to be serving or retired Judges of the Supreme Court or High Courts, and the third the Chief Election Commissioner, *ex-officio*.⁸ The Commission is assisted in its duties

⁸The Commission as constituted under the Delimitation Commission Act, 1962, consisted of Justice J. L. Kapoor, Retired Judge of the Supreme Court (Chairman), Justice C. P. Sinha, retired Chief Justice, Assam High Court, and Shri K.V. K. Sundaram, Chief Election Commissioner (Members) and Shri P. S. Subramanian, Deputy Election Commissioner (Secretary). (Justice Sinha's place was taken by Justice Soni, retired Judge of the Punjab High Court in August, 1966.)

by nine associate members in each State. Four of these associate members will be persons representing the State in the Lok Sabha and the remaining five members of the State Legislative Assembly concerned. None of the associate members has the right to vote or to sign any decision of the Commission.

The Commission's functions are two-fold:

- (1) to determine, on the basis of the latest census figures and having regard to the provisions of articles 81, 170, 330 and 332,—
 - (a) the number of seats in the Lok Sabha to be allocated to each State and the number of seats, if any, to be reserved for the Scheduled Castes and the Scheduled Tribes of the State; and
 - (b) the total number of seats to be assigned to the Legislative Assembly of each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State;
- (2) to divide each State into territorial constituencies and delimit them.

In regard to (1)(b) above, there is a further requirement that the total number of seats assigned to the Legislative Assembly of any State has to be an integral multiple of the number of seats in the Lok Sabha allocated to that State.*

5. Allocation of Seats

On the basis of the provisions contained in the Constitution, the Delimitation Commission settles the allocation of seats to the States and the Union territories in the Lok Sabha and the assignment of the seats to each State Legislative Assembly, including reserved seats (in both cases) for the Scheduled Castes and the

*In the present allotment of seats, this multiple varies from 5 to 9 in different States : In Uttar Pradesh it is 5 ; in Bihar, Madras and Maharashtra it is 6 ; in Andhra Pradesh, Gujarat, Kerala, Orissa and West Bengal it is 7 ; in Madhya Pradesh, Mysore, Punjab and Rajasthan it is 8 ; and in Assam and Haryana it is 9.

Scheduled Tribes. (See illustration in Appendix II.) These are then published in the gazette as Orders of the Commission and later incorporated in the First and the Second Schedules to the Representation of the People Act, 1950.

The two Schedules as settled by the Delimitation Commission have since been incorporated in the Representation of the People Act, 1950, by the Representation of the People (Amendment) Act, 1966. (See Appendix III.) According to this allocation, the newly constituted Lok Sabha will have 521 seats. Of these, 1 seat allotted to the North East Frontier Tract will be filled by nomination, and all the other 520 seats will be filled by direct election from territorial constituencies. The 521 seats include 77 seats reserved for the Scheduled Castes and 37 seats for the Scheduled Tribes.

In the seventeen newly constituted State Legislative Assemblies there will in all be 3,383 seats (including 75 in the Jammu and Kashmir Legislative Assembly). Of these, 482 seats are reserved for the Scheduled Castes and 227 seats for the Scheduled Tribes. The Uttar Pradesh Legislative Assembly has got the largest number with 425 seats and Nagaland has the smallest with 46 seats.

In the five Union territory Legislative Assemblies there are in all 180 seats. Himachal Pradesh has 60, and the other four have 30 each. Of the 180 seats, 22 are reserved for the Scheduled Castes and 21 for the Scheduled Tribes.

The allocation of the seats mentioned above does not include the nominations of members of the Anglo-Indian community which may be made by the President in the case of the Lok Sabha and a Governor in the case of a State Legislative Assembly. (See articles 331 and 333 of the Constitution.)

6. Delimitation

In delimiting the constituencies, the Commission is required to observe the following principles:

- (a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them

regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;*

- (b) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;
- (c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and
- (d) constituencies in which seats are reserved for the Scheduled Tribes, shall as far as practicable, be located in areas where the proportion of their population to the total is the largest.¹⁰

The Commission formulates its proposals for the delimitation of the constituencies on the basis of the latest census figures and having regard to the provisions of the Constitution and to the principles mentioned above. These proposals together with the dissenting proposals, if any, of an associate member are published in the Gazette of India and the official gazettes of the States concerned, and a date is specified by which objections and suggestions on the proposals may be received. The Commission holds public sittings in the States to consider objections and suggestions. Thereafter, by orders made, the Commission finally determines the delimitation of parliamentary constituencies and assembly constituencies, and these orders are published in the gazette.

The Election Commission consolidates all the delimitation orders and publishes them in a single order known as the Delimitation of Parliamentary and Assembly Constituencies Order.

Every Order of the Delimitation Commission, both in respect of the allocation of seats in the Lok Sabha and to the State Legislative Assemblies and in respect of the delimitation of

¹⁰See section 9 (1) of the Delimitation Commission Act, 1962.

constituencies, when published in the Gazette of India, has the force of law and cannot be called in question in any court.¹¹ The vesting of final authority in the Delimitation Commission prevents gerrymandering (unfair manipulation so as to secure disproportionate influence at election). In a recent case *Meghraj Kothari Vs. Delimitation Commission & others* [Civil No. 8 (NCM) of 1966], the Supreme Court refused to interfere with an order of the Delimitation Commission, thereby placing beyond doubt the finality of the Commission's authority.

¹¹Art. 329 (a) of the Constitution and s. 10 (2) of the Delimitation Commission Act, 1962.

CHAPTER IV

THE VOTER AND REGISTRATION

- art. 326 *Who may vote.*—The Constitution confers the right to vote at an election on every adult citizen unless disqualified under the Constitution or law on grounds of non-residence, unsoundness of mind, crime or corrupt or illegal practice.
- s. 19, R.P.
Act, 1950 The law provides that every person who is not less than 21 years of age on the “qualifying date”, and who is ordinarily resident in a constituency is entitled to be registered as a voter in the electoral roll of that constituency.
- s. 14, R.P.
Act, 1950 *Qualifying date.*—The “qualifying date” is the 1st of January of the year in which the electoral roll is prepared or revised.
- s. 20, R.P.
Act, 1950 *Ordinarily resident.*—The test of ordinary residence is generally the fact of actual residence. The mere owning or possession of a dwelling house in a constituency will not entitle a person to the “ordinary residence” qualification. Temporary absence of a person from his place of ordinary residence will not amount to his ceasing to be ordinarily resident therein. A member of Parliament or of a State Legislature will not, during the term of his office, cease to be ordinarily resident in the constituency where he is registered as a voter, by reason of his absence from that constituency in connection with his duties as such member. A patient in a hospital or a person detained in prison or other legal custody will not for that reason be deemed to be ordinarily resident therein. In cases of doubt as to where a person is ordinarily resident at a particular time, the question will be determined with

reference to all the facts of the case and to the rules made in this behalf.

s. 16, R.P.
Act, 1950

Who may not vote.—The following persons are disqualified for registration as voters:

- (a) Persons who are not citizens of India.
- (b) Persons who are of unsound mind and stand so declared by a competent court.
- (c) Persons who for the time being are disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.¹³

The name of a person who becomes disqualified after registration will be struck off the electoral roll. The name of any person struck off the electoral roll for corrupt practice or other electoral offence will forthwith be reinstated in that roll if the disqualification is removed under any law.

s. 20, R.P.
Act, 1950

Service voter—The following persons (and their wives if they reside with them) have the right to be registered in the electoral rolls of the constituencies in which they would be residing but for their service:

- (a) Members of the armed forces of the Union.

¹³Sections 11A and 11B of the R.P. Act, 1951, deal with disqualifications for voting :—

11.A. If any person, after the commencement of this Act,—

- (a) is convicted of an offence punishable under section 171E or section 171F of the Indian Penal Code, or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act, or
- (b) is found guilty of a corrupt practice by an order under section 99,

he shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for voting at any election.

11.B. The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter.

- (b) Members of a force to which the Army Act, 1950, applies.
- (c) Members of an armed police force of a State serving outside the State.
- (d) Foreign service personnel and others employed under Government in posts outside India.

They are required to make declarations in the prescribed form¹⁸ giving the addresses at which, but for their service, they would have been residing, and they are then registered accordingly. The declarations are to be sent to the registration officer of the constituency concerned. Special steps are taken, with the assistance of the Ministry of Defence and the three Services Headquarters, for the enrolment of the armed forces personnel.

*Holders of certain offices (special voters).—*The holders of the following offices (and their wives if they reside with them) are also entitled to be registered in the electoral rolls of the constituencies in which they would be residing but for their holding such offices:

- (1) The President of India.
- (2) The Vice-President of India.
- (3) Governors of States.
- (4) Cabinet Ministers of the Union or of any State.
- (5) The Deputy Chairman and Members of the Planning Commission.
- (6) Ministers of State of the Union or of any State.
- (7) Deputy Ministers of the Union or of any State.
- (8) The Speaker of the Lok Sabha or of any State Legislative Assembly.

¹⁸See rule 7, Registration of Electors Rules, 1960.

- (9) The Chairman of any State Legislative Council.
- (10) Lieutenant Governors of Union territories.
- (11) The Deputy Speaker of the Lok Sabha or of any State Legislative Assembly.
- (12) The Deputy Chairman of the Rajya Sabha or of any State Legislative Council.
- (13) Parliamentary Secretaries of the Union or of any State.

In their cases also, declarations in the prescribed form¹⁴ have to be made and sent to the registration officer of the constituency concerned.

Members of Parliament and State Legislatures.—Members of Parliament and State Legislatures are required to remain away from their constituencies for a considerable part of the year in connection with their duties as such members. They are not in a position to verify whether their names in the electoral rolls are continued from time to time, particularly when the rolls are revised. The Election Commission has introduced a system of special check in regard to their inclusion in the electoral rolls. Exhaustive lists of the names of all sitting members of Parliament and the State Legislatures are prepared in respect of every assembly constituency. The Chief Electoral Officer sends this list to the electoral registration officer of the constituency concerned. This list is kept up-to-date and the electoral registration officer kept informed from time to time of all changes therein. At the time of the publication of the draft electoral rolls the electoral registration officer concerned has to certify to the Chief Electoral Officer that the name of every member of Parliament or State Legislature is included in the roll if he continues to be eligible for such inclusion.

¹⁴See rule 7, Registration of Electors Rules, 1960.

ss. 17 & 18
R. P. Act,
1950

Only one Registration.—No person is entitled to be registered in the electoral roll of more than one constituency; and no one can be registered in any electoral roll more than once.

CHAPTER V

THE ELECTORAL ROLL

art. 325

The Constitution lays down that there shall be one general electoral roll for every territorial constituency; the preparation of electoral rolls based on religion, race, caste or sex is forbidden.

