

STATE ELECTION COMMISSION,  
ANDHRA PRADESH



**MANUAL OF ELECTION LAW**  
**(MUNICIPAL CORPORATIONS)**

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## **FOREWORD**

The Law relating to conduct of elections to Municipal Corporations both direct and indirect is dispersed in various provisions contained in the Greater Hyderabad Municipal Corporation Act, 1955 and various sets of rules issued thereunder. Apart from that, there are also certain orders issued by the State Election Commission under Article 243K and Article 243 ZA of the Constitution of India governing the conduct of elections to Municipal Bodies.

Experience in the last three ordinary elections has shown that for convenience of the officers and the staff involved in the elections, all these provisions of law should be brought at one place in the shape of a Manual. Further GHMC Act, 1955 has been amended from time to time and following these amendments, the rules relating to the conduct of direct and indirect elections also have been revised and reissued. These changes in the law made it all the more necessary to prepare and publish this Manual by the State Election Commission.

In view of the above, a Manual of Election Law for Municipal Corporations is prepared with the provisions of related Acts & Rules governing the elections with the amendments made from time to time. Registration of Political Parties and Allotment of Symbol Order, 2001 and the Model Code of Conduct for local body elections issued by the State Election Commission in exercise of its plenary powers under Article 243K and 243ZA of the Constitution of India are also incorporated in this manual for reference. It is hoped that this Manual will be useful to the officers and the staff involved in the elections for Municipal Corporations.

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STATE ELECTION COMMISSIONER**

## **HAND BOOK OF ELECTION LAW**

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# **HAND BOOK OF ELECTION LAW**

## **PART - I**

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# **PART – I**

## **PART – I**

### **EXTRACTS FROM CONSTITUTION OF INDIA**

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

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

## **PART IXA**

### **THE MUNICIPALITIES**

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

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

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

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

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

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

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

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

(a) for the representation in a Municipality of—

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

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

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

**243-S. Constitution and composition of Wards Committees, etc.:—**

- (1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.
- (2) The Legislature of a State, may, by law, make provision with respect to—
  - (a) the composition and the territorial area of a Wards Committee;
  - (b) the manner in which the seats in a Wards Committee shall be filled.
- (3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.
- (4) Where a Wards Committee consists of—
  - (a) one ward, the member representing that ward in the Municipality;
  - or
  - (b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee, shall be the Chairperson of that Committee.
- (5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

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

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



- (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.
- (4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State, may, by law, provide.
- (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.
- (6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

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

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

- (2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).
- (3) An election to constitute a Municipality shall be completed,—
  - (a) before the expiry of its duration specified in clause (1);
  - (b) before the expiration of a period of six months from the date of its dissolution:

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

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

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

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

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

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

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

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

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

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

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

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

- (a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

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

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

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

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

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

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

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

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

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

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

- (2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.
- (3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of Article 368.

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

- (2) The Legislature of a State may, by law, make provision with respect to—
- (a) the composition of the District Planning Committees;
- (b) the manner in which the seats in such Committees shall be filled:

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

- (c) the functions relating to district planning which may be assigned to such Committees;
  - (d) the manner in which the Chairpersons of such Committees shall be chosen.
- (3) Every District Planning Committee shall, in preparing the draft development plan,—
- (a) have regard to—
    - (i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
    - (ii) the extent and type of available resources whether financial or otherwise;
  - (b) consult such institutions and organisations as the Governor may, by order, specify.
- (4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

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

- (2) The Legislature of a State, may, by law, make provision with respect to—
- (a) the composition of the Metropolitan Planning Committees;
  - (b) the manner in which the seats in such Committees shall be filled:

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

- (c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and Institutions as may be deemed necessary for carrying out the functions assigned to such Committees;

- (d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;
- (e) the manner in which the Chairpersons of such Committees shall be chosen.

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

(a) have regard to—

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

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

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

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

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

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

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

**Extracts from the Representation of the People Act, 1951**

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**EXTRACT OF SECTION 8 OF THE REPRESENTATION OF THE PEOPLE**

**ACT, 1951**

**DISQUALIFICATION ON CONVICTION FOR CERTAIN OFFENCES:-**

8.(1) A person convicted of an offence punishable under

- a) Section 153 A (offence of promoting enmity between different groups on ground of religion, race, place of birth residence, language, etc., and doing acts prejudicial to maintenance of harmony) or Section 171 E (offence of bribery) or Section 171 F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of Section 376 or Section 376 A or Section 376 B or Section 376 C or Section 376 D (offences relating to rape) or Section 498 A (offence of cruelty towards a women by husband or relative of husband) or sub-section (2) or sub-section (3) of Section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860); or
- b) the Protection of Civil Rights Act, 1955 (Act 22 of 1955), which provides for punishment for the preaching and practice of "Untouchability", and for the enforcement of any disability arising there from; or
- c) Section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962; or
- d) Section 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or
- e) The Foreign exchange (regulation) Act, 1973 (46 of 1973); or
- f) The Narcotic Drugs and Psychotropic substances Act, 1985 (61 of 1985); or
- g) Section 3 (offence of committing terrorist acts) or Section 4 (offence of committing disruptive activities) of the Terrorists and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or
- h) Section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

- i) Section 125 (offence of promoting enmity between classes in connection with the election) or Section 135 (Offence of removal of ballot papers from polling stations) or Section 135 A (offence of booth capturing) or clause (a) of sub-section (2) of Section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act, (or)
- j) Section 6 (offence of conversion of a place of worship) of the Place of Worship (Special Provisions) Act, 1991 shall be disqualified for a period of six years from the date of such conviction.
- k) Section 2 (offence of insulting the Indian National Flag or the Constitution of India) or Section 3 (offence of preventing singing of National Anthem) of the Prevention of the Insults to National Honour Act, 1971 (69 of 1971)[or]
- l) the Commission of sati (Prevention) Act, 1987 (3 of 1988)
- m) the Prevention of Corruption Act, 1988 (49 of 1988); or
- n) the Prevention of Terrorism Act, 2002 (15 of 2002)

shall be disqualified, where the convicted person is sentenced to-

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

(2) A person convicted for the contravention of

- a) any law providing for the prevention of boarding or profiteering; or
- b) any law relating to the adulteration of food or drugs; or
- c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961); or

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

(4) Notwithstanding anything [in sub-section (1), sub-section (2) or sub-section (3)] a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

Explanation:- In this section: -

- (a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for-
  - (i) the regulation of production or manufacture of any essential commodity;
  - (ii) the control of price at which any essential commodity may be bought or sold;
  - (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
  - (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;
- (b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);
- (c) "essential commodity" has the meaning assigned to it in the Essential Commodity Act, 1955 (10 of 1955);
- (d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

## Chapter-IXA of Indian Penal Code, 1860

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

**171-A. “Candidate”, “Electoral right” defined.** – For the purposes of this Chapter ---

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

**171-B. Bribery.** – (1) Whoever, --

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Provisions relating to elections in Greater Hyderabad Municipal Corporation Act, 1955**

**(Act II of 1956)**

**I - Extract of relevant sections of  
Greater Hyderabad Municipal Corporation Act, 1955**

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## **RELEVANT EXTRACTS FROM G H M C ACT, 1955**

**(Act II of 1956)**

### **Preliminary**

**1. Short title, extent and commencement:-** (1) This Act may be called the Greater Hyderabad Municipal Corporation Act, 1955.

(2) It extends to the city comprised by Greater Hyderabad Municipal Corporation and shall come into force at once.

### **2. Definitions:-**

(6) '**City**' means the area declared by the State Government, by notification, to be the City of Greater Hyderabad.

(7) '**Commissioner**' means the Municipal Commissioner for the city appointed under Section 104 and includes an acting Commissioner appointed under section 110.

(8) '**company**' means a company as defined in the Companies Act, 1956 (Central Act I of 1956) or formed in pursuance of an Act of Parliament or of an Act of the Legislature of a State and includes any firm or association carrying on business in the Telangana Area of the State of Andhra Pradesh whether incorporated, or its principal place of business is situate therein, or not;

(9) '**the Corporation**' means the Municipal Corporation of the city;

(10) '**Member**' means a person who is duly elected or deemed to be duly elected as a Member of the Corporation under this Act;

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

(16) '**election tribunal**' means a tribunal constituted under Section 75;

(27) '**the judge**' means [in the cities of Hyderabad and Secunderabad, the Chief Judge, Court of Small Causes, Hyderabad] and shall include a sub-judge to whom such Judge may transfer in accordance with the provisions of this Act an application or appeal for disposal;

(30) '**local authority**' includes Municipal Corporation, City and Town Municipalities, District Boards and Cantonment Board;

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

(41) '**prescribed**' means prescribed by rules made by Government under this Act;

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

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

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

## **Constitution of Corporation and its Composition**

### **H.E. Section 3 as in Act 13 of 2008**

**5. Composition of Corporation:-** (1) Subject to the provisions of sub-section(2) the Corporation shall consist of such number of elected members as may be notified from time to time by the Government in the Andhra Pradesh Gazette, in accordance with such principles as may be prescribed.

(1-A) Every Member of the Legislative Assembly of the State and every Member of the House of the People representing a constituency of which the Corporation or a portion thereof forms part and every member of the Council of States registered as an elector within the area of the Municipal Corporation and every Member of the Legislative Council of the State registered as an elector within the area of the Municipal Corporation as on the date of filing of nomination for becoming Member of Legislative Council or on the date of nomination by the Governor, as the case may be, shall be ex-officio Member of the Corporation;

Provided that a Member of the Legislative Assembly or a Member of the House of People representing a constituency which comprises a portion of the Corporation and a part of any Municipality or Municipalities or of one such Municipalities, which he chooses and he shall also have the right to take part in the proceedings of any meetings of the other Municipal Councils or Corporation, as the case may be, within the constituency, but shall not be entitled to vote at any such meeting.

(1-B) In addition to the members referred to in sub-sections (1) and (1-A) three persons having special knowledge or experience in Municipal Administration of whom one shall be woman, be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.

(1-C) Two persons belonging to the minorities of whom one shall be woman be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation specified in sub-sections (1) and (1-A) from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.

(1-D) No person shall be member in more than one of the categories specified in sub-sections (1) (1-A), (1-B), and (1-C). A person who is or becomes a member of the Corporation in more than one such category shall, by notice in writing signed by him and delivered to the Commissioner, within fifteen days from the date on which he so becomes a member, intimate in which one of the said categories he wishes to serve, and thereupon he shall cease to be the member in the other category. In default of such intimation within the aforesaid period, his membership in the Corporation in the category acquired earlier shall and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under the sub-section shall be final and irrevocable.

(2) In the Corporation out of the total strength of elected Members, the Government shall, subject to the rules as may be prescribed by notification, reserve,-.

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by them, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Corporation, as the population of the Scheduled Castes, as the case may be, the Scheduled Tribes in the Corporation bears to the total population of the Corporation; and such seats may be allotted by rotation by different Wards in the Corporation.

(b) one third of the seats for the Members belonging to the Backward Classes; and such seats may be allotted by rotation to different Wards in the Corporation:

(c) not less than one-third of the total number of seats reserved under Clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes;

(d) not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to the Corporation shall be reserved for women and such seats may be allotted by rotation to different Wards in Corporation.

Explanation:- In this section, -

- (i) The expression 'Scheduled Castes' and 'Scheduled Tribes' shall have same meanings respectively assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India.
- (ii) The expression 'Backward Classes' means any socially and educationally Backward Classes of citizens recognized by the Government for the purposes of clause (4) of Article 15 of the Constitution of India without reference to the classification but including the creamy layer amongst such Backward Classes of citizens.

**6. Term of office of Members:-** (1) The term of office of elected Members shall, save as otherwise expressly provided in this Act, be five years from the date appointed for the first meeting of the Corporation under Clause (b) of Section 88 and the last day of their term of office is in this Act referred to as the day for retirement.

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

**7. Election when to be held:-** (1) Every General Election requisite for the purpose of this Act shall be held in the manner prescribed, within three months before the day for retirement of the Members as specified in Section 6.

(2) Every casual vacancy in the office of an elected member of a Municipal Corporation shall be reported by the Commissioner to the State Election Commission within fifteen days from the date of occurrence of such vacancy and shall be filled within four months from that date.

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

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

### **Qualifications & Disqualifications of Voters:**

**8. Division of Corporation into wards etc., for the purposes of election of Members:-** (1) For the purpose of election of Members of the Corporation, the Government shall, by notification in the Andhra Pradesh Gazette, divide the City into as many wards as the number of members notified under sub-section (1) of Section 5 in such manner as may be prescribed.

(Sub-section 2 omitted by Act 13 of 2008)

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

(4) Where any local area within the jurisdiction of any other local authority is included in the city, the local area shall be added to such adjoining ward or wards of the city, as the Government may direct.

(4-A) Where any local area comprised in a Gram Panchayat constituted under the Andhra Pradesh Panchayat Raj Act, 1964 is included in a Corporation, the Government may direct that the electoral roll relating to the said local area shall be adopted suitably for the purpose of elections under this Act, until an electoral roll for such area is prepared in accordance with the provisions of this Act.

(5) When a new ward is formed or when an existing ward is abolished, the Commissioner shall with the approval of the Government determine-

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

**9. State Election Commission:-** The preparation of electoral rolls for, and the conduct of elections to Corporation shall be under the Superintendence, direction and control of the State Election Commission.

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

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

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

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

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

## **12. Preparation, Revision and Publication of Electoral Roll for Corporation:-**

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

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

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

(2) The electoral roll for Corporation

- (ii) shall be prepared and published in the prescribed manner by reference to the qualifying date
  - (i) before each ordinary election; and
  - (ii) before each casual election to fill a casual vacancy in the Office of the member of the Corporation; and
- (b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission:



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

(3) The electoral roll published under sub-section (1) or the electoral roll republished under sub-section (8) shall be the electoral roll for the Corporation and shall remain in force till a fresh electoral roll for the Corporation is published under this section.

(4) The electoral roll for the Corporation shall be divided into as many lists as there are wards.

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

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

(7) Where, after the electoral roll for the Corporation or any alteration thereto has been published under this Act, the Corporation is divided into wards for the first time or any ward of the Corporation is altered or the limits of the Corporation are varied, the electoral authority shall, as soon as may be, after such division or alteration or variation, as the case may be, in order to give effect to the division of the Corporation into wards or to the alteration of the ward or to the variation of the limits, as the case may be, authorize a rearrangement and republication of the electoral roll for the Corporation or any list of such roll, in such manner as it may direct.

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

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

(Sections 13 and 14 omitted by Act 34 of 2001)

**15. Breach of Official Duty in connection with the preparation, etc., of Electoral Rolls:-** (1) If any officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause, guilty of any act or omission in breach of

such official duty, he shall be punishable with fine which may extend to five hundred rupees.

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

(3) No Court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the electoral authority.

**16. Custody and preservation of list:-** (1) Three complete copies of the preliminary list for each ward and all statements submitted to the Commissioner shall be kept in the office of the Commissioner or at such other place as the State Election Commissioner may by order specify for a period of one year unless their retention for a longer period is ordered by the State Election Commissioner.

(2) All claims and objections to any preliminary list and, the decisions of the Revising Authority thereon shall be kept in the Office of the Commissioner or at such other place as the State Election Commissioner may by order specify until the completion of the next annual preparation of the list for such ward.

(3) Such number of copies of the final list for each ward as may be specified by the State Election Commissioner shall be kept in the office of the Commissioner or at such other place as the State Election Commissioner may by order specify until the final publication of the next list for such ward.

(4) One complete copy of the final list for each ward shall be kept for permanent deposit in such place as the State Election Commissioner may by order specify.

(5) All copies of the final list for each ward deposited under sub-section (3) or the copy of the final list for each ward deposited under sub-section (4) shall before deposit be duly authenticated by the Commissioner or any officer authorized by him in this behalf.

(6) Printed copies of the final ward list as deposited shall be available for sale to the public until the final publication of the next list for the ward to which it relates and thereafter such list may be disposed of in such manner as the authority with whom they are deposited may direct.

(7) Every person shall have a right to inspect the papers referred to in sub-sections (1), (2) and (3) and to get attested copies thereof on payment of such fees as may be fixed by the State Election Commissioner.

**17. Corrupt Practices.** The following shall be deemed to be corrupt practices for the purposes of this Act-

(iii) Bribery, that is to say,-

- (A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object directly or indirectly of inducing,-
  - (a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election, or
  - (b) an elector to vote or refrain from voting at an election, or as a reward to-
    - (i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or
    - (ii) an elector for having voted or refrained from voting;
- (B) The receipt of, or agreement to receive, any gratification, whether as a motive or a reward –
  - (a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate, or
  - (b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

**Explanation:-** For the purposes of this clause the term ‘gratification’ is not restricted to pecuniary gratification or gratification estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses.

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

Provided that-

- (a) without prejudice to the generality of the provisions of this clause any such person as is referred to thereon, who-
  - (i) threatens any candidate or any elector or any person in whom a candidate, or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or
  - (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

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

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

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

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

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

**Explanation:-** For the purpose of this clause, “sati” and “glorification” in relation of sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act,1987.

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

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

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a

corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

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

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

(8) The incurring or authorizing of expenses in contravention of Section 617-B.

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

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

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

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

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

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

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as case may be; and

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

### **DISQUALIFICATIONS FOR VOTING FOR BEING AND CONTINUING AS A MEMBER**

**20. Disqualification for voting:-** (1) Any person who has been convicted under Section 171-E or 171-F of the Indian Penal Code shall for five years from the date of such conviction be disqualified from voting at any election of the Corporation.

(2) Any person who has been found guilty of any corrupt or illegal practice in elections held under this Act, or any other law for the time being in force, shall be disqualified from voting at any election of the Corporation for a period of six or four years respectively from the date on which the person is found so guilty.

(3) If default is made in making the return of the election expenses of any candidate who has contested the election held under this Act or if such return is found either upon the trial of an election petition or by any Court in a judicial proceeding, to be false in any material particular, the candidate shall be disqualified for voting at any election of the Corporation for a period of five years from the date by which the return was required to be lodged.

(4) Any disqualification under sub-sections (1), (2) and (3) may be removed by Government for reasons to be recorded in writing:

Provided that any removal of disqualification under this sub-section shall not qualify a person to vote or to be elected as a member in any by-election held during the period for which, but for such disqualification he would have been continued as a Member.

**20-A. Disqualification on ground of corrupt practice or election offences:-**

Any person who is convicted of any offence punishable under Chapter IX A of the Indian Penal Code, 1860, or any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed under this Act or any person convicted of an offence punishable under Sections 599 to 610, Section 610 A and Section 611 shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

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

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Andhra Pradesh Gazette, declare him, -
  - (i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act; and
  - (ii) to have ceased to hold office, in case he is elected.

**21. Qualification for being elected as a Member:-** (1) Subject to the provisions of this Act a person who is registered in any ward list, and who is not less than twenty one years of age, shall be qualified to be elected as a Member for any of the wards in the city.

(2) Any person who ceases to be a Member shall if qualified under sub-section (1) and not otherwise disqualified be eligible for re-election as such.

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

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

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

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

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

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

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

**22. Disqualification for being a Member:-** (1) Subject to the provisions of this Act, a person shall be disqualified for being elected as a Member if such person is at the date of election:-

- (a) One who has been sentenced by any Court to imprisonment or for an offence involving moral turpitude, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted or altered to transportation or imprisonment:

Provided that, on the expiry of such sentence the disqualification incurred under this clause shall cease;

- (b) is of unsound mind and stands so declared by a competent Court, a deaf-mute or a leper;
- (bb) already a member or Sarpanch of a gram panchayat or a member of a Mandal Praja Parishad or Zilla Praja Parishad constituted under the provisions of (Act 13 of 1994) Andhra Pradesh Panchayat Raj Act, 1994 or a member of a Nagar Panchayat or Municipality constituted under the provisions of (Act 6 of 1965) the Andhra Pradesh Municipalities Act, 1965.
- (c) holds any office or place of profit under Government or under the Corporation or under any local authority;

Provided that nothing in this clause shall apply to a person, who, for the time being, is holding the office of the Chairman of an Urban Development Authority for the development area comprising the Corporation, constituted under sub-section (1) of Section 3 of the Andhra Pradesh Urban Areas (Development) Act, 1975.

- (d) is an undischarged insolvent;
- (e) holds any judicial office with jurisdiction within the limits of the city;
- (f) is employed as paid legal practitioner on behalf of the Corporation, or accepts employment as legal practitioner against the Corporation:
- (g) having been a legal practitioner he has been dismissed or is under suspension by order of the High Court on any of the following grounds; the disqualification in the latter case being operative during the period of suspension;
  - (i) a criminal offence implying a moral defect of character.
  - (ii) being guilty of fraudulent conduct.
- (h) subject to the provisions of sub-section (2) has directly or indirectly, by himself or his partner or if he belongs to a Joint Hindu Family, by any member of such family, any share or interest in any contract or has employment with, by or on behalf of the Corporation;



- (i) has been dismissed from the service of the Government, Corporation or any local authority for misconduct and has been declared by a competent authority to be not eligible for further employment in the public service;

(Clause (8) omitted by Act 28 of 2005)

- (a) had been disqualified for voting under Section 20, unless such period has elapsed for which he was disqualified for voting.

- (2) A person shall not be deemed to have incurred disqualification under clause (h) Sub-section (1) by reason only of his:-

- (b) receiving pension from the Corporation;
- (c) having any share or interest in

- (i) any lease, sale, exchange or purchase of land or any agreement for the same;
- (ii) any agreement for the loan of money or any security for the payment of money only;
- (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted;
- (iv) any Joint Stock Company or any Society registered or deemed to be registered under the Andhra Pradesh (Telangana Area) Co-operative Societies Act, 1952 which shall contract with or be employed by the Commissioner on behalf of the Corporation;
- (v) the occasional sale to the Commissioner on behalf of the Corporation of any article in which he regularly trades to a value not exceeding in the aggregate in any financial year rupees five thousand: or
- (vi) the occasional letting out on hire to or hiring from the Corporation of any article for an amount not exceeding in the aggregate in any financial year rupees one thousand.

- (d) occupying as a tenant for the purpose of residence any premises belonging to the Corporation.

**23. Disqualification for continuing as Member:-** (1) A Member shall cease to be a Member if he-

- (a) is or becomes subject to any of the disqualifications specified in Section 22:
- (aa) is elected to a Ward/Office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes, and subsequently the community certificate, on the basis of which he is elected is cancelled under Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993;
- (b) ceases to reside in the City:

- (c) fails to pay arrears of any kind due by him, otherwise than in a fiduciary capacity, to the Corporation, within three months from the date of service of a notice requiring payment thereof issued by the Commissioner, which it shall be his duty to issue and cause to be served at the earliest convenient date;
- (d) absents himself at more than three consecutive meetings of the Corporation unless leave so to absent himself, which shall not exceed six months, has been granted by the Corporation or absents himself for over six consecutive months from meetings of the Corporation :

Provided that no meeting from which a Member absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him;

Provided further that nothing in this clause shall apply to an ex-officio Member.

**Explanation:-** A Special meeting held under clause (d) of Section 88 and a meeting called upon written requisition under clause (h) of Section 88 shall not be deemed to be a meeting within the meaning of this clause.

- (3) When a Member ceases to be a Member under clause (d) of sub-section (1), the Commissioner shall at once intimate the fact in writing to such Member and report the same to the Corporation at its next meeting. If such Member applies for restoration of office to the Corporation on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Corporation may at the meeting next after the receipt of such application or suo moto at the said meeting restore him to his office as Member:

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

(Sections 23 A, 23 B, omitted by Act 17 of 1990)

**23-D. Authority to decide Questions of Disqualifications of Members and Mayor** :- (1) Where an allegation is made by any voter or authority to the Commissioner in writing that any person who is elected as a member has not qualified or has become disqualified under Section 21, Section 21-A, Section 21-B, Section 22 or Section 23 and the Commissioner has given intimation of such allegation to the member and such member disputes the correctness of the allegation so made or where any member himself entertains any doubt whether or not he has become disqualified under any of those Sections:

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

(Sub-section (2) omitted by Act 17 of 1990)
- (3) The said judge after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified and his decision shall be final.
- (4) Pending such decision, the member shall be entitled to act as if he was not disqualified.

### **CONDUCT OF ELECTIONS**

**24. Notification to call upon wards:-** For the purpose of holding elections under this Act the State Election Commissioner shall by one or more notifications published in the Andhra Pradesh Gazette, call upon all the wards to elect members in accordance with the provisions of this Act and of rules and orders made thereunder, before such date or dates as may be specified in the said notification or notifications:

Provided that for the purpose of holding election under sub-section (1) of Section 7 no such notification shall be issued at any time earlier than four months prior to the day for retirement of the Members.

