

***ELECTIONS TO MANDAL PRAJA PARISHADS
AND ZILLA PRAJA PARISHADS
2011***



Hand Book for Contesting Candidates

Published by
STATE ELECTION COMMISSION
3rd Floor, Buddha Bhavan,
M.G.Road, Secunderabad - 500003

CONTENTS

CHAPTER	PARTICULARS	PAGE NO.
Chapter I	Preliminary	1-3
Chapter II	Qualifications and disqualifications	4-5
Chapter III	Notification for election	6-7
Chapter IV	Nominations, deposits and disposal of Nominations	8-13
Chapter V	Scrutiny of nominations	14-16
Chapter VI	Withdrawal of candidature	17
Chapter VII	Publication of list of contesting Candidates and allotment of symbols	18-24
Chapter VIII	Appointment of election agent, polling agent and counting agent	25-27
Chapter IX	Campaign period	28-38
Chapter X	Polling day	39-65
Chapter XI	Counting of votes	66-78
Chapter XII	Declaration and Publication of result of election	79-80
Chapter XIII	Account of election expenses	81-86

ANNEXURES

Sl.No.	Annexure	Details	Page No.
1	Annexure I	Extract of Relevant Provisions of AP PR Act 1994 relating to qualifications and disqualifications.	87-93
2	Annexure II	Notice of election Form – II	94
3	Annexure III	Nomination paper to be filed by the candidates Form – IV	95-98
4	Annexure IV	Order No. 809/SEC-B1/2003 dated, 06.09.2003	99-104
5	Annexure IV A	Declaration to be furnished by the candidate along with the Nomination paper before the Returning Officer	105-106
6	Annexure V	Declaration to be filed by the candidate along with nomination paper on Accounts of election expenditure.	107
7	Annexure VI	List of nominations received for election – Form V	108
8	Annexure VII	List of validly nominated candidates Form VI	109
9	Annexure VIII	Notice of withdrawal of Candidature in Form VII.	110
10	Annexure IX	Publication of Notice of withdrawal candidature in Form – VIII.	111
11	Annexure X	List of contesting candidate Form IX	112
12	Annexure XI	Order No. 584/SEC-B2/2001 dated, 12.06.2001, Allotment of Symbol Order – 2001.	113-125
13	Annexure XII	Form B	126-127
14	Annexure XIII	Form A	128-129
15	Annexure XIV	Appointment of Election Agent – Form XI	130
16	Annexure XV	Appointment of Polling Agent – Form XII	131
17	Annexure XVI	Appointment of Counting Agent – Form – XIII	132
18	Annexure XVII	Extract of relevant provisions of AP PR Act, 1994 relating to Election Offences.	133-146
19	Annexure XVIII	Model Code of Conduct for local body elections	147-153
20	Annexure XIX	Use of Loud Speakers for election campaigns Direction No.179/SEC-B1/2011 dated 23.05.2011	154-156

21	Annexure XX	Prevention of disfigurement of public and private places during elections circular No. 177/SEC-B1/2011, dated:23.05.2011	157-158
22	Annexure XXI	Restrictions on the printing of pamphlets, posters – Order No.174/SEC-B1/2011, dated:27.03.2011	159-165
23	Annexure XXII	Instructions to electors for marking ballot papers at election.	166-167
24	Annexure XXIII	Dos and Don'ts for Guidance of Candidates and their Agents.	168-173
25	Annexure XXIV	Instructions on use of vehicles during elections – Direction No. 180/SEC-B1/2011, dated: 13.05.2011	174-178
26	Annexure XXV	Declaration by the Presiding Officer Part I	179-182
27	Annexure XXVI	List of challenged votes Form XXI	183
28	Annexure XXVII	List of Tendered Votes Form XXIV	184
29	Annexure XXVIII	Notice to candidates or their election agents regarding the date, time and place for counting	185
30	Annexure XXIX	Section 217 of AP PR Act, 1994	183
31	Annexure XXX	Final Result Sheet Form XXVI	187
32	Annexure XXXI	Declaration of Result Form XXVII	188
33	Annexure XXXII	Return of election Form XXVIII	189
34	Annexure XXXIII	Grant of Certificate of election Form XXIX	190
35	Annexure XXXIV	Maintenance and Scrutiny of Election Expenditure – Accounts. Order No. 168/SEC-B1/2011, dated:18.05.2011	191-201

CHAPTER-I

PRELIMINARY

1. INTRODUCTION:

If you are a candidate for election to the office of the Member of the Mandal Praja Parishad or Zilla Praja Parishad, you should know the relevant provisions of the law and rules governing the elections to these posts so that you may not commit any mistakes, experience any difficulty or inconvenience in connection with your candidature. It is for your benefit and convenience that this hand book, giving in brief, the important and relevant rules and instructions on elections is brought out.

2. TERM OF OFFICE:

A Member of the Mandal Praja Parishad or Zilla Praja Parishad elected at an ordinary elections shall hold office for a term of 5 years from the date appointed by State Election Commission for the first meeting of the Mandal Praja Parishad/Zilla Praja Parishad, as the case may be, after the ordinary elections. (See Sections 154 and 182 of A.P.P.R.Act,1994)

3. RESERVATION FOR SCHEDULED CASTES/SCHEDULED TRIBES, WOMEN AND BACKWARD CLASSES:

The details of offices of Member, Mandal Praja Parishads and Member, Zilla Praja Parishad reserved for SC, ST, BC and Women will be notified in the A.P.State Gazette and also the concerned District Gazette before every ordinary elections. This information will also be mentioned in the election notice issued by the Returning Officer appointed for each Mandal Praja Parishad/Zilla Praja Parishad. (See Sections 152 and 180 of A.P.P.R. Act,1994).

4. REGISTERED VOTERS:

The election to the posts of Member, Mandal Praja Parishad and Member, Zilla Praja Parishad are held on the basis of adult suffrage. Every person who is not less than 18 years of age and registered as a voter in the electoral roll of a Gram Panchayat forming part of the Mandal of your district is eligible to vote.

5. ELECTORAL ROLL:

(a) ELECTORAL ROLL OF A GRAM PANCHAYAT:

As per the provisions of section 11 of the A.P.P.R. Act,1994 and A.P.P.R. (Preparation and publication of electoral rolls) Rules,2000 issued there under, the electoral roll of a Gram Panchayat is prepared by the person authorized by the State Election Commissioner (D.P.O.) duly adopting latest Assembly Electoral Roll so far as it relates to the village or any portion thereof and published on the date notified by the State election Commission duly indicating ward division.

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, shall be settled only after suitable amendment to the relevant entry in the electoral of the Legislative Assembly Constituency based on which the Gram Panchayat electoral roll was prepared. Any-body wishing to prefer a claim for inclusion or deletion of name in the roll or objection in respect of any entry in the roll so published, shall submit a proper claim or objection under the provisions of Registration of Electors Rules,1960 made under the Representation of People Act,1950 to the Electoral Registration Officer of the concerned Legislative Assembly Constituency. Any inclusions or deletions or corrections ordered in the Assembly Electoral Roll by the Electoral Registration Officer of the Legislative Assembly Constituency up to the date of election notification shall be carried out in the Gram Panchayat electoral roll by the District Panchayat Officer. The District Panchayat Officer shall not resort to suomotu revision of the rolls by way of deletions or additions or modifications.

(b) ELECTORAL ROLL OF MANDAL PRAJA PARISHAD:

Under section 151 (2), the provisions of section 11 of the A.P.P.R. Act,1994, shall apply mutatis mutandis for the purpose of preparation and publication of electoral roll for the election to the office of Members of Mandal Praja Parishad.

The electoral roll of a Gram Panchayat prepared and published as aforesaid shall be arranged territorial constituency wise of the Mandal Praja Parishad by the M.P.D.O. concerned and it shall be divided into convenient parts which shall be numbered conveniently. A copy of such electoral roll in respect of each territorial constituency of a Mandal Praja Parishad shall be kept open for inspection in the office of the Mandal Praja Parishad concerned.

(c) ELECTORAL ROLL OF ZILLA PRAJA PARISHAD:

Under section 179(2) of the A.P.P.R.Act, the provisions of section 11 shall apply mutatis mutandis for the purpose of preparation and publication of electoral roll for election to the office of member, Zilla Praja Parishad.

The electoral roll for the Gram Panchayat prepared and published as aforesaid be arranged for each Mandal Praja Parishad which is a territorial constituency of a Zilla Praja Parishad by the Chief Executive Officer concerned. A copy of the electoral roll in respect of each territorial constituency of the Zilla Praja Parishad shall be kept open for inspection in the office of Zilla Praja Parishad concerned.

CHAPTER – II
QUALIFICATIONS AND DISQUALIFICATIONS
(Extracts of Relevant provisions are appended at Annexure-I)

1. If you want to contest as a candidate for the office of the Member, Mandal Praja Parishad or Member, Zilla Praja Parishad, you must possess certain qualifications as detailed below:
 - (a) If you are a candidate for the office of Member, Mandal Praja Parishad you must be a registered voter in the electoral roll of a Gram Panchayat forming part of the Mandal concerned or
 - (b) If you are a candidate for the office of the Member, Zilla Praja Parishad you must be a registered voter in the electoral roll of a Gram Panchayat comprised in the district, and
 - (c) You must not be less than 21 years of age and your age will be computed as on the date of scrutiny of nominations.
 - (d) If you are a candidate for an office, which is reserved to be filled by the candidates belonging to the Scheduled Tribes, you must belong to any of the communities notified as Scheduled Tribes in respect of Andhra Pradesh State. However, a candidate belonging to the Scheduled Tribe can contest from an unreserved seat.
 - (e) If you are a candidate for an office reserved for Scheduled Castes or Backward Classes you must belong to any of the communities notified as Scheduled Castes or Backward Classes, as the case may be, in respect of Andhra Pradesh State. However, a candidate belonging to the Scheduled Caste or Backward Class, can contest from an unreserved seat.
 - (f) You must be a woman to contest for a post reserved for women. However, a woman candidate can contest for the general seat in the same category. Further, a woman candidate belonging to the reserved category (ST / SC / BC) can contest from an unreserved office.
2. If you want to offer yourself as a candidate, you should not suffer from any of the following disqualifications on the date fixed for scrutiny of nominations :
 - (a) You should not have been convicted by a Criminal Court to imprisonment for an offence involving moral delinquency. This disqualification subsists for a period of five years from the date of expiration of such sentence.