The electoral roll for a constituency shall contain the names of all the persons eligible to vote at an election in that constituency. The preparation and maintenance of complete and accurate electoral rolls are therefore essential pre-requisites for the holding of elections.

s. 21, R.P.
Act, 1950

The electoral roll for each constituency is prepared as on the qualifying date. Unless otherwise directed by the Election Commission, the roll is revised before each general election and before each bye-election in a constituency. It may also be revised in any year if so directed by the Election Commission. The revision, like the initial preparation, is also by reference to the qualifying date.

s. 13D,
R.P. Act,
1950

The roll is not prepared or revised separately for a parliamentary constituency. Its electoral roll consists of the rolls for the assembly constituencies comprised within that parliamentary constituency. In a Union territory where there is no Legislative Assembly and in Jammu and Kashmir, rolls are prepared and revised separately for the parliamentary constituencies.

The electoral roll is divided into convenient numbered parts, according to areas or localities. Each

part ordinarily consists of 1,000 names, but it should not exceed 2,000. The names are arranged, as far as practicable, consecutively either according to house numbers or in alphabetical order. In case of the latter, the names of the heads of families are arranged alphabetically, the names of the others being entered in each case immediately after the head of the family. The names of the service voters are included in the last part of the roll. Each part has a separate series of numbers beginning with the number one. The roll is generally prepared in the regional language.

When the electoral roll for a constituency is ready it is published in draft, and wide publicity is given to this fact through the radio, newspapers, etc. Copies of the draft roll, in separate parts, are kept at easily accessible places, e.g., *gram panchayats*, for public inspection. Claims and objections for and against inclusion of names in the roll are received up to a specified date—usually up to 30 days from the date of publication. The Election Commission may extend this period in appropriate cases. Recognised political parties are supplied, free of cost, two copies of each part of the roll and their co-operation is sought in ensuring the correctness of the roll.

Claims and objections must be filed in prescribed forms.¹⁵ After the claims and objections are enquired into and disposed of, the electoral registration officer of each constituency prepares a list of amendments to the roll. He has also the power to include in an electoral roll the names of any electors which may have been left out due to inadvertence or error during the preparation of the roll, and to correct any clerical or printing errors or other inaccuracies in a roll. The

¹⁵See sections 22 to 25 of R.P. Act, 1950 and rules 12 to 21, 23, 26 and 27 of R.E. Rules, 1960 for procedure to file claims and objections and appeals from orders in relation to such claims and objections.

electoral roll is finally published together with the list of amendments thereto and is made available for inspection and display. The roll is kept for such inspection for a period of one month at the office of the electoral registration officer and at some other central place within the constituency. No fee is charged for inspection of the roll.

Revision of electoral rolls.—There are two methods of revision of electoral rolls: (i) intensive revision, and (ii) summary revision. Intensive revision is carried out by house to house visits by enumerators who enter the names of all citizens ordinarily residing in a house and who have attained the age of 21 years on the 1st of January of the year in which the roll is revised. In summary revision, no house to house visits are made: the electoral registration officer prepares lists of addenda, corrigenda and deletions in respect of the existing electoral rolls on the basis of whatever information comes to his knowledge subsequent to the final publication of the previous year's roll. Every roll intensively revised is reprinted before publication. In the case of summary revision, the basic roll along with the supplement or supplements containing the amendments is published.

Any person whose name is not included in the electoral roll of a constituency may get his name included by making an application to the electoral registration officer of the constituency concerned. No such application will, however, be entertained after the last date for filing the nominations for election in that constituency and before the completion of that election.

CHAPTER VI

THE CANDIDATE

The candidate is a person offering himself, or herself, for the suffrage of the electors. He, or she, is normally a member of one of the political parties contesting an election and is chosen by the party organization. A person may also stand as an independent with or without the backing of any political party.

1. Qualifications

art. 84
s. 4, R. P.
Act, 1951

For Lok Sabha.—To be qualified to fill a seat in the Lok Sabha, a person should be—

- (a) a citizen of India;
- (b) not less than twenty-five years of age;
- (c) a voter in *any* parliamentary constituency *i.e.*, a voter in any assembly constituency comprised within that parliamentary constituency.

For seats reserved for the Scheduled Castes and Scheduled Tribes, the following further qualifications are necessary:

- (a) For a Scheduled Caste seat in any State a member of such caste in *any* State
- (b) For a Scheduled Tribe seat in any State (other than autonomous districts of Assam) a member of such tribe in *any* State (excluding the tribal areas of Assam)

- (c) For a Scheduled Tribe seat in the autonomous districts of Assam a member of such tribe belonging to any of those districts and who is a voter in a parliamentary constituency in which such seat is reserved.
- (d) For a Scheduled Tribe seat in the Union territory of the Laccadive, Minicoy and Amindivi Islands a member of any tribe in that territory and who is registered as a voter there.

art. 173
s. 5, R. P.
Act, 1951

For a State Legislative Assembly.—To be qualified to fill a seat in a State Legislative Assembly, a person should be—

- (a) a citizen of India;
- (b) not less than twenty-five years of age;
- (c) a voter in *any* assembly constituency in that State.

For a seat reserved for the Scheduled Castes or the Scheduled Tribes, the candidate has to be a member of such caste or tribe, as the case may be, belonging to that State.

In the case of a seat reserved for the autonomous districts of Assam, other than a seat the constituency for which comprises the cantonment and municipality of Shillong, the candidate should be a member of a tribe belonging to any of those districts and a voter in a constituency in which such seat or any other seat is reserved for that district.

s. 55, R. P.
Act, 1951

Scheduled Caste/Scheduled Tribe candidate eligible for reserved seat.—A member of the Scheduled Castes or of the Scheduled Tribes is not disqualified

to hold a seat not reserved for members of those castes or tribes, if he is otherwise qualified to hold such seat.

art. 84
art. 173

Oath/affirmation by candidate.—A candidate whether for a Lok Sabha seat or an Assembly seat is also required to make and subscribe before some person authorised in that behalf by the Election Commission an oath or affirmation of allegiance to the Constitution and to uphold the sovereignty and integrity of India.

2. Disqualifications

art. 102
art. 191

1. A person who holds any office of profit under the Government of India or of a State Government is disqualified for membership of Parliament and of a State Legislature. Parliament and State Legislatures have however been given power to exempt by law holders of certain offices from this disqualification.

An “office of profit under Government” may, broadly speaking, include any office under Government to which an emolument is attached. Thus, no Government employee of any category may stand as a candidate. But the office of a Minister (including a Minister of State and a Deputy Minister) whether at the Centre or in a State is not deemed to be an office of profit under Government for this purpose. A person who merely draws a pension from Government is not disqualified.

The Parliament (Prevention of Disqualification) Act, 1959, has declared that the holders of certain offices will not be disqualified for membership of Parliament. These include—

- (i) any office held by a Minister, Minister of State or Deputy Minister for the Union or for any State, whether *ex-officio* or by name;

- (ii) the office of Chief Whip, Deputy Chief Whip or Whip in Parliament or of a Parliamentary Secretary;
- (iii) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air Forces Act, 1952;
- (iv) the office of a member of a Home Guard constituted under any law for the time being in force in any State;
- (v) the office of sheriff in the city of Bombay, Calcutta or Madras;
- (vi) the office of chairman or member of the syndicate, senate, executive committee, council or court of a university or any other body connected with a university;
- (vii) the office of a member of any delegation or mission sent outside India by the Government for any special purpose;
- (viii) the office of village revenue officer, whether called a lambardar, malguzar, patel, desh-mukh or by any other name, whose duty is to collect land revenue and who is remunerated by a share of, or commission on, the amount of land revenue collected by him, but who does not discharge any police functions.

Membership of a committee temporarily set up to advise Government or any other authority on a matter of public importance or to make an inquiry

into any such matter will not also be a disqualification, if such membership does not entitle its holder to any remuneration other than compensatory allowance.¹⁶ Similarly, the offices of chairman, director, or member of certain statutory and non-statutory bodies are also exempted from disqualification. This last category is defined in clause (i) of section 3 of the Parliament (Prevention of Disqualification) Act, 1959.

The State Legislatures also have passed similar laws declaring certain offices not to be offices of profit for the purpose of their membership. (See Appendix I.)

art. 102
art. 191

II. (i) A person of unsound mind who has been so declared by a competent court;

(ii) an undischarged insolvent;

(iii) a person who is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under acknowledgment of allegiance or adherence to a foreign State;

are disqualified for membership of Parliament or of a State Legislature.

III. Certain further disqualifications have been imposed by law for specific offences and on other grounds, the duration of the disqualification varying in each case:

¹⁶“Compensatory allowance” means any sum of money payable to the holder of an office by way of daily allowance (such allowance not exceeding the amount of daily allowance to which a member of Parliament is entitled under the Salaries and Allowances of Members of Parliament Act, 1954), any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.

	Offence/other ground	Duration of disqualification	
s. 8, R. P. Act, 1951	(i) Conviction for an offence punishable under section 171E or section 171F of the Indian Penal Code, or under section 125 or section 135 or section 136 (2) (a) of the Representation of People Act, 1951 ¹⁷ .	6 years from the date of conviction.	In the case of a sitting member, the disqualification shall not take effect until three months after the date of conviction, or if an appeal or application for revision is brought in respect of the conviction or sentence, until its disposal by the court.
	(ii) Conviction for any offence [other than (iii) below] and sentence for not less than two years' imprisonment.	From the date of conviction and to continue for a further period of 5 years after release.	Ditto
	(iii) Conviction for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs and sentence for not less than six months.	From the date of conviction and to continue for a further period of 5 years after release.	Ditto
s. 8A, R. P. Act, 1951	(iv) Corrupt practice proved in an election petition.	6 years from the date of the order on the petition.	
s. 9, R.P. Act, 1951	(v) Dismissal from Government service for corruption or disloyalty to the State.	5 years from the date of dismissal.	A certificate issued by the Election Commission is conclusive proof of the offence.

¹⁷Section 171E IPC relates to the offence of bribery and section 171F relates to the offence of undue influence or personation at any election. Section 125 of the Representation of the People Act, 1951, relates to the offence of promoting enmity between classes in connection with election, section 135 relates to the offence of removal of ballot papers from polling stations, and section 136 (2) (a) relates to electoral offences by certain election officers.

Offence/other ground	Duration of disqualification	
s. 9A, R. P. Act, 1951	(vi) If there subsists a contract entered into by a person in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by that Government.	For so long as the contract subsists.
		“Appropriate Government” means in the case of a disqualification for Parliament, the Central Government, and in the case of a State Legislature, the State Government.
		Where a person entering into a contract with Government has fully performed his part of the contract, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.
s. 10, R. P. Act, 1951	(vii) Holding the offices of managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than 25 per cent share.	For so long as he holds the office.
s. 10A, R.P. Act, 1951	(viii) Failure to lodge account of election expenses within the time and in the manner required by law, if the Election Commission is satisfied that there is no good reason or justification for the failure.	Three years from the date of the Election Commission's order declaring a person so disqualified.

s. 11, R. P.
Act, 1951

Power to remove or reduce disqualification.—The Election Commission may, for reasons to be recorded, remove or reduce the period of any of the disqualifications mentioned under III above.

art. 103
art. 192

Decision on questions as to disqualification.—If any question arises whether a member has become subject to any of the disqualifications, the question shall be referred for decision, in the case of a member of Parliament, to the President, and in the case of a member of a State Legislature, to the Governor of the State. The President (or the Governor, as the case may be) shall obtain the opinion of the Election Commission on the question and act according to such opinion.