**25. Returning Officer for each ward:-** For each ward there shall be a Returning Officer who shall be such officer as the Commissioner, may, with the approval of the State Election Commissioner, designate or nominate :

Provided that nothing in this section shall prevent the Commissioner from designating or nominating the same officer to be Returning Officer for more than one ward.

**25-A. Returning Officer for Corporation:-** Such officer as the Commissioner may, with the approval of the State Election Commissioner designate, shall be the Returning officer for election to office of Mayor of the Corporation.

**26. Assistant Returning Officer:-** (1) The Commissioner with the approval of State Election Commissioner may appoint one or more officers to assist any Returning Officer designated either under Section 25 or Section 25-A in the performance of his functions.

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

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

**27. Returning Officer to include Assistant Returning Officer performing the functions of the Returning Officer:-** Reference in this Act to the Returning Officer shall, unless the context otherwise requires be deemed to include an Assistant Returning Officer performing any function which he is authorised to perform under sub-section (2) of Section 26.

**28. General duty of the Returning Officer:-** It shall be the general duty of the Returning Officer at any election held under this Act to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and rules or orders made thereunder.

**29. Provision of polling stations for wards:-** The Returning Officer for each ward shall, with the previous approval of the Commissioner, provide a sufficient number of polling stations for such ward, and shall publish in such manner as the Commissioner may, direct, a list showing the polling stations so provided and the polling areas for which they have respectively been provided.

**30. Appointment of Presiding Officers for polling stations:-** (1) The Returning Officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

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

(2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a presiding officer under this Act or any rules or orders made thereunder.

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

(4) References in this Act to the Presiding Officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorized to perform under sub-section (2) or sub-section (3), as the case may be.

**31. General duty of the Presiding Officer**:- It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

**32. Duties of a polling officer**:- It shall be the duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.

**32-A. Electoral officers and staff etc. deemed to be on deputation**:- (1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

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

**33. Appointment of dates of nominations, etc.**:- As soon as the notification calling upon a ward to elect a Member or Members is issued under this Act, the State Election Commissioner shall, by notification in the Andhra Pradesh Gazette appoint-

- (a) the last date for making nominations, which shall be a date not later than the tenth day after the date of publication of the first mentioned notification not earlier than the fourth day after the date of publication of the notification under this section;
- (b) the last date for the scrutiny of nominations, which shall be a date not later than the third day after the date for making nomination;
- (c) the last date for the withdrawal of candidatures, which shall be not earlier than the third day after the date for the scrutiny of nominations; and
- (d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the twelfth day after the last date for the withdrawal of candidatures.

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

**35: Public notice of election:-** On the issue of a notification under Section 33 the Returning Officer for the ward shall give public notice of the intended election in Form 7 of Schedule-A inviting nominations of candidates for such elections and specifying the place at which the nomination papers are to be delivered. The aforesaid notice shall subject to any general or special directions issued in that behalf by State Election Commissioner be published in such manner, in such language or languages and in such places as the Returning Officer thinks fit.

**36: Presentation of nomination paper and requirements for a valid nomination:-** (1) On or before the date appointed under clause (a) of Section 33 each candidate shall, either in person or by his proposer between the hours of Eleven 'O' clock in the forenoon and Three 'O' clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under Section 34 a nomination paper in Form 8 of Schedule-A and subscribed by the candidate himself as assenting to the nomination and by the person referred to in sub-section (2) as proposer.

- (2) Any person whose name is registered in the ward list and who is not subject to any disqualification mentioned in Section 10 may subscribe as proposer to as many nomination papers as there are vacancies to be filled but not more:

Provided that if the name of a person is entered more than once in a ward list or is included in two or more ward lists of the same class, such person shall not be entitled to subscribe as proposer more than one nomination paper for each vacancy to be filled in that ward or in not more than one of such ward of the same class.

- (3) Every nomination paper delivered under sub-section(1) shall be accompanied by such declarations as may be prescribed and no candidate shall be deemed to be duly nominated unless all such declarations are delivered along with the nomination paper:

Provided that in a ward where any seat is reserved for Scheduled Castes, Scheduled Tribes or as the case may be, Backward Class, a candidate shall not be deemed to be qualified to be chosen to that seat, unless his nomination paper contains a declaration by him specifying the particular caste or as the case may be the tribe or tribal community of which he is a member and the area in relation to which that caste is a Scheduled Caste or is a Backward Class or the tribe or tribal community is a Scheduled Tribe.

- (4) Every nomination paper delivered under sub-section (1) shall be also accompanied by a declaration in writing specifying the particular symbol which the candidate has chosen for his first preference out of the list of symbols for the time being in force and also specifying two other symbols out of that list which he has chosen for his second and third preferences respectively:

Provided that the choice to be made by a candidate under this section shall be subject to such restrictions as the State Election Commissioner may think fit to impose in this behalf.

- (5) Any nomination paper, which is not received before three 'O'clock in the afternoon on the last date appointed under clause (a) of Section 33 shall be rejected.
- (6) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and serial numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the ward List.

Provided that the Returning Officer may-

- (a) permit any clerical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the ward list ; and
- (b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.
- (7) If at the time of the presentation of the nomination paper the Returning Officer finds that the name of the candidate is not registered in the list of the ward for which he is the Returning Officer, he shall for the purposes of sub-section (5) require the person presenting the nomination, to produce either a copy of the ward list of the ward or wards for which he is the Returning Officer, or he shall for the purpose of sub- section (6) require the person presenting the nomination paper to produce either a copy of the ward List in which the name of the candidate is included or a certified copy of the relevant entries in such list.
- (8) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper for election in the same ward.

**37. Deposits:-** A candidate shall not be deemed to be duly nominated unless he deposits or causes to be deposited such sum as may be prescribed. In the case of a candidate belonging to Scheduled Castes or Scheduled Tribes, it shall be competent for the Government to prescribe a lesser amount of deposit. Every candidate shall deposit the sum prescribed in the manner specified by the rules made in this behalf.

**38: Notice of nominations and the time and place for their scrutiny:-** The Returning Officer shall, on receiving the nomination paper under sub-section(1) of Section 36, inform the person or persons delivering the same, of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on, and the hour at, which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the person who has subscribed to the nomination paper as proposer.

**39: Scrutiny of nominations:-** (1) On the date fixed for the scrutiny of nominations under Section 33, the candidates, their election agents, one proposer of each candidate and one other person duly authorized in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Section 36.

(2) The Returning Officer shall then examine the nomination paper and shall decide all objections which may be made to any nomination, and may, either on such objections or on his own motion, after summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:-

- (a) that the candidate is not qualified to be elected under this Act; or
- (b) that the candidate is disqualified for being elected under this Act; or
- (c) that a proposer is disqualified from subscribing a nomination paper under sub-section (2) of Section 36 ; or
- (d) that there has been any failure to comply with any of the provisions of Section 36 or Section 37 ; or
- (e) that the signature of the candidate or any proposer is not genuine or has been obtained by fraud.

(3) Nothing contained in clause (c), clause (d) or clause (e) of sub-section (2) shall be deemed to authorise the rejection of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any technical defect which is not of substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of Section 33 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:



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

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this a certified copy of an entry in the ward list for the time being in force, shall be conclusive evidence of the fact that the person referred to in that entry is a voter for that ward unless it is proved that he is subject to a disqualification mentioned in Section 10.

(8) Immediately after all the nomination papers have been scrutinized and decision accepting or rejecting the same have been recorded, the Returning Officer shall, prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix the same to his notice board.

**40. Withdrawal of candidature:-** (1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as are contained in Form 9 of Schedule A and shall be subscribed by him and delivered before three 'O' clock in the afternoon on the day fixed under clause (c) of Section 33 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorized in this behalf in writing by such candidate:

Provided that if that day is a public holiday or has been notified by the Government as a day to be observed as a holiday in Government Offices in the State, the notice of withdrawal of candidature shall be considered as having been delivered in due time if it is delivered before three 'O' clock in the afternoon on the next succeeding day which is neither such a public holiday nor a day so notified.

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

(3) The Returning Officer shall, on receiving a notice of withdrawal under sub-section (1), as soon as may be thereafter, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

**41. Publication of list of contesting candidates:-** (1) Immediately after the expiry of the period within which candidatures may be withdrawn, the Returning Officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates, that is to say, candidates who were included in the final list of validly nominated candidates and who have not withdrawn their candidature within the said period.

(2) For the purpose of listing the names under sub-section (1), the candidates shall be classified as follows, namely:-

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

(3) The categories mentioned in sub-section (2) shall be arranged in the order specified therein and the names of candidates in each category shall be arranged in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.

(Section 42 omitted by Act 15 of 1975)

**43. Appointment of election agents:-** (1) Every person nominated as a candidate at an election may in such manner as may be prescribed, appoint in writing some other person to be his election agent.

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

**44. Disqualification for being an election agent:-** No person shall be appointed as an election agent who is disqualified from being a member under Section 22.

**45. Revocation of the appointment, or death, of an election agent:-** (1) Any revocation of the appointment of an election agent, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or the death of an election agent whether that event occurs before or during the election or after the election but before the return of candidate's election expenses has been lodged in accordance with the provisions of Section 68, the candidate may appoint in the prescribed manner another person to be his election agent and when such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

**46. Other functions of the election agents:-** Every election agent shall perform such functions in connection with each election for which he is appointed election agent as are required to be performed by or under this Act by such agent.

**47. Appointment of polling agents:-** A contesting candidate or his election agent may appoint in the prescribed manner such number of agents and relief agents of such candidate at each polling station at the place fixed and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

**48. Appointment of counting agents:-** A contesting candidate or his election agent may appoint in the prescribed manner one agent and no more to be present as his counting agent at the counting of votes, and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

**49. Revocation of the appointment, or death, of a polling agent or counting agent :-** (1) Any revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer, and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to Returning Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer, and in the event of such a revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.

**50. Functions of Polling agents and counting agents :-** (1) A polling agent may perform such functions in connection with the poll as are authorized by or under this Act to be performed by a polling agent.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorized by or under this Act to be performed by a counting agent.

**51. Candidate and his election agent to perform the functions of polling agent or counting agent:-** (1) At every election where a poll is taken, each candidate at such election and his election agent shall have a right to be present at any polling station provided under Section 29 for the taking of the poll.

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

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

**53: Death of candidate of recognized or registered Political Party before poll**:- (1) If a candidate set up by a recognized political party or a candidate set up by a registered political party to whom a symbol is reserved by the State Election Commission,-

- (a) dies at any time after 10.00 a.m., on the last date for making nominations and his nomination is found valid on scrutiny under Section 39; or
- (b) whose nomination has been found valid on scrutiny under Section 39 and who has not withdrawn his candidature under Section 40, dies, and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under Section 41 ; or
- (c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied about the fact of the death of the candidate, by order, announce an adjournment of the poll to a date to be notified later and report the fact to the State Election Commission and to the election authority:

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

- (2) The State Election Commission shall, on the receipt of a report from the Returning Officer under sub-section (1), call upon the recognized or registered political party, as the case may be, whose candidate has died, to nominate another candidate for the said poll within seven days of issue of such notice to such recognized or registered political party and the provisions of sections 33 to 41 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-section (1) of Section 40 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

- (3) Where a list of contesting candidates had been published under Section 41 before the adjournment of the poll under sub-section (1), the Returning Officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-section (2).

**54. Procedure in contested and uncontested elections**:- (1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be duly elected to fill those seats.

(3) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be elected to fill those seats and the State Election Commissioner shall, by notification in the Andhra Pradesh Gazette call upon the ward to elect a person to fill the seat before such date as may be appointed in this behalf by the State Election Commissioner and specified in the notification.

- (4) If the number of contesting candidates qualified to be chosen to fill the reserved seats is less than the number of such seats;
- (a) all those candidates shall be forthwith declared to be duly elected to fill reserved seats;
  - (b) the procedure laid down in Section 54 shall be followed for filling the seats other than the reserved seats; and
  - (c) the State Election Commissioner shall, by notification in the Andhra Pradesh Gazette call upon the ward to elect a person or persons to fill the remaining reserved seat or seats before such date as may be appointed in this behalf by the State Election Commissioner and specified in the notification.

(5) In this section, reference to candidates shall be construed as references to candidates who were duly nominated and who have not withdrawn their candidatures in the manner and within the time specified in sub-section (1) of Section 40.

(Section 55 omitted by Act 5 of 1969)

**56. Eligibility or members of Scheduled Castes, Scheduled Tribes, Backward Classes and women to non-reserved seats:-** For the removal of doubts it is hereby clarified that nothing in this Act shall be deemed to prevent members of the Scheduled Castes or the Scheduled Tribes or the Backward Classes or Women, for whom seats are reserved from standing for election to the non-reserved seats in the Corporation.

**56.A. Reservation of office of members to cease after certain date:-** The provisions of Sections 5 and 8 relating to the reservation of office of member for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

**57. Fixing time for poll:-** The State Election Commissioner shall fix the hours during which the poll shall be taken, and the hours so fixed shall be published in the A.P.Gazette and in such manner as the State Election Commissioner may direct:

Provided that the total period allotted on any one day for polling at election in a ward shall not be less than eight hours.

**58. Adjournment of poll in emergencies:-** (1) If at an election the proceedings at any polling station provided under Section 29 are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the returning

officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned by a presiding officer, he shall forthwith inform the Commissioner.

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

(3) In every such case as aforesaid, the Commissioner shall notify, in such a manner as the State Election Commissioner may direct, the date, place and hours of polling under sub-section (2).

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

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

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

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

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

**59A. Adjournment of poll or countermanding of election on the ground of booth capturing:-** (1) If at any election,-

- (a) booth capturing has taken place at a polling station or in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or
  - (b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the Returning Officer shall forthwith report the matter to the State Election Commission.
- (2) The State Election Commission shall on the receipt of a report from the returning officer under sub-section (1) and after taking all material circumstances into account, either,-
- (a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit, or-
  - (b) if satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected or that booth capturing had affected counting of votes in such manner as to affect result of the election, countermand the election in that constituency.

***Explanation:-*** In this “booth capturing” shall have the same meaning as in Section 607C.

**60. Manner of voting at elections:-** At every such election where a poll is taken vote shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

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

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

**61. Right to vote:-** (1) No person whose name is not, and except as expressly provided by this Act, every person whose name is, for the time being, entered in the ward list shall be entitled to vote in that ward.

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

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

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

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

(Section 62 omitted by Act 5 of 1969)

**63. Counting of votes:-** At every election where a poll is taken, votes shall be counted by, or under the supervision of the Returning Officer, and each candidate, his election agent and his counting agent, shall have a right to be present at the time of counting.

**63A. Destruction, loss etc. of ballot papers at the time of counting:-** (1) If 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 State Election Commission.

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

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

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election, issue such directions to the Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

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



**64. Equality of votes:-** If after the counting of the votes is completed, an equality of vote is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

**65. Declaration of results:-** When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner prescribed.

**66. Report of the result:-** As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the Commissioner and State Election Commissioner who shall cause to be published in the Andhra Pradesh Gazette the declarations containing the names of the elected candidates.

**66-A. Date of election of candidate:-** For the purpose of this Act, the date on which a candidate is declared to be duly elected by the Returning Officer under the provisions of Section 54 or Section 65, shall be the date of the election of that candidate.

**67. Prohibition of simultaneous representation:-** (1) If a person is elected by more than one ward he shall, by notice in writing signed by him and delivered to the Commissioner within the prescribed time, choose any one of the wards which he shall serve and the choice shall be final.

(2) When any such choice has been made the ward or the wards other than the ward which such person has chosen to serve shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1), the election of such person shall be void and all the wards concerned shall be called upon to elect another person or persons.

(Sections 68 and 69 omitted by Act 28 of 2005)

**70. Government may make rules for the conduct of elections:-** (1) Subject to the provisions of this Act, the Government may make rules for the preparation of electoral roll for the Corporation, correction of entries and inclusion of names therein, appeals in relation thereto and conduct of elections.

(2) In particular and without prejudice to the generality of the foregoing power, the Government shall make rules in respect of the following matters:

- (a) the appointment of polling stations for each ward;
- (b) the appointment of polling officers and other persons to assist at the poll and for the remuneration of such polling officers and other persons for their services;
- (c) the hours during which polling stations shall be open for the recording of votes;
- (d) the printing and issue of voting papers;

- (e) the checking of voters by reference to the municipal list of voters;
- (f) the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability.
- (g) enabling a member of the Armed Forces of the Union to whom the provisions of clause (b) of Explanation to section 9 apply to give his vote by postal ballot;
- (h) enabling any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner at an election in a ward where a poll is taken subject to the fulfillment of such requirements as may be prescribed;
- (i) marking with indelible ink of the thumb or any other finger of every voter who applies for a ballot paper for the purpose of voting at a polling station before delivery of such paper to him and for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger so as to prevent personation of voters;
- (j) the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors, after other persons have voted as such electors;
- (k) the scrutiny of votes;
- (l) The safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers; and may make such other rules regarding the conduct of the elections as it thinks fit.

**70-A Requisitioning of premises and vehicles for election Purposes:-** (1) If it appears to the Government that in connection with any election held under this Act:-

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

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

- (2) The requisition shall be effected by an order in writing addressed to the person deemed by the Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.
- (3) Whenever any property is requisitioned under sub-section-(1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

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

**70-B. Payment of compensation:-** (1) Whenever in pursuance of Section 70-A, the Government requisition any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration the following namely:

- (i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;
- (ii) if in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any incidental to such change:

Provided that where any person interested, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be as the arbitrator appointed in this behalf by the Government may determine;

Provided further that where there is any dispute as to the title to receive compensation or as to apportionment of the amount of the compensation, it shall be referred by the Government to an arbitrator appointed in this behalf by the Government for determination, and shall be determined in accordance with the decision of such arbitrator.

**Explanation: (1):-** In this sub-section the expression 'person interested' means the person who was in actual possession of the premises requisitioned under section 70-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

- (2) Whenever in pursuance of section 70-A, the Government requisition any vehicle, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicles:

Provided that where the owner of such vehicle, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine:

Provided further that where immediately before the requisitioning, the vehicle was, by virtue of a hire purchase agreement, in the possession of a person, other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Government in this behalf may decide.

**70-C. Power to obtain information:-** The Government may, with a view to requisitioning any property under Section 70-A or determine the compensation payable under Section 70-B, by order, require any person to furnish to such authority as may be specified in the order, such information in his possession relating to such property as may be specified.

**70-D. Eviction from requisitioned premises:-** (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under Section 70-A may be summarily evicted from the premises by any officer empowered by the Government in this behalf.

- (2) Any officer so empowered may, after giving to any women not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

**70-E. Penalty for contravention of any order regarding requisitioning:** If any person contravenes any order made under Section 70-A or Section 70-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

**70-F. Delegation of powers of the Government:-** The Government may, by notification in the Andhra Pradesh Gazette, or subject to such restrictions and conditions as may be specified therein, delegate to any officer, or any authority all or any of the powers vested in them by Sections 70-A to 70-D (both inclusive), and may, in like manner, withdraw any powers so delegated.

**70-FF. Delegation of powers of the Commission** The State Election Commissioner may by order in writing, delegate to any officer or authority in the State Government, either generally or as respects any particular matter or class of matters any powers of the Commission under this Act.

**70-G. Appointment of Special Officer** (1) Notwithstanding anything contained in this Act, where in the opinion of the Government it is not possible to hold the elections to the Corporation in accordance with the provisions of this Act, before the date of expiration of the term, and to bring the newly elected Members into office on the date of expiration of the term as aforesaid, the Government may, by notification appoint a Special Officer to exercise the powers, perform the duties and discharge the functions of.-

- (a) the Corporation
- (b) the Standing Committee and
- (c) the Commissioner

under the Act, for a period which shall not exceed three and half years from the date of such appointment.

Provided that the State Government may, from time to time, by notification in the Andhra Pradesh Gazette and for reasons therein extend the said period of appointment of Special Officer beyond three and half years, for a further period or periods so however that the period of appointment of the Special Officer shall not, in the aggregate exceed eleven years.

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

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

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

- (3) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the Corporation until the elected Members come into office, of the Standing Committee until a Standing Committee is appointed by the Corporation, and of the Commissioner until a Commissioner is appointed by the State Government, as the case may be, and any such officer may, if the State Government so direct, receive remuneration for his service from the Municipal Fund.

## **PRESENTATION AND TRIAL OF ELECTION PETITION**

**71. The Election Petition** (1) No election held under this Act shall be called in question except petition which shall be presented in such manner as may be prescribed.

(2) An Election petition calling in question any election may be presented on one or more of the grounds specified in clauses (i) and (ii) of Section 79 and section 80 to the Election Tribunal by any candidate at such election or any voter, within two months from, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and the dates of the election are different is the latter of those two dates.

Provided that the period from the date on which an election petition can be filed under this sub-section to the date of the constitution of an Election Tribunal under Section 75, shall be excluded for purpose of computing the period of two months under this sub-section.

**72. Parties to the Petition:-** A petitioner shall join as respondents to his petition:-

(a) where the petitioner claims a declaration under clause (b) of Section 74 all the contesting candidates other than the petitioner and in any other case all the returned candidates; and

(b) any other candidates against whom allegations of any corrupt or illegal practice are made in the petition.

**73. Contents of Petition:-** (1) 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 or illegal practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt or illegal 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.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

**74. Relief that may be claimed by the Petitioner:-** A Petitioner may claim any one of the following declarations.

(a) that the election of the returned candidate is void;

(b) that the election of the returned candidate is void and that himself or any other candidate has been duly elected;

(c) that the election as a whole is void.

**75. Election Tribunal:-** (1) The Government may, for the purpose of providing speedy disposal of election petitions in respect of an election under this Act, appoint any person who is or has been or is eligible to be appointed as a Judge of the High Court as an Election Tribunal (hereinafter referred to as the "Tribunal") for such period as may be necessary, for trial of petitions in respect of an election under this Act:

Provided that if there are only a limited number of such cases, the Government may, with the concurrence of the Chief Justice of the High Court, by notification specify a Court of District Judge to be an Election Tribunal to try the election petitions under this Act.

(2) The Tribunal shall deal with such petitions and proceedings in connection therewith in the manner prescribed.

**76. Power of the Tribunal:-** The Tribunal shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters:

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses, and requiring the deposits of their expenses;
- (c) compelling the production of documents.
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses and may summon and examine suo motu any person whose evidence appears to it to be material; and shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898.

**77. Decision of Tribunal:-** At the conclusion of the trial of an election petition, the Tribunal shall make an order-

- (a) dismissing the election petition; or
- (b) declaring the election of the returned candidate to be void; or
- (c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to be void and the petitioner or any other candidate to have been duly elected; or
- (d) declaring the election to be wholly void.

**78. Other orders to be made by the Tribunal:-** (1) At the time of making an order under Section 77, the Tribunal shall also make an order:-

- (a) where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, recording:-
  - (i) a finding whether any corrupt or illegal practice has or has not been proved to have been committed by or with the connivance of any candidate or his agent at the election, and the nature of that corrupt or illegal practice; and

(ii) the name of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice and the nature of that practice, together with any such recommendations as the Tribunal may think proper to make for the exemption of any person from any disqualification which he may have incurred in this connection under Section 20 and in respect of any disqualification arising out of failure to lodge return of election expenses with reference to clause (1) of Section 22.

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid.

Provided that no person shall be named in the order under sub-clause (ii) of clause (a) unless -

(i) he has been given notice to appear before the Tribunal and to show-cause why he should not be so named; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Tribunal and has given evidence against him, of calling evidence in his defence and of being heard.

(2) Any order as to costs under clause (b) of sub-section (1) may include a direction for payment of costs to the Advocate-General, Government Pleader or any other Pleader attending the trial.

**79. Grounds for declaring election to be void**:- (1) If the Tribunal is of opinion that the election has not been a free election by reason that bribery, undue influence or group intimidation has extensively prevailed at the election, the Tribunal shall declare the election as a whole to be void;

***Explanation***:- In this section:-

(a) the expressions 'bribery' and 'undue influence' have the meanings given to them in Section 17, and

(b) the expression 'group intimidation' means any interference or attempt to interference by a community, group or section with the free exercise by another community, group or section of the right to vote or refrain from voting by intimidation, coercion, social or economic boycott, threat of such boycott or other similar means.