- (b) You should not have been convicted by a criminal court for an offence under the Protection of Civil Rights Act, 1955.
- (c) You should not have been disqualified under Section 19A or 19B of the A.P.Panchayat Raj Act, 1994.
- (d) You should not be of unsound mind, or a deaf-mute.
- (e) You should not be an applicant to be adjudicated an insolvent or un-discharged insolvent.
- (f) You should not be having any interest in a subsisting contract made with or any work being done for any Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad, or any State or Central Government.
- (g) You should not be employed as a Manager or Secretary of any Company or Corporation (other than a Cooperative Society) in which not less than 25 percent of the paid up share capital is held by the State Government.
- (h) You should not be employed as a paid legal practitioner on behalf of the Mandal Praja Parishad or Zilla Praja Parishad, or as a legal practitioner against Mandal Praja Parishad or Zilla Praja Parishad, as the case may be.
- (i) You should not be an honorary Magistrate under the Code of Criminal Procedure, 1973 with jurisdiction over any part of the village;
- (j) You should not be in arrears of any dues including the sums surcharged otherwise than in a fiduciary capacity, to the Gram Panchayat, upto and inclusive of the previous financial year, in respect of which a bill or notice has been duly served upon you and the time, if any, specified therein for payment has expired;
- (k) You should not be a village servant or an officer or servant of Govt. of India or State Government or of a Local authority or an employee of any institution receiving aid from the funds of the Government. You should not be an office bearer of any body constituted under a law made by the Legislature of the State or Parliament.
- (l) You should not have been disqualified under Section 19(3) of the Act for having more than two children;
- (m) You should not have been disqualified by or under any law for the time being in force for the purpose of elections to Legislature of the State.

CHAPTER – III
NOTIFICATION FOR ELECTION

The election process is set in motion immediately on issue of notification by the State Election Commission under rule 4 of the A.P. Panchayat Raj (Conduct of elections) Rules, 2006 (herein after referred to as the Conduct of Election Rules), calling upon the voters of the Mandal Praja Parishad and Zilla Praja Parishad, to elect Members of Mandal Praja Parishad and Zilla Praja Parishad,. The said notification will be published in the Andhra Pradesh Gazette.

On the issue of the above notification, the Returning Officer concerned gives public notice of the intended election in **Form – II (Annexure- II)**.

The Returning Officer shall also affix on the notice board of the Mandal Praja Parishad or Zilla Praja Parishad showing voter list thereof on the date of publication of election notice.

The dates appointed for the various stages of the elections will be subject to the following guidelines, namely :

- a) the last date for making nominations shall be not earlier than the fourth day and not later than the tenth day after the publication of the election Notification by the State Election Commission, whether or not it is a public holiday;
- b) the date for the scrutiny of nominations shall be the day immediately following the last date for making nominations whether or not it is a public holiday;
- c) the date for filing an appeal against the rejection of nominations shall be the day immediately following the date for the scrutiny of nominations and the date for disposal of the appeal shall be the day immediately following the date for filing of the appeal;
- d) the last date and time for withdrawal of the candidatures shall not be later than 3-O'clock in the afternoon of the third day succeeding the date appointed for scrutiny of the nominations, whether or not it is a public holiday;
- e) the date or dates on which a poll shall, if necessary, be taken, which, or first of which, shall be a date not earlier than the fifth day after the last date for withdrawal of the

candidatures.

- f) counting of votes shall be taken up for the office of Member, Mandal Praja Parishad and Member, Zilla Praja Parishad on the date and time appointed by the State Election Commission.

CHAPTER - IV NOMINATIONS

1. DATE AND TIME FIXED FOR RECEIPT OF NOMINATIONS:

The date and time fixed for receipt of nominations will be indicated in the election notification issued by the State Election Commission and also the election notice issued by the Returning Officer. Nominations are received between 10.30 AM and 5.00 PM on all the days, notified in the election notice, including public holidays.

2.IMPORTANT POINTS TO BE NOTED AT THE TIME OF FILING OF NOMINATIONS:

The nomination paper must be in the prescribed Form i.e. **Form IV**. A copy of the nomination Form is appended as **Annexure - III**. You should note the following points at the time of filing of nomination papers.

- (a) Your proposer must be a registered voter in the concerned territorial constituency of the Mandal Praja Parishad or Zilla Praja Parishad, as the case may be;
- (b) You can be nominated by more than one proposer separately for the same post in a separate nomination form;
- (c) You cannot contest for more than one territorial constituency of a Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, under Section 234(1) of the Act. But you can file nominations for more than one territorial constituency of a Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, but you shall withdraw all but one nomination relating to one territorial constituency of the Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, of your choice, before the date and time fixed for withdrawal of candidature, failing which all your nominations will become invalid; and you will not be allowed to contest from any territorial constituency.
- (d) You must sign the declaration on every nomination form, expressing your willingness to stand for the election;
- (e) You must take care to see that your nomination paper is presented either by you or by your proposer in person during the time prescribed and on the dates appointed for filing

nomination, to the Returning Officer or such person authorised by him, at the place specified in the election notice. You have to ensure that the nomination form is complete in all respects. You must note that nomination papers filed after the time specified on the last date for making nominations will be rejected.

- (f) If you are a candidate set up by a recognised national or state party or a registered political party with a reserved symbol, you shall indicate in your nomination form the name of the political party on whose ticket you are contesting and you shall also produce Form 'B' from the political party authorising your candidature for the seat before 3.00 pm on the last date withdrawal of candidature.
- (g) If you are a candidate set up by a registered political party without a reserved symbol or an independent candidate, you should indicate three free symbols of your choice in the order of preference from the list of free symbols notified by the State Election Commission in part-II of nomination form (Form-IV)
- (h) On the presentation of a nomination paper, the Returning Officer or such person authorised by him, will satisfy himself that the names and the electoral roll numbers of the candidate and his proposer, as entered in the nomination paper, are the same as those entered in the concerned electoral roll;
- (i) Any inaccurate description or clerical or printing error in regard to the name of the candidate or his proposer or any other particulars relating to the candidate or his proposer, as entered in the electoral roll or in the nomination paper, may not affect the nomination, if the identity of the candidate or proposer, as the case may be, is otherwise established beyond reasonable doubt.
- (j) While filing the nomination paper, you must make sure that the Returning Officer before whom the nomination paper is filed enters in your presence its serial number and properly fills in and signs the form duly acknowledging the delivery of nomination papers;
- (k) Do not forget to obtain the receipt in token receipt of nomination paper containing the notice of the time, date and place fixed for the scrutiny of nominations.

(3) DECLARATIONS ACCOMPANYING NOMINATION FORM:

Declaration regarding SC/ST/BC status:

- (a) A candidate for the office of Member, Mandal Praja Parishad or Member, Zilla Praja Parishad which is reserved to be filled by ST or SC or BC, as the case may be shall not be deemed to be qualified to be chosen to fill the seat unless his nomination contains a declaration as in Part III of **Form IV (Annexure III)**. The declaration shall be made before any Gazetted Officer of the Government or before any officer of the revenue department not below the rank of a Tahasildar. The State Election Commission issued orders permitting the candidates to produce the caste certificate issued by competent Authority in lieu of the declaration. In other words, a candidate can produce either a declaration as given in part III of nomination form as required under Rule 8(2) (c) or a caste certificate issued by the competent Authority.
- (b) A candidate who is a member of a Scheduled Caste, Scheduled Tribe or Backward Class is entitled to the concessional rate of deposit as specified by State Election Commission under Rule 10(1). A candidate eligible for this concessional rate must file the declaration annexed as Part III of Form IV (nomination paper) that he is a member of a Scheduled Caste or Scheduled Tribe or Backward Class, he claims to be.

(2) Self declaration to be filed by the contesting candidates regarding criminal antecedents, assets and liabilities and educational qualifications:

Rule 9(3) of conduct of election rules stipulate that every candidate shall along with the nomination paper also file a declaration with regard to him criminal antecedents, assets and liabilities and educational qualifications as required by the State Election Commission and in the prescribed format attested by the witnesses.

The State Election Commission issued order on this subject in reference No.809/SEC-B1/2003, dated 6.9.2003 and further amended in vide Order No.809/SEC-B1/2003-8, dated 24.10.2003 (copy of the order as amended is enclosed as **(Annexure IV)** As per the said order-

- (a) Every candidate contesting election to the office of Member of M.P.T.C. or Z.P.T.C. shall along with the nomination paper furnish full and complete information regarding criminal antecedents, assets and liabilities and educational qualifications in the form of a self declaration in the format appended as **Annexure IV (A)** attested by two witnesses.
- (b) Non furnishing of the said declaration by any candidate or his proposer, shall be considered to be violation of said order and the nomination of the candidate concerned shall be liable to be rejected by the Returning Officer at the time of scrutiny of nominations.