In conducting enquiries as to disqualifications that may be referred to it, the Election Commission may, in appropriate cases, assume to itself the powers of a civil court while trying a suit under the Civil Procedure Code, 1908, in certain respects. (For detailed procedure, see sections 146, 146A, 146B and 146C of the Representation of the People Act, 1951.)

CHAPTER VII

ELECTION, POLLING AND COUNTING AGENTS

To assist him in his election work, a candidate is entitled to appoint—

- | | |
|---|---|
| s. 40, R.P.
Act, 1951 | (1) one election agent; |
| s. 46, R.P.
Act, 1951
r. 13, C.E.
Rules, 1961 | (2) one polling agent and two relief agents at each polling station; |
| s. 47, R.P.
Act, 1951
r. 52, C. E.
Rules, 1961 | (3) counting agents not exceeding sixteen—the exact number may be ascertained from the returning officer—at the place or each of the places fixed for counting. |

An election agent may relieve a candidate of several important functions in connection with the election such as appointing polling agents and counting agents, being present at the scrutiny of nominations, visiting polling stations during poll, keeping account of election expenses, watching the counting of votes and so on. It would be an advantage to appoint as polling agents persons belonging to the localities where the polling stations are situated. The polling agents should be fully acquainted with the rules and the procedure of poll. Similarly, the counting agents should be familiar with the rules governing the marking of ballot paper and counting. Any person who is for the time being disqualified for membership of Parliament or of a State Legislature or for voting at elections will also be disqualified to be an election agent.

s. 41, R. P.
Act, 1951

The election agent, the polling agent, and the counting agent are to be appointed in prescribed forms (see forms 8, 10 and 18 in the Conduct of Elections Rules, 1961).

CHAPTER VIII

ELECTION PROGRAMME

The normal term of the Lok Sabha and the Legislative Assembly of a State is five years from the date of their first meeting after a general election. The President in the case of elections to the Lok Sabha, and the Governor of a State in the case of elections to the State Assembly, issue notifications, on the recommendation of the Election Commission, calling the general election. The law permits this notification to be issued at any time not earlier than six months before the expiry of the normal five-year term. A general election to the Lok Sabha or to a State Assembly may also be called when it is dissolved earlier than the expiry of the five-year term.

The time-table for an election consists of the following stages :

- I. The notification calling upon the constituencies to elect.
- II. The nomination of candidates, the scrutiny of nominations and the withdrawal of candidates from the contest.
- III. The election campaign.
- IV. The poll.

s. 30, R. P.
Act, 1951

These stages are spread over a period of thirty days, beginning with the date of publication of the notification calling the general election, as follows :

Last date for making
nominations

Seventh day after the
notification.

Scrutiny of nominations	The day immediately following the last date for nominations.
Withdrawal of candidatures	Second day after scrutiny.
Date or dates of poll	Not earlier than the twentieth day after withdrawal.

CHAPTER IX

SYMBOLS

Recognising that India has a large number of illiterate voters, a system of allotting a symbol to each candidate—whether parliamentary or assembly—has been introduced. A pictorial representation of the symbol allotted to a candidate is printed alongside his name on the ballot paper, thereby making it possible for an illiterate voter to recognise the candidate of his choice.

The Election Commission specifies the symbols and lays down how a candidate may choose his symbol. There are two types of symbols: (1) symbols reserved for political parties; and (2) free symbols. All candidates belonging to any recognised political party contesting the election on a multi-State basis will have the same symbol, whether for a parliamentary seat or an assembly seat. Some political parties confine their election contests to particular States; in such cases symbols are allotted to their candidates on a State basis. Where a political party recognised in more than one State sets up candidates in any other State or Union territory, the party symbol would be allotted also to those candidates. The free symbols are made available to independents and others for whom symbols have not been reserved. In allotting free symbols, a sitting member will be allotted the same symbol which was allotted to him at the previous election.

The Election Commission's latest notification regarding symbols and a pictorial representation of the symbols are given in Appendix IV.

CHAPTER X

NOMINATION

s. 33, R.P.
Act, 1951
r. 4, C.E.
Rules, 1961

Every candidate must be nominated on the prescribed nomination paper (*see* Appendices V and VI) by a proposer. A candidate must assent to his nomination, and the nomination paper must state the candidate's name, his postal address, his serial number in the electoral roll of the constituency where he is registered (with full details as to the part of the roll and the name of the constituency), his age, the name of the political party sponsoring him (if he is a party candidate) and the symbol he desires to choose.

If the candidate is a member of the Scheduled Castes or the Scheduled Tribes, a declaration to that effect has also to be made in the nomination paper.

The proposer has to be a voter in the constituency for which the nomination is filed. His name and electoral roll number (with full details) have to be stated in the nomination paper.

Where a candidate is a voter in a different constituency, he has to produce before the returning officer, at the time of scrutiny, either a copy of the electoral roll in which he is registered or a certified copy of the relevant entries relating to him in the electoral roll. To avoid any question on this account, it is advisable to file, along with the nomination paper, a certified copy of the entries in the electoral roll. This can be obtained by applying well in time to the electoral registration officer of the constituency where the candidate is registered.

Printed nomination forms may be obtained from the returning officers. Manuscript, typewritten, cyclo-styled or privately printed forms may also be used, provided that they are correct copies of the prescribed form.

s. 31, R.P.
Act, 1951

Simultaneously with the notification calling an election, the returning officer of every constituency issues a public notice stating the place where nomination papers may be obtained, the place where and the officer to whom they may be delivered, the time and place of scrutiny, the procedure for withdrawal, and the date and time of poll.

s. 33, R.P.
Act, 1951

A candidate or his proposer, *but no one else*, may present the nomination paper on the very day of the notification calling upon the constituency to elect or on any of the seven days following that day. No nomination paper will be received on a public holiday.

The nomination paper must be presented to the returning officer or to the assistant returning officer at his office between 11 A.M. and 3 P.M. and to *no one else*.

A candidate has to make and subscribe an oath or affirmation before the returning officer in the following form:

I, A.B., having been nominated a candidate to fill a seat in the House of the People (or in the Legislative Assembly) do swear in the name of God
solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

This may be made at the time of filing the nomination but in any case before scrutiny.

Up to a maximum of four nomination papers may be presented by or on behalf of a candidate.

At the time of the presentation of a nomination paper, the returning officer will examine it from the technical standpoint, *i.e.*, he will check the correctness of the name, the electoral roll number, etc., and permit clerical or technical errors, if any, to be corrected.

s. 34, R.P.
Act, 1951

A candidate contesting a seat for the Lok Sabha has to make a deposit, along with his nomination, of a sum of Rs. 500; and a candidate contesting an Assembly seat has to deposit a sum of Rs. 250. In the case of a Scheduled Caste or Scheduled Tribe candidate, the deposit is half in both cases. The deposit may be made either in cash with the returning officer or by paying it in the Reserve Bank of India or in a Government Treasury. In the latter event, a receipt in proof of the deposit must be enclosed with the nomination. Only one deposit is required even if a candidate files more than one nomination paper in the same constituency. A candidate must, however, make separate deposits in respect of each constituency in case he contests more than one constituency.

s. 158, R.P.
Act, 1951

The deposit will be refunded if the candidate is elected or has obtained more than one-sixth of the total number of valid votes polled in the constituency. In other cases, the deposit will be forfeited. If a candidate was a contesting candidate in more than one constituency for the same House of a legislature, he is entitled to the refund of only one deposit. If, however, he was contesting an Assembly seat and a Lok Sabha seat simultaneously, he would get a refund of the deposits made in both, provided that he obtains more than one-sixth of the total number of valid votes polled in each constituency. The deposit is intended to ensure that the candidate is a serious contestant.

s. 36, R.P.
Act, 1951

Scrutiny.—On the day fixed for scrutiny, the candidate, his election agent, his proposer and one other person authorized by the candidate will be allowed to examine the nomination papers of all the candidates filed with the returning officer. If an objection is raised to any nomination paper, the returning officer will hold a summary enquiry and record his decision in writing either accepting or rejecting the nomination paper, giving reasons for such decision. A candidate to whose nomination objection has been taken may ask for time to rebut it, and the law provides that time may be given for such rebuttal until the next day or the day following. No nomination paper can be rejected on the ground of any defect which is not of a substantial character, *viz.*, any mistake or error of a technical or clerical nature.

A nomination paper will be rejected on *any* of the following grounds:

- (i) The candidate is clearly not qualified in law to be a member of the legislature concerned.
- (ii) The candidate is clearly disqualified in law to be such member.
(The question of qualification or disqualification is determined with reference to the date fixed for the scrutiny of nominations.)
- (iii) The nomination paper is delivered after 3 P.M. on the last day for making nominations, or before 11 A.M. on the day of the notification calling on the constituency to elect.
- (iv) The nomination paper is delivered by a person other than the candidate himself or his proposer.
- (v) The nomination paper is delivered at a place other than that notified for the purpose,

or that it has been delivered to a person other than the returning officer or the assistant returning officer.

- (vi) The nomination paper is not substantially in the prescribed form.
- (vii) The nomination paper has not been signed by the candidate and his proposer.
- (viii) The proposer is not an elector of the constituency or is not eligible to be a proposer.
- (ix) The required deposit has not been made.

s. 37, R.P.
Act, 1951

Withdrawal.—A candidate may withdraw from election by a notice in writing delivered to the returning officer before 3 P.M. on the last day fixed for the purpose. The notice must be signed by the candidate and delivered either personally by the candidate or by his proposer or by his election agent. A notice of withdrawal once given will not be allowed to be cancelled.

List of contesting candidates.—Immediately after the time for withdrawal, the returning officer publishes a list of all the contesting candidates in a constituency. The names in the list are arranged in the alphabetical order.

s. 53, R.P.
Act, 1951

Uncontested election.—If only one candidate is nominated, the election will be an uncontested one and the returning officer will declare that candidate elected immediately after the expiry of the time for the withdrawal of candidature.

CHAPTER XI

ELECTION CAMPAIGN

Candidates for election (other than independents) are usually chosen by the central executives (or election committees) of the political parties on the recommendation of their State units. Their names [are announced in the press, and the party takes care to see that wide publicity is given to its candidates in their respective constituencies. From then on, the election campaign starts.

A candidate must make himself known to his voters. It is desirable that he should visit as many voters as possible and particularly in those areas where he is sure of support. Such visiting can be done rapidly, and it is profitable to make these visits in the company of one or two prominent members of each ward or locality who will introduce him to the voters. Where individual visits are not practicable, street or mohalla meetings may be organized. Such meetings, besides enabling the voters to know their candidate, will also create interest and build up the vote.

Publicizing the symbol of the candidate is also important. A simple handbill giving the name of the candidate, his election symbol and the date of the poll may be widely circulated among the electors throughout the constituency at an early stage of the campaign.