(2) Subject to the provisions of sub-section (3), if the Tribunal is of opinion:-

(a) that the election of a returned candidate has been procured or induced or the result of the election has been materially affected, by any corrupt or illegal practice; or



- (b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the connivance of a returned candidate or his agent; or
- (c) that the result of the election has been materially affected by the improper reception or refusal of a vote or by the reception of any vote which is void; or by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to election, or by any mistake in the use of any prescribed form;
- (d) that on the date of his election a returned candidate was disqualified to be elected as a Member under this Act;

then the Tribunal shall declare the election of the returned candidate to be void.

(3) If in the opinion of the Tribunal, a returned candidate has been guilty, by an agent other than his election agent, of any corrupt practice specified in Section-17, but the Tribunal is satisfied that -

- (a) 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 sanction or connivance of the candidate or his election agent;
- (b) all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;
- (c) the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practices at the election; and
- (d) in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents;

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

**80. Grounds for which a candidate other than the returned candidate may be declared to have been elected:-** If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claims a declaration that he himself or any other candidate has been duly elected and the Tribunal is of opinion :-

- (a) that in fact the petitioner of such other candidate received a majority of the valid votes; or

- (b) that but for the votes obtained by the returned candidate by corrupt or illegal practices, the petitioner or such other candidate would have obtained a majority of the valid votes;

the Tribunal shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

**81. Procedure in case of an equality of votes:-** If during the trial of an election petition it appears there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then -

- (a) any decision made by the Returning Officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purpose of the petition; and
- (b) in so far as that question is not determined by such a decision, the Tribunal shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

**82. Communication of orders of the Tribunal and the transmission of the records of the case to the Commissioner:-** The Tribunal shall send a copy of its orders made under Sections 77 or 78, unless an appeal is preferred therefrom, in which case, a copy of the order of the High Court, along with the records of the case, to the Commissioner.

**83. Appeal against order of Tribunal:-** An appeal from an order passed by the Tribunal under Sections 77 and 78 shall lie to the High Court and shall be heard by a bench consisting of not less than two Judges.

Provided that no such appeal shall be heard by the High Court unless it is filed within thirty days from the date of the order of the Tribunal.

**84. Orders of the Tribunal to be final and conclusive:-** Every order of the Tribunal made under this Act and unless an appeal is preferred therefrom to the High Court under Section 83 shall be final and conclusive.

**85. Orders when to take effect:-** An order of the Tribunal under Section 77 or Section 78 shall take effect immediately after the expiry of the period of appeal unless an appeal is preferred therefrom, in which case the order of the High Court shall take effect as soon as it is pronounced.

**86. Reference to the Election Tribunal:-** (1) Whenever it is alleged that any person who has been elected as a Member is disqualified under Section 20, sub-section (1) of Section 21 or Section 23 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he has become disqualified for office under Section 20 or sub-section (1) of Section 21

or Section 23, such Member or any other Member may, and the Commissioner shall, in accordance with the directions of the Corporation, apply to the Tribunal for a decision.

(2) The Tribunal after making such inquiry as it deems necessary, shall determine whether or not such person is disqualified under Section 20, sub-section (1) of Section 21 or Section 23 and its decision shall be final.

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

**87. Procedure when no member is elected:-** (1) If at a general election or bye-election no Member is elected, a fresh election shall be held on such date as the State Election Commissioner may fix in this behalf.

(2) The term of office of a Member elected under sub-section (1) shall expire at the time at which it would have expired if he had been elected at the general election or bye-election, as the case may be.

#### **PROCEEDINGS OF THE CORPORATION**

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

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

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

**90-A. Resolution of disputes relating to cessation for disobedience of party whip:-** Where a member ceased to hold office for disobedience of the party whip, he may apply to the District Court, having jurisdiction over the area in which the office of Corporation is situated, for a decision. (Act 5 of 2008)

**91. Deputy when to act as Mayor:-** (1) When the office of the Mayor is vacant his functions shall devolve on the Deputy Mayor until a new Mayor is elected.

(2) If the Mayor leaves the City for more than fifteen days or is incapacitated, his functions shall devolve on the Deputy Mayor until the Mayor returns to the city or recovers from his incapacity as the case may be.

**91-A. Motion of no confidence in Mayor / Deputy Mayor:-** A motion expressing want of confidence in the Mayor otherwise than directly elected or Deputy Mayor may be made by giving a written notice of intention to move he motion, signed by not less than one half of the total number of members of the Corporation having right to vote, together with a copy of the proposed motion to the District Collector concerned in accordance with the procedure prescribed:

Provided that no notice of motion under this section shall be made within four (4) years of the date of assumption of office by the person against whom the motion is sought to be moved: (Act No.42 of 2008)

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

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

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

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

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

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

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

(5) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall be forwarded immediately on the termination of the meeting by the Presiding Officer to the District Collector. The District Collector shall forward the same along with his remarks to the Government.

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

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

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

**92. Resignation:-** (1) The Mayor may resign his office by giving notice in writing to the Corporation; the Deputy Mayor may resign his office by giving notice in writing to the Mayor. Such resignation shall take effect in the case of Mayor from the date on which it is accepted by the Corporation and in the case of the Deputy Mayor, by the Mayor.

(2) Any Member may resign his office at any time by notice in writing to the Mayor and such resignation shall take effect from the date on which it is accepted by the Mayor.

### **THE MUNICIPAL FUND**

**174. Purpose for which the Municipal Fund is to be applied:-** The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or of any other law for the time being in force inclusive of:-

(a) the expenses of every election held under this Act;

### **ELECTORAL OFFENCES**

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

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

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(b) display to the public any election matter by means of cinematography, television or other similar apparatus; or

(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

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

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

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

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

(2) This applies to any public meeting of a political character held in any Ward between the date of the issue of a notification under this Act calling upon the Ward to elect a member or members and the date on which such election is held.

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

**601A. Restrictions on the printing of pamphlets, posters etc:-** (1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

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

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

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

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

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

(3) For the purpose of this section,-

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

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster

merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

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

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

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

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

- (2) No such person as aforesaid, and no member of a police force shall endeavour-
  - (a) to persuade any person to give his vote at an election; or
  - (b) to dissuade any person from giving his vote at an election;
  - (c) to influence the voting of any person at an election in any manner
- (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both
- (4) An offence punishable under sub-section (3) shall be cognizable.

**604. Prohibition of canvassing in or near polling stations:-**

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely:-

- (a) canvassing for votes ; or
- (b) soliciting the vote of any elector ; or



- (c) persuading any elector not to vote for any particular candidate ; or
  - (d) persuading any elector not to vote at the election ; or
  - (e) exhibiting any notice or sign, other than an official notice relating to the election.
- (2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to rupees two hundred and fifty.
- (3) An offence punishable under this section shall be cognizable.

**605. Penalty for disorderly conduct in or near polling stations:-** (1) No person shall, on the date or dates, on which a poll is taken at any polling station-

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker, or
  - (b) shout or otherwise act in disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.
- (2) Any person who contravenes, or willfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.
- (3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.
- (4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section(1), and may seize any apparatus used for such contravention.

**606. Penalty for misconduct at the polling station:-** (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

- (2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

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

**606A. Penalty for failure to observe procedure for voting:-** If an elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

**607. Penalty for illegal hiring or procuring of conveyance at elections:-** If any person is guilty of any such corrupt practice as is specified in sub-section (7) of Section 17 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.”,

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

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

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

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

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

***Explanation:-*** For the purposes of this sub-section and Section 617-D “booth capturing” includes, among other things, all or any of the following activities, namely:-

(a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(c) coercing or intimidating or threatening directly or indirectly threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

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

**608. Removal of ballot papers from polling station to be an offence:-**

(1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to rupees five hundred or with both.

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

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

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

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

**609. Making false declaration**:- If a person makes in, or in connection with any nomination of a candidate for election or any return election expenses, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

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

- (2) An offence punishable under sub-section (1) shall be cognizable
- (3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.
- (4) The persons to whom this applies are the District Election Officers, returning officers, assistant returning officer, presiding officers, polling officers, and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act.

**610A. Liquor not to be sold, given or distributed on polling day**:- (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

- (2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to two thousand rupees, or with both.
- (3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

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

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or

- l fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall:-

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

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act or rules made thereunder.

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

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

## **CHAPTER XVII – A**

### **ELECTION EXPENSES**

**617-A. Application of Chapter**:- This chapter shall apply to candidates of any election held under this Act.

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

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

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

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

***Explanation – II***:- (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (9) of Section 17(1)(B) in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

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

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

**617-C. Lodging of account with the District Election Authority:** Every contesting candidate at an election shall, within forty five days from the date of declaration of the result of the election, lodge with the District Election Authority, an account of his election expenses, which shall be a true copy of the account kept by him, or by his election agent, under Section 617-B.

**CHAPTER - XVII B**  
***Appointment of Observers***

**617-D. Appointment of Observers:-** (1) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a ward or group of wards, of a Municipal Corporation and to perform such other functions as may be entrusted to him by the State Election Commission in relation thereto.

(2) The Observer nominated under sub-section (1) shall have the power to direct the Returning Officer for the ward or for any of the wards for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll 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 the polling station cannot be ascertained.

(3) Where an Observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the State Election Commission and thereupon the State Election Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 59-A or Section 63-A or Section 65.

(4) It shall be competent for the State Election Commission to appoint an election expenditure observer for a group of wards of a Municipal Corporation, so as to ensure that the provisions of Chapter XVIIA are strictly adhered to and in that behalf the Commission may issue such instructions as it deems fit, from time to time, to such Observers.

**673-A. Oath of allegiance to be taken by member:-** (1) Every person who is elected to be a member shall, before taking the seat, make at a meeting of the Corporation an oath or affirmation of his allegiance to the Constitution of India in the following namely:-

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

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

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

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

**686-A Construction of references in other Acts.**

Any reference to the Hyderabad Municipal Corporations Act, 1955 in any law for the time being in force in the State of Andhra Pradesh shall be construed to be a reference to the Greater Hyderabad Municipal Corporation Act, 1955.



**SCHEDULE A**  
**FORM 7**

(See Section 35)

Whereas the .....ward of Municipal Corporation of the City of .....has been called upon to elect a member on or before.

I..... the Returning Officer of the said ward ..... do hereby given the following:-

**Public Notice**

- (i) (x x x)
- (ii) Nomination papers may be delivered to the undersigned at his office, at ..... or, if he is unavoidably prevented from receiving the same to .....at .....They should be presented between 11 a.m. and 3 p.m. on or before..... (date).
- (iii) Forms of nomination paper may be obtained at the offices of persons above-mentioned between the hours of .....(hour) and .....(hour) from .....(date) to ..... (date).
- (iv) The nomination papers will be taken up for scrutiny at ..... (hour) on ..... (date) in ..... (place).
- (v) The withdrawal to be made on ..... date .....
- (vi) In the event of the election being contested, the poll will take place on ..... between the hours of ..... and .....

Date  
Address

Returning Officer.

**FORM 8**  
**Nomination Paper**  
(See Section 36)

Election to the Municipal Corporation of the city of .....19 .....

- 1. Name of the Ward
- 2. Name of the Candidate
- 3. Father's /husband's name
- 4. Age
- 5. Address
- 6. If the candidate is a member of the Scheduled Castes or Scheduled Tribes or Backward Classes.
- 7. Ward in the list of voters in which the name of candidate is included.
- 8. Serial number of the candidate in the ward list of the ward in which his name is included.
- 9. Name of the proposer.
- 10. Serial number of the proposer in the ward list of the ward.
- 11. Signature of the proposer.

**Declaration by candidate**

I hereby declare that I agree to this nomination.

Date

Signature of Candidate

**FORM 9**

**Form of Notice of withdrawal**  
(See Section (1) of Section 40)

To

The Returning Officer, .....  
for .....ward of the Municipal Corporation of the City  
of .....

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

Dated this .....day of ..... 19.....

Place

Signature of Candidate

This notice of withdrawal was delivered to me at my office at  
.....(hours)..... (date) by .....the candidate/the  
candidate's proposer/election agent who has been authorized in writing by the  
candidate to deliver it.

Returning Officer  
Asst. Returning Officer.

**Extract of Section 12 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of community certificates Act, 1993**

\* \* \*

**Section 12:** Penalty for securing an appointment or election to political offices etc, on the basis of false community certificates –

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

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

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

## PART – II

**The Andhra Pradesh Municipal Corporations (Preparation and  
Publication of Electoral Rolls) Rules, 2001,  
(G.O.Ms.No.515 MA & UD Elecs.I) MA, dt.15.10.2001**

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## **PART – II**

### **THE ANDHRA PRADESH MUNICIPAL CORPORATIONS (PREPARATION AND PUBLICATION OF ELECTORAL ROLLS ) RULES, 2001**

**(G.O.Ms.No.515 MA & UD Elecs.I) MA, dated.15.10.2001.)**

In exercise of the powers conferred by sub-section (1) of Section 585 and Sections 12 and 70 of the Hyderabad Municipal Corporation Act, 1955 (Act –II of 1956) and Section 18 of Andhra Pradesh Municipal Corporations Act, 1994 (Act No. 25 of 1994) read with Andhra Pradesh Municipal laws (Fourth Amendment) Act, 2001 (Act No. 34 of 2001) and in suppression of the Andhra Pradesh Municipal Corporations (Registration of Electors) Rules, 1994 issued in G.O.Ms.No.634, MA & UD, dated the 24<sup>th</sup> December, 1994 the Governor of Andhra Pradesh hereby makes the following rules for preparation and publication of Electoral Rolls in Municipal Corporations in the State.

**1. Short Title, extent and commencement;** - (1) These rules may be called the Andhra Pradesh Municipal Corporations (Preparation and Publication of Electoral Rolls) Rules, 2001.

(2) These rules shall apply to all the Municipal Corporations in the State.

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

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

(a) “Election Commission” means the State Election Commission constituted under Article 243-K read with Article 243 ZA of the Constitution of India;

(b) “Roll” means the electoral roll of the Corporation;

(c) “Section” means a Section of the Act;

(d) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Hyderabad Municipal Corporations Act, 1955.

**3. Preparation of Electoral Rolls:-** The Electoral Roll for the Corporation shall be such part or parts of the current electoral roll of the Andhra Pradesh Legislative Assembly Constituencies, prepared and published under the Representation of the people Act, 1950, as relates to the Corporation, which shall be prepared by such person authorized by the State Election Commissioner, or such date as may be specified by the Election Commission, and any amendments issued to the said electoral roll of the Assembly Constituencies,

thereafter, as they relate to the Corporation, upto the date of election notification, shall be carried out therein.

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

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

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

(a) on the notice board of the Ward office concerned;

(b) on the notice board of the office of the person authorized under Rule 3;

(c) on the notice board of the office of the concerned Mandal Revenue Officer;

(d) on the notice board of the office of the concerned Revenue Divisional Officer;

(e) supply free of cost one copy of each separate list of the roll to every political party for which a symbol has been exclusively reserved by the Election Commission;

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

**6. Procedure for lodging claim and objections ;** All omissions of names in any part of the roll or objections to any entry in the roll, at any point of time after its publication under Rule 5, shall be settled only after a suitable amendment to the relevant entry in the electoral roll of the Legislative Assembly Constituency is made based on which the Corporation electoral roll was prepared. Anybody wishing to prefer a claim for inclusion or deletion of any name in the roll or any objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Subject to the provisions of Section 12 of the Hyderabad Municipal Corporations Act, 1955 and based on the orders of the Electoral Registration Officer of the Assembly Constituency on such claims and objections, the person authorized by the State Election Commissioner shall carry out consequential amendments in

the Electoral Roll of the Corporation upto the date of election notification. *In case of any clerical or printing error or both, or when the entries deviate from the particulars of the Assembly Electoral Roll, the person authorized by the State Election Commissioner may cause such errors rectified, so as to bring it inconformity with the particulars of the Assembly Electoral roll concerned. However, the person authorized by the State Election Commissioner, shall not resort to suo motu revision of the rolls by way of deletions or additions or modifications.*

**Form – I**  
**Notice of Publication of Electoral Roll**  
**[See Rule 5]**

Notice is hereby given that the electoral roll of the Corporation has been prepared ward-wise as per delimitation of wards in accordance with the Andhra Pradesh Municipal Corporation [Preparation and Publication of Electoral rolls] Rules, 2001 by adopting the existing entries in the relevant part of the Electoral Roll of Legislative Assembly constituency prepared under the Representation of the People Act, 1950. The same is kept open for inspection by general public.

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

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

**Andhra Pradesh Municipal Corporations (Conduct of Election of Members)  
Rules, 2005  
(G.O.Ms.No.713, M.A. & U.D, (Elec.II) Dated. 21.7.2005)**

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**ANDHRA PRADESH MUNICIPAL CORPORATIONS  
(CONDUCT OF ELECTION OF MEMBERS ) RULES, 2005**

**(G.O. Ms. No.713, Municipal Administration & Urban Development,  
(Elec. II) 21<sup>st</sup> July, 2005)**

In exercise of the powers conferred by sub-section (1) of Section 585 read with Sections 20B, 60A, 67, 71, 617B and 617C of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956), Section 7 and 11 of the Visakhapatnam Municipal Corporation Act, 1979 (Act No. XIX of 1979), sections 7 and 11 of the Vijayawada Municipal Corporation Act, 1981 (Act No. XXIII of 1981) and Sections 7, 14 and 18 of the Andhra Pradesh Municipal Corporations Act, 1994 (Act No. XXV of 1994), and in supercession of all the previous rules on the subject, the Governor of Andhra Pradesh, hereby, makes the following rules relating to the Election of Members, Election Expenses and Election Petitions, namely:-

**CHAPTER –I**

**PRELIMINARY**

**1. Short title and application:** (1) These rules may be called the Andhra Pradesh Municipal Corporations (Conduct of Election of Members, Election Expenses and Election Petitions) Rules, 2005.

(2) They shall apply to the Municipal Corporations of Hyderabad, Visakhapatnam, Vijayawada and to all Municipal Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994.

**2. Definitions:** (1) In these rules, unless the context otherwise requires:-

- (a) 'Act' means the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956);
- (b) 'ballot box' includes any box, bag or other receptacle used for the insertion of the ballot paper by a voter;
- (c) 'counterfoil' means the counterfoil attached to a ballot paper printed under the provisions of these rules;
- (d) 'electoral roll' means the electoral roll for the Corporation concerned prepared and published under section 12 of the Act;
- (e) 'electronic voting machine' means, the voting machine referred to in section 60 A of the Act;
- (f) 'Form" means a form appended to these rules and includes a translation thereof in Telugu or any other languages specified in Schedule 8 of the Constitution;
- (g) 'Marked copy of the Electoral Roll' means the copy of the electoral rolls set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election or the names of electors who are allowed to vote through electronic voting machine;

- (h) 'Voter' in relation to an election to any Municipal Corporation means a person in the electoral roll of the ward concerned for the time being in force and who is not subject to any disqualification for voting;

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

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

- (a) he has placed a mark on such instrument or other paper in the presence of the Commissioner, the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Commissioner; and
- (b) the officer aforesaid on being satisfied as to his identity has attested the mark as being the mark of that person.

## **CHAPTER – II**

### **ELECTION OF MEMBERS**

**3. Deposit:** (1) A candidate shall not be deemed to be duly nominated unless he deposits or caused to be deposited a sum of rupees two thousand and where the candidate is a member of any of the Scheduled Castes or Scheduled Tribes the amount to be deposited by him or on his behalf shall be rupees one thousand only:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same ward not more than one deposit shall be required of him under this sub-rule.

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited under that sub-rule unless at the time of delivery of the nomination paper under sub-section (1) of section 36 of the Act, the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the State Bank of Hyderabad or a Government Treasury.

**4. Declarations to accompany Nomination Paper:** (1) Every nomination paper delivered under section 36 of the Act, shall be accompanied by such declaration as are specified in Forms I, II and III, provided that declaration in Form II shall be required –

- (a) in the case of an election in a Ward where the seat to be filled is reserved for the Scheduled Tribes, Scheduled Castes or Backward Classes;
- (b) the nomination papers to be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the Ward under sub-section (8) of Section 36 of the Act, shall not exceed four;

(2) Every candidate shall along with the nomination paper also file an affidavit with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format sworn before a Notary Public or a Magistrate of the First Class.

**5. Receipt of nomination papers and notice of scrutiny:** The certificate required under Section 38 of the Act, shall be in Form IV and the receipt for nomination and the notice of scrutiny shall be in Form V.

**6. Notice of nominations received:** The notice of nomination to be affixed under Section 38 of the Act, shall be in Form VI.

**7. List of validly nominated candidates:** (1) After making endorsement on the nomination paper as required under sub-section (6) of Section 39 of the Act, the Returning Officer shall sign thereon a certificate of scrutiny in Form VII.

(2) The list of validly nominated candidates referred to in sub-section (8) of Section 39 of the Act, shall be in Form VIII.

(3) The name of every such candidate shall be shown in the list of validity nominated candidates as it appears in his nomination paper:

Provided that if a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may at any time before the list of contesting candidates is prepared furnish in writing to the Returning Officer, the proper form and spelling of his name and the Returning Officer shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form VIII and adopt the form and spelling in the list of contesting candidates.

**8. Receipt of notice of withdrawal:** (1) On receipt of the notice of withdrawal of candidature, the Returning Officer shall note thereon the date on which it was delivered. The receipt of notice of withdrawal to be handed over to the person delivering the said notice shall be in Form IX.

(2) The notice of withdrawal to be affixed under sub-section (3) of Section 40 of the Act, shall be in Form X.

**9. Publication of the list of contesting candidates** - (1) On the expiry of the time allowed for withdrawal of candidature, the Returning Officer shall prepare a list in Form XI of persons whose nominations have not been rejected and who have not withdrawn their candidature which may be called as list of contesting candidates and publish it on the notice board of his Office forthwith.

(2) The list of the contesting candidates shall be prepared in such languages as the State Election Commission may direct and shall contain the names in alphabetical order and addresses of the contesting candidates as given in the nomination paper. The alphabetical order shall be determined with reference to the surnames of candidates having surnames and the names proper of other candidates duly following the provisions under sub-section (2) and (3) of Section 41 of the Act and if the list is prepared in more than one language, the names of candidates therein shall be arranged in alphabetical order according to the script of such one of those languages as the State Election Commission may direct. If a poll is found to be necessary, the Returning Officer shall specify symbol assigned to each candidate:

Provided that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. The names of such candidates shall be arranged in the order in which their nominations were received by the Returning Officer.

(3) If a poll is found to be necessary the Returning Officer shall assign to every contesting candidate a distinctive symbol as per the provisions of Section 34 of the Act read with paragraph 6 of the Registration of Political Parties and Allotment of Symbols order, 2001 issued by the State Election Commission and any other instructions issued by the State Election Commission in this behalf from time to time.

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

**10. Appointment of Election Agent:** The Appointment of an election agent under Section 43 (1) of the Act shall be made in Form XII and the notice of such appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the candidate or the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

**11. Revocation of appointment of Election Agent and Appointment of another person:** The revocation of appointment of an election agent under sub-section (1) of Section 45 of the Act shall be in Form XIII. The procedure laid down in Rule 10 shall apply for appointment of another person to be an election agent under sub-section (2) of Section 45 of the Act.



**12. Appointment of Polling Agents:** (1) The number of polling agents that may be appointed under Section 47 of the Act shall be one agent and two relief agents for each polling station.

(2) Every such appointment shall be made in duplicate in Form XIV and a copy of such appointment shall be given to the Returning Officer and a duplicate copy thereof shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.

(3) No polling agent shall be admitted into the polling station or the place fixed for the poll unless he has delivered to the Presiding Officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the Presiding Officer, the declaration contained therein.

**13. Appointment of Counting Agents:** (1) The number of counting agents that a candidate may appoint under Section 48 of the Act shall be one agent for each table plus one more at the table of the Returning Officer.

(2) Every such appointment shall be made in Form XV in duplicate one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting of votes.

(3) No counting agent shall be admitted at the place fixed for counting, unless he has delivered to the Returning Officer the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the Returning Officer an authority for entry into the place fixed for counting.

**14. Revocation of appointment or death of Polling Agent:** (1) The revocation of the appointment of a polling agent under sub-section (1) of Section 49 of the Act shall be in Form XVI and be lodged with the Returning Officer while sending a copy thereof to the Presiding Officer of the polling station at which the polling agent is appointed.

(2) In the event of any such revocation, the candidate / his election agent may at any time before the poll is closed, make a fresh appointment in the manner specified in Rule 12 and the provisions of that rule shall apply to every such appointment.