(3). Declaration regarding Election Expenditure Accounts:

A candidate shall also sign a declaration in the format shown in **Annexure V** regarding maintenance of election expenditure accounts in the presence of Returning Officer before the date and time fixed for scrutiny of nominations. The Returning Officer shall countersign the declaration.

4. DEPOSITS:

As per Rule 10(1) of conduct of election rules at or before the time of presentation of nomination paper, each candidate shall remit or cause to be remitted the amount of deposit as may be specified by the State Election Commission, in any Government Treasury or Bank wherein the concerned local body has an account or in cash with the Returning Officer. Where deposit is made in cash a receipt there for shall be given by the Returning Officer.

No candidate shall be deemed to be duly nominated, unless the deposit as has afore-said been made.

Where a candidate has been nominated for the same seat in more than one nomination paper, not more than one deposit shall be required to be made.

The person belonging to SC/ST/BC who wishes to pay deposit at concessional rate shall furnish a declaration specified in Part III of Form-IV (nomination paper) irrespective of the fact whether he is contesting for a reserved or non-reserved seat.

The delivery to the Returning Officer of a receipt from a Government Treasury or Bank wherein the concerned local body has an account showing the payment by or on behalf of a candidate to the credit of the Mandal Praja Parishad or Zilla Praja Parishad, as the case may be, of the amount required to be deposited shall be deemed to be a deposit.

5. DISPOSAL OF DEPOSITS:

If no nomination paper is received within the time appointed in that behalf in respect of any person by whom or on whose behalf the deposit has been made or if the nomination of any such person has been rejected or the candidate has withdrawn his candidature the deposit shall be returned to the person by whom it was made.

If any candidate dies before the commencement of poll,

- (a) Where deposit was made by the candidate himself it shall be returned to his legal representative.
- (b) Where deposit was made by any person on behalf of the candidate, it shall be returned to such person or his legal representative.

If a candidate by whom or on whose behalf the deposit referred as above has been made is not elected and the number of valid votes polled by him does not exceed one eighth of the total number of valid votes polled to all the candidates, the deposit shall be forfeited to the Government. In case of forfeited of deposit, the Returning Officer shall communicate an order to the person concerned who made the deposit citing the reason for such forfeiture.

The deposits made in respect of a candidate shall, if it is not be forfeited as aforesaid, be returned to be candidate or to the persons who have made the deposits on his behalf, as the case may be, within 30 days after publication of the result of the election.

Immediately after publication of the result of election, the Returning Officer or the person authorized by the District Collector in his behalf, shall pass an order as to whether the deposit shall be refunded or forfeited. The executive authority concerned shall within 30 days from the date of publication of result return the deposit to the person who made the deposit or to his legal representative when such deposit is refundable.

6. PUBLICATION OF LIST OF NOMINATIONS:

Immediately after expiry of the hour fixed for receipt of nominations on the last date for receipt of nomination paper, the Returning Officer or a person authorized by him in this behalf shall publish a list in Form V. (**Annexure VI**) of all nominations received with a notice that the nomination papers will be taken up for scrutiny at the specified place on the date and time specified in the election notice.

CHAPTER – V

SCRUTINY OF NOMINATIONS

1. INTRODUCTION:

(1) The next stage in the election process is the scrutiny of nomination papers by the Returning Officer. The Returning Officer is required by law to hold the scrutiny of all the nomination papers, received by him, on the date fixed for scrutiny of nominations.

(2) The scrutiny of the nomination papers will be done only by the Returning Officer and none else. However, if the Returning Officer is unavoidably prevented from performing the said function, the Assistant Returning Officer may conduct scrutiny of nominations. You, your proposer and only one other person duly authorised in writing by you, are allowed to be present at the time of scrutiny. You are advised to see that the person (other than a proposer), who will be authorised in writing by you, to be present at the time of scrutiny, is a person conversant with the rules and procedure relating to Mandal Praja Parishad and Zilla Praja Parishad elections, so that, he may adequately safeguard your interest at the time of scrutiny. It will also be in your interest if you yourself can be present at the time of scrutiny.

(3) Three persons, including yourself can be present at the time of scrutiny and have a right to have all reasonable facilities for examining nomination papers of all candidates, which have been received. You can make any substantial and material objection but should not raise flimsy or irrelevant technical objections in regard to any nomination paper.

2. GROUNDS OF REJECTIONS:

The Returning Officer will be justified in rejecting your nomination paper on any one of the following grounds :

- (a) If you are not qualified to be a candidate under Sections 155 and 183 of A.P. Panchayat Raj Act; or
- (b) If you are ineligible to be a candidate under sections 156 (2), 184 (2) read with sections 18 or 19 or 19A or 19B of the and Andhra Pradesh Panchayat Raj Act, 1994; or;
- (c) If your nomination paper has not been delivered in time; or

- (d) If your nomination paper has been delivered to the Returning Officer or to a person authorized by him in this behalf, by a person other than yourself or your proposer; or
- (e) If your nomination paper has not been delivered at the place specified in the public notice issued by the Returning Officer; or
- (f) If your nomination paper has been delivered to a person other than the Returning Officer or a person authorised by him; or
- (g) If your nomination paper is not substantially in the prescribed form; or
- (h) If your nomination paper has not been signed either by you or by your proposer or by both in the places meant for such signatures in the nomination paper; or
- (i) If the required deposit has not been made in accordance with the law; or
- (j) If the signature of the candidate or the signature of the proposer on the nomination paper is not genuine; or
- (k) If you file nomination to contest a seat reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes or Women and you do not belong to such reserved category; or not a woman, as the case may be.
- (l) If the proposer is not an elector in the concerned Territorial Constituency of the Mandal Praja Parishad or Zilla Praja Parishad, as the case may be.
- (m) If you have not filed the self declaration prescribed by the State Election Commission on disclosure of information relating to criminal antecedents, assets and liabilities and educational qualifications in the proforma prescribed and attested by two witnesses.

3. DOCUMENTS AND OTHER MATERIALS WITH WHICH YOU SHOULD BE PRESENT AT THE TIME OF SCRUTINY:

To meet possible objections against your nominations, you may make sure that you have with you, the following documents at the time of scrutiny of nomination papers namely:

- (a) A copy of the current electoral roll or copy of the relevant part of the electoral roll or a certified copy of the entry in the electoral roll bearing your name and the name of your proposer;
- (b) Satisfactory evidence regarding your age;

- (c) Where the deposit has been made in cash, the receipt given to you by Returning Officer and where the deposit has been made in a Government Treasury or in the bank where the concerned local body has an account, the treasury receipt or challan thereof.
- (d) The receipt for the nomination paper and notice of scrutiny which was handed over to you by the Returning Officer or the authorised person on your presenting the nomination paper; and
- (e) Proof of being a member of Scheduled Caste / Scheduled Tribe / Backward Class, as the case may be, if you are contesting a seat reserved for any of the said categories.
- (f) Any other evidence or material which may be necessary to repel and rebut any objection which has been or may be raised against your nomination.

4. PUBLICATION OF LIST OF VALIDLY NOMINATED CANDIDATES;

Immediately after all the nomination papers are scrutinised and the decisions accepting them, or rejecting them have been recorded, the Returning Officer will prepare and publish a list of validly nominated candidates in **Form – VI (Annexure VII)** and affix it on the notice board. If, however, you consider that your name is incorrectly spelt or is otherwise incorrectly shown, you should bring the matter to the notice of the Returning Officer who will make the necessary corrections.

5. PROVISION FOR APPEAL AGAINST REJECTED NOMINATIONS:

As per the provisions of Rule 13 of the Conduct of Election Rules, a person whose nomination paper has been rejected may prefer an appeal against the decision of the Returning Officer before the concerned Revenue Divisional Officer in case of election to Member, Mandal Praja Parishad, and before the District Collector in case of election to Member, Zilla Praja Parishad. The date for filing appeal against the rejection of the nominations shall be the day immediately following the date for the scrutiny of nominations and the date of disposal of appeal shall be the day immediately following the date for filing of the appeal.

CHAPTER – VI

WITHDRAWAL OF CANDIDATURE

According to sub-rule (1) of rule 14 of Conduct of Election Rules any candidate may withdraw his candidature by notice in writing in **Form VII (Annexure – VIII)**, signed by him and personally delivered by him to the Returning Officer at any time after the presentation of his nomination paper and not later than 3.00 O' Clock in the afternoon on the 3rd day succeeding the day appointed for scrutiny of nominations, whether or not it is a public holiday. If the notice is not delivered by the candidate in person it shall be delivered by his proposer or election agent who has been authorized in this behalf in writing by the candidate. The Returning officer shall give a receipt for the same in Form VI on being satisfied as to the genuineness of the notice of withdrawal and the identity of the candidate.

You must also note very carefully that once you have given a notice of withdrawal of your candidature to the Returning Officer, you will not be allowed under any circumstances to cancel the notice. Therefore, make up your mind firmly before the notice of withdrawal is actually delivered to the Returning Officer.

After the notice of withdrawal has been delivered by you, personally, please wait there for some time to have the receipt for the notice of withdrawal. This receipt will be handed over to you by the Returning Officer. Do not leave the office of the Returning Officer without getting this receipt because this receipt will be necessary to claim back your deposit money.

A notice of your withdrawal will be published by the Returning Officer in **Form-VIII (Annexure- IX)**.

NOTE:-Where nominations for more than one territorial constituency of a Mandal Praja Parishad or Zilla Praja Parishad, as the case may be are filed by you, all but one nomination for the territorial constituency of Mandal Praja Parishad or Zilla Praja Parishad, as the case may be of your choice, have to be withdrawn failing which all nominations will become invalid and you will not be allowed to contest from any territorial constituency..