Wooing the voter is serious business. Sustained effort and big organizational skill are needed for a successful election campaign. It should be so organized that the campaign commencing with the announcement of candidature steadily gathers momentum

and is at its peak as polling day approaches. The election agent—where a candidate has appointed one—can be the key man in the conduct of a candidate's election. The candidate may also employ a number of volunteers for canvassing, speaking and for clerical and other incidental work.

The usual methods of campaigning and canvassing are meetings, processions, speeches, and slogans, hand-bills, placards and posters. The Constitution guarantees to all citizens the fundamental rights of freedom of association and freedom of expression and speech. In a democracy the exercise of these rights is at no time more valuable than at election time. Apart from a self-regulating conduct to exercise these rights effectively and purposefully, it is important to remember that the law itself lays down a number of restraints. Thus, the law forbids—

s. 123, R.P.
Act, 1951

- (i) appeal to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language;
- (ii) the use of, or appeal to, religious symbols or national symbols, such as the national flag or the national emblem;
- (iii) the promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language;
- (iv) the publication of any statement of fact which is false in relation to the personal character or conduct of any candidate;

s. 127A,
R.P. Act,
1951

- (v) the printing or publication of any election pamphlet or poster which does not bear on its face the names and addresses of the printer and publisher;

s. 126, R.P.
Act, 1951

- (vi) the convening or holding of any public meeting within any polling area during the period of 48 hours ending with the hour

fixed for the conclusion of the poll in that polling area.

All these injunctions are binding not only on a candidate but also on his agent or any other person who acts with the consent of a candidate or his election agent.

The law also forbids free conveyance being provided to the voters, and canvassing within a polling station, or in any public or private place within a distance of 100 metres of the polling station, on polling day.

Prior to the general election held in Kerala in 1960, a code of conduct for election campaign was evolved by consent among the various political parties in that State. The Election Commission subsequently circulated this code, with approval, to all recognised political parties in India. The code, which is reproduced below, was generally followed by the political parties and candidates in the 1962 general elections.

Code of Conduct for Election Campaign

I. *Meetings*.— (1) Before deciding to hold a meeting at a particular place, the party concerned should obtain the required permission from the authority or person in charge of that place, except in respect of public places where public meetings are usually conducted without specific permission.

(2) If any permission or licence has to be obtained for the use of loud-speaker or any other facility in connection with the meeting, the party should apply to the authority concerned well in advance and obtain such permission or licence.

(3) The party should inform the local police authorities of the venue and time of the meeting well

in advance so as to enable the police to make necessary traffic and security arrangements.

(4) The party should ascertain in advance if there are any restrictive orders in force in that area. If such orders exist, they should be followed strictly. If any exemption is required from such orders, it should be applied for and obtained well in advance.

(5) Organizers of a meeting should invariably apply for, and obtain, the services of the police on duty for dealing with persons disturbing the meeting or otherwise attempting to create disorder. It will be desirable that the organizers themselves desist from taking action against such persons.

(6) If it comes to notice that another party intends to hold a meeting at the same place and about the same time, the organizers should endeavour without delay to establish contact between themselves so that it may be arranged to hold the meetings one after the other or at different places or, if possible, to hold the meetings simultaneously at two different localities of the same place (as in a big *maidan*) taking care to regulate the volume of loud-speakers so as not to cause disturbance. The local authorities will assist the parties in arriving at such an arrangement and the parties should approach them in this regard as early as possible.

II. *Processions*.—(1) A party organizing a procession should decide beforehand the time and place of starting of the procession, the route to be followed and the time and place at which the procession will be disbanded. There should ordinarily be no deviation from the programme.

(2) The organizers should give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary traffic and security arrangements.

(3) The organizers should ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and should comply with the restrictions unless exempted specially by competent authority. Any traffic regulations or restrictions should also be carefully adhered to.

(4) Before the procession starts, the organizers should take steps to arrange the processionists in such a manner, taking into account the nature of the roads, as to render the passage of the procession possible without creating blockades or hindrance to other traffic. If the procession is very long, it should be possible to organize it into segments of suitable length so that, at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held-up traffic could be allowed by stages and thus heavy traffic congestion avoided.

(5) The organizers should arrange to detail responsible persons to be in charge of the procession and each segment thereof with instructions to regulate the processionists in co-operation with the police officers on duty.

(6) The procession should be so regulated as to keep as much to the right of the road as possible and the direction and advice of police officers on duty should be strictly complied with.

(7) If two or more political parties have proposed to take their processions over the same route or parts thereof at about the same time, it should be possible for the organizers of those processions to establish contact well in advance and decide upon the measures to be taken to see that the processions do not cause hindrance to one another or give rise to undesirable situations. The assistance of the local authorities will always be available in arriving at a satisfactory arrangement and the parties should contact them at the earliest opportunity.

(8) The political parties should, to the extent possible, exercise control in the matter of the processionists carrying articles which may be put to misuse by undesirable elements, especially in moments of excitement.

(9) All political parties should endeavour to respect the right of every individual for peaceful, undisturbed home life, however much they may resent his political opinions or activities. Organizing demonstrations or picketing before the houses of individuals by way of protesting against the latter's opinions or activities is not in keeping with democratic principles and the concept of individual liberty and should not be resorted to under any circumstances.

III. *Speeches and slogans.*—(1) Deprecatory or insulting remarks about the private lives, personal habits or physical peculiarities or handicaps of individuals should be avoided on the public platform.

(2) Derogatory remarks on the religion, caste or community of individuals should not be made.

(3) Statements that are likely to wound the religious susceptibilities of any section of the people in any manner should not be made.

(4) Statements and slogans suggestive of violent action against any members of other political parties should be avoided.

(5) A high standard of decency and decorum while making speeches or raising slogans should be aimed at by all political parties. Nothing should be said or done that is likely to excite people to acts of indecency or violence.

(6) Political parties should adopt an attitude of mutual tolerance and forbearance, especially in situations when the uncontrolled exercise of the right of free speech and expression is likely to stir up ill-

feeling and lead to disorder and violence. When meetings by different political parties are held in close proximity or processions have to pass by one another, the use of provocative slogans and gestures should be scrupulously avoided.

IV. *Placards*.—(1) Political parties should endeavour to see that the use of pictorial representations for purposes of propaganda is restricted mainly to serve the purpose of illustrating their own objectives and policies. Such representations should not be used to depict the alleged defects or alleged misdeeds of other political parties in a lurid or exaggerated manner.

(2) Pictorial representations should be sober and moderate and of real educative value. They should not be of such nature as to inflame the feelings of the followers of opposing political parties, or to incite persons to acts of indecency or violence.

(3) Pictorial representations should not be used for the purpose of humiliating individuals or bringing into ridicule the beliefs and practices of the followers of any religious or political thought.

(4) The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of defamatory demonstrations should not be countenanced by the political parties.

(5) No political party should permit its followers to make use of any individual's land, building, compound wall, etc., without his permission, for erecting flag-staffs, suspending banners, pasting notices, writing slogans, etc.

V. *General*.—Every political party should make earnest endeavours to instruct its followers on the above-mentioned principles of conduct and should

openly dissociate itself from any type of activity that is in contravention of these principles. There should be no hesitation on its part in taking necessary action against persons who deliberately disobey the party's instructions in this regard.

CHAPTER XII

THE POLL

Polling stations.—For the convenience of the electors to record their votes, each constituency is divided into a number of polling areas. For each polling area, one or more polling stations are provided according to the number of voters. A polling station normally has about 900 voters. In special cases, the number may go up to 1,200. Where necessary, separate polling stations are provided for women voters ; but in such cases, the polling stations for men and women voters are located in the same building.

Polling stations are so set up that ordinarily no voter is required to travel more than three miles to cast his vote. No polling station may be located in police stations, hospitals, temples or places having religious significance.

Political parties and sitting members (Lok Sabha and Assembly) in every constituency are given opportunities to make suggestions about the location of polling stations. The polling stations are finally approved by the Election Commission.

Outside each polling station there will be displayed prominently a notice specifying the polling area, the electors of which are entitled to vote at the polling station and a list of the contesting candidates.

Besides the voters entitled to vote at a polling station, the following persons will be admitted by the presiding officer inside a polling station :

- (i) polling officers ;
- (ii) public servants on duty in connection with the election ;

- (iii) persons authorized by the Election Commission ;
- (iv) candidates, their election agents and one polling agent appointed by each candidate;
- (v) a child in arms accompanying a voter ;
- (vi) a person accompanying a blind or infirm voter who cannot move without help ;
- (vii) a woman attendant who may be appointed by the returning officer or the presiding officer to assist women voters ;
- (viii) any person whom the presiding officer may appoint to help in the identification of voters.

“Public servants on duty” will not normally include police officers. Policemen, whether in uniform or in plain clothes, are not allowed inside a polling station, unless the presiding officer decides to call them in to meet an unavoidable situation for the maintenance of law and order.

The presiding officer presides over and regulates the entire process of poll. He arranges the seating of the polling officers in such a manner that a voter entering the polling station is enabled to receive the ballot paper and cast his vote with utmost expedition.

The polling agents of the candidates will be provided seats behind the polling officers who keep the marked copies¹⁸ of the electoral rolls so that they may be able, in doubtful cases, to challenge the identity of a voter before a ballot paper is given to him. Before the commencement of the poll, the presiding officer is required to demonstrate to the polling

¹⁸“Marked copy of the electoral roll” is the copy of the electoral roll set apart for the purpose of recording the serial numbers of ballot papers issued to the voters at an election.

agents and others present that the marked copy of the electoral roll does not contain any unauthorised entries.

The polling agents may also mark their copies of the electoral roll as the ballot paper is issued to each voter, but they shall *not* note down the serial numbers of the ballot papers issued. The marking of the roll by the candidate's agent helps in ascertaining that all the likely supporters of the candidate in a polling area have cast their votes and making last-minute house to house approach to voters who may not have cast their votes.

At each polling station, there are set up two or more voting compartments (screened enclosures) in which voters can mark their ballot papers in secret.

Ballot box.—Every ballot box to be used at a polling station will bear labels, both inside and outside, containing the serial number and name of the constituency and the polling station and the date of poll. The serial number of the box will be entered on the outside label at the end of the poll. Before the commencement of the poll, the presiding officer shows the ballot boxes to the polling agents and others present to prove that the boxes are empty and bear the correct labels.

The ballot box is then closed, sealed and secured and placed in full view of the presiding officer and the polling agents. The sealing is done in such a way that the slit for the insertion of the ballot paper alone is open. The candidate's agents are also entitled to affix their seals on the ballot boxes.

For all contesting candidates (Lok Sabha and Assembly) in a constituency, a common ballot box is used at a polling station.

The Vote.—The mode of voting followed for the elections is the marking system.¹⁹ The ballot paper for each constituency, under this system, contains the name of the constituency, the names of the contesting candidates and the facsimiles of their allotted symbols. The ballot paper is serially numbered and before issue will be stamped with a distinguishing mark (prescribed by the Election Commission) and folded. The voter after receiving the ballot paper at the polling station will enter a screened voting compartment and mark it with an inked rubber stamp on or near the symbol of the candidate of his choice. He will then fold it in the same way as it was previously folded, come out and insert it in a common ballot box kept in full view of the presiding officer and others present at the polling station. (See Appendix VII for sample ballot paper and instructions for voting.)