**15. Revocation of appointment or death of Counting Agent:** (1) The revocation of appointment of counting agent under sub-section (2) of Section 49 of the Act shall be in Form XVII and be lodged with the Returning Officer.

(2) In the event of any such revocation before the commencement of counting of votes, the candidate / election agent may make a fresh appointment in accordance with the provisions of Rule 13.

**16. Admission to Polling Station:** (1) The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all other persons except:

- (a) the polling officers;
- (b) each candidate, his election agent, and one polling agent of each candidate;
- (c) other public servants on duty;
- (d) a child in arms accompanying a voter;
- (e) the companions of blind or infirm voters who cannot move without help; and
- (f) such other persons as the Presiding Officer may, from time to time, admit for the purpose of identifying voters or otherwise assisting him in taking the poll.

(2) The Presiding Officer shall close the polling station at the hour fixed in that behalf under Section 57 of the Act and shall not admit thereto any voter after that hour:

Provided that all voters present within the polling station before it is so closed shall be entitled to have their votes recorded.

(3) If any question arises as to whether any voter shall, for the purpose of the proviso to sub-rule (2) be deemed to be present within the polling station before it is closed, the question shall be referred for the decision of the Presiding Officer of such polling station and his decision shall be final.

**17. Arrangements for secrecy of voting and special facilities for Women voters at polling station:** (1) Each polling station shall be furnished with a compartment (referred to in these rules as a voting compartment) in which voters can, one after another, cast their votes screened from observation and no voter shall be allowed to enter such voting compartment when another voter is inside the same for the purpose of recording his vote.

(2) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(3) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women voters and also to assist the Presiding Officer generally in taking the poll in respect of women voters and in particular, to help in searching any woman voter in case it becomes so necessary.

(4) The Presiding Officer may permit a voter to enter the voting compartment with a child in arms for the purpose of voting.

**18. Provision of ballot boxes and other election material at polling station:**

(1) There shall be displayed prominently outside each polling station:-

- (a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station, or the particulars of the voters so entitled; and
- (b) a copy of the list of contesting candidates for Member in the same language or languages and in the same order in which the name of contesting candidates at the election are published under rule 9.

(2) The Returning Officer shall provide for each polling station:-

- (a) as many ballot boxes as may be necessary;
- (b) a sufficient number of ballot papers and copies of the relevant part of the list of voters in respect of the polling area, the voters where of are entitled to vote at the polling station;
- (c) instruments for stamping the distinguishing mark on ballot papers and articles necessary for the voters to mark the ballot papers.

**19. Distinguishing mark on ballot paper:** (1) Every ballot paper before it is delivered to a voter at a polling station shall bear such distinguishing mark as the State Election Commission may direct and it shall be kept secret.

(2) When any direction under sub-rule (1) has been issued by the State Election Commission, the Returning Officer shall provide at each polling station, instrument or instruments required for stamping such mark on the ballot paper.

(3) The Presiding Officer at each polling station shall sign his name in full on the back of each ballot paper before it is issued to the voter.

**20. Ballot Boxes to be locked and sealed before the commencement of poll:**

(1) Every ballot box shall be of such design and colour as have been previously approved of by the State Election Commission. It shall be so constructed that ballot papers can be inserted therein but cannot be withdrawn there from without the box being unlocked and the seals being broken.

(2) The Presiding Officer at each polling station, shall, immediately before the commencement of poll, allow the candidates, their election agents and their polling agents who may be present at such station to inspect each ballot box to be used at the poll and demonstrate to them that it is empty and bears the labels both inside and outside marked with,

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

(3) When it is necessary to use a paper seal for securing the ballot box, the Presiding Officer shall fix in the space meant there for in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal of such candidates or of such election or polling agents of the candidates as may be present and may desire to affix such signature or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open.

(4) Where it is not necessary to use a paper seal for securing the ballot box, the Presiding Officer shall after complying with the provisions of sub-rule (2), secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents, who may be present affix their own seals on the space in the box meant there for if they so desire.

(5) The paper seal or the other seals used for securing a ballot box shall be affixed in such a manner that after the box has been closed, sealed and secured, then they shall be placed in full view of the Presiding Officer and the agents referred to in sub-rule(2).

**21.Special procedure for prevention of personation of voters:** (1) Subject to the other provisions of this rule every voter who applies for a ballot paper for the purpose of voting at a polling station shall, before receiving such paper allow:

- (a) the inspection of his left fore-finger to the Presiding Officer or any Polling Officer, and
- (b) an indelible ink mark to be put on his left fore-finger;

(2) If any such voter:-

- (a) refuses to allow such inspection of his left fore-finger;
- (b) refuses to allow an indelible ink mark to be put on his left fore-finger, or
- (c) persists in doing any act with a view to remove such mark after it has been put;

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

(3) No person who has already such a mark on his left fore-finger at the time he enters the polling station shall be supplied with any ballot paper and if any such person applies for a ballot paper he shall be liable to be arrested and prosecuted for personation.

(4) Any reference in this rule or in Rule 22 to the left fore-finger of a voter shall, in the case where the voter has his left fore-finger missing, be construed as a reference to any finger of his hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the fore-finger or any other finger of his right hand, and shall, in the case where all his fingers of both

the hands are missing, be construed as a reference such extremity of his left or right arm he possesses.

**22. Procedure before recording of votes :** (1) The voter on entering the polling station shall first have his left fore-finger to be inspected by a polling officer for the purpose of ascertaining if he/she already has any mark of indelible ink on that finger. If there is no such mark, such or any other polling officers :-

- (a) shall ascertain the voter's name and address and such other particulars as appear in the electoral roll and, after having checked these by reference to the electoral roll shall call out the number, name and description of the voter according to the entry in the electoral roll;
- (b) shall thereafter cause the left hand fore-finger of the voter to be marked with indelible ink and then deliver a ballot paper. Before delivering the ballot paper to a voter where a direction has been issued in this behalf under rule 19, the polling officer shall stamp the ballot paper and its counterfoil on the back with such mark as may have been specified under that rule; and
- (c) shall before delivering the ballot paper to a voter :-
  - (i) record on its counterfoil the part number and the serial number of the voter in the electoral roll as entered in the marked copy of the electoral roll;
  - (i) obtain the signature or thumb impression of that voter on the said counterfoil; or
  - (ii) mark the name of the voter in the marked copy of the list of voters to indicate that the ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to the voter:

Provided that no ballot paper shall be delivered to voter unless he has affixed his signature or thumb impression on the counterfoil of that ballot paper. It shall not be necessary for any Presiding Officer or Polling Officer or any other Officer to attest the thumb impression of the voter on the counterfoil.

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

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

**23. Identification of voters:** (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to assist him or any Polling Officer in identifying the voters.

(2) Where the electors have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960 issued under Representation of People Act, 1950, the elector shall produce his identity card before the Presiding Officer or the Polling Officer authorized by him in this behalf. Where such identity cards are not issued, each elector shall establish his identity by producing any such documents as are specified, by order, by the State Election Commission.

**24. Casting of votes after the receipt of Ballot Papers:** (1) The voter on receiving the ballot paper shall forthwith:-

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

(2) Every voter shall vote without undue delay.

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

(4) The Presiding Officer at a polling station shall, when he is so requested by a voter, explain to him the instructions contained in these rules for recording of vote.

(5) If a voter to whom a ballot paper has been issued, refuses after warning given by the Presiding Officer to observe the procedure as laid down in sub-rule (1) the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or by a Polling Officer under the directions of the Presiding Officer.

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

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

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

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

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

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

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

**26. Voter to be questioned in case of doubt as to his identity:** At any time before a ballot paper is delivered to a voter, the Presiding Officer or a Polling Officer may of his own motion, if he has reason to doubt the identity of the voter or his right to vote at such election and shall if so required by a candidate or polling agent, put to the voter the following questions:-

- (1) Are you the person enrolled as follows:-  
(reading the whole entry from the electoral roll)
- (2) Have you already voted at the present election in this Ward?
- (3) Have you already voted at the present election in any other Ward?

And the voter shall not be supplied with a ballot paper if he refuses to answer any of these questions and unless he answers the first question in the affirmative, the second and the third question in the negative.

**27. Form of Ballot Paper:** (1) Every ballot paper to be used at an election shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such colour, form and the particulars therein shall be in such language, or languages as the State Election Commission may direct. It shall also contain the symbols allotted to the candidates.

(2) The ballot paper shall contain the name of candidates in the same order in which they appear in the list of contesting candidates.

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

(4) The ballot papers shall be serially numbered and the counterfoils thereof shall have on their faces the same serial numbers as those contained on the faces of the ballot paper.

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

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

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

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

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

**29. Challenged Votes:** (1) Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rupees five in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall.-

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the list of voters in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form XX, and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary enquiry in respect of the challenge and may for that purpose,



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

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

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

**30. Spoilt and Returned Ballot Papers:** (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoilt: cancelled" by the Presiding Officer.

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

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

**31. Adjournment of poll in emergencies** - (1) (a)Where the poll is adjourned under Section 58 of the Act, the fact that the poll has been so stopped shall be immediately be announced by the Presiding Officer to the persons present at the polling station.

- (b) If the Presiding Officer considers it necessary to stop polling for a short interval due to heavy rain or dislocation of work in the polling station for some reason or other or due to disturbance of peace in the neighborhood of the polling station, he can do so by informing the public to that effect under intimation to the Commissioner through the Returning Officer. In such an event, the poll can be resumed and continued beyond the period fixed for the poll to the extent of the time for which the poll was stopped.

(2) Where a Presiding Officer stops a poll under sub-rule (1) (a), he shall observe the procedure laid down in Rule 34 and make a full report of the circumstances to the Commissioner through Returning Officer. The Commissioner in turn shall forward the same expeditiously with his remarks thereon, to the State Election Commission through the Election Authority.

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

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

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

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

(5) (a) where an order is passed under clause (a) of sub-rule (3) for the continuation of the poll, the Returning Officer shall proceed afresh for conducting the poll and return to the Presiding Officer appointed all the packets received by him under sub-rule (2).

- (b) the Presiding Officer shall open the packets just before the commencement of the continuation poll in the presence of such persons as may be present at the polling station and commence such poll precisely at the hour fixed there for in the order passed by the State Election Commission under clause (a) of sub-rule (3).
- (c) at the continuation poll, the Presiding Officer shall allow only such electors to vote who did not vote on the previous occasion.

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

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

(7) Notwithstanding anything contained in this rule, if a candidate belonging to a recognised political party or a registered political party to which a symbol, if any, is reserved, dies at any time before orders are passed by the State Election Commission under sub-rule (3) or at any time after the passing of such orders

but before the commencement of continuation poll or of the fresh poll, as the case may be, the Returning Officer shall upon being satisfied of the fact of the death of the candidate, intimate such fact to the State Election Commission through the Commissioner and stop all further proceedings in connection with the election and start election proceedings afresh in all respects as if for a new election to the seat concerned:

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

**32. Fresh poll in case of destruction of ballot box** - (1) If at any election, a ballot box is unlawfully taken out of the custody of the Returning Officer or the Presiding Officer and is in any way damaged or tampered with or is either accidentally or intentionally destroyed or lost, the procedure prescribed in section 59 of the Act shall be followed.

**33. Adjournment of poll etc., on the ground of booth capturing** - Where booth capturing taken place the procedure prescribed in Section 59 A of the Act shall be followed.

**34. Delivery of Ballot Boxes to the Returning Officer after the close of the Poll:** (1) The Presiding Officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of any candidates or their election or polling agents who may be present, close the slit for insertion of ballot papers of each ballot box, or where the box does not contain any mechanical device for closing the slit, seal up the slit, and seal and secure all the ballot boxes used at the polling station. The Presiding Officer shall allow the candidates or their election agents and their polling agents present at the polling station to fix their seals on the slit of the ballot box or boxes.

(2) After sealing and securing the ballot box or boxes in accordance with the provisions of sub-rule (1), the Presiding Officer shall cause each such ballot box wrapped with new cloth which shall be sealed on the seams with his seal and also with the seals of any candidates or their election or polling agents who may be present and desire to affix their seals thereon. He shall also put his signature, and allow those candidates or their election or polling agents who may be present and desire to do so, to put their signature on a piece of paper which shall be properly pasted on the cloth in which each such ballot box has been wrapped.

(3) (i) The Presiding Officer shall also make up into separate packets:-

- (a) the unused ballot paper (i.e., those with the signature of the Presiding Officer and without the signature of the Presiding Officer);
- (b) Counterfoils of the used ballot papers;
- (c) the covers containing the tendered ballot papers;
- (d) the returned ballot paper (i.e., those cancelled under Rule 30 and for violation of voting procedure under rule 24);
- (e) the marked copy of the electoral roll;

- (f) the cover containing the tendered ballot papers and the list in Form XIX;
- (g) the list of challenged votes; and
- (h) any other papers directed by the Returning Officer to be kept in a sealed packet.
- (i) Each such packet shall be sealed with the seal of the Presiding Officer and also of such candidates or their election or polling agents as may be present and may desire to affix their seals thereon. He shall as soon as practicable deliver the ballot box or boxes and all such packets and all other papers used at the poll or cause them to be delivered to the Returning Officer at such place as the Returning Officer may direct, subject to any general or special instructions issued in this behalf by the Commissioner.

**35. Account of Ballot Papers to be prepared by the Presiding Officer after the close of the poll:** The packets referred to in Rule 30 shall be accompanied by an account of ballot papers in Form XXI made by the Presiding Officer showing the total number of ballot papers entrusted to him, for the polling station and the number of ballot papers returned by him to the Returning Officer as unused, tendered and returned ballot papers as also the number of ballot papers which should be found in the ballot boxes. The Presiding Officer shall furnish to every polling agent present at the close of the poll, a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent thereof and shall also attest it as a true copy.

**36. Transport of Ballot Boxes and Packets and their Custody:** The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets, and other papers referred to in Rule 30 and for their safe custody until the commencement of the counting of votes.

**37. Special Procedure for voting by certain Class of Persons:** At an election where a poll is taken, any member of the armed forces of the Union or a Member of the Armed Police Force of the State serving outside the State may give his vote by postal ballot and such person shall not be entitled to give his vote in any other manner.

**38. Voting by Persons Subject to Preventive Detention:** (1) Subject to the other provisions of this rule, a voter of a Ward may, if he is subjected to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such Ward where a poll is taken and such a voter shall not so long as he is subject to such detention, be entitled to give his vote in any other manner.

(2) As soon as possible after a notification calling upon to elect a Member has been issued, the Commissioner shall ascertain if any voter for the Ward is subject to preventive detention under any law for the time being in force and shall within ten days from the date of publication of such notification forward to the Returning Officer the names of such voters in that Ward who are under such

detention together with their addresses and serial numbers in the electoral roll and the particulars about their places of detention.

(3) Any voter of a Ward who is subject to preventive detention under any law for the time being in force may, within ten days from the date of publication of a notification calling upon that Ward to elect Member apply to the returning officer of the Ward for permission to give his vote by postal ballot at such election. Every such application shall specify the name of the voter, his address, his serial number in the electoral roll and the particulars regarding his place of detention.

(4) If the Returning Officer is satisfied that the person whose name has been forwarded under sub-rule (3) is under preventive detention and is a voter of the Ward to which the election relates and is entitled to vote at such election, he shall permit such person to give his vote at the election by postal ballot.

(5) While granting any such permission the Returning Officer shall at the same time cause suitable notes to be recorded in each copy of the electoral roll in which such person is registered and which is intended to be used at the polling station where such person would if he had not been under detention, have normally voted so as to indicate that such person has been permitted to give his vote at the election by postal ballot.

**39. Voting by persons employed on duty at polling station:** (1) Presiding Officer, polling officer, or public servant, who is a voter for any Ward and is by reason of his being on duty at a polling station unable to be present and to vote at the polling station where he is entitled to vote, may apply to the Returning Officer of the Ward for which he is a voter atleast seven days before the date or the first of the dates fixed for the poll at the Ward for permission to vote at the election by postal ballot. Every such application which shall be in Form-XXII shall, specify the name of the voter, his address and his serial number in the electoral roll.

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

(3) While allowing such an application the Returning Officer shall, at the same time cause suitable notes to be recorded in each copy of the electoral roll in which the applicant is registered and which is intended to be used at the polling station where the applicant would otherwise have normally voted so as to indicate that the applicant has been permitted to give his vote at the election by the postal ballot.

(4) Where such voter, being a Polling Officer, Presiding Officer or other public servant on election duty in the ward of which he is an elector, wishes to vote in

person at an election in a ward and not by post, he shall send an application in Form XXIII to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the ward he shall—

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

**40. Returning Officer to send Ballot Papers for Postal Voting:** (1) The Returning Officer shall, in the case of every voter, who is authorised under Rule 37 or who has been permitted under sub-rule (4) of Rule 38 to give his vote at the election by postal ballot, as soon as may be after the publication under rule 9 of the list of contesting candidates at the election and in the case of every voter who has been permitted under sub-rule (2) of Rule 38 to give his vote at the election by postal ballot as soon as may be after such permission has been granted, send by post under certificate of posting to each such voter, a ballot paper in Form XXV. The names of the candidates shall be arranged on the postal ballot paper, in the order in which they appear in the list of contesting candidates. If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. The Returning Officer shall at the same time:

- (a) record on the counterfoil of the ballot paper the electoral roll number of the voter as entered in the marked copy of the electoral roll;
- (b) mark the name of the voter in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that voter; and
- (c) ensure that the voter is not allowed to vote at a polling station.

(2) A postal ballot paper shall be sent to the voter by post under certificate of posting together with,-

- (a) a declaration in Form XXVI;
- (b) an envelope in Form XXVII with the number of ballot paper entered on its face;
- (c) a large cover addressed to Returning Officer himself in Form XXVIII; and
- (d) instructions for guidance of voter in Form XXIX.

(3) The ballot paper together with the cover, envelope and letter shall be sent:

- (a) in the case where the voter is a member of the Armed Forces of the Union to the address of the voter as shown in the electoral roll;
- (b) in the case where the voter is a person subject to preventive detention to such voter at the place of his detention; and
- (c) in the case where the voter is a person, who has been permitted under sub-rule(2) of rule 38 to give his vote by postal ballot, to such voter at the address given in the application made by him under sub-rule (1) of that rule.

(4) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in a packet the counter foils of all such ballot papers and record on such packet the description of its contents and the name of the Ward and the date of the election to which it refers.

(5) No election shall be invalidated by reason that a voter has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

**41. Recording of vote:** (1) A voter who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form XXIX and then enclose it in the cover in Form XXVII.

(2) The voter shall sign the declaration in Form XXVI in the presence of and have the signature attested by a Stipendiary or Honorary Magistrate or such other officer specified below as may be appropriate, to whom he is personally known, or to whose satisfaction he has been identified,

- (a) in the case of member of the Armed Force of the Union or an Armed Police Force of the State but in serving outside the State, such officer as may be appointed in this behalf by the commanding officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed;
- (b) in the case of a voter on election duty, any Gazetted Officer,
- (c) in the case of a voter under preventive detention, the superintendent of the jail or the commandant of the detention camp in which the voter is under detention.

**42. Assistance to Illiterate or Infirm voters:** (1) If a voter unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper together with the declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of Rule 38 and request the officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of voter in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form XXVI.

**43. Re-issue of Ballot Paper:** (1) When a postal ballot paper and other papers sent under Rule 38 are for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the voter personally on a request being made by him.

(2) If any voter has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 40 in such a manner that they cannot conveniently be used, a second set of papers shall be issued to him after he has returned the spoilt papers satisfying the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the spoilt papers so returned and keep them in separate packet after noting thereon the particulars of the election and the serial number of the cancelled ballot papers.

**44. Return of Ballot Papers:** (1) After a voter has recorded his vote and made his declaration under Rule 41 or Rule 42, he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Part – II of Form XXIX, so as to reach the Returning Officer before the hour fixed for the commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of the receipt and shall keep all such covers together in a separate packet.

(3) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all cover containing postal ballot papers received by him.

**45. Safe custody of covers containing Postal Ballot Papers received by the Returning Officer:-** The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under Rule 41 or Rule 43.

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



(2) If, at the time so appointed for the counting of votes at any such place all the ballot boxes containing ballot papers which are to be counted at such place under sub-rule (1) have not been received by the Returning Officer or, if for any other unavoidable cause he is unable to proceed with the counting of votes at the time and date appointed under sub-rule(1), the Returning Officer may postpone the counting, and fix the date and time of counting as per the directions of State Election Commission and may fix, if necessary, another place for the counting of votes on the date to which the counting has been so postponed, and shall give notice thereof in writing to all the candidates or their election agents.

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

- (a) persons appointed as counting supervisors and counting assistants to assist him in the counting;
- (b) persons authorised by the State Election Commission or by the Election Authority;
- (c) Public servants on duty in connection with the election; and
- (d) Candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

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

**48. Maintenance of secrecy of voting:** The Returning Officer shall, before he commences the counting of votes read the provisions of Section 602 of the Act to such persons as are present.

**49. Counting of postal ballot papers:** The Returning Officer shall first deal with the postal ballot papers in the manner hereinafter provided;

- (a) no cover in Form XXVIII received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.
- (b) other covers shall be opened one after another and as each cover is opened the Returning Officer shall first scrutinise the declaration in form XXVI contained therein.
- (c) if the said declaration is not found or has not been duly signed, attested or is otherwise substantially defective or if the serial number of the ballot paper as entered in it differs from the serial

- number endorsed on the cover in Form XXVII, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.
- (d) each cover so endorsed and the declaration received with it shall be replaced in the cover in Form XXVIII and all such covers in Form XXVIII shall be kept in a separate packet, on which shall be recorded the name of the Ward, the date of counting and brief description of its contents.
- (e) the Returning Officer shall then place all the declarations in Form XXVI which he has found to be in order in a separate packet which shall be sealed before any cover in Form XXVII is opened and on which shall be recorded the particulars referred to in sub-rule (d).
- (f) the covers in Form XXVII not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.
- (g) a postal ballot paper shall be rejected.
- i. if it bears any mark (other than the mark to record the vote) or writing by which the voter can be identified: or
  - ii. if no vote is recorded thereon: or
  - iii. if votes are given on it in favour of more candidates than one;
  - iv. if it is a spurious ballot paper; or
  - v. if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
  - vi. if it is not returned in the cover sent along with it to the voter by the Returning Officer.
- (h) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.
- (i) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.
- (j) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form XXX and announce the same.
- (k) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of Returning Officer and of such of the candidates, their election agents, counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the Ward, the date of counting and a brief description of its contents.

**50. Scrutiny and opening of ballot boxes:** (1) The Returning Officer shall open, or cause to be opened, simultaneously the ballot box or boxes used at more than one polling station and shall have the total number of ballot papers found in such box or boxes counted and recorded in Part II of Form XXI.

Provided that discrepancy, if any, between the total number of such ballot papers recorded as aforesaid and the total number of ballot papers shown against item No.5 of Part I shall also be recorded in Part II of Form XXI.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Section 59 of the Act, in respect of that polling station.

**51. Counting of Votes:** (1) Subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, the ballot papers taken out of all boxes used at more than one polling station in a ward shall be mixed together and then arranged in convenient bundles and scrutinised.

(2) The Returning Officer shall reject a ballot paper if ;

- (a) it bears any mark or writing by which the voter can be identified, or
- (b) to indicate the vote, it bears a mark made otherwise than with the instrument supplied for the purpose, or
- (c) votes are given on it in favour of more than one candidate, or
- (d) the mark indicating the votes thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
- (e) it is a spurious ballot paper; or
- (f) it is so damaged or mutilated that its identify as a genuine ballot paper cannot be established; or
- (g) it bears a serial number, or is of a design different from the serial numbers, or, as the case may be design of the ballot papers authorised for use at the particular polling station; or
- (h) does not bear the mark which it should have borne under the provisions of sub-rule (1) of Rule 19:

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any

mistake or failure on the part of the Presiding Officer or polling officer the ballot paper shall not be rejected merely on the ground of such defect.

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

(3) Before rejecting any ballot paper under sub-rule (1) the Returning Officer shall allow the counting agents present, a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper. The Returning Officer shall record on every ballot paper which he rejects the letter "R" and the ground of rejection in abbreviated form either in his own hand or by means of rubber stamp and shall initial such endorsement. All ballot papers rejected shall be bundled together. Every ballot paper which is not rejected under this rule shall be counted as one valid vote provided that no cover containing "Tendered ballot paper" shall be opened and no such paper shall be counted.

(4) After the counting of all papers contained in all the ballot boxes used in a Ward has been completed, the Returning Officer shall make the entries in a result sheet in Form XXX and announce the particulars.