CHAPTER - VII

PUBLICATION OF LIST OF CONTESTING CANDIDATES AND ALLOTMENT OF SYMBOLS

I. PUBLICATION OF LIST OF CONTESTING CANDIDATES:

(1) On the expiry of the time for withdrawal of candidature, the Returning Officer shall prepare in Telugu language a list of contesting candidates in **Form IX (Annexure -X)** under rule 15 of the conduct of election rules and publish it on the notice board of the office of the Mandal Praja Parishad and Zilla Praja Parishad, as the case may be.

The list shall contain the names of the candidates in alphabetical order in Telugu and shall describe them as in their nomination paper.

For the purpose of listing, the names of the candidates shall be classified as follows –

- (i) Candidates of recognized political parties;
- (ii) Candidates of registered political parties with a reserved symbol;
- (iii) Candidates of registered political parties without a reserved symbol;
- (iv) Independent candidates.

The arrangement of names shall be on the basis of first letter of the name of the candidate irrespective of whether the name given is the proper name or surname. The initials, if any, prefixed to the name of the candidate shall be ignored for the aforesaid purpose. If two candidates in the same category have the same name but different initials, then two names shall be arranged inter-se with reference to the first letter of the initial. Further, if two or more such candidates have the same name but different surnames then their names shall be arranged inter-se in the alphabetical order with reference to the surnames.

If two or more candidates falling in the same category bear the same name they should be distinguished by the addition of their occupation or residence or in some other manner. In the list of contesting candidates, the names of list of candidates shall be arranged in the order in which their nominations were received by the Returning Officer.

There will be no objection to the addition of any honorific, academic, hereditary professional or any other title to the name of a candidate but such title should on no account be taken into consideration in the arrangement of names in alphabetical order.

If the poll is found to be necessary, the Returning Officer shall assign to each contesting candidate a distinguished symbol as per the directions issued by the State Election Commission in that behalf. The Returning Officer shall assign to contesting candidates a distinguished symbol as per the provisions of paragraph 6 of Registration of Political Parties and Allotment of Symbol Order, 2001 (hereinafter referred to as Symbol Order, 2001) and any other instructions issued by the State Election Commission in this behalf from time to time. In every case where a symbol has been assigned to a candidate such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied specimen thereof by the Returning Officer.

(2) SYMBOL NOTIFICATION:

Under paragraph 10 of Symbol Order, 2001 read with section 202 of APPR Act, 1994, the State Election Commission shall by notification publish the list of recognized political parties and registered political parties along with symbols reserved for them.

The State Election Commission also notifies the free symbols for allotment to the candidates set up by registered political parties without a reserved symbol and for the independent candidates. A copy of the notification issued by the State Election Commission shall be obtained by the Returning Officer and kept with him.

(3) REGISTRATION OF POLITICAL PARTIES AND ALLOTMENT OF SYMBOL ORDER, 2001:

The State Election Commission issued Registration of political parties and allotment of Symbol Order, 2001 (**Annexure – XI**) in which the procedure for allotment of symbols to the contesting candidates in elections to local bodies has been prescribed under paras 6 and 7.

(4) ALLOTMENT OF SYMBOLS TO CANDIDATES SET UP BY RECOGNIZED AND REGISTERED POLITICAL PARTIES WITH A RESERVED SYMBOL:

It is stipulated under paragraph 6 of symbol order that –

- (1) A candidate set up by a Recognized national party at any election to the local bodies in the State shall choose, and shall be allotted, the symbol reserved for that party by the Election Commission of India and no other symbol.
- (2) A candidate set up by a recognized State party at any election to the local bodies in the State, whether such party is a State party in the State or not, shall choose, and shall be allotted the symbol reserved for that party by the Election Commission of India and no other symbol.
- (3) A candidate set up by a registered political party with a reserved symbol at an election to the local body in the State shall choose and shall be allotted a symbol reserved for that party by the State Election Commission and no other symbol.
- (4) In any election to the local bodies in the State, a reserved symbol shall not be chosen by, or allotted to, any candidate other than a candidate set up by the concerned recognized or registered political party for whom such symbol has been reserved, even if no candidate has been set up by such party in such election.

It is stipulated under paragraph 8 of the Symbol Order that a candidate shall be deemed to be set up by a political party if, and only if, he is nominated by the political party concerned, in such manner and in such format as may be specified by the instructions issued by the State Election Commission. The following instructions were issued by the State Election Commission under paragraph 8 of Symbol Order, 2001.

(5) SUBMISSION OF FORM 'A'/FORM 'B' BY CANDIDATES SET UP BY RECOGNIZED AND REGISTERED POLITICAL PARTIES WITH A RESERVED SYMBOL:

A candidate shall be deemed to be set up by a recognized party or registered party with a reserved symbol, if the candidate made a declaration to that effect in the nomination form and produces authorization from the political party concerned as per the following instructions:-

1. President or the General Secretary of any registered political party with a reserved symbol or State President or State General Secretary of a recognized National Party can send Notice about the candidates set up by the party, either directly to the Returning Officer in **Form B** as shown in **Annexure – XII** or authorize a party functionary in **Form A** as in **Annexure - XIII** in respect of the district or any other local area and send such form duly signed by him, to the District Election Authority, that is, the District Collector concerned.
2. The Form A to be submitted to the District Election Authority must be handed over to the said authority before 5.00 PM on or before the last date of filing of nominations.
3. The Notice issued in Form –B, either by the Party President or General Secretary as mentioned in item-1 above or by the party functionary authorized by the party through Form A, shall be delivered to the Returning Officer concerned before 3.00 PM on the last day of withdrawal of nominations.
4. The District Election Authority, on receipt of notice in Form-A about the names and specimen signatures of the party functionaries authorized to issue Form –B at the District level, shall make Xerox copies of these forms and arrange to send them to all the Returning Officers concerned before 3.00 PM on the last date of withdrawal.
5. There is no objection, if the Form A is signed by the party President or General Secretary and the Form B signed by the authorized party functionary is directly submitted to the Returning Officer, and the Returning Officer, in such case, shall presume that the candidate is duly nominated by the concerned party.
6. In case Form B signed by the State Level Party President or General Secretary is submitted to the Returning Officer in prescribed time, there is no need for Form A in such cases.
7. In cases where Form B is issued parallelly to several candidates for the same territorial constituency the Form B which is received first in point of time, will be taken into consideration for allotting symbols of that political party, by the Returning Officer.
8. Political Parties are permitted either to cancel the authorization in Form B given in favour of one candidate or change such authorization by substituting the name of another candidate, subject to the following conditions namely:-

- (a) Subsequent authorization cancelling the earlier authorization in Form B is received by the Returning Officer concerned not later than 3.00 PM on the last date of withdrawal.
 - (b) Such subsequent authorization in Form B is signed by the same party functionary who signed the earlier Form B and clearly shows that it cancels the earlier authorization.
 - (c) The Returning Officer is satisfied about the genuineness of the subsequent authorization; and
 - (d) The candidate in whose favour subsequent authorization has been given has already made a declaration in his nomination paper that he has been set up by the said political party.
9. The substitute candidate (also commonly called dummy candidate) of a political party will set in only in the event of the nomination of the main candidate being rejected on scrutiny or withdrawal of candidature by the main candidate (if the nomination of substitute candidate is otherwise valid and he is still in the field).
10. Where a candidate has made a declaration in his nomination paper that he has been set up by the political party but could not produce authorization in A and B Forms from the political party concerned within the stipulated time, he shall be treated as an independent candidate.
11. Where a candidate has not made a declaration in any of his nomination papers that he has been set up by a particular party, he shall not be deemed to have been set up by that party even if that party gives you intimation to that effect in Forms A and B subsequently, and he shall not be allotted the symbol reserved for that party. He shall be treated as an Independent.

6. CHOICE OF SYMBOLS BY CANDIDATES SET UP BY REGISTERED POLITICAL PARTIES WITHOUT A RESERVED SY0MBOL AND INDEPENDENT CANDIDATES AND ALLOTMENT THEREOF:

The candidates set up by registered political parties without a reserved symbol and Independent candidates are required to indicate choice of 3 symbols in the order of preference from the list of free symbols notified by the State Election Commission in the declaration Annexed as Part II of Nomination Form (Form IV). Taking into consideration the choice of

symbols given by the candidate a free symbol shall be allotted to each candidate as per the procedure indicated in paragraph 7 of the Symbol Order, 2001 which is reproduced below –

Choice of symbols by other candidates and allotment thereof –

- (1) Any candidate at an election to local bodies in the State, other than a candidate set up by a recognized political party, or a candidate set up by any registered political party with a reserved symbol, shall choose and shall be allotted in accordance with the provisions hereafter set out in this paragraph, one of the symbols specified as free symbols by the Commission.
- (2) Where any free symbol has been chosen by only one candidate at such election, the returning officer shall allot that symbol to that candidate and to no one else.
- (3) Where the same free symbol has been chosen by several candidates at such election, then, --
 - (a) if of those several candidates one of the candidates is, or was holding the same office, and was allotted that free symbol at the previous election to the same office, when he was chosen, the returning officer shall allot that free symbol to that candidate and to no one else; and
 - (b) if of those several candidates, no one is, or was, a sitting member, the returning officer shall decide by lot to which of those candidates that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls and to no one else;
- (4) Where the same free symbol has been chosen by several candidates at such election, then –
 - (a) If, of those several candidates, only one is a candidate set up by an registered political party without a reserved symbol and all the rest are independent candidates, the Returning Officer shall allot that free symbol to the candidate set up by the registered political party without a reserved symbol and to no one else; and if, of those several candidates, two or more

are set up by different registered political parties without a reserved symbol and the rest are independent candidates the returning officer shall decide by lot to which of the two or more candidates set up by the different registered political parties without a reserved symbol that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else

Provided that where of the two or more such candidates set up by such different registered political parties without a reserved symbol, only one is, or was, immediately before such election, a sitting member of the local body (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the returning officer shall allot that free symbol to that candidate, and to no one else;

- (b) If, of those several candidates, no one is set up by any registered political party without a reserved symbol and all are independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the local body and was allotted that free symbol at the previous election when he was chosen as member, the Returning Officer shall allot that free symbol to that candidate, and to no one else; and
- (c) If, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer shall decide by lot to which of those independent candidates that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else.