No marking other than as indicated in the previous paragraph shall be made by the voter on the ballot paper. Any marking or writing on the ballot paper by which the voter can be identified will invalidate it.

r. 41, C.E.
Rules,
1961

An inadvertently spoiled paper must be returned to the presiding officer who, if he is satisfied that the spoiling was inadvertent, will give another ballot paper and cancel the returned ballot paper, marking it "spoilt ; cancelled". All cancelled ballot papers will be kept in a separate packet to be forwarded to the returning officer.

r. 40, C.E.
Rules,
1961

A voter who, owing to blindness or other physical infirmity, is unable to record his vote without assistance, will be permitted by the presiding officer to vote with the assistance of a companion.

s. 59, R.P.
Act, 1951

Votes shall be given only by ballot and no vote shall be received by proxy.

¹⁹The mode of voting followed in the first two general elections was the balloting system.

s. 128, R.P.
Act, 1951

Ballot to be secret.—The ballot is secret. Every officer, clerk, agent or other person on election duty is enjoined by law to maintain, and aid in maintaining, the secrecy of voting. Any person who contravenes the rule of secrecy will be liable to punishment with imprisonment up to three months or with fine or with both.

s. 62, R.P.
Act, 1951

Only one vote.—No person shall vote in more than one constituency of the same class and no person shall vote in the same constituency more than once.

r. 37, C.E.
Rules, 1961

Personation.—In order to prevent the same person from personating another voter and voting again, every voter's left forefinger will be marked by one of the polling officers with indelible ink before a ballot paper is issued to him.

r. 36, C.E.
Rules,
1961

Any polling agent may challenge the identity of a voter by depositing a sum of Rs. 2 in cash with the presiding officer. The presiding officer will hold a summary inquiry into the challenge. If the challenge succeeds or if the presiding officer is satisfied that the challenge was made in good faith and was not frivolous, the deposit will be returned to the polling agent immediately after the conclusion of the inquiry. In other cases, the deposit will be forfeited to Government.

r. 42, C. E.
Rules,
1961

If a person who is not the real voter comes to a polling station and casts his vote in the name of the real voter, and the real voter comes to the polling station thereafter to cast his vote, he will be asked to vote on a special type of ballot paper. This ballot paper, after it is marked and folded, will not be inserted into the ballot box, but handed over to the presiding officer who will place it in a separate cover. These special votes which are called "tendered votes" will not be counted at the time of counting. They may however be scrutinised in connection with an

election petition if it is represented that the result of an election has been materially affected by the improper reception of votes.

s. 56, R.P.
Act, 1951

Polling hours.—The hours for the poll are fixed by the Election Commission and notified by the returning officer of each constituency. The total period of poll on any one day shall not be less than eight hours. The polling is continuous. The presiding officer will close the polling station at the hour fixed for the close of the poll; but all the electors present at the polling station before it is closed shall be entitled to cast their votes.}]

r. 43, C.E.
Rules, 1961

After the closing of the poll, the presiding officer will close the slit of the ballot box and have it sealed and secured. The polling agents of the candidates can also affix their seals.

r. 46, C.E.
Rules,
1961

The presiding officer will then make separate packets containing :

- (i) the marked copy of the electoral roll ;
- (ii) the unused ballot papers ;
- (iii) the cancelled ballot papers ;
- (iv) the cover containing the tendered ballot papers and the list of such papers ;
- (v) the list of challenged votes ;
- (vi) any other papers directed by the Election Commission to be kept in a sealed packet.

Each packet will be sealed with the seal of the presiding officer and the seals of such of the polling agents as may desire to affix their seals.

The ballot boxes and the sealed packets will then be delivered to the returning officer who will make arrangements for their safe custody until the commencement of the counting.

s. 52, R.P.
Act, 1951

Death of a candidate before poll.—If a candidate whose nomination has been found valid on scrutiny

and who has not withdrawn his candidature dies, and a report of his death is received before the publication of the list of contesting candidates, or if a contesting candidate dies before the poll, the returning officer will, after satisfying himself of the fact of the death, countermand the poll in the constituency and report the fact to the Election Commission. Fresh notification will have to be issued in due course for election in that constituency and the election held *de novo*. In such an event, however, no further nomination will be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll. A candidate who may have withdrawn his candidature is eligible for nomination for the fresh election.

s. 57, R.P.
Act, 1951

Adjourned poll.—The poll may be adjourned at a polling station on account of —

- (i) any riot or open violence at the polling station which makes it impossible to take the poll ; or
- (ii) a natural calamity like a severe storm, heavy snowfall or the like ; or
- (iii) some other sufficient cause such as non-receipt or loss of, or damage to, essential polling materials like ballot boxes, ballot papers, etc.

The adjourned poll will be held on a date and at the time and place to be fixed by the returning officer with the prior approval of the Election Commission.

The counting of the votes in the constituency will not commence until the adjourned poll has been completed.

s. 58, R.P.
Act, 1951

Poll held void in certain cases and fresh poll.—If any ballot box used at a polling station is unlawfully taken away by a person or accidentally or intentionally destroyed or lost, or damaged or tampered with

to such an extent that the result of the poll at that polling station cannot be ascertained, the returning officer will forthwith report the matter to the Election Commission. Any error or irregularity in procedure likely to vitiate the poll committed at a polling station has also similarly to be reported to the Commission. After considering the material circumstances of any case so reported, the Commission will, if necessary, declare the poll at the polling station to be void and notify the date and time for fresh poll. In this case, there will be no legal bar against counting the votes for the rest of the constituency. The result however shall not be declared until the votes recorded at such fresh poll have also been counted.

r. 18, C.E.
Rules, 1961

Voting by post.—The following persons are entitled to vote by post :

- (i) Special voters and their wives (*see* pp. 18-19)
- (ii) Service voters and their wives (*see* pp. 17-18).
- (iii) Voters on election duty (polling agents, polling officers, presiding officers or other public servants on election duty).
- (iv) Electors subjected to preventive detention.

r. 19, 20 &
21, C. E.
Rules,
1961

These voters (other than service voters) are required to intimate the returning officer—of the constituency where they are registered—their wish to vote by postal ballot within a prescribed time : at least 10 days before poll in the case of special voters; 7 days before poll in the case of a person on election duty; and within 15 days of the calling of an election in the case of persons under preventive detention. The returning officer will then send to every such voter a postal ballot paper.

s. 60, R.P.
Act, 1951

In the case of service voters, no individual intimation is required to be sent to the returning officer. The returning officer himself will send the ballot papers to them direct. Service voters are not entitled to vote in person. They can vote only by post.

s. 62, R.P.
Act, 1951

Persons not entitled to vote at an election.—The following persons are not entitled to vote at an election :

- (i) A person whose name is not entered in the electoral roll of any constituency ;
- (ii) a person who is subject to any disqualification for voting ;
- (iii) a person who is confined to prison, whether under a sentence of imprisonment or transportation or otherwise, or is in lawful custody of the police (other than under preventive detention).

CHAPTER XIII

COUNTING

The votes polled at each constituency are counted by, or under the supervision and direction of, the returning officer. He is assisted in this by counting assistants who are appointed by him. No person who had been employed by, or on behalf of, or was otherwise working for, a candidate in or about the election shall be appointed as a counting assistant.

s. 64, R.P.
Act, 1951

The candidate, his election agent and his counting agents have the right to be present at the counting.

r. 51, C.E.
Rules,
1961

The returning officer will give notice in writing, at least one week before the date of poll, of the date, time and place of counting to each candidate or his election agent.

Before commencing to count, the returning officer will verify that all the ballot boxes from all the polling stations in his constituency have been received. He will also satisfy himself that none of the ballot boxes has been tampered with. Before any ballot box is opened at a counting table, the counting agents of the candidate present at the table will be allowed to inspect the seals on the box and satisfy themselves that it is intact.

The ballot boxes are taken up for counting polling station-wise and arranged on a number of tables provided for the purpose. The ballot papers taken out of each ballot box are first sorted out—ballot papers for the Lok Sabha and ballot papers for the State Legislative Assembly separately, candidate-wise simultaneously in one operation. They are then scrutinised

for validity by the counting assistants and made up into convenient bundles of generally fifty each. Those ballot papers which may be apparently invalid or doubtful will be kept separate and placed before the returning officer or assistant returning officer for orders.

r. 56, C.E.
Rules,
1961

Ballot paper when rejected.—A ballot paper will be rejected—

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

Ballot paper when not rejected.—A ballot paper will not be rejected—

- (a) if the defect mentioned at (g) or (h) above is caused by any mistake or failure on the part of the presiding officer or a polling officer ; or
- (b) on the ground merely 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.

Before rejecting any ballot paper as invalid, the counting agents of the candidate will be allowed to inspect the ballot paper. The returning officer will endorse on every rejected ballot paper the letter 'R' and the grounds of rejection and initial such endorsement. The rejected ballot papers will be kept in a separate bundle.

r. 60, C.
E. Rules,
1961

The counting, as far as practicable, is to proceed continuously. During any interval when the counting may have to be suspended for any reason, the returning officer is required to keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of the candidates or their election agents who may desire to affix their seals, and take sufficient precautions for their safe custody.

s. 64A, R.P.
Act, 1951

Destruction, loss, etc., of ballot papers at the time of counting.—If at any time before the counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained, the returning officer shall forthwith report the matter to the Election Commission. The Election Commission will, after taking all material circumstances into account, issue directions to the returning officer either—

- (a) to stop the counting, declare the poll at that polling station to be void, and order a fresh poll, or
- (b) if satisfied that a fresh poll at that polling station will not affect the result of the election, to resume and complete the counting.

r. 54A, C.
E. Rules,
1961

Counting of postal ballot papers.—The scrutiny and counting of the ballot papers received by post is taken up by the returning officer first at the commencement of the counting.

A postal ballot paper will 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 a spurious ballot paper ; or
- (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or
- (e) if it is not returned in the cover sent along with it to the elector by the returning officer ; or
- (f) if it bears any mark or writing by which the voter could be identified.

r. 63, C.
E. Rules,
1961

Recording of result.—After the completion of the counting, the total number of votes polled by each candidate is recorded in a result sheet (in the prescribed form) and is also announced to those present at the counting.

Recount.—When the announcement of the total votes polled by a candidate is made, a candidate or his election agent, who may be dissatisfied with the counting, can apply to the returning officer for a recount. The application should be made in writing and should give reasons why such recount is asked for. (A recount is demanded when the votes obtained by two candidates are very close and there may be a possibility of a small number of votes changing the result). The returning officer's decision on every such application is final.

No demand for a recount can be made after the returning officer has completed and signed the result sheet.

s. 65, R.P.
Act, 1951

Equality of votes.—If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number, the result will be decided by lot.

s. 66, R. P.
Act, 1951

Declaration of result.—When the counting of the votes is finally completed and the returning officer has completed and signed the result sheet, he will forthwith declare the candidate who has obtained the largest number of valid votes to be duly elected.