(5) The decision of the Returning Officer as to the validity of a ballot paper contained in ballot box or of a postal ballot paper or of a vote given on a postal ballot paper shall be final subject to any decision to the contrary given by a tribunal on the trail of an election petition calling in question the election.

**52. Counting to be continuous :** The Returning Officer shall, as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

**53. Recommencement of counting after fresh poll :** If a fresh poll is held, under section 59 of the Act, Returning Officer shall after completion of the poll recommence counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

**54 Recount of votes :** (1) After completing of the counting, the Returning Officer shall record in the result sheet in Form XXX the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or in his absence, his election agent or any of his counting agents may apply in writing to the Returning

Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.

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

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

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

- (a) do the re-counting;
- (b) amend the result sheet in Form XXX to the extent necessary after such recount; and
- (c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5) the Returning Officer shall complete and sign the result sheet in form XXX and no application for another recount shall be entertained thereafter.

(7) Any candidate or his agent shall on application be supplied with a copy of the results sheet in Form XXX.

**55. Declaration of result of election and return of election:-** The Returning Officer shall subject to the provisions of sections 64,65 and 66 of the Act, and so far they apply to any particular case,

- (a) declare in Form XXXI the candidate to whom the largest number of valid votes have been given, to be elected under section 65 of the Act, and send a signed copy thereof to the State Election Commission, Election Authority and the Commissioner as required under section 66 of the Act and
- (b) complete and certify a return of election in Form XXXII and send signed copies thereof to the State Election Commissioner, Election Authority and the Commissioner.

**56. Grant of Certificate of Election to Returned Candidate:** As soon as may be after a candidate has been declared by the Returning Officer under the provisions of section 65 of the Act, to have been elected, the Returning Officer shall grant to such candidate a certificate of election in Form XXXIII and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the Municipal Secretary.

**57. Custody and the Return of ballot boxes and papers relating to election:**

All ballot boxes used in the election and the packets of ballot papers and all other papers relating to the election shall be kept in such custody as the Commissioner may direct.

**58. Production and inspection of election papers:-** While in custody of the Returning Officer;

- (a) the packets of unused ballot papers with the counterfoil attached thereto,
- (b) the packets of used ballot papers whether valid, tendered or rejected,
- (c) the packets of counterfoils of used ballot papers,
- (d) the packet of marked copy of electoral roll,
- (e) the packets of the declaration by voters and attestation of their signatures, and
- (f) the counterfoils of the postal ballot papers;

shall not be opened and their contents shall not be inspected by or produced before any person of authority excepts under the order of a competent court or of a tribunal.

**59. Disposal of election papers:** (1) The packets referred to in rule 58 shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the State Election Commission or by a competent court or by a tribunal.

(2) All other papers relating to the election shall be retained for a period of two years from the date of declaration of the result of election.

**60. Return or the forfeiture of candidate's Deposit:-** (1) The deposit made under rule 3 shall either be returned to the person making it or his legal representative or be forfeited to the Municipal Corporation concerned in accordance with the provision of this rule.

(2) Except in cases hereinafter mentioned in this rule the deposit shall be returned as soon as practicable after the result of the election is declared

(3) If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.

(4) Subject to the provisions of sub-rule (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one sixth of the total number of valid votes polled by all the candidates.

(5) Notwithstanding anything in sub-rules (2), (3) and (4) if at an election the candidate is a contesting candidate in more than one Ward not more than one of the deposits shall be returned and other shall be forfeited.

**CHAPTER – III**  
**Voting by Electronic Voting Machines**

**61. Design of Voting Machine** – Every Electronic Voting Machine (hereinafter referred to as the Voting machine) shall have a Control Unit and a Balloting Unit and shall be of such designs as may be approved by the State Election Commission.

**62. Preparation of Voting Machine by the Returning Officer** – (1) One Voting Machine shall be used for Election to the Office of Ward Member.

(2) The Balloting Unit of the voting machine shall contain such particulars in such language or languages as the State Election Commission may specify.

(3) The names of the candidates shall be arranged on the Balloting Unit in the same order in which they appear in the list of the contesting candidates.

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

Subject to the foregoing provisions of the rule, the Returning Officer shall,-

- (a) fix the label containing the names and symbols of the contesting candidates in the Balloting Unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.
- (b) Set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

**63. Arrangements at the Polling Stations** – (1) Outside each polling station there shall be displayed prominently,-

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

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

(3) The Returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

**64. Admission to Polling Station** - The provision of rule 16 shall apply to regulate the entry of electors and other persons inside the polling station.

**65. Preparation of voting machine for poll** – (1) The control unit and balloting unit of every voting machine used at a polling station shall bear a label marked with,-

- (a) the serial number and the name of the ward;
- (b) the serial number and the name of the polling station;
- (c) the serial number of the unit; and
- (d) the date of poll.

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule(4) of rule 62.

(3) A paper seal shall be used for securing the control unit of the voting machine, and the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of the voting machine and shall secure and seal the same.

(5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the “result button” without breaking the seal.

(6) The control unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and the balloting unit placed in the voting compartment.

**66. Marked copy of electoral roll** – Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present, that the marked copy of the electoral roll to be used during the poll does not contain any entry other than that made with regard to issue of postal ballot papers and election duty certificates.



**67. Facilities for Women electors** – (1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

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

**68. Identification of electors** – (1) The Presiding Officer may employ at the polling station such persons, as he thinks fit to help identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer/ or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the electors have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960 issued under Representation of People Act, 1950, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf. Where such identity cards are not issued, each elector shall establish his identity by producing any such documents as are specified, by order, by the State Election Commission.

(4) In deciding the right of a person to cast his vote, the Presiding Officer or the polling officer, as the case may be, shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

**69. Facilities for public servants on election duty** – (1) The provisions of Rule 68 shall not apply to any person, who produces at the polling station an election duty certificate issued by Returning Officer and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

(2) On production of such certificate, the Presiding Officer shall

(a) obtain thereon, the signature of the person producing it;

- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

**70. Challenging of Identity** – Where the identity of an elector is challenged, the provisions of Rule 29 shall apply.

**71. Safeguard against personation** – (1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(2) If any elector,

- (a) refuse to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or
- (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 68 he shall not be allowed to vote.

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

**72. Procedure for voting by voting machines** – (1) Before permitting an elector, to vote the polling officer shall

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form – XXXIV
- (b) obtain the signature or the thumb impression of the elector on the said register of votes, and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote.

Provided that no elector shall be allowed to vote unless he has affixed his signature or thumb impression on the register of voters.

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

**73. Maintenance of secrecy of voting by electors within the polling station and voting procedure**

– (1) Every elector who has been permitted to vote under rule 72 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote the elector shall proceed to the Presiding Officer or the polling officer in-charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote.

(3) The elector shall thereafter forthwith

- (a) proceed to the voting compartment:
- (b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote, and
- (c) come out of the voting compartment and leave the polling station.

(4) Every elector shall vote without undue delay.

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

(6) If an elector who has been permitted to vote under rule 72 or rule 76 refuses after warning given by the presiding officer to observe the procedure laid down in sub-rule (3) or sub-rule (3) of Rule 76, the Presiding Officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form-XXXIV by the Presiding Officer under his signature.

**74. Recording of votes of blind or infirm electors** – (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities an elector is unable to read the names or recognise the symbols on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes,

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

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

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

**75. Elector deciding not to vote** - If an elector, after his electoral roll number has been entered in the register of voters in Form – XXXIV and has put his signature or thumb impression thereon as required under clause (b) sub-rule (1) of rule 72, decided not to record his vote, a remark to this effect shall be made against the said entry in Form – XXXIV by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

**76. Tendered Votes** – (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactory answering such questions relating to his identity as the Presiding Officer may ask, be, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be such design and the particulars of which shall be in such language or languages as the State Election Commission may specify.

(2) Every such elector shall before being supplied with tendered ballot paper affix his signature or thumb impression against the entry relating to him in a list in Form–XXXV.

(3) On receiving the ballot paper he shall forthwith, -

- (a) proceed to the voting compartment:
- (b) record there his vote on the ballot paper by placing a cross mark “X” with instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote.
- (c) fold the ballot paper so as to conceal his vote,
- (d) give it to the presiding officer who shall place it in a cover specially kept for the purpose, and
- (e) leave the polling station.

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 74 for recording the vote in accordance with his wishes.

**77. Presiding Officer's entry in the voting compartment during poll** – (1) The Presiding Officer may whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

(2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

**78. Closing of Poll** – (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under section 57 of the Act, and shall not thereafter admit any elector into the polling station.

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

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

**79. Account of votes recorded** - (1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form – XXXVI and enclose it in a separate cover with the words “Account of Votes Recorded” superscribed thereon.

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

**80. Sealing of voting machine after poll** – (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from control unit.

(2) The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the State Election Commission may direct and the seal used for securing them shall be so affixed that it will not possible to open the units without breaking the seals.

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

**81. Sealing of other packets** – (1) The Presiding Officer shall then make into separate packets, -

- (a) the marked copy of the electoral roll;
- (b) the register of voters in Form XXXIV;
- (c) the cover containing the tendered ballot papers and the list in Form XXXV;
- (d) the list of challenged votes; and
- (e) any other papers directed by the State Election Commission to be kept in a sealed packet.

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

**82. Transmission of voting machines, etc., to the Returning Officer** – (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct, -

- (a) the voting machine;
- (b) the account of votes recorded in Form XXXVI;
- (c) the sealed packets referred to in rule 81 and
- (d) all other papers used at the poll.

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

**83. Procedure on adjournment of poll** – (1) If the poll at any polling stations is adjourned under sub-section (1) of section 58 of the Act, the provisions of rules 79 to 82, shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 57 of the Act.

(2) When an adjourned poll is recommended under sub-section (2) of Section 58 of the Act, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with sealed packet containing the marked copy of the electoral roll, register of voters in Form XXXIV and a new voting machine.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for making the names of the electors who are allowed to vote at the adjourned poll.

(5) The provisions of Rules 61 to 82 shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

**84. Closing of voting machines in case of booth capturing** - Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

**85. Scrutiny and inspection of voting machines** – (1) The Returning Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are in tact.

(3) The Returning Officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(4) If the Returning Officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall report the matter to the State Election Commission.

**86. Counting of votes** – (1) After the Returning Officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked “Result” provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the election officers shall have, -

- (a) number of such votes recorded separately in respect of each candidate in Part II of Form XXXVI;
- (b) part II of Form XXXVI completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and
- (c) corresponding entries made in a result sheet in Form XXX, and the particulars so entered in the result sheet announced.

**87. Sealing of Machines** – (1) After the result of voting recorded in control unit has been ascertained candidate-wise, and entered in Form XXXVI, and in the form prescribed for this purpose, the Returning Officer shall reseal the unit with

his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the election officer shall record the following particulars, namely:-

- (a) the serial number and name of the ward;
- (b) the particulars of the polling station where the control unit has been used;
- (c) serial number of the control unit;
- (d) date of poll; and
- (e) date of counting.

**88. Custody of voting machines and papers relating to election** –(1) All voting machines used at an election shall be kept in the custody of the concerned Collector & District Election Authority or the Officer authorized by him.

(2) The Collector & District Election authority or the Officer authorized by him shall keep in the safe custody, -

- (a) the packets of marked copy of the electoral roll;
- (b) the packets containing register of voters in Form XXXIV;
- (c) the packets containing the number of votes recorded in respect of each candidate in Form XXXVI;
- (d) all other papers relating to election;

**89. Production and Inspection of voting machines and election papers** – (1) While in the custody of the Collector & District Election authority or the Officer authorized by him –

- (a) the packets of marked copy of electoral roll;
- (b) the packets containing registers of voters in Form XXXIV;

shall not be opened and their contents shall not be inspected by, or produced before any person or authority except under the order of the competent court.

(2) The control unit sealed as per the provisions of Rule 87 and kept in the custody of the Collector & District Election Authority or the Officer authorised by him and shall be stored in Government Treasury or sub-Treasury and shall not be opened and inspected by, or produced before any person or authority except under the order of the competent court.

**90. Safe custody of voting machines and all other packets** - (1) The Voting machines kept in the custody of the Collector & District Election authority or the Officer authorized by him shall be retained in tact for such period as the State



Election Commission may direct and shall not be used at any subsequent election without previous approval of the State Election Commission.

(2) All other packets relating to elections where there is no election petition, shall be destroyed as per the provisions of these rules.

**91. Power of the SEC to issue directions** - Subject to the other provisions of these rules, the State Election Commission may issue such directions as it may consider necessary to facilitate the proper use and operation of the voting machines and also as occasion requires to facilitate the holding of elections under these rules.

## CHAPTER – IV

### ELECTION EXPENDITURE RETURNS

**92. Particulars of account of election expenses:** (1) The account of election expenses to be kept by a candidate or his election agent shall contain such particulars and shall be in such proforma as may be specified by the State Election Commission.

(2) The account of Election Expenses shall be submitted to the District Election Authority through the Commissioner within forty-five days of the declaration of the result of the election. The date of submitting the return in the Office of the Commissioner shall be deemed to be the date of filing the return under Section 617C of the Act. The Commissioner shall forward all returns received by him to the District Election Authority immediately on the expiry of forty-five days from the date of declaration of the results of elections.

(3) The Commissioner shall also send a list of contesting candidates who have failed to submit the accounts of election expenditure within the time specified in sub-rule (2). He shall also forward any accounts of election expenditure submitted after the due date with his report.

**93. Notice by District Election Authority for inspection of accounts:** The District Election Authority shall, within two days from the date on which the account of election expenses has been received by him, cause a notice to be affixed to his notice board, specifying, -

- (a) the date on which the account has been lodged before the Commissioner,
- (b) the name of the candidate; and
- (c) the time and place at which such account can be inspected by any intending person.

**94. Inspection of account and the obtaining of copies thereof:** Any person shall on payment of a fee of five rupees, be entitled to inspect any such account and on payment of a fee equal to cost of making copies be entitled to obtain attested copies of such account or of any part thereof.

**95. Report by District Election Authority as to the lodging of the Account of election expenses and the decision of the State Election Commission thereon:**

(1) As soon as may be, after the expiration of the time specified in Section 617C of the Act for the lodging of the accounts of election expenses at any election, the District Election Authority shall, report to the State Election Commission, -

- (a) the name of each contesting candidate;
- (b) whether such candidate has lodged his account of election expenses, and if so, the date on which such account has been lodged; and
- (c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.

(2) Where the District Election Authority is of the opinion that the account of election expenses of any candidate has not been lodged within the due date or lodged by not in the manner required by the Act and these rules, he shall make a report to the State Election Commission and with every such report, forward the account of election expenses of that candidate and the vouchers lodged along with it, if any.

(3) Immediately after the submission of the report referred to in sub-rule (1), the District Election Authority shall publish a copy thereof affixing the same on his notice board.

(4) As soon as may be, after the receipt of the report referred to in sub-rule(1), the State Election Commission shall, consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.

(5) Where the State Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and / or in the manner required by the Act and these rules, it shall by notice in writing call upon the candidate to show cause why he should not be disqualified, and declared to have ceased to hold office in case he is elected under Section 20B of the Act for the failure.

(6) Any contesting candidate who has been called upon to show cause under sub-rule (5) may, within twenty days of the receipt of such notice, submit in respect of the matter a representation in writing to the State Election Commission, and shall at the same time send to District Election Authority a copy

of his representation together with a complete account of his election expenses if he had not already furnished such an account.

(7) The District Election Authority shall, within five days of the receipt thereof, forward to the State Election Commission, the copy of the representation and the account, if any, with such comments as he wishes to make thereon.

(8) If, after considering the representation submitted by the candidate and the comments made by the District Election Authority, and after such inquiry as it thinks fit, the State Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him by an order made under Section 20B of the Act to be ineligible for a period of three years, from the date of the said order, to contest any election held for any Office under the Act and if he is an elected candidate declare him to have ceased to hold office with immediate effect and publish the order in the Official Gazette.

**96. Maximum election expenses:** - The total of the expenditure of which account is to be kept under Section 617 B of the Act, and which is incurred or authorised in connection with an election shall not exceed the amount specified for in the order made by the State Election Commission in this behalf.

## **CHAPTER V**

### **ELECTION PETITIONS**

**97. Place of Trial:-** The trial of election petitions shall be held at such place as the Government may appoint:

Provided that a tribunal may, in its discretion sit for any part of the trial at any other place in which the election to which the petitions relates has taken place.

**98. Another person appointed as Tribunal:-** If during the course of the trial the person appointed under Section 75 of the Act, as an election tribunal, is for any reason unable to perform his functions the Government shall appoint another person as election tribunal in accordance with the provisions of Section 75 of the Act, and the trial shall thereafter be continued as if he has been appointed as the tribunal from the commencement of the trial:

Provided that the tribunal so appointed may if it thinks fit recall and re-examine any of the witness already examined.

**99. Attendance of Law Officer:-** (1) The Tribunal may require the Government Pleader incharge of Municipal Administration or some person acting under his instruction to attend at the trial.

(2) The said Government Pleader or the person acting under his instructions shall when so required, attend at the trial and shall take such part therein as the Tribunal may direct.

**100. Procedure before the Tribunal-** (1) Subject to the provisions of the Act and these rules every election petition shall be tried by the Tribunal as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Act V of 1908) to the trial of suits:

Provided that the tribunal shall have the discretion to refuse for reasons to be recorded in writing to examine any witness or witness if it is of the opinion that their evidence is not material for the decision the petition or that the party tendering such witness or witnesses in doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (1 of 1872) shall subject to the provisions of these rules be deemed to apply in all respects to the trial of an election petition.

(3) This Tribunal shall dismiss an election petition which does not comply with the provisions of sections 71, 72 or Rule 114.

(4) Any candidate not already a respondent shall upon application made to the tribunal within fourteen days from the commencement of the trial and subject to the provisions of rule 106 be entitled to be joined as respondent.

**Explanation:-** For the purpose of this sub-rule and of rule 99 the trial of petition shall be deemed to commence on the date fixed for the respondents to appear, before the Tribunal and answer the claim or claims made in the petition.

(5) The Tribunal may upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt or illegal practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment to the petition which will have the effect of introducing particulars of a corrupt or illegal practice not previously alleged in the petition.

**101. Appearance before the Tribunal:-** Any appearance, application or act before tribunal may be made or done by the party in person or by a pleader duly appointed to act in his behalf.

Provided that it shall be open to the tribunal to direct any party to appear in person.

**102. Documentary Evidence:-** Notwithstanding anything in any enactment to the contrary no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

**103. Secrecy of voting not to be infringed:-** No witness or other person shall be required to state for whom he has voted at an election.

**104. Answering of criminating questions and certificate of indemnity:-** (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture:

Provided that, –

- (a) a witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Tribunal.
- (b) an answer given by a witness to a question put by or before the Tribunal shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceedings.

(2) When a certificate of indemnity has been granted to any witness it may be pleaded by him in any Court and shall be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code (Act 45 of 1860) or under section 17 and 599 to 612 (both inclusive) of the Act arising out of the matter to which such certificate relates but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Act or any other law.

**105. Expenses of witness:-** The reasonable expenses incurred by any person in attending to give evidence may be allowed by the tribunal to such person, and shall, unless the Tribunal otherwise directs be deemed to be part of the costs.

**106. Recrimination when seat claimed:-** (1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has within fourteen days from the date of commencement of the trial, given notice to the tribunal of his intention to do so and has also given the security and the further security referred to in rule 114 and 115 respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by section 73 of the Act.

**107. Withdrawal of Petition:-** (1) An application for withdrawal of an election petition may be made before the Tribunal and such election petition may be withdrawn only by leave of the Tribunal.

(2) Where an application for withdrawal is made under sub-rule (1) notices thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

**108. Procedure for withdrawal of petitions before the Tribunal:-** (1) If there are more petitions than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(2) No application for withdrawal shall be granted if in the opinion of the Tribunal such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted, –

- (a) the petitioner shall be ordered to pay the costs of the respondent therefor incurred or such portion thereof as the tribunal may think fit;
- (b) notice of withdrawal shall be published in the Andhra Pradesh Gazette by the Tribunal;
- (c) a person who might himself have been a petitioner, may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing and upon compliance with the conditions of rule 114 as to security shall be entitled to be so substituted and to continue the proceedings upon such terms as the Tribunal may think fit.

**109. Procedure where the petitioner fails to appear:-** (1) Where the petitioner fails or if there are more petitioners than one, all the petitioners fail to appear at any stage during the trial of the petition, the Tribunal may on the application of any other person who might himself have been a petitioner and if satisfied that it is necessary for ends of justice so to do, instead of dismissing the petition for default order that person to be substituted for the original petitioner to petitioners upon such terms as it thinks just.

(2) When a petition is dismissed for default, the notice of dismissal, shall be published in the Andhra Pradesh Gazette by the Tribunal.

**110. Abatement of election petitions:-** An election petition shall abate only on the death of a sole petitioner or of the survivor or several petitioners.

**111. Abatement of petition:-** Where an election petition abates under Rule 103 notice of abatement shall be published in the Andhra Pradesh Gazette by the Tribunal.

**112. Substitution on death of Petitioner:-** After a notice of abatement of an election petition is published under rule 111 any person who might himself have been a petitioner may within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the condition of Rule 107 as to security shall be entitled to be so substituted and to continue the proceedings upon such terms as the Tribunal may think.

**113. Abatement of substitution on death of Respondent:-** If before the conclusion of the trial of an election petition the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondent dies or give such notice and there is no other respondent who is opposing the petition, the Tribunal shall cause notice of such event to be published in the Andhra Pradesh Gazette and there upon any person who might have been a petitioner may within fourteen days of such publication apply to be substituted in place of such respondent oppose the petitions and shall be entitled to continue the proceedings upon such terms as the Tribunal may think fit,

**114. Deposit Security:-** The petitioners shall enclose with the petition a Government treasury receipt showing that a deposit of rupees one thousand has been made by him either in a Government treasury or in the State Bank of Hyderabad/State Bank of India in favour of the Commissioner concerned, Municipal Corporation as security for the costs of the petition.

**115. Further Security for Costs:-** During the course of the trial of an election petition the Tribunal may at any time call upon the petitioner to give such further security for costs as the Tribunal may direct and may if he fails to do so dismiss the petition.

**116. Security for cost from a respondent:-** No person shall be entitled to be joined as a respondent under sub-rule (4) of Rule 100 unless he has given security for costs as the tribunal may direct.

**117. Costs:-** (1) Costs including pleader's fee shall be in the discretion of the Tribunal.

(2) The Tribunal may allow interest on costs at rate not exceeding three per cent per annum and such interest shall be added to the costs.

**118. Payment of costs out of Security Deposits and Return of such Deposits:-** (1) If, in any order as to costs, there is a direction for payment of costs by any party to any person, such costs shall if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party on an application made in writing in that behalf within a period of six months from the date of pronouncement of the order of the Tribunal unless an appeal is preferred therefrom in which case from the date of pronouncement of the order of the High Court to the Commissioner by the person in whose favour the costs have been awarded.

(2) If there is any balance left on any of the said security deposits after payment under sub-rule (1) of the costs referred to in that sub –rule, such balance or where no costs have been awarded or no application as aforesaid has been made within the said period of six months, the whole of the said security deposits may on an application made in that behalf to the Commissioner by the person by whom the deposits have been made or if such person dies after making such deposits, by the legal representative of such person be returned to the said person or to his legal representative as the case may be.

**119. Execution of orders as to costs:-** Any order as to costs may be produced before the principal Civil Court of original jurisdiction, within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such Court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Provided that where any such costs or any portion thereof may be recovered by an application made under sub-rule (1) of Rule 118, no application shall lie under this rule within a period of six months from the date of pronouncement of the order of the tribunal unless an appeal is preferred therefrom in which case from the date of announcement of the order of the High Court unless it is for recovery of the balance of any costs which has been left unrealised after an application has been made under the sub-rule owing to the insufficiency of the amount of the security deposits referred to in that sub-rule.

**VEENA ISH  
SECRETARY TO GOVERNMENT**



**FORM – I**

[See rule 4]

**DECLARATION AS TO CHOICE OF SYMBOLS**

I am set up at this election as a candidate for the Office for Member from  
..... Ward ..... Municipal Corporation by .....  
party.

OR

I do hereby declare that the symbols which I have chosen for my election are  
shown below in the order of preference.

- 1.
- 2.
- 3.