CHAPTER – VIII

APPONTMENT OF ELECTION AGENT, POLLING AGENT AND COUNTING AGENT

1. ELECTION AGENT:

As a candidate, you may appoint in writing some other person to be your election agent. Such appointments may, if you so desire be made at any time you like. The appointment shall be made in **Form XI (Annexure – XIV)**. and the notice of appointment shall be given in writing to the Returning Officer. You may obtain in writing an acceptance of such person for being appointed as your election agent. You may revoke appointment of your election agent in writing and such revocation will be operative from the date on which it is lodged with the Returning Officer. In the event of such revocation or of death of an election agent you may appoint another person to be your election agent in a like manner. The election agent so appointed by you shall perform such functions during elections as are authorized under the relevant conduct of election rules.

2. POLLING AGENT:

You or your election agent may appoint one agent and one relief agent to act as polling agents for each polling station. Such appointment shall be made by writing a letter in duplicate in **Form XII (Annexure XV)** signed by you or your election agent. You or your election agent shall deliver duplicate copy of the letter to the polling agent who shall on the date fixed for the poll present the copy to and sign the declaration contained therein before the Presiding Officer of the polling station where such polling agent is appointed for duty and the Presiding Officer shall retain it thereafter in his custody at any polling station at any given point of time only one polling agent or relief agent can be present but not both. Any revocation of an appointment of polling agent shall be signed by you or your election agent and such revocation will be operative from the date on which it is lodged with the returning Officer. In the event of revocation or death of any agent at any time before the

commencement of poll, you or your election agent may appoint polling agent in the manner prescribed above.

The role of polling agent is to observe the polling i.e., whether the poll process is orderly free and fair. The polling agent can perform this role only if he is from local area and familiar with the identity of voters of that particular booth. A person appointed as polling agent from outside the local area and not familiar with the identity of voters will not serve the purpose for which he is appointed. Moreover, in such cases, there is always a possibility of bringing in antisocial elements, rowdy sheeters etc., from outside in the guise of polling agents to intimidate the voters, polling personnel or polling agents of other candidates. The State Election Commission has, therefore, issued the following guidelines with regard to appointment of polling agents by contesting candidates.

- (i) the Polling Agents who are appointed by contesting candidates shall be ordinarily resident and electors of the concerned polling areas only,
- (ii) such polling agents must have EPIC or any of the identity documents notified by the State Election Commission,
- (iii) all polling agents shall display their identity document prominently on their person on the day of poll for easy and quick identification,
- (iv) the set up of polling stations should be made in such a way that the polling agents are seated inside the polling stations so that they may see the face of an elector as and when he enters the polling station so that they can challenge the identity of the elector, if needed. They should also be able to watch entire operation inside the polling station including his/her movement to the voting compartment and his/her exit from the polling station after recording his/her vote. But they should not, in any event, be seated in a place where they have the chance of seeing voter actually recording his/her vote which would compromise secrecy of voting.
- (v) In case polling station has very small and insufficient place or where the respective constituency is having abnormally large number of contesting candidates warranting the presence of a large number of polling agents, in such cases where polling agents cannot

be accommodated, Observer(s) shall be consulted for appropriate advice and consent of the Observer(s) shall be obtained.

- (vi) For identifying such polling stations having very small and insufficient space or where the respective constituency is having abnormally large number of contesting candidates warranting the presence of a large number of polling agents, the Returning Officer concerned shall make survey well in advance, so that appropriate decisions may be arrived at well in time. A list of such polling stations shall be prepared and provided to concerned Observer (s).
- (vii) As per rule 19 of conduct of election rules, 2006 the appointment of polling agent shall be made in form – XII (copy enclosed).

3. COUNTING AGENT:

Each candidate may appoint such number of counting agents at places fixed for counting as may be specified by the District Election Authority. Generally each candidate can appoint as many counting agents as there are counting tables. Every such appointment shall be made by you or your election agent before the commencement of counting of votes by writing a letter in duplicate in **Form XIII (Annexure – XVI)** and by forwarding it to the Returning Officer. 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 on the date fixed for counting and sign the declaration contained therein before the Returning Officer and Returning Officer shall retain it for custody. The counting agents so appointed by you may perform such functions in connection with counting of votes as or authorized under the conduct of election rules. Any revocation of an appointment of counting agent shall be signed by you or your election agent and such revocation will be operative from the date on which it is lodged with the Returning Officer. In the event of revocation or death of any agent at any time before the counting of votes, you or your election agent may appoint counting agent in the manner prescribed above.

CHAPTER – IX

CAMPAIGN PERIOD

1. INTRODUCTION:

The election law provides an interval of not less than 5 clear days between the last date fixed for withdrawal of candidature and the poll. This period could be utilized for canvassing and educating the voters and training the workers and agents that you will have to employ for election purpose. However, please note that campaigning stops 48 hours before the hour fixed for close of poll.

2. CORRUPT PRACTICES AND ELECTORAL OFFENCES:

While undertaking your electioneering campaign, you should ensure that the highest standard of morality and purity are maintained, as that would in turn ensure free and fair election. Corrupt practices and electoral offences tend to mar the smooth conduct of an election and disturb the atmosphere of friendly contest that should prevail during the elections in violation of the statutory provisions relating to corrupt practices and election offences. Various corrupt practices and election offences are enumerated in sections 211 to 230 of AP PR Act, 1994. For your convenience the above mentioned provisions are reproduced in **Annexure - XVII** Any corrupt practices and offences by you, your agent and workers may vitiate your election. You should, therefore keep in check your over enthusiastic agents and workers from indulging in any objectionable activities. Even a single proved instance of corrupt practice may be enough to unseat you, if you are successful in the election.

In particular do not permit on your behalf.

- (i) Any bribery or undue influence by way of coercion or intimidation of voters or otherwise or personation;
- (ii) Any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport (this is also a criminal offence);

N.B. Even your party cannot arrange for such conveyance.

(iii) Any act to promote or attempt to promote on grounds of religion, caste, community or language, feeling of enmity or hatred between different classes of citizens of India is a corrupt practice and which may render your election void and entail disqualification for membership and which is also an electoral offence punishable with imprisonment for a term which may extend to three years, or with fine or both.

(iv) Any assistance from any government servant to help your prospects in the election, except that a government servant may, if he so desires, cast his vote for you;

N.B. Such assistance on the part of a Government servant is a corrupt practice as well as an offence. If you instigate him to do so, you will be liable criminally for abetment. Provided that where any person in the service of the Government and belonging to any of the specified classes 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 or in relation to any candidate, or his election 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.

(v) Your election expenses to exceed the maximum ceiling limit.

(vi) any removal of ballot paper or voting machine from the polling station or tampering with the ballot boxes or voting machines by use of force or otherwise (these are criminal offences);

(vii) any appeal by you or by your agent or any other person with your consent or with the consent of your election agent to vote or refrain from voting of any person on grounds 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 National flag or the National emblem which is a corrupt practice under the law, (However, no symbol allotted to a candidate shall be deemed to be a religious symbol or a National symbol);

(viii) the publication of any statement of fact which is false in relation to the personal character or conduct of any candidates;

(ix) booth capturing as defined in section 224 of A.P.Panchayat Raj Act,1994. Booth capturing is both a corrupt practice and an electoral offence punishable with imprisonment of not less than six months and upto two years and with fine.

3. MODEL CODE OF CONDUCT FOR GUIDANCE OF POLITICAL PARTIES AND CANDIDATES:

Apart from the above mentioned corrupt practices and electoral offences, the election campaigns may take different forms which may create feelings of bitterness, irritation, confrontation and resentment among the various political parties and candidates and vitiate the atmosphere. For maintaining a healthy and peaceful atmosphere conducive to the conduct of smooth election, the Commission has prescribed a Model Code of Conduct (**Annexure - XVIII**) which will be supplied to you after finalization of your candidature. You must ensure that you, your supporters and agents observe the model code of conduct. Any violation of model code of conduct will be viewed seriously by the State Election Commission and may seriously affect your election.

4. USE OF LOUD SPEAKERS:

No Loudspeakers should be used for any meeting or procession or for general propaganda without the prior written permission of the authorities concerned and beyond the hours fixed by the Commission in this behalf. A copy of the order issued by State Election Commission on this subject is enclosed as **Annexure-XIX**.

5. DEFACEMENT OF PUBLIC AND PRIVATE PROPERTY:

Private places and public places shall not be disfigured during the election campaign by way of pasting election advertisements and writings on the walls in violation of the Model Code of Conduct. In order to prevent such disfigurement, the A P State Legislature has enacted A P Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable posters and Advertisements Act, 1997 (Act 28 of 1997). Section 4 of the said Act makes the disfigurement of public or private place an offence punishable with imprisonment which may extend up to three months or with fine which shall not be less than Rs.1,000/- but which may extend up to Rs.2,000/- or with both. Abettors of such disfigurement are liable to be punished under Section 5 of the said Act. You must ensure that you or your agents etc. do not violate the provisions of this Act failure of which will invite Criminal Prosecution. A copy of the order issued by State Election Commission in the matter is enclosed as **Annexure-XX**.