The Election Commission may, in a particular case, direct the returning officer not to declare the result; and in that event the declaration will be withheld in accordance with such direction.

r. 66, C.E.
Rules,
1961

Certificate of election.—The returning officer will give to every elected candidate a certificate of election. This certificate may be produced before the Secretary of the Lok Sabha or the Secretary of the State Legislative Assembly, as the case may be, of which the candidate is elected a member for the purposes of identification.

Publication of results in gazette.—The declaration by the returning officer of the election of every candidate is published in the Gazette: In the case of elections to the Lok Sabha, the declarations are published in the Gazette of India, and in the case of elections to State Legislative Assemblies, they are published in the respective State Gazettes.

s. 73, R.P.
Act, 1951

The Election Commission will publish in the Gazette of India and, as the case may be, in the State Gazettes, consolidated notifications containing the names of all persons elected to the Lok Sabha and to the State Legislative Assemblies. Upon the issue of such notifications, the Lok Sabha and the State Legislative Assemblies are deemed to be duly constituted.

CHAPTER XIV

MULTIPLE ELECTIONS

art. 101(i) The Constitution provides that no person shall be a member of both Houses of Parliament. It requires Parliament to make provision by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

s. 68, R.P.¹
Act, 1951 Parliament has provided by law that if a person is elected to both Houses of Parliament but has not taken his seat in either House, he should intimate of which of the Houses he wishes to be a member. This intimation must be given by a notice in writing signed by him and delivered to the Secretary to the Election Commission within ten days from the date, or the later of the dates, of such election. His seat in the other House thereupon becomes vacant. If no such intimation is given, his seat in the Rajya Sabha (Council of States) automatically becomes vacant on the expiry of the tenth day. A choice once made in this regard is final and irrevocable.

s. 67A, R.
P. Act,
1951 The date of election of a person to a House of Parliament or of the Legislature of a State is the date on which he was declared elected by the returning officer.

s. 69, R.P.
Act, 1951 If a person who is already a member of the Lok Sabha and has taken his seat in that House is elected to the Rajya Sabha his seat in the Lok Sabha becomes vacant on the date of such election.

If a person who is already a member of the Rajya Sabha and has taken his seat in that House is elected to the Lok Sabha, his seat in the Rajya Sabha becomes vacant on the date of such election.

s. 70, R.P.
Act, 1951

If a person is elected to more than one seat in the Lok Sabha or in the same House of Legislature of a State, he is required by law to resign all but one of such seats within fourteen days from the date of such election. If the dates of his election are different in respect of different seats, he has to tender such resignation within fourteen days from the last of those dates. The resignation must be in writing under his signature and addressed to the Speaker or the Chairman of the House concerned; or, where these offices are vacant, to the Deputy Speaker or the Deputy Chairman of the House; or where these offices also are vacant, to the Election Commission. If he fails to tender such resignation in time, all the seats to which he has been elected will become vacant.

r. 91, C.E.
Rules,
1951

art. 101(2)
r. 2, Pro-
hibition of
Simultane-
ous Mem-
bership
Rules, 1950

A person cannot simultaneously be a member of Parliament as well as of a House of a State Legislature. If he has been elected both to Parliament and to the Legislature of a State, he is required to resign one of his seats within fourteen days from the date of publication in the Gazette of India or in the official Gazette of the State, whichever is later, of the declaration that he has been so elected. If he fails to do so, his seat in Parliament becomes vacant.

art. 190(1)

A person cannot be a member of both Houses of the Legislature of a State. If he is elected to both the Houses, he is required to resign his seat in one of the

returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no further declaration is claimed, all the returned candidates ; and

- (b) any other candidate against whom allegations of any corrupt practice are made in the petition.

s. 83, R.P.
Act, 1951

Contents of petition.—An election petition—

- (a) shall contain a concise statement of the material facts on which the petitioner relies;
- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

Where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

s. 84, R.P.
Act, 1951

Relief that may be claimed.—A petitioner may claim a declaration that the election of the returned candidate is void and may, in addition, claim a further

declaration that he himself or any other candidate has been duly elected.

s. 117, R.P.
Act, 1951

Security.—At the time of presenting a petition the petitioner is required to deposit in the High Court a sum of Rs. 2,000/- as security for the costs of the petition.

ss. 100 &
101, R.P.
Act, 1951

Grounds of petition.—An election petition may be presented on one or more of the following grounds:

- (a) that on the date of his election a returned candidate was not qualified, or was disqualified to be chosen to fill the seat under the Constitution or the law;
- (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent ;
- (c) that any nomination has been improperly rejected ;
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—
 - (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or
 - (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or
 - (iv) by any non-compliance with the provisions of the Constitution or of the Representation of the People Act, 1951, or of any rules or orders made under that Act ;

- (e) that in fact the petitioner or such other candidate received a majority of the valid votes polled; or
- (f) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes.

If any of the grounds at (a) to (d) is proved, the High Court will declare the election of the returned candidate void. If any of the grounds at (e) or (f) is proved, the High Court will, after declaring the election of the returned candidate void, also declare the petitioner or such other candidate to have been duly elected.

s. 100, R.P.
Act, 1951

If in the opinion of the High Court a returned candidate has been guilty by an agent, other than his election agent of any corrupt practice, the High Court may not decide the election of the returned candidate to be void if it is satisfied—

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

CHAPTER XVII

CORRUPT PRACTICES AND ELECTORAL OFFENCES

Part VII of the Representation of the People Act, 1951, defines corrupt practices. It also defines various election offences and prescribes punishment therefor. Some of the corrupt practices and election offences have been referred to in the chapter on Election Campaign.

s. 123, R.P.
Act, 1951

The corrupt practices are—

- (1) bribery;
- (2) undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right²² ;
- (3) appeal to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language ;
- (4) the use of, or appeal to, religious symbols or national symbols such as the national flag or the national emblem;
- (5) the promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on

²² "Electoral right" is the right of a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate or to vote or refrain from voting at an election.

- grounds of religion, race, caste, community or language;
- (6) the publication of any statement of fact which is false in relation to the personal character or conduct of any candidate;
 - (7) the hiring or procuring, whether on payment or otherwise, of any vehicle, or the use of such vehicle or vessel for the free conveyance of a voter to or from any polling station;
 - (8) the incurring or authorizing of expenditure in excess of the amount prescribed under the law (*see* p. 68);
 - (9) the obtaining or procuring, or abetting, or attempting to obtain or procure, any assistance for the furtherance of a candidate's election from any Government servant.

These are corrupt practices and, if successfully proved in an election petition, may render an election void.

The electoral offences are mainly offences in relation to such matters as printing or publishing of election pamphlets or posters without the name of the printer or publisher, canvassing in or near polling stations on the day of poll, election meetings, maintenance of secrecy at voting, conduct of officers on election duty, breaches of official duty in connection with elections, disorderly conduct or misconduct at or near polling stations, and fraudulent handling of a ballot paper, nomination paper, ballot box, etc.

CHAPTER XVIII

JAMMU AND KASHMIR

Elections to the Lok Sabha from the State of Jammu and Kashmir will be held, for the first time, in accordance with the provisions of the Representation of the People Act, 1951. Elections to the State Legislative Assembly will continue to be held under the provisions of the Jammu and Kashmir Representation of the People Act, 1957. Both elections will be held under the superintendence, direction and control of the Election Commission at the Centre.

CHAPTER XIX

UNION TERRITORIES

At present only five Union territories, namely, Goa, Daman and Diu, Himachal Pradesh, Manipur, Pondicherry and Tripura have Legislative Assemblies. Elections to these Legislative Assemblies are governed by the provisions of the Government of Union Territories Act, 1963, and by the provisions of the two Representation of the People Acts. The principles governing the conduct of elections are the same as in the case of the State Legislative Assemblies.

CHAPTER XX

JURISDICTION OF COURTS

Section 30 of the Representation of the People Act, 1950, bars the jurisdiction of any civil court—

- (a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a constituency; or
- (b) to question the legality of any action taken by or under the authority of an electoral registration officer, or of any decision given by any authority appointed under this Act for the revision of any such roll.

Section 170 of the Representation of the People Act, 1951, bars the jurisdiction of any civil court to question the legality of any action taken or of any decision given by the returning officer or by any other person appointed under this Act in connection with an election.

In *Ponnuswami vs. Returning Officer, Namakkal* (1 E.L.R.) the Supreme Court has held that no court has jurisdiction to interfere with the order of a Returning Officer.

Appendices

I. List of State Acts relating to Disqualifications

1. The Andhra Pradesh Payment of Salaries and Removal of Disqualifications Act, 1953 (Andhra Act 2 of 1954).
2. The Assam State Legislature Members (Removal of Disqualifications) Act, 1950 (Assam Act 13 of 1950).
3. The Bihar Legislature (Removal of Disqualifications) Act, 1950 (Bihar Act 16 of 1950).
4. The Gujarat Legislative Assembly Members (Removal of Disqualifications) Act, 1960 (Gujarat Act 1 of 1960).
5. The Legislative Assembly (Removal of Disqualifications) Act, 1951 (Kerala Act 15 of 1951).
6. The Madhya Pradesh Legislative Assembly Prevention of Disqualification Act, 1956 (Madhya Pradesh Act 1 of 1957).
7. The Madras Payment of Salaries and Removal of Disqualifications Act, 1951 (Madras Act 20 of 1951).
8. The Bombay Legislature Members (Removal of Disqualifications) Act, 1956 (Bombay Act 52 of 1956).
9. The Mysore Legislature (Prevention of Disqualification) Act, 1956 (Mysore Act 4 of 1957).
10. The Nagaland State Legislature Members (Removal of Disqualification) Act, 1964 (Nagaland Act 1 of 1964).
11. The Orissa Offices of Profit (Removal of Disqualifications) Act, 1961 (Orissa Act 26 of 1961).
12. The Punjab State Legislature (Prevention of Disqualification) Act, 1952 (Punjab Act 7 of 1952).
13. The Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956 (Rajasthan Act 7 of 1957).
14. The Uttar Pradesh Parliamentary Secretaries (Removal of Disqualification) Act, 1950 (U.P. Act 2 of 1950).
15. The Uttar Pradesh State Legislature Members (Prevention of Disqualification) Act, 1951 (U.P. Act 19 of 1951).

16. The Uttar Pradesh State Legislature Members (Prevention of Disqualification) Act, 1952 (U.P. Act 4 of 1952).
17. The Uttar Pradesh State Legislature Members (Prevention of Disqualification) (Second) Act, 1952 (U.P. Act 13 of 1952).
18. The Uttar Pradesh State Legislature Members (Prevention of Disqualification) (Supplementary) Act, 1953 (U.P. Act 20 of 1953).
19. The Uttar Pradesh Legislature Members (National Plan Loan) (Prevention of Disqualification) Act, 1954 (U.P. Act 23 of 1954).
20. The Uttar Pradesh State Legislature Members (Prevention of Disqualification) Act, 1955 (U.P. Act 16 of 1955).
21. The Uttar Pradesh State Legislature Members (Life Insurance) (Prevention of Disqualification) Act, 1956 (U.P. Act 35 of 1956).
22. The Uttar Pradesh State Legislature Members (Prevention of Disqualification) (Supplementary) Act, 1956 (U.P. Act 3 of 1957).
23. The West Bengal Legislature (Removal of Disqualifications) Act, 1952 (West Bengal Act 6 of 1952).