Date:-

Signature of the Candidate

Name:

**FORM – II**

[See rule 4]

Declaration by a candidate who is a member of any of the \*Schedule Tribes / Scheduled Castes / Backward Classes to the election to the office of Member of the Municipal Corporation of ..... from ..... Ward.

I hereby declare that I am a member of the ..... Tribe / Caste/ Class which has been declared to be \*Scheduled Tribe / Scheduled Caste / Backward Class in Group A/B/C/D/E

Signature of the Candidate.

Date:

Name:

\* Strike off whichever is inapplicable.

**FORM – III**

[See rule 4]

**DECLARATION TO ABIDE BY THE CODE OF CONDUCT**

I hereby that the code of conduct prescribed by the State Election Commission has been read by me/read over to me and I will abide by the conditions stipulated therein.

Date:

Signature of the Candidate

Name:

**Form – IV**

[See rule 5]

Serial No. ....

This nomination paper for the Election to the Office of Member of the Municipal Corporation of ..... from ..... Ward was delivered at my Office at (date and hour) ..... by the \*Candidate / Proposer.

Returning Officer /  
Assistant Returning Officer.

Date: .....

\* Strike off whichever is inapplicable.

**FORM – V**

[See rule 5]

**RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY**

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

Serial Number of Nomination Paper .....

The nomination paper of Sri/Smt/Kum..... a candidate for the election to the Office of Member of the Municipal Corporation of ..... from Ward was delivered to me at my office at ..... (hour) on ..... (date) by the \* Candidate / Proposer.

All nomination paper will be taken up for scrutiny at ..... (hour) on .....(date) at .....(Place).

Returning Officer/  
Asst. Returning Officer

\* Strike off whichever is inapplicable.

**FORM – VI**

[See rule 6]

**NOTICE OF NOMINATION**

Notice of nomination for election to the office of Member of the Municipal Corporation of ..... from ..... Ward.

<b>Sl. No</b>	<b>Name of Candidate</b>	<b>Age</b>	<b>Address</b>	<b>*Whether the candidate is a member of the Schedule Tribes / Scheduled Caste/ Backward Classes. The particular caste / Tribe /Class to which the candidate belongs</b>	<b>(ward in the electoral roll in which the name of the candidate is included and the ** serial number of candidate in electoral roll.</b>	<b>Name of proposer</b>	<b>** Serial Number of proposer in the electoral roll in which his name is included.</b>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Returning Officer /  
Asst. Returning Officer

Date: .....

- \* This column is to be filled only in the case of a (Ward) where the seat to be filled is reserved for the Scheduled Tribes /Scheduled Castes/ Backward Classes in other cases this column should be struck out.
- \*\* Where the electoral roll is sub-divided into parts and separate serial numbers, are assigned to the voters entered in each part a description of the part in which the name of the person concerned is also to be given here.

**FORM – VII**  
[See rule 7 (1)]

**CERTIFICATE OF SCRUTINY**

I have scrutinised the eligibility of the candidate contesting the election to the office of the Member of the Municipal Corporation of ..... from ..... Ward and the proposer, and find that they are respectively qualified to stand for election and to propose the nomination.

Returning Officer,

Date: .....

**FORM – VIII**

[See rule 7(2)]

**LIST OF VALIDLY NOMINATED CANDIDATES**

Election to the Office of Member of the Municipal Corporation of  
.....from ..... Ward.

---

Sl. No.	Name of Candidate	Name of Father/Husband	Address of Candidate
1	2	3	4

---

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

Returning Officer

Place .....

Date .....



**FORM – IX**

[See rule 8(1)]

**RECEIPT FOR NOTICE OF WITHDRAWAL**

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

The notice of withdrawal of candidate by Sri /Smt/ Kum .....  
a candidate at the election to the Office of Member of the Municipal Corporation of  
..... from ..... Ward was delivered to me by  
Sri /Smt/ Kum ..... the \* candidate / the candidate's proposer /  
election agent who has been authorized in writing by the candidate to deliver it at my  
Office at ..... (hour) on ..... (date).

Returning Officer.

Date .....

\* Strike off whichever is inapplicable.

**FORM – X**

[See rule 8 (2)]

**Notice of Withdrawal of Candidatures**

ELECTION TO THE WARD MEMBER/..... Municipal Corporation of .....

Notice is hereby given that the following validly nominated  
\* Candidate / candidates at the above election withdraw his  
\* Candidature / their candidatures today.

<b>Name of validly nominated candidate</b>	<b>Address of validly nominated candidate</b>	<b>Remarks</b>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Returning Officer

Date .....

\* Strike off the inappropriate alternative]

**FORM – XI**

[See rule 9]

**LIST OF CONTESTING CANDIDATES**

Election to the Office of the Member of the Municipal Corporation of .....  
from ..... Ward.

<b>Sl. No</b>	<b>Name of Candidate</b>	<b>Address of candidate</b>	<b>Party Affiliation, if any</b>	<b>Symbol assigned to the candidate</b>
1.				
2.				
3.				
4.				

*Note:* The poll will be taken between the hours of ..... and ..... (date or dates) at the polling station fixed for the poll to be notified separately.

Returning Officer.

Place .....

Date .....

**FORM – XII**

[See rule 10]

**APPOINTMENT OF ELECTION AGENT**

Election to the Office of the Member of the Municipal Corporation of .....  
from .....Ward.

To  
The Returning Officer,  
..... Ward.

I Sri/Smt/Kum..... a candidate at the above election do hereby  
appoint Sri/Smt/Kum ..... S/o ..... as my  
Election Agent from this day at the above election.

Signature of Candidate.

Place .....

Date .....

I accept the above appointment.

Signature of Election Agent

Place .....

Date .....

**FORM – XIII**

[See rule 11]

**REVOCATION OF APPOINTMENT OF AN ELECTION AGENT**

Election to the Office of the Member of the Corporation of .....  
from ..... Ward.

To  
The Returning Officer,  
..... Ward.

I Sri/ Smt/ Kum ..... a candidate at the above election hereby  
revoke the appointment of Sri/Smt/Kum..... my election agent.

Place .....

Date.....

Signature of Candidate.

**FORM – XIV**

[See rule 12]

**APPOINTMENT OF POLLING AGENT**

Election to the Office of the Member of the Municipal Corporation of .....  
from ..... Ward.

I Sri/Smt./Kum ..... a candidate / the election  
agent of Sri/Smt./Kum..... who is a candidate at the  
above election do hereby appoint Sri/Smt./Kum ..... as a  
polling agent to attend polling station No. .... at .....  
place fixed for the poll ..... on .....

Signature of Candidate / Election Agent.

Place .....

Date .....

I agree to act as such polling agent.

Signature of Polling Agent.

Place.....

Date.....

**Declaration of Polling Agent to be signed before the Presiding Officer**

I hereby declare that I will not at this election for the Office of Member to the  
Municipal Corporation of ..... from ..... Ward do anything  
forbidden by Section 602 of the Hyderabad Municipal Corporation Act, 1955 which I  
have read/ has been read over to me.

Signature of Polling Agent

Date .....

Signed before me

Presiding Officer

*Note:* The appointment order shall be made in duplicate and one copy thereof shall be  
handed over to the polling agent for production at the polling station and the other  
copy to be sent to the Returning Officer.

**FORM – XV**

[See rule 13]

**APPOINTMENT OF COUNTING AGENTS**

Election to the Office of Member of the Municipal Corporation of ..... from ..... Ward.

To  
The Returning Officer,  
..... Ward.

I Sri/ Smt./Kum ..... a candidate / the election agent of Sri/Smt/Kum..... who is a candidate at the above election do hereby appoint the following person as my counting agent to attend the counting of votes at .....

Name of Counting Agent	Address of Counting Agent
------------------------	---------------------------

- 1.
- 2.
- 3.

Signature of Candidate /  
Election Agent

We agree to act as such Counting Agents.

- 1.
- 2.
- 3.

Date:

Signature of Counting Agent

Declaration of counting agents (to be signed before the Returning Officer)

We hereby declare that we will not at this election to the Office of the Member of the Municipal Corporation of ..... from ..... Ward do anything forbidden by section 602 of the Hyderabad Municipal Corporation Act, 1955 which we have read/has been read over, by us.

- 1.
- 2.
- 3.

Signature of Counting Agent.

Date .....

Signed before me.

Returning Officer.

**FORM – XVI**

[See rule 14]

**REVOCATION OF APPOINTMENT OF POLLING AGENT**

Election to the Office of the Member of Municipal Corporation of .....  
from ..... Ward.

To

The Returning\ Officer ..... Ward.

Presiding Officer, Polling Station No. ....

I Sri/Smt./Kum ..... Candidate / Election Agent of  
Sri/Smt./Kum..... a candidate of the above election hereby  
revoke the appointment of Sri / Smt./ Kum ..... as polling agent.

Signature of Candidate / Election Agent.

Place .....

Date .....

\*Score out the word not applicable

*Note:* This form shall be induplicate.



**FORM XVII**  
[See rule 15]

**REVOCATION OF APPOINTMENT OF COUNTING AGENT**

Election to the Office of Member of Municipal Corporation of .....  
..... from.....Ward.

To  
The Returning Officer,  
..... Ward.

I Sri/Smt/Kum ..... a candidate/election Agent of  
Sri/Smt/Kum.....candidate at the above election hereby/revoke the  
appointment of Sri/Smt/Kum ..... as Counting Agent.

Place: .....  
Date: .....

Signature of Candidate/Election Agent.

\* Strike out whichever is inapplicable

**FORM – XVIII**

[See rule 25 (2) ]

**LIST OF BLIND AND INFIRM VOTERS**

Election to the Office of Member of the Municipal Corporation of  
..... from ..... Ward.

Number and Name of the Polling Station.....

---

Part No. and Sl.No. of Voter	Full Name of Voter	Full Name of Companion	Address of Companion	Signature of Companion
1	2	3	4	5

---

Date : .....

Signature of Presiding Officer.

**FORM -XIX**  
[See rule 28(2)]

**LIST OF TENDERED VOTES**

Election to the Office of Member of the Municipal Corporation of  
..... from ..... Ward.

Number and Name of the Polling Station.....

---

Part No. Name of voter	Sl.No.& Address of voter	Sl.No. of tendered Ballot paper	Sl.No. of ballot paper issued to the person who has already voted	Signature / thumb impression of person tendering vote
1	2	3	4	5

---

Date : .....

Signature of Presiding Officer.

**FORM – XX**

[See rule 29 (2) ( c )]

**LIST OF CHALLENGED VOTES**

Election to the Office of Member of the Municipal Corporation of ..... from ..... Ward.

Polling Station.

---

Sl.No.	Name of voter	Serial No. in the electoral Roll	Signature or thumb impression of the voter and his address	Name of identifier if any
1	2	3	4	5

---

---

Name of the person Challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of challenger acknowledging receipt of deposit when deposit is returned
(6)	(7)	(8)	(9)

---

Date :

Signature of Presiding Officer

**FORM – XXI**

[See rule 35]

**PART – I  
BALLOT PAPER ACCOUNT**

Election to the Office of Member of the Municipal Corporation of .....  
from ..... Ward.

Number and Name of the Polling station.  
-----

Serial Nos.

.....  
From To Total Nos.  
.....

- 1. Ballot papers received
- 2. Ballot papers unused  
(i.e., not issued to voters)  
(a) With the signature of Presiding Officer.  
(b) Without the signature of Presiding Officer.

Total : \_\_\_\_\_  
(a + b) \_\_\_\_\_

- 3. Ballot papers used at the polling station ( 1-2 ) =.....
- 4. Ballot papers used at the polling stations but not  
Inserted into the Ballot Box.  
(a) Ballot papers cancelled for violation of voting  
Procedure under Rule 29. ....  
(b) Ballot papers cancelled for other reasons. ....  
(c) Ballot papers used as tendered ballot papers.

Total : \_\_\_\_\_  
(a + b+c) \_\_\_\_\_

- 5. Ballot papers to be found in the box (3-4)  
\* Serial Number need not be given
- .....

Date :

Signature of Presiding Officer

**PART – II**  
**RESULT OF COUNTING**

.....

Name of the Candidate	Number of valid votes cast
.....	
1.	
2.	
3.	
4. etc.,	

.....

II. Rejected Ballot papers

.....

III. Total

.....

Whether the total number of ballot papers shown against item No.III above tallies with the total shown against item No.5 Part – I or any discrepancy noticed between these two totals.

.....

Place :

Date :

Signature of Counting Supervisor

Signature of the Returning Officer

**FORM XXII**

[See rule 39 (1) ]

**APPLICATION FOR ISSUE OF POSTAL BALLOT PAPER**

Election to the Office of Member of the Municipal Corporation of .....  
from ..... Ward

To  
The Returning Officer,  
..... Ward.

Sir,

I intend to cast my vote by post at the ensuing election to the Office of Member of  
the Municipal Corporation of ..... from..... Ward.

My name is entered at Serial Number ..... in Part No. ....  
of the electoral roll for ..... Ward.

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

Place : .....  
Date : .....

Yours faithfully,  
Address :.....

**FORM XXIII**  
[See rule 39 (4)]

**APPLICATION FOR ELECTION DUTY CERTIFICATE**

To  
The Returning Officer,  
Ward No. ....  
Sir,

I intend to cast my vote in person at the ensuing election to the Ward  
No..... of Municipal Corporation of .....

I have been posted on election duty within the Municipal Corporation (No. &  
name of the Polling Station) at ..... but my name is entered at  
Serial No..... Part No..... of the electoral rolls for ..... Ward  
no. .... comprised within the Municipal Corporation.

I request that an Election Duty Certificate in Form XXIV may be issued to enable  
me to vote at the polling station where I may be on duty on the polling day. It may be  
sent to me at the following address:-

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

Place .....

Date .....

Yours faithfully,  
Name( )



**FORM XXIV**

[See rule 39 (4) (a)]

**FORM OF AUTHORISATION TO VOTE OUTSIDE POLLING  
AREA**

Certified that Sri / Smt./ Kum. .... is  
an elector in the Ward No. .... of Municipal Corporation  
and is entitled to vote at ..... For ..... Ward.

..... Since he/she has been in election duty in  
connection with the election for ..... ward and is  
prevented from voting at the said station and that I have therefore authorised  
him/her to vote at any polling station in the ward.....

Station :

Date :

Signature of Returning Officer  
Ward No.....

**FORM XXV**

[See rule 40 (1) ]

Counterfoil

Election to the Office of Member of  
Municipal Corporation of .....

Postal Ballot Paper

S.No. of Ballot Paper

Electoral Roll Part No.

Serial number of voter

.....

(Perforated line for cutting)

Election to the Office of Member of  
Municipal Corporation of -----

Postal Ballot Paper

Ballot Paper

S.No. of ballot paper .....

.....

**NAMES OF CANDIDATES WITH PARTY AFFILIATION, IF ANY**

(1)

.....

(2)

.....

(3) etc.,

.....

**FORM – XXVI**  
[See rule 40 (2) (a) ]

**DECLARATION BY VOTER**

Election to the Office of Member of the Municipal Corporation of .....  
from ..... Ward.

(This side is to be used only when the voter signs the declaration himself.)

I hereby declare that, I am voter to whom the postal ballot paper bearing Serial Number  
..... has been issued at the above election.

Signature of Voter .....  
Address.....

Date : .....

**Attestation of Signature**

The above has been signed in my presence by ..... (voter) who  
is personally known to \*me/has been identified to my satisfaction by  
..... (identifier) who is personally known to me.

Signature of identifier, if any .....

Address .....

Signature of Attesting Officer.

Date : .....

Designation .....

Score out whichever is not applicable

(This side to be used when the voter cannot sign himself.)

I hereby declare that, I am the voter to whom the postal ballot paper bearing serial number ..... has been issued at the above election.

Signature of Attesting Officer on behalf of voter

Date : .....

Address of voter .....

### CERTIFICATE

I hereby certify that:-

- (1) the above named voter is personally known to \*me/has been identified to my satisfaction by ..... (identifier) who is personally known to me.
- (2) I am satisfied that the voter is \*illiterate/suffers from ..... (infirmary) and is unable to record his vote himself or sign his declaration,
- (3) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf, and
- (4) the ballot paper was marked and the declaration is signed by me on his behalf in his presence and in accordance with wishes.

Signature of identifier, if any.....

Address: .....

Signature of Attesting Officer .....

Designation .....

Address .....

Date .....

**FORM – XXVII**

[See rules 40 (2) (b) and 41 (1)]

**Cover A**

**Not to be opened before counting.**

Election to the Office of the Member of the Municipal Corporation of  
..... from ..... Ward.

**POSTAL BALLOT PAPER**

Serial No. of ballot paper

**FORM – XXVIII**

**COVER**

[See rule 40 (2) (c) ]

<b>Cover B</b>	<b>Postage Prepaid</b>
<p style="text-align: center;"><b>ELECTION – IMMEDIATE</b></p> <p style="text-align: center;"><b>POSTAL BALLOT PAPER</b></p> <p style="text-align: center;">Election to the Office of Member of the Municipal Corporation of..... from..... Ward.</p> <p style="text-align: center;">(Not to be opened before counting)</p> <p>To The Returning Officer .....</p> <p style="text-align: center;">Signature of Sender.....</p>	

## **FORM – XXIX**

(See rules 40 (2) (d), 41 (1) and 44)

### **INSTRUCTION FOR THE GUIDANCE OF VOTERS**

Election to the Office of Member of the Municipal Corporation of from  
..... Ward.

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

#### ***PART I***

#### **DIRECTIONS TO VOTERS**

1. The number of candidates to be elected is one.
2. You have only one vote.
3. You must not vote for more than one candidate. If you do, your ballot paper will be rejected.
4. Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.
5. The mark should be so placed as to indicate clearly any beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, the vote will be invalid.
6. Do not put your signature or write any word or mark, sign or writing whatsoever on the ballot paper other than the mark you are required to make thereon in accordance with paragraph 4.
7. A voter shall obtain the attestation of his signature on the declaration in Form XXVI by a Stipendiary Honourary Magistrate; or
  - (a) If he is a member of Armed Forces of Union, or, of an Armed Police Force of the State of Andhra Pradesh but is serving outside the State, by such officer as may be appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which the voter or her husband, as the case may be, is employed;
  - (b) If he is on election duty, by any Gazetted Officer; and  
If he is under preventive detention, by the superintendent of the Jail or the Commandant of the detention camp in which he is under detention.

## PART II

### Instructions for voters

- (a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in Form – XXVI also sent herewith, in the presence of a Stipendiary or Honorary Magistrate or any other officer competent to attest your signature (See direction 7 above). Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The Officer will attest your signature and return the declaration to you. You must not show your ballot paper to the Attesting Officer nor tell him how you have voted.
- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
- (d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form – XXVI as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by a messenger. You have to give your full signature in the space provided on the cover marked 'B'. No postage stamp need be affixed by you as the stamps of required value have already been affixed on larger cover marked 'B'.
- (e) You must ensure that the cover reaches the Returning Officer before\*  
..... \*(Hour) on ..... (Date)
- (f) Please note that:-
- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected, and
- (ii) if the cover reaches the Returning Officer after .....  
\*(hour) on the ..... (date), your vote will not be counted.
- (\*) Here specify the hour and date fixed for the commencement of counting of votes.



**FORM XXX**

[See rules 49(j), 51 (4) and 54 (1) ]

**FINAL RESULT SHEET**

Election to the Office of Member of the Municipal Corporation  
of..... from ..... Ward.

**PART I**

Name of the Ward:		Total No. of Voters in Ward			
Sl.No. Polling Station	No. of valid votes cast in favour of		Total valid votes	No.of rejected votes	Total No. of tendered votes
	A	B	C		
-----					
1.					
2.					
3.					
4.					

---

Total No. of votes recorded at Polling Stations.

No. of votes recorded on Postal Ballot papers.

---

Total Votes Polled

---

Returning Officer.

Place :

Date :

**FROM XXXI**

[See rule 55 (a)]

**Declaration of the Result of Election**

Election to the Office of the Member of the Municipal Corporation  
of ..... from ..... Ward.

In pursuance of the provisions contained in Section 65 of the  
Hyderabad Municipal Corporation Act, 1955 (Act II 1956) and Rule 55  
of the Andhra Pradesh Municipal Corporations (Conduct of Election of  
Members, Election Expenses and Election Petitions) Rules, 2005, I  
declare that, --

..... (Name)  
..... (Address)

Sponsored by ..... (Name of the political party)  
has been duly elected to fill the \*seat / vacancy caused due to the  
retirement of .....on ..... (Date, month and year )/  
on the expiration of his term of office / by the \*resignation of  
...../ \*death of ...../\*Election of  
..... having been declared void, from the above Ward.

Place :.....

Date :.....

Returning Officer

\*Score out the word not applicable.

**FORM XXXII**  
 [See rule 55 (b)]  
**RETURN OF ELECTION**

Election to the Office of the Member of the Municipal Corporation  
 of .....from ..... Ward.

**RETURN OF ELECTION**

Sl.No.	Name of the candidate	Party affiliation	Number of votes polled
(1)	(2)	(3)	(4)

Total number of Electors.  
 Total number of valid votes polled.  
 Total number of rejected votes.  
 Total number of tendered votes.

I declare that  
 ..... (Name)  
 .....(Address)  
 has been duly elected to fill the seat.

Place :.....  
 Date :.....

Returning Officer

**FORM XXXIII**

[See rule 56]

**CERTIFICATE OF ELECTION**

I, Returning Officer for Ward No .....of the Municipal Corporation of ..... hereby certify that I have on the .....day of 2005 declare Sri/Smt/Kum ..... of .....(party) to have been duly elected by the said Ward to be a member of the Municipal Corporation of ..... and that in token thereof I have granted to him this certificate of election.

Place.....

Date.....

Returning Officer  
(with seal)

**FORM – XXXIV**

[See rule 72 (1) (a) ]

**Register of Voters**

Election to the office of the Member of Municipal Corporation .....  
from .....Ward

No. & Name of the Polling Station \_\_\_\_\_

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

Date .....

Signature of the Presiding Officer

**FORM – XXXV**

[See rule 76 (2)]

**List of Tendered Votes**

Election to the office of the Member of Municipal Corporation .....  
From .....Ward .

No. & Name of the Polling Station \_\_\_\_\_

<b>Sl. No.</b>	<b>Name of Elector</b>	<b>Sl. No. of elector in electoral roll</b>	<b>Sl. No. in Register of voters (Form-XXXIV) of the person who has already voted in place of elector</b>	<b>Signature / Thumb impression of elector</b>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Date:

Signature of the Presiding Officer

**FORM No. XXXVI**

[See rule 79]

**PART – I**

**Account of Votes recorded**

Election to the office of the Member of Municipal Corporation .....  
From ..... Ward

No. & Name of the Polling Station \_\_\_\_\_

Identification No. of Voting Control Unit \_\_\_\_\_

Machine Number used at the polling station balloting unit \_\_\_\_\_

1. Total No. of electors assigned to the Polling Station.
2. Total No. of voters as entered in the Register of voters( Form-XXXIV)
3. No. of voters decided not to record Voters under Rule 75.
4. No. of voters not allowed to vote under Rule 73.
5. Total No. of votes recorded as per voting machine.
6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus Nos. of voters deciding not to record voters as against item No. 3 minus No. of voters as against item 4 (2-3 & 5) or any discrepancy noticed.
7. No. of voters to whom tendered ballot papers were issued under Rule 76.
8. No. of tendered ballot papers. 

_____	Sl. No	_____
From		To

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

9. Account of papers seals

1. Serial number of paper seal Sl. No. \_\_\_\_\_  
From \_\_\_\_\_ To \_\_\_\_\_
2. Total number supplied.
3. Number of paper seals used.
4. Number of unused paper seals  
returned to Returning Officer  
(Deduct item 3 from item 2)
5. Serial number of damaged paper seal, if any

**Signature of Polling Agents.**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Date  
Place

Signature of Presiding Officer  
Polling Station No.



**Part – II**

**Result of counting**

<b>Sl.No.</b>	<b>Name of the Candidate</b>	<b>No. of Votes recorded</b>
1		
2		
3		
3		
4		
5		
6		
7		
8		
9		
10		

Total:

Whether the total nos. of votes shown above tallies with the total No. of votes shown against item 5 of Part – I or any discrepancy noticed between the two totals. If any discrepancy noticed, the reasons for discrepancy are .....