6. PROHIBITION OF PUBLIC MEETINGS AND PROCESSIONS DURING 48 HOURS IMMEDIATELY BEFORE THE CLOSE OF THE POLL:

1) Section 214 of the Andhra Pradesh Panchayat Raj Act, 1994 stipulates that no person shall –

- (a) Convene, hold, attend, join or address any public meeting or procession in connection with an election; or
- (b) Display to the public any election matter by means of cinematograph, television or other similar apparatus; or
- (c) Propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto,

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll in case of election to Mandal Praja Parishads and Zilla Praja Parishads.

2) Any person who contravenes the above provisions shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

3) The expression “election matter” means any matter intended or calculated to influence or affect the result of an election.

4) You should keep these provisions in view while holding public meetings, or taking on any processions, etc.

7. PROCESSIONS AND MEETINGS:

You or your party should obtain well in time the required permission from the proper authority for the holding of a meeting at any public or private place. Temples, mosques, churches or other places of worship should not be used as forum for such meeting or for any election propaganda. Similarly, permission should also be obtained for conducting processions. The application should be made in time to enable the local police authorities to make necessary traffic and security arrangements. Taking out processions on the same roads or routes on which some other candidate is also taking out procession on the same day should be avoided. Pictorial representations should be sober and moderate and of real educative value to voters. A high standard of decency and decorum should be maintained while making speeches or raising slogans.

No loudspeaker fitted on vehicles of any kind or in any other manner whatsoever should be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll in any polling area.

8. DISTURBANCE IN THE PUBLIC MEETINGS:

If any supporter of a rival candidate or any one opposed to you or your party creates disturbance in any of your election meetings, the chairman of the meeting may request any police officer who may be present to ascertain the name and address of the person who disturbs the meeting. The police will take action to prosecute the offender under section 215 of the APPR Act 1994.

Similarly, your workers, agents and supporters should also be told not to disturb public meeting of rival candidates.

9. RESTRICTIONS ON PRINTING OF PAMPHLETS, POSTERS ETC:

- (a) Every election pamphlet, handbill, placard or poster, which is printed or multigraphed by any process (except copying by hand), must bear on the front the name and address of the printer and the name and address of the publishers;
- (b) The printer of any such documents must obtain from the intending publisher a declaration (in duplicate) regarding his identity signed by him and attested by two persons to whom he is personally known.
- (c) As soon as the document is printed the printer must send one copy of the declaration and one copy of the document to the Collector and District Election Authority of the district;
- (d) These restrictions however do not apply to any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers. A copy of the order issued by State Election Commission is enclosed as **Annexure-XXI**.

10. UNOFFICIAL IDENTITY SLIPS:

The political parties/ candidates may issue unofficial identity slips containing the following information to the voters-

- (i) the name and serial number of the voter in the electoral roll;
- (ii) the number of the part of the electoral roll;
- (iii) the serial number and name of the polling station, and
- (iv) date of poll.

The identity slips should be on white paper and should not contain the name of the candidate and / or the name of his party and/or the election symbol of the candidate or his party. The slips should not also contain any slogans or any exhortation to vote for a party or for a candidate since these slips if carried by the voters to the polling stations would amount to canvassing within the polling station, which is not permissible. The circulation of any slips within 100 meters of the polling station would also amount to canvassing which is not permissible under the law.

11. POLLING REHEARSALS:

You may arrange for your polling agent to attend polling rehearsals conducted by the Returning Officers in their respective areas so that they may get familiar with the polling procedure

12. EDUCATING THE ELECTORS ABOUT THE VOTING PROCEDURE:

Your workers should educate the electors about the voting procedure and the correct manner of marking the ballot papers. The electors should be advised to give their signatures or thumb impressions without any fear. This will not in any way violate the secrecy of their vote or disclose their identity. The packets of counterfoils of ballot papers containing the signatures / thumb impressions of electors will be sealed, immediately after the close of the poll, with the seals of the Presiding Officers and polling agents of the candidates and such sealed packets shall not thereafter be opened or inspected by any person except under the order of a competent court.

Your workers should also familiarize the electors about the other details of voting procedure followed at the polling station. After an elector's name is located in the electoral roll and his identity established, his left forefinger will be marked with indelible ink. He will then be required to give his signature or thumb impression on the counterfoil of the ballot paper as aforesaid. If he puts his thumb impression on the counterfoil of the ballot paper, he should clean his thumb with the help of a piece of wet cloth provided on the table of the polling officer. This will be necessary to avoid any possible smudge on the ballot paper while handling the ballot paper. Thereafter he will be given a ballot paper, the Polling Officer in charge of the rubber stamp containing the voting mark will fold the ballot paper twice, first vertically and then horizontally and then unfold and hand over the ballot paper, together with an inked rubber stamp for marking the ballot paper. The mark should be made on or near the symbol of the candidate for whom the elector chooses to vote and at no other place. The voting mark put on the back of the ballot paper will be invalid. A set of instructions for voters for marking ballot papers is given in **Annexure -XXII**.

After marking the ballot paper with stamp, the voter should fold the ballot paper along the folds already appearing on the ballot paper. The voter should not bring the ballot paper from the voting compartment unfolded, as the secrecy of the vote will be vitiated. The ballot paper should not also be crumpled, as it would be difficult to insert through the slit of the box. After folding the ballot paper along the folds already appearing on it, the voter should take it to the ballot kept in front of one of the Polling Officers and insert in into the box through the slit at the top of the box.

13. DUMMY BALLOT PAPER:

You may print dummy ballot papers using your own name and symbol and indicating the place where it would appear in the actual ballot paper which will be used at the election. The dummy ballot paper should not, however, contain the actual names and symbols of the other contesting candidates in the territorial constituency. They can be printed on any colour other than pink and white, such as, brown, yellow or grey. You must make sure that dummy ballot papers do not reassemble in any manner the genuine ballot papers in size and colour. If they do so there is the danger that ignorant and illiterate voters may take these dummy ballot papers to the polling station and try to put them into the ballot box.

14. SYMBOL:

For the convenience of the voters, you may print copies of your symbol and distribute them, but the voters cannot carry with them the paper containing the symbol to the polling station.

15. LIST OF DEAD, ABSENT AND BOGUS VOTERS:

- 1) In the course of canvassing for votes on your behalf, your workers and agents may find that some of the voters whose names appear in the electoral roll are dead, that some voters may have more or less permanently left the locality and yet others are not real persons. Your workers may be asked to prepare a list of such dead, absent or bogus voters for each polling station separately.
- 2) The list should be correctly prepared. Care should be taken that the name of no real voter is included therein. It will cause annoyance if any real voter is wrongly included in the

list of dead, absent or bogus voters and his right to vote is questioned at the polling station.

- 3) Hand over to your polling agent for each polling station a copy of the list of such dead, absent or bogus voters for that polling station so that he may watch for any person coming to vote in the name of any such voter on the polling day and may draw the attention of the presiding officer to the fact.
- 4) By following the above instructions diligently, you will not only help yourself but also assist the election authorities materially in preventing bogus voting.

16. DOS AND DONTS FOR GUIDANCE OF CANDIDATES:

The election law is quite comprehensive and the procedure is quite elaborate. It is upon their due observance that the purity of the election depends. Some of the Dos and Don'ts are suggested for your guidance in **Annexure-XXIII**. It should be noted that these are not exhaustive but are only illustrative and for your guidance.

17. DEATH OF A CANDIDATE BEFORE POLL

Rule 17 of conduct of election Rules, 2006 stipulates adjournment of poll only in the event of death of a candidate set up by a recognised political party or a candidate setup by a registered political party to whom a symbol is provided by the State Election Commission. In the following circumstances the poll shall be adjourned :-

- (a) the said candidate dies at any time after 10:00 a.m. on the last date for making nominations and his nomination is found valid on scrutiny or
- (b) his nomination has been found valid on scrutiny and he has not withdrawn his candidature, and he dies,
- (a) and in either case a report of his death is received at any time before the publication of the list of contesting candidates or
- (d) he dies as a contesting candidate and a report of his death is received before the commencement of the poll.

The Returning Officer on being satisfied about the fact of the death of the candidate, should order the adjournment of the poll to a date to be notified later by the State Election Commission. You should immediately report the fact to the State Election Commission / Election Authority / District Election Authority.

In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll should be made only after the scrutiny of all nominations including the nomination of the deceased candidate. In such case, it should be noted that the candidate shall be deemed to have been set up by a recognised / registered political party with a reserved symbol only if all the requirements mentioned in the Registration of political parties and Allotment of Symbols Order, 2001 have been fulfilled by the time of death of the candidate. If the party has not given intimation regarding setting up of the candidate in the prescribed forms 'A' and 'B' by the time of the death of the candidate the candidate shall not be deemed to have been set up by a recognised / registered political party with a reserved symbol for the purpose of adjournment of poll.

On receipt of the report from the Returning Officer about the death of the candidate set up by a recognised / registered political party with reserved symbol, the State Election Commission will call upon the concerned political party to nominate another candidate for the said election in place of the deceased candidate. The political party will have to make the nomination within seven days of the issue of notice to that effect by the State Election Commission. Nomination of such candidate will also be done in the prescribed Form – IV and he will also have to make a fresh security deposit. The nomination in the prescribed form should also be accompanied by the required intimation from the party in Form A and Form B prescribed in the election Symbols Order, 2001. All other requirements of law relating to nomination, scrutiny of nomination, withdrawal of candidature in respect of such candidate have also to be followed.