II. Method of calculation for allotment of seats in Lok Sabha and State Legislative Assemblies

A—LOK SABHA

The method of calculation adopted by the Delimitation Commission in allotting seats to the States in the Lok Sabha and in reserving seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and the State Legislative Assemblies is explained in the following illustrations:

The total population of the 14 States (other than Jammu and Kashmir and Nagaland) according to 1961 census was 427,732,685. The total number of seats in the Lok Sabha to be allocated among these 14 States is 490 (as determined by the Delimitation Commission). The average population per seat therefore is :

$$\frac{427,732,685}{490} = 872,924$$

The population of Uttar Pradesh is 73,746,401.

The number of seats for Uttar Pradesh in the Lok Sabha is :

$$\frac{73,746,401}{872,924} = 84.48 = 85$$

The Scheduled Castes population in Uttar Pradesh is 15,399,881. The proportion of the Scheduled Castes population to the total population of Uttar Pradesh is:

$$\frac{15,399,881}{73,746,401} = .2088$$

The number of seats for Scheduled Castes in Uttar Pradesh in the Lok Sabha is } $85 \times .2088 = 17.75 = 18$

The total population of Orissa is 17,548,846. The Scheduled Tribes population in Orissa is 4,223,757. The proportion of

Scheduled Tribes to the total population of Orissa is :

$$\frac{4,223,757}{17,548,846} = .2407$$

The number of seats allotted to Orissa in the Lok Sabha is 20.

The number of seats for Scheduled Tribes in Orissa in the Lok Sabha is } $20 \times .2407 = 4.81 = 5$.

B—STATE LEGISLATIVE ASSEMBLY

The total number of seats in the Uttar Pradesh Legislative Assembly is 425. The proportion of the Scheduled Castes population to the total population of Uttar Pradesh is .2088.

The number of seats for Scheduled Castes in the Uttar Pradesh Legislative Assembly is :

$$425 \times .2088 = 88.74 = 89$$

The total number of seats in the Orissa Legislative Assembly is 140.

The proportion of the Scheduled Tribes population to the total population of Orissa is .2407.

The number of seats for Scheduled Tribes in the Orissa Legislative Assembly is :

$$140 \times .2407 = 33.70 = 34$$

IV. (i) Election Commission's Notifications regarding symbols

[as amended up to 29-12-1966]

ELECTION COMMISSION, INDIA

NOTIFICATIONS

New Delhi, the 1st December, 1966

S.O. 3366.—In exercise of the powers conferred by sub-rule (1) of rule 5 of the Conduct of Elections Rules, 1961, and in supersession of its notification No. 56/65, dated the 2nd September, 1965 (S.O. 2787), the Election Commission hereby notifies—

- (a) that the choice of symbols to be made by candidates at any election in the parliamentary constituency of Nagaland shall be made from the following five symbols and shall be subject to following restrictions, namely,
 - (i) Elephant (ii) Hornbill (iii) Mithun (iv) Mug (v) Tiger;
- (b) that any candidate sponsored by the Naga Nationalist Organisation shall choose, and shall be allotted, the symbol 'Mithun' and no other symbol;
- (c) that any other candidate shall choose, and shall be allotted, one of the other four symbols; and
- (d) that if two or more candidates have indicated their preference for the same free symbol, the returning officer shall decide by lot to which of them the symbol shall be allotted.

S.O. 3367.—In exercise of the powers conferred by sub-rule (1) of rule 5 of the Conduct of Elections Rules, 1961, and in supersession of its notification No. 56/65, dated the 2nd September, 1965 (S.O. 2787), the Election Commission notifies as follows :—

1. In this Notification,—

- (a) 'recognised party' means any political party for which a symbol is reserved in one or more States according to the Table below;

- (b) 'multi-state party' means any of the following recognised parties, namely, (i) the Indian National Congress, (ii) the Swatantra Party, (iii) the Communist Party of India, (iv) the Communist Party of India (Marxist), (v) the Bharatiya Jana Sangh, (vi) the Praja Socialist Party, (vii) the Samyukta Socialist Party, and (viii) the Republican Party of India; and
- (c) 'reserved symbol' means, in relation to any recognised party specified in column 4 of the Table below, the symbol specified against that party in column 3 thereof.

2. The choice of symbols to be made by candidates at any election in a parliamentary or assembly constituency in a State specified in column 1 of the Table shall be made from the free symbols specified in column 2, or from the reserved symbols specified in column 3, of the Table against that State :

Provided that any such candidate sponsored by a recognised party specified against that State in column 4 of the Table shall choose, and shall be allotted, the reserved symbol of that party and no other symbol:

Provided further that any such candidate sponsored by a multi-state party not specified against that State in column 4 of the Table may choose, and may be allotted, the reserved symbol of that party.

3. Any other candidate shall choose, and shall be allotted, one of the free symbols specified against the State in column 2 of the Table, and no other symbol :

Provided that if two or more of such candidates have indicated their first preference for the same free symbol, the returning officer shall,—

- (a) if one of them is a sitting member of the House of the People or of the State Legislative Assembly, as the case may be, and was allotted that symbol at the previous election when he was chosen as such member, allot the symbol to that candidate, and
- (b) in any other case, decide by lot to which of the candidates the symbol shall be allotted.

4. For the purposes of paragraph 2 of this notification, a candidate shall be deemed to be sponsored by a particular recognised party^a if, and only if,—

- (a) the candidate has made a declaration to that effect in his nomination paper,
- (b) a notice in writing to that effect has, not later than 3 p.m. on the last date for withdrawal of candidatures, been delivered to the returning officer of the constituency, and
- (c) the said notice is signed by the president, secretary or other office-bearer of the party who is authorised by the party to send such notices and whose name and specimen signature have been communicated in advance to the said returning officer and to the chief electoral officer of the State.

TABLE

State/Union territory	Free symbols	Reserved symbols	Party for which symbol is reserved
1	2	3	4
1. Andhra Pradesh	1. Bicycle	1. Two bullocks with yoke on	Indian National Congress
	2. Flower	2. Ears of corn and sickle	Communist Party of India
	3. Horse	3. Star	Swatantra Party
	4. Scales	4. Hammer, sickle and star	Communist Party of India (Marxist)
	5. Spade		
	6. Two leaves		
2. Assam ..	1. Bicycle	1. Two bullocks with yoke on	Indian National Congress
	2. Boat	2. Ears of corn and sickle	Communist Party of India
	3. Lion	3. Flower	All Party Hill Leaders' Conference
	4. Scales		
	5. Spade		
	6. Two leaves.		

1	2	3	4
3. Bihar ..	1. Flower 2. Horse 3. Lion 4. Rising Sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Star 3. Tree 4. Ears of corn and sickle 5. Hut	Indian National Congress Swatantra Party Samyukta Socialist Party Communist Party of India Praja Socialist Party
4. Gujarat ..	1. Bicycle 2. Flower 3. Lion 4. Rising Sun 5. Scales 6. Two leaves. 7. Horse	1. Two bullocks with yoke on 2. Star 3. Hut	Indian National Congress Swatantra Party Praja Socialist Party
5. Haryana	1. Bicycle 2. Hand 3. Horse 4. Rising Sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Lamp	Indian National Congress Bharatiya Jana Sangh
6. Kerala ..	1. Bicycle 2. Boat 3. Flower 4. Scales 5. Spade and stoker 6. Two leaves	1. Two bullocks with yoke on 2. Ears of corn and sickle 3. Tree 4. Ladder 5. Hammer, sickle and star 6. Horse	Indian National Congress Communist Party of India Samyukta Socialist Party Muslim League Communist Party of India (Marxist) Kerala Congress
7. Madhya Pradesh	1. Bicycle 2. Flower 3. Horse 4. Lion 5. Rising Sun 6. Two leaves	1. Two bullocks with yoke on 2. Lamp 3. Tree 4. Hut	Indian National Congress Bharatiya Jana Sangh Samyukta Socialist Party Praja Socialist Party.
8. Madras ..	1. Bicycle 2. Flower 3. Lion 4. Scales 5. Spade 6. Two leaves.	1. Two bullocks with yoke on 2. Rising sun 3. Star 4. Ears of corn and sickle •	Indian National Congress Dravida Munnetra Kazhagam Swatantra Party Communist Party of India

1	2	3	4
9. Maharashtra	1. Bicycle 2. Horse 3. Lion 4. Rising Sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Elephant 3. Cart 4. Hut 5. Ears of corn and sickle	Indian National Congress Republican Party of India Peasants' & Workers' Party Praja Socialist Party Communist Party of India
10. Mysore	1. Bicycle 2. Flower 3. Lion 4. Rising sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Hut 3. Star	Indian National Congress Praja Socialist Party Swatantra Party
11. Orissa	1. Bicycle 2. Flower 3. Horse 4. Lion 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Star 3. Hut 4. Ears of corn and sickle	Indian National Congress Swatantra Party Praja Socialist Party Communist Party of India
12. Punjab	1. Bicycle 2. Horse 3. Lion 4. Rising Sun 5. Flower 6. Two leaves	1. Two bullocks with yoke on 2. Hand 3. Lamp 4. Elephant 5. Ears of corn and sickle 6. Scales	Indian National Congress Shiromani Akali Dal (Master Tara Singh Group) Bharatiya Jana Sangh Republican Party of India Communist Party of India Shiromani Akali Dal (Sant Fateh Singh Group)
13. Rajasthan	1. Bicycle 2. Camel 3. Flower 4. Horse 5. Rising Sun 6. Scales	1. Two bullocks with yoke on 2. Star 3. Lamp 4. Ears of corn and sickle	Indian National Congress Swatantra Party Bharatiya Jana Sangh Communist Party of India

1	2	3	o	4
14. Uttar Pradesh	1. Bicycle 2. Flower 3. Horse 4. Lion 5. Rising Sun 6. Scales	1. Two bullocks with yoke on 2. Lamp 3. Tree	Indian Congress Bharatiya Jana Sangh Samyukta Party	National Socialist Party
15. West Bengal	1. Bicycle 2. Flower 3. Rising sun 4. Scales 5. Spade and stoker 6. Two leaves 7. Horse	1. Two bullocks with yoke on 2. Ears of corn and sickle 3. Lion 4. Hammer, sickle and star	Indian Communist Party of India Forward Block Communist Party of India (Marxist)	National Socialist Party of India
16. Delhi	1. Bicycle 2. Flower 3. Lion 4. Rising sun 5. Scales 6. Two leaves 7. Horse	1. Two bullocks with yoke on 2. Lamp	Indian Congress Bharatiya Jana Sangh	National Socialist Party
17. Goa, Daman and Diu.	1. Bicycle 2. Flower 3. Horse 4. Scales 5. Spade 6. Two leaves	1. Two bullocks with yoke on 2. Elephant 3. Lion 4. Hand 5. Rising sun	Indian Congress Frente Populare Maharashtra wadi Gomantak United Goans (Sequeira Group) United Goans (Furtado Group)	National Socialist Party
18. Himachal Pradesh	1. Bicycle 2. Flower 3. Lion 4. Rising sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Star 3. Elephant	Indian Congress Swatantra Party Republican Party of India	National Socialist Party of India