Place:

Date:

Signature of Counting Supervisor  
Name of the candidate/election agent/counting agent  
Full signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Signature of Returning Officer

**STATE ELECTION COMMISSION**  
3<sup>rd</sup> Floor, Buddha Bhavan, M.G.Road, Secunderabad – 500 003

**ORDER**

**Order No.588/SEC-F1/2011**

**Dated:20.12.2011**

Sub: SEC – Elections to local bodies – Disclosure of information relating to Criminal Antecedents, Assets and Liabilities and Educational Qualifications along with Nomination paper by the candidates contesting Local Body elections – Revised format and reiteration of instructions – Issued.

>><<

- (1) The State Election Commission vide its order No.809/SEC-B1/2003,dt.06-09-2003 and No.809/SEC-B1/2003-8, dt.20-10-2003 made it mandatory to the contesting candidates in local body election to disclose information relating to their criminal antecedents, assets and liabilities and educational qualifications along with their nomination paper and prescribed formats in which information shall be disclosed taking a cue from the order issued by the Election Commission of India in pursuance of Supreme Court Judgement and Order dt.13-03-2003 in civil Appeal No.4909/2002.
- (2) Subsequently, provisions have been made on this subject in the relevant rules relating to Conduct of Elections to Rural and Urban Local bodies.
- (3) Sub-Rule (2) of Rule 4 of A.P. Municipal Corporations (Conduct of Election of Members) Rules, 2005 stipulate that “every candidate contesting for the office of the **Member, Municipal Corporation** shall along with the nomination paper also file **an affidavit** with regard to criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and **in the prescribed format sworn before a Notary Public or a Magistrate of the First Class**”.
- (4) Sub-Rule (9) of Rule (8) of A.P. Municipalities (Conduct of Election of Members) Rules, 2005 stipulate that “every candidate contesting for the office of the **Member, Municipality / Nagar Panchayat** shall, along with the nomination paper also file **a declaration** with regard to his criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and **in the prescribed format attested by two witnesses.**”
- (5) Sub-Rule (3) of Rule 9 of Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006 stipulates that every candidate shall, along with the nomination paper also file a declaration with regard to his criminal antecedents, assets and liabilities

and education qualifications as required by the State Election Commission and in the prescribed format attested by two witnesses.

- (6) Recently Election Commission of India made some modifications in the formats prescribed for disclosure of said information by the candidates contesting in elections to the Council of States, House of People, State Legislative Assembly of a State, Legislative Council of a State for better and more effective dissemination of information to the electors about the background of the candidates. Taking a cue from this, the State Election Commission also decided to make the same modifications in the format prescribed for disclosure of information by the candidates in local body elections to achieve the same objectives.
- (7) Now therefore, in pursuance of the provisions made in the A.P. Municipal Corporations (Conduct of Election of Members) Rules, 2005, A.P. Municipalities (Conduct of Election of Members) Rules, 2005, Andhra Pradesh Panchayat Raj (Conduct of Elections) Rules, 2006 as mentioned above and in exercise of its powers conferred under Article 243 K and Article 243 ZA of the Constitution of India and all other powers hereunto enabling it in this behalf, the State Election Commission hereby prescribe revised formats for disclosure of information by the candidates contesting in local body elections and also reiterates instructions issued earlier on the subject as follows:-

Every candidate contesting to the office of the **Member of a Municipal Corporation**, or his proposer shall, along with his/her nomination papers file **an affidavit in the format prescribed in Annexure-I to this Order sworn before a Notary Public or a Magistrate of the First Class on a stamp paper of the value of Rs.20/-**. Full and complete information, shall be furnished, in regard to all the matters specified in the format.

Every candidate contesting elections to the office of **Member of a Municipality/Nagar Panchayats**, or his/her proposer, shall along with the nomination paper file **a self declaration in the format prescribed in Annexure-II to this Order attested by two witnesses which can be given on a plain paper**. Full and complete information, shall be furnished in regard to all the matters specified in the format.

Every candidate contesting elections to the office of **Member and Sarpanch of Gram Panchayat, Member of Mandal Parishad and Member of Zilla Parishad**, or his/her proposer, shall along with the nomination paper file **a self declaration in the format prescribed in Annexure-II to this Order attested by two witnesses which can be given on a plain paper**. Full and complete information, shall be furnished in regard to all the matters specified in the format.

Failure on the part of the candidate or his/her proposer to file affidavit / declaration as the case may be, make the nomination of the defaulting candidates liable to be rejected by the Election Officer / Returning Officer concerned as per relevant rules.

**If the prescribed affidavits / self-declarations, as the case may be, have been filed but are found or considered to be defective or containing, false information, the nomination should not be rejected on this ground.**

The information so furnished by each candidate in the aforesaid declaration or affidavit, as the case may be, shall be disseminated by the concerned Election Officer / Returning Officer by displaying a copy of the declaration/affidavit on the notice board of his office and also by making copies thereof available to all other candidates on demand and to the representatives of the print and electronic media.

- (vii) If any rival candidate furnishes information to the contrary, by means of a declaration attested by two witnesses in case of Municipalities, Nagar Panchayats, Gram Panchayats, Mandal Parishads and Zilla Parishads and by means of sworn affidavit, in case of Municipal Corporation, then such declaration/ sworn affidavit of the rival candidate shall also be disseminated along with the declaration/affidavit of the candidate concerned in the manner directed above;

All the Collectors & DEAs, the Commissioners of all Municipal Corporations, all Municipal Commissioners, all District Panchayat Officers, all Chief Executive Officers of Zilla Parishads, all Mandal Parishad Development Officers and the Returning Officers / Election Officers are directed to ensure that the copies of this order along with Annexure – I / Annexure – II are delivered to the candidate along with the nomination paper.

**(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)**

**Sd/- K. Ram Gopal  
SECRETARY**

**To**

All the Collectors & DEAs in the State.  
The Commissioners of all the Municipal Corporations in the State.  
All the Municipal Commissioners in the State.  
All District Panchayat Officers in the State.  
All Chief Executive Officers of Zilla Parishads in the State.  
All Mandal Parishad Development Officers in the State through the concerned Chief Executive Officer of Zilla Parishad.  
All the Political Parties.

**Copy to :-**

The Commissioner & Director of  
Municipal Administration, AP., Hyderabad  
The Commissioner of Panchayat & for strict  
Rural Employment, AP., Hyderabad.

} With a request to issue appropriate  
instructions to all the concerned  
implementation of the orders.

**Annexure – I**

**(to Order No.588/SEC-F1/2011, Dt. 20-12-2011)**

**(Affidavit sworn before a Notary Public or a Magistrate of the First Class on the required stamp paper to be furnished by the candidate contesting the office of Member of Municipal Corporation along with Nomination Paper before the Returning Officer)**

**For election to.....(Name of the Municipal Corporation)**  
**From.....Ward (No. & Name of the Ward)**

I....., son/daughter/wife of.....  
Aged.....years, resident of.....(mention full postal address), a candidate at the above Election, do hereby solemnly affirm and state on oath as under:-  
(strike out whichever is not applicable)

(1) I am a candidate set up by------(name of the political party ) / am contesting as an Independent candidate.

(2) **Details of PAN and status of filing of Income tax return :**

Sl. No.	Names	Permanent Account Number (PAN)	The financial year for which the last Income-tax return has been filed	Total income shown In Income Tax Return ( in Rupees)
1.	Self			
2.	Spouse-			
3.	Dependent 1			
4.	Dependent 2			
5.	Dependent 3			
	.....			

(3) The following case(s) is/ are pending against me in which cognizance has been taken by the court:-

Sl. No.	Offence	Description
(a)	The details of cases where the court has taken cognizance, Sections of the Act and description of the offence for which cognizance taken :	
(b)	Name of the court, Case No. and Date of order taking cognizance :	
(c)	Details of Appeal (s) / Application(s) for revision (if any) filed against the above order(s) :	

**4. Cases in which I have been convicted by a court of law (other those referred to in Form 26):**

(a)	The details of cases, Sections of the Act and description of the offence for which convicted :	
(b)	Name of the Court(s), Case No. and Date(s) of order(s) :	
(c)	Punishment imposed :	

**(5) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:**

**A. Details of movable assets :**

(Note:

1. Assets in joint name indicating the extent of joint ownership will also have to be given
2. In case of deposit/Investment, the details including Serial Number, Amount, Date of Deposit, the Scheme, Name of Bank/ Institution and Branch are to be given
3. Value of Bonds/Share/Debentures as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non- listed companies should be given.
4. Dependent`, here means a person, substantially dependent on the income of the candidate.
5. Details including amount is to be given separately in respect of each investment)

S. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand					
(ii)	Details of Deposits in Bank accounts (FDRs, Term Deposits and all other types of Deposits including saving accounts), Deposits with Financial Institutions, Non Banking Financial Companies and Cooperative societies and the amount in each such deposit					
(iii)	Details of investment in Bonds, Debentures / shares and units in companies Mutual Funds and others and the amount.					
(iv)	Details of investment in NSS, Postal Savings, Insurance Policies and investment in any Financial Instrument in Post office or Insurance Company and the amount					
(v)	Personal loans/advance given to any person or entity including firm, Company, Trust etc. and other receivables from debtors and the amount.					
(vi)	Motor Vehicles/Aircrafts/Yachts/Ships (details of Make, Registration No. etc, Year of Purchase and amount )					

(vii)	Jewelry, bullion and valuable thing (give details of weight and value)					
(viii)	Any other assets such as value of Claims/interest					
(ix)	<b>Gross Total value</b>					

**B. Details of Immovable assets:**

(Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated  
2 . Each land or building or apartment should be mentioned separately in this format.)

S. No	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	<b><u>Agricultural Land</u></b> Location(s) Survey number(s)					
	Area (Total measurement in acres)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of Land (in case of purchase)at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(ii)	<b><u>Non-Agricultural Land</u></b> Location(s) Survey number(s)					
	Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(iii)	<b><u>Commercial Buildings</u></b> (including apartments) -Location(s) -Survey number(s)					
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					

	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the property by way of development, construction etc.					
	Approximate Current market Value					
(iv)	<b>Residential Buildings</b> (including apartments,) -Location(s) - Survey number(s)					
	Area (Total measurement in sq. ft.)					
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(v)	<b>Others</b> (such as interest in property)					
(vi)	<b>Total of Current Market Value of (i) to (v) above</b>					

**(6) I give herein below the details of liabilities/ dues to public financial institutions and government :-**

**(Note: Please give separate details of name of Bank, institution, entity or individual and amount for each item)**

S. No.	Description	Self	Spouse(s)	Dependent-1	Dependent-2	Dependent-3
(i)	<b>Loan or dues to Bank/Financial Institution(s)</b> Name of Bank or FI Amount outstanding Nature of loan					
	<b>Loan or dues to any individuals/ Entity other than mentioned in (i) above.</b> Name(s) Amount outstanding Nature of loan					
	<b>Any other liability</b>					
	<b>Grand total of liabilities</b>					
(ii)	<b>Government Dues:</b> Dues to departments dealing with government accommodation					
	Dues to departments dealing with supply of water					
	Dues to departments dealing with supply of electricity					



	Dues to departments dealing with supply of telephones/mobiles					
	Dues to departments dealing with government transport (including aircrafts and helicopters)					
	Income Tax Dues					
	Wealth Tax Dues					
	Service Tax Dues					
	Municipal /Property Tax Dues					
	Sales Tax Dues					
	Any other dues					
	<b>Grand total of all Govt. dues</b>					

**(7) Details of profession or occupation:**

a. Self.....

b. Spouse .....

**(8) My educational qualification is as under:**

(Give details of highest School / University education with full form of the certificate/ diploma/ degree course) (Name of the School /College/ University and the year in which the course was completed.)

**(9). ABSTRACT OF THE DETAILS GIVEN IN (1) TO (8) ABOVE:**

1.	Name of the candidate	Sh./Smt./Kum.					
2.	Full postal address						
3.	Number and Name of the constituency and state						
3.	Name of the Political party which set up the candidate (otherwise write 'Independent')						
4.	(a) Number of cases in which conviction order passed (other than those referred to in Form 26)						
	(b) Total number of Pending cases where the court (s) have taken cognizance						
5.	<b>PAN of</b>	<b>Year for which last Income Tax Return filed</b>			<b>Total Income Shown</b>		
	(a) Candidate						
	(b) Spouse:						
	(c) Dependents						
6.	<b>Details of Assets and Liabilities in rupees</b>						
		<b>Description</b>	<b>Self</b>	<b>Spouse</b>	<b>Dependent-I</b>	<b>Dependent-II</b>	<b>Dependent-III</b>

A.		<b>Movable Asset (Total value)</b>					
B.		<b>Immovable Asset</b>					
	(i)	Purchase Price and Development Cost of Immovable Property (Total Value)					
	(ii)	Approximate Current Market Price of Asset (Total Value)					
<b>7</b>		<b>Liabilities</b>					
		(i) Government dues (Total)					
		(ii) Loans from Bank, Financial Institutions and others (Total)					
8.	<b>Highest educational qualification:</b> (Give details of School / University education with full form of the certificate/ diploma/ degree course) (Name of the School /College/ University and the year in which the course was completed.)						

#### VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from. I further declare that :

- (a) there is no case of conviction or pending case against me other than those mentioned in items 3 and 4 above; (b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 5 and 6 above.

Verified at.....this the.....day of.....201.....

#### DEPONENT

- Note:**
1. Affidavit should be filed along with nomination. If any candidate fails to file affidavit along with nomination he/she should file it latest by 3.00 PM on the last date of making nomination.
  2. Affidavit should be sworn before a Magistrate of the First Class or before a Notary Public on a stamp paper of the value of Rs.20/-.
  3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable”, as the case may be, should be mentioned.
  4. The affidavit should be either typed or written legibly and neatly.

## Annexure – II

(to Order No.588/SEC-F1/2011, Dt. 20-12-2011)

**(Self declaration attested by two witnesses to be furnished by the candidate contesting office of Member of Municipality/ Nagar Panchayat / Gram Panchayat/ MPTC/ZPTC along with Nomination Paper before the Election Officer/ Returning Officer)**

For election to the office of Member .....Ward (Ward No. & Name if any) of ..... Municipality / Nagar Panchayat (or) Sarpanch or Member of .....Ward of .....Gram Panchayat (or) ..... MPTC / ZPTC of ..... Mandal Parishad/Zilla Parishad

I....., son/daughter/wife of.....  
Aged.....years, resident of.....(mention full postal address), a candidate at the above Election, do hereby solemnly affirm and state on oath as under:-  
(strike out whichever is not applicable)

(1) I am a candidate set up by------(name of the political party ) / am contesting as an Independent candidate.

**(2) Details of PAN and status of filing of Income tax return :**

Sl. No.	Names	Permanent Account Number (PAN)	The financial year for which the last Income-tax return has been filed	Total income shown In Income Tax Return ( in Rupees)
1.	Self			
2.	Spouse-			
3.	Dependent 1			
4.	Dependent 2			
5.	Dependent 3 .....			

**(3) The following case(s) is/ are pending against me in which cognizance has been taken by the court:-**

Sl. No.	Offence	Description
(a)	The details of cases where the court has taken cognizance, Sections of the Act and description of the offence for which cognizance taken :	
(b)	Name of the court, Case No. and Date of order taking cognizance :	
(c)	Details of Appeal (s) / Application(s) for revision (if any) filed against the above order(s) :	

**4. Cases in which I have been convicted by a court of law (other those referred to in Form 26):**

(a)	The details of cases, Sections of the Act and description of the offence for which convicted :	
(b)	Name of the Court(s), Case No. and Date(s) of order(s) :	
(c)	Punishment imposed :	

**(5) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:**

**A. Details of movable assets :**

(Note:

1. Assets in joint name indicating the extent of joint ownership will also have to be given
2. In case of deposit/Investment, the details including Serial Number, Amount, Date of Deposit, the Scheme, Name of Bank/ Institution and Branch are to be given
3. Value of Bonds/Share/Debentures as per the current market value in Stock Exchange in respect of listed companies and as per books in case of non- listed companies should be given.
4. Dependent`, here means a person, substantially dependent on the income of the candidate.
5. Details including amount is to be given separately in respect of each investment)

S. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand					
(ii)	Details of Deposits in Bank accounts (FDRs, Term Deposits and all other types of Deposits including saving accounts), Deposits with Financial Institutions, Non Banking Financial Companies and Cooperative societies and the amount in each such deposit					
(iii)	Details of investment in Bonds, Debentures / shares and units in companies / Mutual Funds and others and the amount.					
(iv)	Details of investment in NSS, Postal Savings, Insurance Policies and investment in any Financial Instrument in Post office or Insurance Company and the amount					
(v)	Personal loans/advance given to any person or entity including firm, Company, Trust etc. and other receivables from debtors and the amount.					
(vi)	Motor Vehicles / Aircrafts / Yachts / Ships (details of Make, Registration No. etc, Year of Purchase and amount)					
(vii)	Jewelry, bullion and valuable thing (give details of weight and value)					

(viii)	Any other assets such as value of Claims / interest					
(ix)	<b>Gross Total value</b>					

**B. Details of Immovable assets:**

(Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated  
2. Each land or building or apartment should be mentioned separately in this format.)

S. No	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	<b><u>Agricultural Land</u></b>					
	Location(s) Survey number(s)					
	Area (Total measurement in acres)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(ii)	<b><u>Non-Agricultural Land</u></b>					
	Location(s) Survey number(s)					
	Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(iii)	<b><u>Commercial Buildings</u></b> (including apartments) -Location(s) -Survey number(s)					
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the property by way of development, construction etc.					
	Approximate Current market Value					

(iv)	<b>Residential Buildings</b> (including apartments, -Location(s) - Survey number(s))					
	Area (Total measurement in sq. ft.)					
	Built up Area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or NO)					
	Date of purchase in case of self acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any Investment on the land by way of development, construction etc.					
	Approximate Current market value					
(v)	<b>Others</b> (such as interest in property)					
(vi)	<b>Total of Current Market Value of (i) to (v) above</b>					

(6) I give herein below the details of liabilities/ dues to public financial institutions and government :-

(Note: Please give separate details of name of Bank , institution, entity or individual and amount for each item)

S. No.	Description	Self	Spouse(s)	Dependent-1	Dependent-2	Dependent-3
(i)	<b>Loan or dues to Bank/Financial Institution(s)</b> Name of Bank or FI Amount outstanding Nature of loan					
	<b>Loan or dues to any individuals/ Entity other than mentioned in (i) above.</b> Name(s) Amount outstanding Nature of loan					
	<b>Any other liability</b>					
	<b>Grand total of liabilities</b>					
(ii)	<b>Government Dues:</b> Dues to departments dealing with government accommodation					
	Dues to departments dealing with supply of water					
	Dues to departments dealing with supply of electricity					
	Dues to departments dealing with supply of telephones/mobiles					
	Dues to departments dealing with government transport (including aircrafts and helicopters)					
	Income Tax Dues					
	Wealth Tax Dues					
	Service Tax Dues					

	Municipal /Property Tax Dues					
	Sales Tax Dues					
	Any other dues					
	<b>Grand total of all Govt. dues</b>					

**(7) Details of profession or occupation:**

- a. Self.....  
b. Spouse .....

**(8) My educational qualification is as under:**

(Give details of highest School / University education with full form of the certificate/ diploma/ degree course) (Name of the School /College/ University and the year in which the course was completed.)

**(9). ABSTRACT OF THE DETAILS GIVEN IN (1) TO (8) ABOVE:**

1.	Name of the candidate	Sh./Smt./Kum.				
2.	Full postal address					
3.	Number and Name of the constituency and state					
3.	Name of the Political party which set up the candidate (otherwise write 'Independent')					
4.	(a) Number of cases in which conviction order passed (other than those referred to in Form 26)					
	(b) Total number of Pending cases where the court (s) have taken cognizance					
5.	<b>PAN of</b>	<b>Year for which last Income Tax Return filed</b>		<b>Total Income Shown</b>		
	(a) Candidate					
	(b) Spouse:					
	(c) Dependents					
6.	<b>Details of Assets and Liabilities in rupees</b>					
	<b>Description</b>	<b>Self</b>	<b>Spouse</b>	<b>Dependent-I</b>	<b>Dependent-II</b>	<b>Dependent-III</b>
A.	<b>Movable Asset (Total value)</b>					
B.	<b>Immovable Asset</b>					
	(i) Purchase Price and Development Cost of Immovable Property (Total Value)					

	(ii)	Approximate Current Market Price of Asset (Total Value)					
<b>7</b>		<b>Liabilities</b>					
		(i) Government dues (Total)					
		(ii) Loans from Bank, Financial Institutions and others (Total)					
8.	<b>Highest educational qualification:</b> (Give details of School / University education with full form of the certificate/ diploma/ degree course) (Name of the School /College/ University and the year in which the course was completed.)						

### DECLARATION

I, do hereby declare that the contents of this self declaration are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

This declaration is made on the day of .....(Date to be mentioned).

#### WITNESSES (with Name & Address)

1)

2)

### DECLARANT

- Note:**
1. Self declaration with two witnesses should be filed along with nomination. If any candidate fails to file self declaration along with nomination he/she should file it latest by 3.00 PM on the last date of making nomination.
  2. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable”, as the case may be, should be mentioned.
  3. The self-declaration should be either typed or written legibly and neatly.
  4. For the measurements in various items in the Part relating to assets, the locally used and accepted units of measurements should alone be given.



**Andhra Pradesh Municipal Corporations (Conduct of Election of  
Mayor and Deputy Mayor) Rules, 2005,  
G.O.Ms.No.762, M.A. & U.D.(Ele.II), 19-08-2005**

<b>Rule No</b>	<b>Contents</b>	<b>Page No</b>
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**MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (ELE.II)  
DEPARTMENT**

**ANDHRA PRADESH MUNICIPAL CORPORATIONS (CONDUCT OF  
ELECTION OF MAYOR AND DEPUTY MAYOR) RULES, 2005**

**(G.O.Ms.No.762, Municipal Administration & Urban Development (ELE.II),  
19<sup>th</sup> August, 2005)**

In exercise of the powers conferred by sub-section(1) of Section 585 read with Section 90 of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956), Sections 7 and 11 of the Visakhapatnam Municipal Corporation Act, 1979 (Act No.XIX of 1979), Section 7 of the Vijayawada Municipal Corporation Act, 1981 (Act No.XXIII of 1981) and Sections 14 and 18 of the Andhra Pradesh Municipal Corporations Act, 1994 (Act No.XXV of 1994), and in supercession of all the existing rules on the subject, the Governor of Andhra Pradesh, hereby, makes the following rules relating to conduct of election of Mayor and Deputy Mayor of Municipal Corporation.

**PART - I**

**Preliminary**

**1. Short title:** (i) These Rules may be called the Andhra Pradesh Municipal Corporations (Conduct of Election of Mayor and Deputy Mayor) Rules, 2005.

(ii) These rules shall apply to all Municipal Corporations in the State.

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

- (i) "Act" means the Hyderabad Municipal Corporations Act, 1955 (Act II of 1965);
- (ii) "Election Authority" means such officer or authority as may be appointed by the State Election Commission under clause (15 a) of Section 2;
- (iii) "Form" means the Form appended to these Rules;
- (iv) "Section" means a section of the Act; and
- (v) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

**3. Powers of Election Authority:** Subject to the general superintendence, direction and control of the State Election Commission, the Election Authority shall be responsible for the conduct of elections of the Mayor and Deputy Mayor.

## **PART – II**

### **Election of Mayor and Deputy Mayor of Municipal Corporation**

**4. Convening of Special Meeting for Election of Mayor:** (1) A special meeting of the members of Municipal Corporation specified in sub-sections (1) and (1A) of Section 5 of the Act shall be held in the office of the Municipal Corporation by the District Collector or Joint Collector authorised by the Election Authority in this behalf in Form I, for the election of Mayor and Deputy Mayor in the manner laid down hereafter.

(2) Notice of the date and hour of such meeting shall be given in Form – II to the members specified in sub-sections (1) and (1A) of section 5 of the Act atleast three clear days in advance of the date of the meeting fixed for the election of the Mayor and Deputy Mayor by the District Collector or the Joint Collector authorised by the Election Authority.

**5. Quorum:** No meeting for the conduct of election of Mayor or Deputy Mayor shall be held unless there be present at the meeting atleast one-half of the number of members then on the Corporation, who are entitled to vote at the election within one hour from the time appointed for the meeting.

Provided that where at an election held for the purpose, the Mayor or Deputy Mayor is not elected, a fresh election shall be held on the next day whether or not it is a public holiday for the Corporation concerned and where the Mayor or Deputy Mayor could not be elected on the next day also, the matter shall be reported to the State Election Commission for fixing another date for holding election.

Provided further, that where the election of Mayor or Deputy Mayor could not be conducted in the first two special meetings, convened for the purpose for want of quorum, the Mayor or Deputy Mayor shall be elected in the subsequent meeting/meetings convened for the purpose from among the members present without insisting for quorum.