A person who had given a notice of withdrawal of this candidature under sub-rule (1) of Rule 14 of conduct of election rules before the adjournment of poll is eligible to be nominated as a candidate in place of the deceased candidate.

If the list of contesting candidates had already been published under rule 15 of the Conduct of Election Rules, 2006 before the adjournment of poll, you should prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.

Further stages of the election will continue as per the revised schedule notified by the Commission.

CHAPTER - X

POLLING DAY

1. INTRODUCTORY

Poll is the most important event in the election process. It is through the poll that the electors express their choice of the candidate to represent them in Zilla Praja Parishad and Mandal Praja Parishad.

2. DECLARATION OF HOLIDAY ON POLLING DAYS

The State Government will issue orders authorizing District Collectors to declare local holiday to Government Offices, educational institutions etc. on the date of poll.

3. PROHIBITION OF CANVASSING

The election law prohibits canvassing in or near polling stations on polling day. No person shall commit any of the following acts within a polling station or in any public or private place within a distance of 100 meters of a polling station, namely:

- (a) canvassing for votes;
- (b) soliciting the vote for any elector.
- (c) persuading any elector not to vote for any particular candidates;
- (d) persuading any elector not to vote at the election;
- (e) exhibiting any notice or sign (other than an official notice) relating to the election;
- (f) using or operating within or at the entrance of the polling station or in any public or private place in its neighbourhood any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; and
- (g) shouting or otherwise acting in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood.

N.B. The distance from which a loudspeaker, etc, is used is immaterial. The offence will be committed even if it is used from a distance of more than 100 meters if it causes annoyance to any person visiting the polling station for the poll or interference with the work of officers and other person on duty at the polling station.

4. CANDIDATE'S ELECTION BOOTHS

According to the instructions issued by the State Election Commission, no election booths of the candidates should be allowed to be set up near the polling station on the day of poll, as such booths pose many difficulties in the way of holding free, fair and smooth elections by creating obstructions to voters, confrontation among various party workers and law and order problems. However, the candidates may provide one table and two chairs for the use of their agents and workers for the distribution of unofficial identity slips to voters beyond a distance of 200 meters from the polling station with an umbrella or a piece of tarpaulin over their head to protect from the sun/rain. No crowd should be allowed to collect around such tables.

5. ILLEGAL HIRING OR VEHICLES FOR THE CONVEYANCE OF VOTERS

Do not allow anyone on your behalf to provide conveyance for voters on the polling day. It is both a corrupt practice and an electoral offence. If you find any other candidate or his agents, supporters or workers providing such conveyance for voters you should make a complaint in this regard then and there and take action to prosecute the offender, under section 211 of the A.P.P.R. Act 1994. If you do not do so and merely send a complaint to the election authorities, much valuable evidence against the offenders would be lost. You may also use this as ground for filling an election petition against the offending candidate in due course as free conveyance of voters from or to polling station is also a corrupt practice. Your polling agent can also make a written complaint in this regard to the Presiding Officer who will forward the same to the Magistrate concerned who has jurisdiction to deal with such cases. You may also ask the Presiding Officer to record his remarks on the complaint from his own observations.

A copy of the instructions issued by the State Election Commission on plying of vehicles on the date of poll is enclosed as **Annexure-XXIV**.

6. REMOVAL OF BALLOT PAPERS FROM POLLING STATION TO BE AN OFFENCE:

If you or your agents honestly suspect that any voter is illegally taking any ballot paper out of polling station or unauthorisedly or fraudulently tampering with the same, draw the attention of the Presiding Officer to the matter immediately for necessary action on his part.

7. REMOVAL OF DISORDERLY PERSONS

Under section 221 of A.P.R.Act,1994Any person who misconducts himself or fails to obey lawful directions of the Presiding Officer during the poll may be removed from the polling station under his order by any police officer or other persons authorised by him.

8. METHOD OF VOTING:

The method of voting now followed is called the “Marking System of Voting”. Under this system, the following arrangements will be made, namely:

- (a) a ballot box common for MPTC and ZPTC polled ballot paper will be placed in front of one of the Polling Officers at the entrance to the voting compartments so that it will be visible to every person;
- (b) only one box will be used at any point of time;
- (c) the ballot paper will contain the names of all the contesting candidates showing the symbols allotted to each.
- (d) after the name of the elector is traced in the electoral roll by the Polling Officer(s), his left forefinger will be marked with indelible ink. His signature or thumb impression will then be taken on the counterfoil of the ballot paper. No ballot paper will be delivered to him unless he has put his signature or thumb impression

on the counterfoil of the ballot paper. If he puts his thumb impression on the counterfoil of the ballot paper, he should clean his thumb with the help of a piece of wet cloth or rag provided on the table of the Polling Officer. This will be necessary to avoid any possible smudge on the ballot paper while handling the ballot paper. Thereafter he will be given the ballot paper. With the ballot paper the elector will proceed to the next table. The Polling Officer will take back the ballot paper and fold it twice, first vertically and then horizontally. He will then return the folded ballot paper together with an inked rubber stamp for marking the ballot paper;

- (e) there will be one or more than one voting compartment in which or in any one of which the voter can secretly record his vote on the ballot paper;
- (f) the voter will record his vote by stamping a mark on the ballot paper with the rubber stamps supplied to him by one of the Polling Officers. The mark should be made on or near the symbol of the candidate for whom the elector wishes to vote;
- (g) after stamping the ballot paper, the voter should fold the ballot paper along the folds already appearing on the ballot paper so that his vote and the serial number of his ballot paper are effectively concealed. He should do this inside the voting compartment and thereafter come out the voting compartment and insert the folded ballot paper into the ballot box mentioned at (a);
- (h) in case the election is held simultaneously to the ZPTC and MPTC, every elector will be given two ballot papers-one for the ZPTC election and the other for the MPTC election. These will be distinguishable by the colour-white for ZPTC and pink for MPTC. The ballot papers will be issued one at a time. The elector will follow the same procedure as described above for marking his ballot papers and will drop both the ballot papers in the same ballot box; and
- (i) If any elector violates the voting procedure described above and shows his marked ballot paper to any one or otherwise violates the secrecy of his

vote in spite of a warning by the Presiding Officer such selector shall not be allowed to vote and his ballot paper will be taken back and cancelled by the Presiding Officer.

9. DESIGN OF BALLOT PAPERS:

Every ballot paper will have a counterfoil attached with it. In the counterfoil there will be provision for electoral part number of the elector being entered and for taking his signature or thumb impression. The ballot paper will be separated from its counterfoil by a thick block of lines. The ballot paper will contain the names of all the contesting candidates and the symbols allotted to them. The names of the candidates will be classified into four (4) categories, namely, (i) candidates of recognized National and State Parties, (ii) candidates of registered political parties with a reserved symbol, (iii) candidates of registered political parties without a reserved symbol and (iv) independent candidates. Further these names will be arranged in alphabetical order in each of the above mentioned four categories. Their names will appear in panels one below the other and their symbols shall be printed against their names in their respective panels. The width of the ballot paper including the counterfoil shall be between 3 and 4 inches and each candidate's panel shall be a little more than 1 inch.

Where however, the number of contesting candidates exceed 9, the ballot paper will be printed differently. The ballot paper will in such a case be printed in two or more columns depending upon the number of contesting candidates. Normally there will be 9 candidates in each column. Where the number of candidates is not divisible to be equal in each column, the last blank panels in the last column will be completely shaded.

10. DISTINGUISHING MARKS ON BALLOT PAPERS:

Under Rule 45 of Panchayat Raj (Conduct of Election) Rules, 2006 issued in G.O.Ms.No.142, PR & RD (Elections & Rules) Department, dated 3.05.2006, before a ballot paper is issued to an elector, the ballot paper and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the State Election Commission may direct.

The State Election Commission, directed that the distinguishing mark to be stamped on the back side of the ballot papers to be used in elections to Member, Mandal Praja Parishad and Member, Zilla Praja Parishad shall be a fraction within a circle whose numerator will be the number of the Mandal Praja Parishad and the denominator will be the serial number of the

polling station concerned as indicated in the final list of polling stations approved by the District Election Authority.

The number of Mandal Praja Parishad shall be the code number assigned by the District Election Authority concerned while working out the nomenclature of the Mandal Parishad Territorial Constituency as per the instructions issued in Govt. Memo.No.66402/Elecs.I/1994, PR, RD & Relief Department dated 03.01.1995.

Illustration: If the code number of a Mandal Praja Parishad is 8 and the code number of the polling station is 12, the distinguishing mark to be stamped on the ballot papers to be used at the polling station shall be 8

12

11. WHEN POLLING AGENT SHOULD REACH THE POLLING STATION

The polling agent should reach the polling station at least fifteen minutes before the commencement of the poll. This will enable him to be present when the Presiding Officer prepares the ballot box for taking the poll and goes through the other preliminary arrangements before the commencement of the poll. If any part of these preliminaries has already been gone through, the proceedings will not be commenced de-novo to accommodate any latecomer. Each polling agent will be supplied by the Presiding Officer with a pass on the authority of which the polling agent can go in and out of the polling station as may be necessary.

12. DUTIES OF POLLING AGENT

The main duty of your polling agent is to see that your interest are safeguarded at the polling station, for which he has been appointed as your polling agent. His other duties are-

- (a) to help the Presiding Officer to detect and prevent impersonation of voters by challenging persons who try to impersonate voters;
- (b) to help in having the polled ballot boxes properly secured and sealed according to the rules before and after the poll;
- (c) to take a copy of the ballot-paper account and paper seal account from the Presiding Officer after the close of the poll; and

- (d) to see that the documents relating to the poll are also secured and sealed properly as required by law.