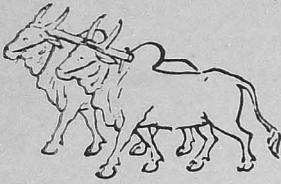
1	2	3	4
19. Manipur	1. Bicycle 2. Flower 3. Horse 4. Lion 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Tree	Indian National Congress Samyukta Socialist Party
20. Pondicherry	1. Bicycle 2. Flower 3. Horse 4. Scales 5. Spade 6. Two leaves	1. Two bullocks with yoke on 2. Elephant	Indian National Congress Peoples' Front
21. Tripura	1. Bicycle 2. Flower 3. Horse 4. Rising sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Ears of corn and sickle 3. Hammer, sickle and star	Indian National Congress Communist Party of India Communist Party of India (Marxist)
22. Andaman & Nicobar Islands	1. Bicycle 2. Boat 3. Scales 4. Two leaves 5. Rising sun		
23. Chandigarh	1. Bicycle 2. Horse 3. Scales 4. Two leaves		
24. Dadra and Nagar Haveli	1. Bicycle 2. Horse 3. Scales 4. Two leaves		
25. Laccadive, Minicoy & Amindivi Islands	1. Bicycle 2. Boat 3. Scales 4. Two leaves		

[No. 56/66]

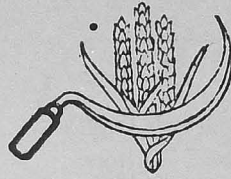
By order,

PRAKASH NARAIN, Secy.

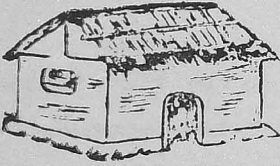
IV. (ii) Facsimiles of Symbols



Two bullocks with
a yoke on



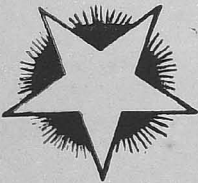
Ears of corn and sickle



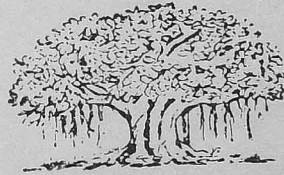
Hut



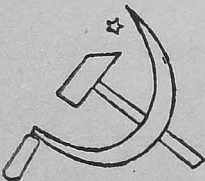
Lamp



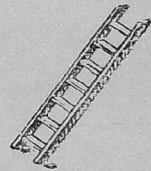
Star



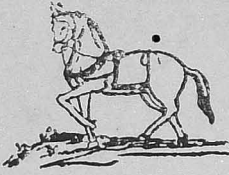
Tree



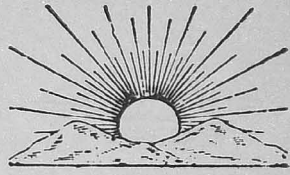
Hammer Sickle, and Star



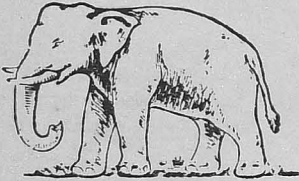
Ladder



Horse



Rising Sun



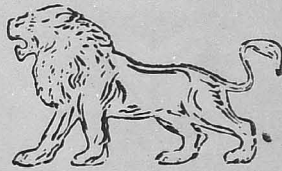
Elephant



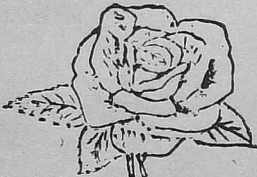
Cart



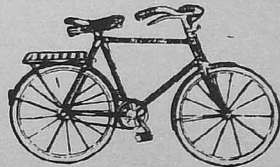
Hand



Lion



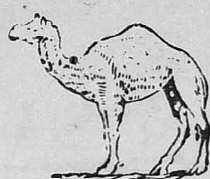
Flower



Bicycle



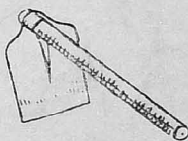
Boat



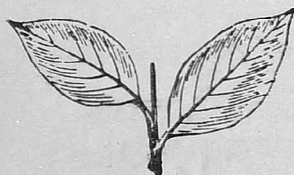
Camel



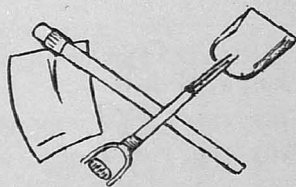
Scale



Spade



Two leaves



Spade and Stoker

V. Form of Nomination (Lok Sabha)

FORM 2A

(See rule 4)

NOMINATION PAPER

Election to the House of the People

I nominate as a candidate for election to the House of the People from the..... parliamentary constituency.

Candidate's name.....

His postal address.....

His name is entered at S. No..... in Part No..... of the electoral roll for..... assembly constituency comprised within..... parliamentary constituency.

My name is..... and it is entered at S. No..... in Part No..... of electoral rolls for..... assembly constituency comprised within..... parliamentary constituency.

Date..... (Signature of Proposer)

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

(a) that I have completed..... years of age;

*(b) that I am sponsored at this election by the..... party;

(c) that the symbols I have chosen are, in order of preference (i)..... (ii)..... and (iii).....

*I further declare that I am a member of the.....

**caste/tribe which is scheduled **caste/tribe of the State of..... in relation to..... (area) in that State.

Date..... (Signature of candidate)

*Score out this paragraph, if not applicable.

**Score out the words not applicable.

(Continued on next page)

(To be filled by the Returning Officer)

Serial No. of nomination paper.....

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

Date.....

*Returning Officer.

*Score out the word not applicable.

*Decision of Returning Officer Accepting or Rejecting the
Nomination Paper*

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951, and decide as follows:

Date.....

Returning Officer.

(Perforation).....

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination
paper)

Serial No. of nomination paper.....

The nomination paper of..... a
candidate for election from the..... parliamen-
tary constituency was delivered to me at my office at.....
(hour) on (date) by the *candidate/proposer.
All nomination papers will be taken up for scrutiny at.....
(hour) on (date) at (place).

Date.....

Returning Officer.

*Score out the word not applicable.

VI. Form of Nomination (Legislative Assembly)

FORM 2B

(See rule 4)

NOMINATION PAPER

(Election to the Legislative Assembly of.....(State)

I nominate as a candidate for election to the Legislative Assembly from the assembly constituency.

Candidate's name.....

His postal address.....

.....

His name is entered at S. No..... in Part No. of the electoral roll for the..... assembly constituency.

My name isand it is entered at S. No. in Part No. of the electoral roll for the..... assembly constituency.

Date.....

(Signature of Proposer)

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

(a) that I have completed..... years of age;

*(b) that I am sponsored at this election by the..... party;

(c) that the symbols I have chosen are, in order of preference
(i) (ii) and (iii)

*I further declare that I am a member of the.....
**caste/tribe which is a scheduled **caste/tribe of the State
of in relation to..... (area)
in that State.

Date.....

(Signature of candidate)

*Score out this paragraph, if not applicable.

**Score out the word not applicable.

(Continued on next page)

(To be filled by the Returning Officer)

Serial No. of nomination paper.....

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

Date.....

Returning Officer.

*Score out the word not applicable.

*Decision of Returning Officer Accepting or Rejecting the
Nomination Paper*

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951, and decide as follows:—

Date.....

Returning Officer.

(Perforation).....

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of a candidate for election from the..... assembly constituency was delivered to me at my office at (hour) on..... (date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at (hour) on (date) at (place).

Date.....


Returning Officer.

*Score out the word not applicable.

VII. Sample Ballot Paper with

After your name is traced in the electoral roll by the polling officers sitting at the first table your left forefinger will be marked with indelible ink. You will then be given two ballot papers, one pink for assembly election and the other white for parliamentary election.

On each of those ballot papers, you will see the names of the candidates and against each name the symbol of that candidate. Two sample ballot papers are given on the opposite side.

With these two ballot papers, proceed to the next table. A polling officer will take back both the ballot papers, explain how to record your vote and give you the assembly ballot paper (pink) and an inked rubber stamp. The rubber stamp makes this impression 

Take the ballot paper and the rubber stamp and go inside the first voting compartment.

Only one member is to be elected and you should therefore mark only for one candidate.

Place the pink ballot paper on the table and mark with the rubber stamp clearly on the symbol of the candidate for whom you wish to vote. Remember you are now voting for the Assembly candidate.

Instructions for Voting

Do not mark on more than one symbol. **Do not** mark on the back of the ballot paper. **Do not** make any other mark or thumb impression. **Do not** sign your name or write anything on the ballot paper. If you do any of these, your vote will not be counted.

After marking, **fold** the ballot paper in the same way it was previously folded and come out of the voting compartment.

Drop the folded ballot paper into the ballot box kept on the table and return the rubber stamp to the polling officer sitting there. He will now give you the parliamentary ballot paper (white) and an inked rubber stamp.

Proceed to the second voting compartment and mark the white ballot paper with the rubber stamp on the symbol of the candidate you have chosen. Remember you are now voting for the Lok Sabha candidate. Remember also all the "don'ts" mentioned above.

Fold the ballot paper in the same way, come out of the voting compartment, drop the ballot paper into the same ballot box and return the rubber stamp to the polling officer.

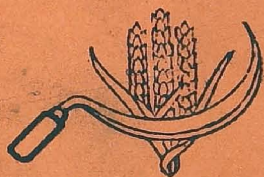
If you have any doubt or difficulty, do not hesitate to ask the presiding officer. He is there to help you.

Banwari Lal



INSAFPUR

Bhawani Prasad



Gokaran



Jaidev



Kamlawati



Mangli Prasad

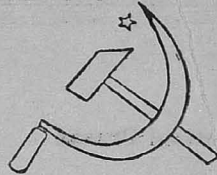


Hans Raj

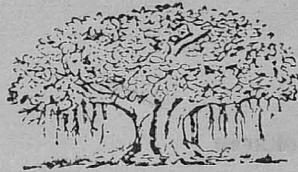


KARUNGAL

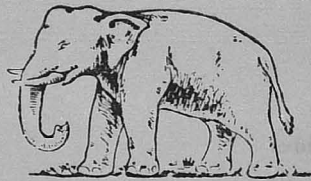
Khazan Singh



Leela Dhar



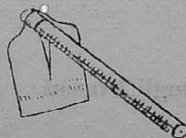
Meku



Shahdev Singh Gautam



Shiv Kumar



**Instructions to electors for marking
ballot papers at simultaneous
elections to the House of the People
and the Legislative Assembly of the
State.**