**Explanation:** - For the purpose of this rule, it is hereby clarified that in determination of one-half of the members under this rule, any fraction below 0.5 should be ignored and any fraction of 0.5 or above shall be taken as one.

**6. Manner of election:** (1) A candidate for the office of Mayor or Deputy Mayor shall be proposed by one member and seconded by another, who are entitled to vote. If any candidate claims to be contesting on behalf of a recognised political party, he shall produce an authorisation, from the President of the Party in the State or a person duly authorised by the State President under his office seal and such authorisation shall be produced before the Presiding Officer on or before 10.00 A.M. on the day of the election.

The names of all candidates validly proposed and seconded shall be read out, along with the name of the Political Party which has set him up, by the Presiding Officer in such a meeting.

(2) If only one candidate is duly proposed, there shall be no election and he shall be declared to have been elected.

(3) If there are two or more such candidates, an election shall be held by show of hands and votes taken of the members present at the meeting.

(4) When an election notice is issued for conducting election to both the offices of Mayor and Deputy Mayor, no election to the office of the Deputy Mayor shall be conducted, unless the office of the Mayor is filled up. Only after completion of election of Mayor, the Presiding Officer shall conduct election of Deputy Mayor.

(5) The Presiding Officer shall thereafter record the number of votes polled, for each such candidate ascertained by show of hands. He shall announce the number of votes secured by each candidate and shall declare the candidate who secures the highest number of votes, as elected.

(6) In the event of there being an equality of votes between two or more candidates, the Presiding Officer shall draw lots in the presence of the members and the candidates whose name is first drawn shall be declared to have been duly elected.

(7) Every recognised political party may appoint on behalf of that political party a whip and intimation of such appointment shall be issued by the State President or a person authorised by him under his seal and such intimation shall be sent to the Presiding Officer to reach him on or before 11.00 A.M. on the day preceding the day of election to the Office of the Mayor and Deputy Mayor.

**Explanation:** - Recognised political party means a political party recognised by Election Commission of India, New Delhi as per the provisions of Election Symbols (Reservation and Allotment) Order, 1968 issued under article 324 of Constitution of India.

(8) (i) Any member of the Corporation, elected on behalf of a recognised political party shall cease to be a Member of the Corporation for disobeying the directions of the Party Whip so issued.

(ii) The Presiding Officer shall, on receipt of a written report from the party Whip within three days of the election that a member belonging to his party has disobeyed the Whip issued in connection with the election, give a show-cause notice to the member concerned as to why he should not be declared to have ceased to hold office and that he should make any representation within seven days from the date of the notice. The Presiding Officer shall, consider any explanation given and pass a speaking order in the matter of cessation for disobedience of the Whip. If no explanation is received, the Presiding Officer shall pass an order on the basis of the material available with him.

**7. Record of Proceedings:** Immediately after the declaration of the result of the election, the Presiding Officer, shall, -

- (a) prepare a record of the proceedings of the meeting and sign it attesting with his initials every correction made therein and shall also have the said record of proceedings attested by a majority of the members who participated in the meeting.
- (b) publish on the notice board of the Corporation a notice signed by him stating the name of the person elected as Mayor and Deputy Mayor of the Corporation and send a copy of such notice to the State Election Commission, the Commissioner and Director of Municipal Administration. A copy of the notice shall also be given to the candidate who is declared elected as Mayor/Deputy Mayor.

### **PART – III**

#### **Filling up of Casual Vacancies in the Office of Mayor and Deputy Mayor of Municipal Corporation**

**8. Procedure for filling casual vacancies:** The Rules in Part–II shall apply for filling up a casual vacancy in the office of the Mayor and Deputy Mayor.

Provided that every casual vacancy shall be filled up within a period of six months from the date of occurrence of such vacancy.

**VEENA ISH,  
SECRETARY TO GOVERNMENT**

**FORM – I**

[See Rule 4(1)]

I, .....  
(name & designation) being the Election Authority, hereby authorise  
Sri..... (name &  
designation), to convene the special meeting of the elected and ex-  
officio members of the Municipal Corporation .....  
for election of the Mayor and Deputy Mayor of  
..... Municipal Corporation.

Place: (Signature)  
Date: Election Authority

**FORM - II**

**Notice of Special Meeting for Election of Mayor and Deputy Mayor**

[See Rule 4(2)]

Notice is hereby given to Sri.....  
elected /ex-officio member of the .....  
Municipal Corporation that a special meeting of the members of the  
Municipal Corporation will be held at (time.....) on  
(date)..... at its office for the election of the  
Mayor and Deputy Mayor. The member is requested to make it  
convenient to attend the meeting.

Place: (Signature)  
Date: District Collector/Joint Collector,  
authorised by the Election Authority

## Visakhapatnam Municipal Corporation Act 1979

[Act No.19 of 1979]

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**Visakhapatnam Municipal Corporation Act 1979**  
**[Act No.19 of 1979]**

**[12<sup>th</sup> July, 1979]**

An act to provide for the establishment of a Municipal Corporation for the City of Visakhapatnam.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirtieth Year of Republic of India as follows:

**1. Short title and commencement :-** (1) This Act may be called the Visakhapatnam Municipal Corporation Act, 1979.

(2) It shall be deemed to have come into force on the 16<sup>th</sup> April, 1979.

**2. Definitions :-** (1) In this Act, unless the context otherwise requires:-

(a) "Corporation" means the Municipal Corporation of Visakhapatnam deemed to have been constituted under Section 3;

(b) "Council" means the Municipal Council of Visakhapatnam;

(c) "Municipality" means the Visakhapatnam Municipality;

(d) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clause (24) and (25) of Article 366 of the Constitution of India.

(2) All words and expressions used in this Act and not defined but defined in the Hyderabad Municipal Corporations Act, 1955, shall have the meanings respectively assigned to them in the Act.

**3. Establishment of a Municipal Corporation for the city of Visakhapatnam:-** (1) with effect on and from the commencement of this Act, the local area included in the Visakhapatnam Municipality shall constitute the city of Visakhapatnam for purposes of this Act; and from such commencement, a Municipal Corporation shall be deemed to have been established for the said city by the name of Visakhapatnam Municipal Corporation.

Provided that the Government may, from time to time, after consultation with the Corporation, by notification in the Andhra Pradesh Gazette, alter the limits of the city constituted under this sub-section so as to include therein or to exclude therefrom, the areas specified in the notification.

Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.

(2) The Corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) The Visakhapatnam Municipality functioning immediately before the commencement of this Act shall be deemed to have been abolished from such commencement.



**4. Municipal Authorities:-** The Municipal authorities charged with carrying out the provisions of this Act shall be:

- (a) a Corporation;
- (b) a Standing Committee;
- (c) a Commissioner.

**5. Constitution of Corporation:-** [(1) Subject to the provisions of sub-section (2) the Corporation shall consist of such number of elected members as may be notified from time to time by the Government in the Andhra Pradesh Gazette, in accordance with such principles as may be prescribed.]

[(2) x x x x]

[(2-A) In addition to the members referred to in sub-sections (1) and (1-A) three persons having special knowledge or experience in Municipal Administration of whom one shall be women, be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age;

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.

(2-B) Two persons belonging to the minorities of whom one shall be woman co-opted as members of the Corporation in the prescribed manner by the members of the Corporation specified in sub-sections (1) and (1-A) from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.]

[(3) In the Corporation out of the total strength of elected Members, the Government shall, subject to the rules as may be prescribed, by notification, reserve,--

- (a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by them, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Corporation, as the population of the Scheduled Castes, as the case may be, the Scheduled Tribes in the Corporation bears to the total population of the Corporation; and such seats may be allotted by rotation by different wards in the Corporation;
- (b) one-third of the seats for the members belonging to the Backward Classes; and such seats may be allotted by rotation to different wards in the Corporation;

- (c) not less than one-third of the total number of seats reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes;
- (d) not less than one-third (including the number of seats reserved, for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to the Corporation shall be reserved for women and such seats may be allotted by rotation to different Wards in the Corporation.

*Explanation:--* In this section,--

- (i) the expression 'Scheduled Castes' and 'Scheduled Tribes' shall have the same meanings respectively assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India.
- (ii) the expression 'Backward Classes' means any socially and educationally Backward Classes of citizens recognized by the Government for the purpose of clause (4) of Article 15 of the Constitution of India.]

**7. Application of the provisions of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956) to the Corporation:--** (1) Save as otherwise expressly provided herein, all the provisions of the Hyderabad Municipal Corporations Act, 1955 (hereinafter in this section called "the said Act") including the provisions relating to the levy and collection of any tax or fee are hereby extended to and shall apply *mutatis mutandis* to the Corporation and the said Act shall, in relation to the Corporation be read and construed as if the provisions of the Act had formed part of the said Act.

(2) For the purpose of facilitating the application of the provisions of the Hyderabad Municipal Corporation Act, 1955 to the Corporation, the Government may, by notification, make such adaptations and modifications of the said Act and the Rules and bye-laws thereunder whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon the said Act and the rules made thereunder, shall apply to the Corporation subject to the adaptation and modifications so made.

(3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the said Act, or the rules made thereunder, any Court, Tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the Corporation, construe these provisions in such manner, without affecting the substance, as may necessary or proper regard to the matter before the Court, Tribunal or authority.

**9. Appointment of Special Officer:--** (1) There shall be appointed by the State Government, by a notification in the Andhra Pradesh Gazette, a Special Officer to exercise the powers, perform the duties and discharge the functions of:

- (a) the Corporation,
- (b) the Standing Committee; and
- (c) the Commissioner,

[(1A) The Government shall cause elections to be held to the Corporation so that the newly elected Councillors may come into office on such date as may be specified by the Government in this behalf by a notification in the Andhra Pradesh Gazette:

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

Provided further that the term of office of the Special Officer shall expire on the date of election of the Mayor.]

(2) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the Corporation until the elected Councillors come into office, of the Standing Committee until a Standing Committee is appointed by the Corporation and of the Commissioner, until a Commissioner is appointed by the State Government as the case may be, and any such officer may, if the State Government so direct, receive remuneration for his services from the municipal fund.

(3) Until a new Special Officer is appointed by the Government under sub-section (1), the Special Officer of the municipality functioning immediately before the commencement of this Act shall be deemed to be the Special Officer of the Corporation and he shall exercise the same powers and perform the same duties and discharge the same functions as those exercised, performed and discharged by the Special Officer appointed under sub-section (1).

**11. Power to make rules:-** (1) The State Government may, by notification in the Andhra Pradesh Gazette, make rules to carry out the purposes of this Act.

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

## Vijayawada Municipal Corporation Act 1981

### [Act No.23 of 1981]

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**Vijayawada Municipal Corporation Act 1981**  
**[Act No.23 of 1981]**

[1<sup>st</sup> December, 1981]

An act to provide for the establishment of a Municipal Corporation for the City of Vijayawada.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty second Year of Republic of India as follows:

**1. Short title and commencement :-** (1) This Act may be called the Vijayawada Municipal Corporation Act, 1981.

(2) It shall be deemed to have come into force on the 6<sup>th</sup> June, 1981.

**2. Definitions :-** (1) In this Act, unless the context otherwise requires:-

(a) "Corporation" means the Municipal Corporation of Vijayawada deemed to have been constituted under Section 3;

(b) "Council" means the Municipal Council of Vijayawada;

(c) "Government" means the State Government;

(d) "Municipality" means the Vijayawada Municipality;

(e) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clause (24) and (25) of Article 366 of the Constitution of India.

(2) All words and expressions used in this Act and not defined but defined in the Hyderabad Municipal Corporations Act, 1955, (Act II of 1956) shall have the meanings respectively assigned to them in that Act.

**3. Establishment of a Municipal Corporation for the city of Vijayawada:-**

(1) with effect on and from the commencement of this Act, the local area included in the Vijayawada Municipality shall constitute the city of Vijayawada for purposes of this Act and on and from such commencement, a Municipal Corporation shall be deemed to have been established for the said city by the name of Vijayawada Municipal Corporation.

Provided that the Government may, from time to time, after consultation with the Corporation, by notification in the Andhra Pradesh Gazette, alter the limits of the city constituted under this sub-section so as to include therein or to exclude therefrom, the areas specified in the notification;

Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.

(2) The Corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) The Vijayawada Municipality functioning immediately before the commencement of this Act shall be deemed to have been abolished from such commencement.

**4. Municipal Authorities:-** The Municipal authorities charged with carrying out the provisions of this Act shall be:

- (a) a Corporation;
- (b) a Standing Committee;
- (c) a Commissioner.

**5. Constitution of Corporation:-** [(1) Subject to the provisions of sub-section (2) the Corporation shall consist of such number of elected members as may be notified from time to time by the Government in the Andhra Pradesh Gazette, in accordance with such principles as may be prescribed.]

\* [(2) x x x x]

[(2-A) In addition to the members referred to in sub-sections (1) and (1-A) three persons having special knowledge or experience in Municipal Administration of whom one shall be women, be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age;

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.

(2-B) Two persons belonging to the minorities of whom one shall be woman co-opted as members of the Corporation in the prescribed manner by the members of the Corporation specified in sub-sections (1) and (1-A) from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

\* Section 5 (2) omitted by Act 5 of 2008 w.e.f. 30-04-2008.

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.]

[(3) In the Corporation out of the total strength of elected Members, the Government shall, subject to the rules as may be prescribed, by notification, reserve,--

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

- (d) not less than one-third (including the number of seats reserved, for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to the Corporation shall be reserved for women and such seats may be allotted by rotation to different Wards in the Corporation.

*Explanation:--* In this section,--

- (i) the expression 'Scheduled Castes' and 'Scheduled Tribes' shall have the same meanings respectively assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India.
- (ii) the expression 'Backward Classes' means any socially and educationally Backward Classes of citizens recognized by the Government for the purpose of clause (4) of Article 15 of the Constitution of India.]

**7. Application of the provisions of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956) to the Corporation:-** (1) Save as otherwise expressly provided therein, all the provisions of the Hyderabad Municipal Corporations Act, 1955 (hereinafter in this section called "the said Act") including the provisions relating to the levy and collection of any tax or fee are hereby extended to and shall apply *mutatis mutandis* to the Corporation and the said Act shall, in relation to the Corporation be read and construed as if the provisions of the Act had formed part of this Act.

(2) For the purpose of facilitating the application of the provisions of the Hyderabad Municipal Corporation Act, 1955 to the Corporation, the Government may, by notification, make such adaptations and modifications of the said Act and the Rules and bye-laws made thereunder whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon the said Act and the rules made thereunder, shall apply to the Corporation subject to the adaptations and modifications so made.

(3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the said Act, or the rules made thereunder, any Court, Tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the Corporation, construe these provisions in such manner, without affecting the substance, as may be necessary or proper regard to the matter before the Court, Tribunal or authority.

**9. Appointment of Special Officer:--** (1) There shall be appointed by the State Government, by a notification in the Andhra Pradesh Gazette, a Special Officer to exercise the powers, perform the duties and discharge the functions of:

- (a) the Corporation,  
(b) the Standing Committee; and  
(c) the Commissioner,

(2) The Government shall cause elections to be held to the Corporation so that the newly elected Councillors may come into office on such date as may be specified by the Government in this behalf by a notification in the Andhra Pradesh Gazette:

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

Provided further that the term of office of the Special Officer shall expire on the date of election of the Mayor.

(3) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the Corporation until the elected Councillors come into office, of the Standing Committee until a Standing Committee is appointed by the Corporation and of the Commissioner, until a Commissioner is appointed by the State Government as the case may be, and any such officer may, if the Government so direct, receive remuneration for his services from the municipal fund.

(4) Until a new Special Officer is appointed by the Government under sub-section (1), the Special Officer of the municipality functioning immediately before the commencement of this Act shall be deemed to be the Special Officer of the Corporation and he shall exercise the same powers and perform the same duties and discharge the same functions as those exercised, performed and discharged by the Special Officer appointed under sub-section (1).

**11. Power to make rules:-** (1) The State Government may, by notification in the Andhra Pradesh Gazette, make rules to carry out all or any the purposes of this Act.

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



## A.P. MUNICIPAL CORPORATIONS ACT, 1994

[Act No.25 of 1994]

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## **A.P. MUNICIPAL CORPORATIONS ACT, 1994**

### **[Act No.25 of 1994]**

An Act to provide for the establishment of Municipal Corporations in the State of Andhra Pradesh and for matters concerned therewith or incidental thereto.

**1. Short title, extent and commencement :-** (1) This Act may be called the Andhra Pradesh Municipal Corporations Act, 1994.

(2) It extends to the whole of the State of Andhra Pradesh, except to the local areas covered by the Hyderabad, Visakhapatnam and Vijayawada Municipal Corporations.

(3) it shall be deemed to have come into force with effect on and from the 4<sup>th</sup> July, 1994.

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

- (a) 'Corporation' means a Municipal Corporation deemed to have been constituted under Section 3;
- (b) 'Election Authority' means such officer or authority as may be appointed by the State Election Commission to exercise such powers and to perform such functions in connection with the conduct of elections to the Municipal Corporations;
- (c) 'Finance Commission' means the Finance Commission constituted by the Governor under Article 243-I of the Constitution of India.
- (d) "Larger Urban Area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as may prescribed, specify by notification for the purposes of this Act;
- (e) 'Scheduled Castes' and 'Scheduled Tribes' shall have the meanings respectively assigned to them in clauses (24) and (25) of Article 366 of the Constitution of India;
- (f) 'State Election Commission' means the State Election Commission constituted in pursuance of Article 243-K of the Constitution of India;
- (g) 'Wards Committee' means a wards committee constituted under Section 10;
- (h) 'Words and expression' used in this Act but not defined shall have the meanings assigned to them in the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956).

**4. Municipal Authorities:-** The Municipal authorities charged with carrying out the provisions of this Act shall, be--

- (a) a Corporation;
- (b) a Standing Committee;
- (c) a Commissioner.
- (d) the Wards Committee.

**5. Constitution of Corporation:-** The Corporation shall consist of the following members, namely:

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

[Provided that the number of Members to be elected in respect of a Corporation constituted under this Act shall be the same as the number of members in the Municipality existing immediately prior to such constitution, until it is altered.]

- (ii) every Member of Legislative Assembly of the State representing a constituency of which the concerned larger urban area or a portion thereof forms part:
- (iii) every member of the House of the People representing a Constituency of which the concerned larger urban area or a portion thereof forms part:

Provided that a member of the House of the People representing a Constituency which comprises more than one larger urban area including a part thereof shall be the member of the Corporation constituted for one of the larger urban areas which he chooses; and he shall also have the right to speak in and otherwise to take part in the proceedings of any meeting of the Corporation constituted for the other larger urban area within the Constituency but shall not be entitled to vote at any such meetings;

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

- (v) three persons having special knowledge or experience in Municipal Administration of whom one shall be woman, be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

Provided that the members co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have the right to vote.

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

Provided that the members co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.

**6. Reservation of Seats:-** In the Corporation, out of the total strength of elected members, the Government shall, subject to the rules as may be prescribed, by notification, reserve, --

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

*Explanation:-* For the removal of doubts it is hereby declared that:

- (i) nothing in this section shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or Backward Classes from standing for Election to the non-reserved seats in the Corporation;
- (ii) the expression Backward Classes means any socially and educationally Backward Classes of citizens recognized by the Government for purposes of clause (4) of Article 15 of the Constitution of India.

**7. Term of Office of members and filling of Seats:-**

- (1) (a) The term of office of elected members shall, save as otherwise expressly provided in this Act, be five years from the date appointed by the Election Authority for the first meeting of the Council and no longer.  
(b) An ex-officio member specified under clause (ii) or (iii) of (iv) of Section 5 shall hold office so long as he continues to be the Member of the Legislative Assembly of the State or as the case may be, of either House of Parliament and the ex-officio members specified under clauses (v) and (vi) of Section 5 shall be co-terminus with the elected members.
- (2) Ordinary vacancies in the office of elected members shall be filled at ordinary elections which shall be held before the expiry of the term of office of the elected members specified in clause (a) of sub-section (1).
- (3) A member elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith but shall hold office only as long as he would have been entitled to hold office if he had been elected before the occurrence of the vacancy.

**8. Casual Vacancies of Members:-** (1) A casual vacancy in the office of a member shall be filled at a casual election which shall be held by the Election Authority within a period of three months from the date of occurrence of the vacancy;

Provided that no casual election shall be held to fill a vacancy occurring within three months before the date on which the term of office of a member expires by efflux of time.

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

\* [9. x x x x]

\*\* [9-A. x x x x]

**11. State Election Commission:-** The preparation of electoral rolls for, and the conduct of elections to Corporation shall be under the superintendence, direction and control of the State Election Commission constituted under Article 243-K of Constitution.

**14. Application of the provisions of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956):-** (1) Save as otherwise expressly provided herein, all the provisions of the Hyderabad Municipal Corporations Act, 1955 (hereinafter in this section referred to as the said Act) including the provisions relating to the levy and collection of any tax or fee except Chapter V and sections 380, 381, 382, 383, 384, 385 and 387 in Chapter XI thereof are hereby extended to and shall apply *mutatis mutandis* to the Corporation constituted under this Act and the said Act shall, in relation to the Corporation be read and construed as if the provisions of the said Act had formed part of this Act.

(2) For the purpose of facilitating the application of the provisions of the Hyderabad Municipal Corporation Act, 1955 to the Corporation, the Government may, by notification, make such adaptations and modifications of the said Act and the Rules and bye-laws made thereunder whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon the said Act and the rules made thereunder, shall apply to the Corporation subject to the adaptations and modifications so made.

(3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the said Act, or the rules made thereunder, any Court, Tribunal or Authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the Corporation, construe these provisions in such manner, without affecting the substance, as may necessary or proper regard to the matter before the Court, Tribunal or Authority.

\* omitted by Act 1 of 1995, w.e.f. 03-02-1995.

\*\* omitted by Act 29 of 2005 w.e.f.06-08-2005.

**[14-a. General provision for reservation of office of Mayor in the Corporation of the State:-** Notwithstanding anything contained in sub-section (2) of Section 1 of this Act, out of the total number of offices of Mayor of the Corporations constituted either under this Act or under any other law relating the Municipality, Corporations for the time being in force in the State, the Government shall, subject to such rules as may be prescribed, by notification reserve, --

- (i) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined subject to the conditions that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or Scheduled Tribes, as the case may be, in the Corporations of the State bears to the total population of the Corporations of the State and such offices may be allotted by rotation by different Corporations in the State;

Provided that where the proportion of the population of the Scheduled Castes, or Scheduled Tribes as the case may be, in all the Corporations of the State does not constitute require proportion as prescribed enabling them for reservation, at least one office of the Mayor shall be reserved for Scheduled Castes or Scheduled Tribes as the case may be, without reference to the said required proportion.

- (ii) one-third of the offices to the Backward Classes and such offices may be allotted by rotation to different Corporations in the State;
- (iii) not less than one-third of the total number of seats reserved under clauses (i) and (ii) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes; and
- (iv) not less than one-third (including the number of seats reserved, for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of offices to be filled in the State for women, and such offices may be allotted by rotation to different Corporations in the State.

**17. Appointment of Special Officer:--** (1) Whenever a new Municipal Corporation is constituted under this Act, there shall be appointed by the State Government, by a notification in the Andhra Pradesh Gazette, a Special Officer to exercise the powers, perform the duties and discharge the functions of:

- (a) the Corporation,
- (b) the Standing Committee; and
- (c) the Commissioner,
- (d) the Ward Committee.

(2) The State Election Commission shall cause elections to be held to the Corporation within one year from the date of its constitution and the newly elected Members shall enter upon office on such date as may be specified by the Government in this behalf, by a notification in the Andhra Pradesh Gazette.

(3) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the Corporation until the elected Members come into office, of the Standing Committee until a Standing Committee is appointed by the Corporation and of the Commissioner, until a Commissioner is appointed by the State Government and of the Wards Committees until the Wards Committees are constituted, as the case may be, and any such officer may, if the State Government so direct, receive remuneration for his services from the Municipal fund.

(4) Until a new Special Officer is appointed by the Government under sub-section (1), the Special Officer of the Municipality functioning immediately before the commencement of this Act shall be deemed to be the Special Officer of the Corporation and he shall exercise the same powers and perform the same duties and discharge the same functions as those exercised, performed and discharged by the Special Officer appointed under sub-section (1).

**18. Power to make Rules:-** (1) The Government may by notification, make rules for carrying out all or any of the purposes of this Act.

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