13. THINGS TO BE BROUGHT BY POLLING AGENT

The polling agent should provide himself with the following items which he comes to the polling station:

- (a) his letter of appointment;
- (b) a copy of the electoral roll for the polling station;
- (c) a list of the names of the dead, absent or bogus voters included in the list;
- (d) a small brass seal; and
- (e) pen, paper and pencil.

14. WEARING OF BADGE BY THE POLLING AGENTS

The polling agent is prohibited from wearing any badge containing the photograph of the candidate or any other political leader and also displaying any slogan or exhortation to vote within the polling station or one hundred meters thereof. He should, however, display on his person the identity pass issued to him by the Presiding Officer.

15. ARRANGEMENT AT POLLING STATIONS

Outside each polling station there will be displayed prominently a notice specifying the polling area, the electors who are entitled to vote at the polling station and the list of the contesting candidates along with symbols assigned to them.

16. ADMISSION TO POLLING STATIONS

Apart from the electors, only the following persons can be admitted into the polling station by the Presiding Officer:

- (a) Polling Officers;
- (b) each candidate, his election agent and one polling agent of each candidate at a time;
- (c) persons authorised by the State Election Commission;
- (d) public servants on duty in connection with the election;
- (e) Observers appointed by the Commission;
- (f) a child in arms accompanying an elector;
- (g) a person accompanying a blind or an infirm voter who cannot move without help; and
- (h) such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting the Presiding Officer in taking the poll.

The expression “public servants on election duty” would not include police officers (unless called for by the Presiding Officer for maintenance of law and order in the polling station or any other purpose), Ministers, Ministers of State and Deputy Ministers of the Union or the State.

No security personnel accompanying, any candidate, or any agent or any elector shall be allowed to enter the polling station.

17. SEATING OF POLLING AGENTS

The Presiding Officer will make arrangements to provide seats to the polling agents at such place from where they will have adequate opportunity of identifying electors, seeing the entire operation and also seeing the movement of the elector from the Presiding Officer's table to

the voting compartments and the elector leaving the polling station after he has recorded his vote in the voting compartment.

The seating arrangement at the polling station for the polling agents of candidates shall be guided by the following categories of priorities, namely,

- (i) candidates of recognised political parties,
- (ii) candidates of registered political party with a reserved symbol.
- (iii) candidates of registered political parties without a reserved symbol.
- (iv) independent candidates.

18. PRELIMINARIES BEFORE COMMENCEMENT OF POLL

About fifteen minutes before the time fixed for the commencement of poll, the Presiding Officer will start going through the preliminary preparation for the conduct of poll. The Presiding Officer will, in particular.

- (a) demonstrate to the polling agents that the ballot boxes to be used at the polling station are empty; If any of the polling agents wants to note down the serial nos. of ballot boxes supplied for use at the polling station and of the ballot box(es) actually used, the Presiding Officer will allow him to note down such serial nos. of the ballot boxes.
- (b) allow the polling agents to affix their signatures on the green paper seal wherever fixed on the ballot box and allow them to note down the number of such paper seal;
- (c) allow the polling agents to note down the serial number of the first and last ballot papers supplied for use at the polling station; and
- (d) demonstrate to the polling agents that the marked copy of the electoral roll does not already contain any entries other than those to show the issue of postal ballot papers and election duty certificates to voters on election duty.

19. PREPARATION OF BALLOT BOX:

The Presiding Officer will allow the ballot box to be inspected by the polling agent of each candidates to see that it is empty, that there are no defects in it and in particular that no ballot paper or other paper can be inserted into it after it has been closed and sealed.

A paper seal, where it is necessary, will be used for securing the ballot box. The paper seal, which will be numbered, will be green in colour on one side and white in colour on the reverse and with the legend “State Election Commission” printed in microprint on it. The polling agent may verify that no damaged paper seal is used to seal any ballot box. The polling agent may put his signature on the paper seal for each ballot box that is used during the poll.

The Presiding Officer will prepare an account of the paper seals used. The polling agents may take note of the serial numbers of the paper seals used.

20. SERIAL NUMBER OF BALLOT PAPERS TO BE USED AT THE POLLING STATION:

At the commencement of the poll, the Presiding Officer will allow the polling agents to note down the first and the last of the serial numbers of the ballot papers which will be used at the polling station. The polling agent should not, however, note down the serial numbers of any ballot paper issued to any voter. He should not take any notes, or make any mark in the electoral roll or elsewhere, which may enable any person to work out the serial numbers of the ballot papers issued to the voters, as it would violate the secrecy of the vote. The Presiding Officer has been given the authority to prevent any one from taking any such notes and to seize and forfeit any document on which a polling agent may have made any such note. If a polling agent persists in taking such note, in spite of warning he would not be allowed to remain in the polling station as a penalty for his misconduct. The polling agent is permitted only to make tick marks in his copy of the electoral roll against the names of the votes who have voted. The Presiding Officers have been authorized to issue ballot papers, not necessarily in serial order, so that no one can even guess the serial number of the ballot paper issued to a voter.

21. SIGNATURE OF PRESIDING OFFICER ON BACK OF BALLOT PAPER AND SHUFFLING OF BUNDLES OF BALLOT PAPERS AT POLLING STATIONS:-

To remove all suspicions regarding the genuineness of ballot papers, the Presiding Officer of each polling station is required to sign his name in full on the back of each ballot paper before its issue to the voter. In order to prevent noting down the serial number of the ballot paper by persons in the polling station, the Presiding Officers have been instructed to shuffle the first three or four bundles of ballot papers and use the bundles at random and not in consecutive serial order.

22. DECLARATION BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF THE POLL:

In order to ensure that the Presiding Officer has duly carried out the foregoing instructions about the demonstration of the marked copy of the electoral roll and the ballot papers and the green paper seals and allowing the polling agents to note down their serial numbers, which are necessary safeguards for ensuring free and fair election, he is required to read out a declaration prescribed by the commission in (**Annexure– XXV**) before the commencement of the poll. The Presiding Officer will read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration. He will also obtain thereon the signatures of the polling agents present.

During the poll, when a new ballot box is necessary to be used, the Presiding Officer will record a further declaration in the same manner vide **part II** at (**Annexure XXV**). At the conclusion of the poll, he will furnish to every polling agent present at the close of the poll an attested true copy of the entries made in the ballot paper account after obtaining a receipt for it from the polling agent on the form of declaration itself. The attested copy will be supplied even without the polling agent asking for it. The Presiding Officer will also make further declaration vide **part III** of **Annexure XXV** to the above effect and obtain the signatures of the polling agents present.

23. WARNING ABOUT SECRECY OF VOTING:

Before commencing the poll the Presiding Officer will also explain to all present the provisions of section 217 of AP PR Act, 1994 regarding their duty to maintain the secrecy of the vote and warn them of the penalty for any breach thereof.

24. COMMENCEMENT OF THE POLL:

The Presiding Officer will commence the poll at the stroke of the hour fixed for the purpose. He must complete all formalities before the said hour. If for any unforeseen or compelling reason he is not in position to commence the poll at the appointed hour, he has no authority to extend the polling hours and the poll must close at the appointed closing time, except that the voters who are present at the polling station at the closing time shall be allowed to vote even if polling continues for some more time.

25. REGULATION OF ENTRY OF VOTERS:

There will be separate queues for men and women voters. The persons who enforce the queues will allow three or four voters into the polling station at a time as the Presiding Officer may direct. Other voters waiting to come in will be made to stand in queue outside. Infirm voters and women voters with babies in arms may be given preference over other voters in the queue. Men and women voters will be admitted into the polling station in alternate batches. The formation of more than one queue for men voters or for women voters will not be allowed.

26. FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS:

Subject to the maintenance of peace and order, there is no objection to any photographer taking photographs of a crowd of voters lining up outside the polling station. However, no one including the publicity officials of the State Government shall be allowed inside a polling station without a letter of authority from the State Election Commission. In no circumstances, will any photograph be allowed to be taken of a voter recording his vote.

27. COMPULSORY IDENTIFICATION OF VOTERS AT POLLING STATIONS:

The State Election Commission issued orders that in all elections to local bodies, the electors shall compulsory produce any one of the following documents at the polling stations to establish their identity.

- I) Electoral Photo Identity Card,
- II) Passports,
- III) Driving Licenses,
- IV) Income Tax Identity (PAN) Cards,
- V) Service Identity Cards issued to its employees by State/Central Governments, Public Sector Undertakings, Local bodies or Public Limited Companies with photographs,
- VI) Passbooks issued by Public Sector Banks/Post Office and Kisan Passbooks with photographs (accounts opened upto the date of election notification for the local body concerned)
- VII) Property Documents such as Pattas, Registered Deeds, etc. with photographs (documents registered on or before the date of election notification for the local body concerned),
- VIII) Ration Cards with photographs (issued on or before the date of election notification for the local body concerned),
- IX) SC/ST/OBC Certificates issued by competent authority with photographs (issued on or before the date of election notification for the local body concerned)
- X) Pension Documents such as ex-servicemen's Pension Book/ Pension Payment Order, ex-servicemen's widow/ Dependent Certificates, Old age pension Order, Widow Pension Order with photographs (issued on or before the date of election notification for the local body concerned)
- XI) Freedom Fighter Identity Cards with photographs,
- XII) Arms Licenses with photographs (issued on or before the date of election notification for the local body concerned),
- XIII) Certificate of Physical Handicap by Competent Authority with photograph (issued on or before the date of election notification for the local body concerned),
- XIV) ATM Cards with photographs issued by Banks (issued on or before the date of election notification for the local body concerned),
- XV) Membership Cards with photographs issued by Bar Councils (issued on or before the date of election notification for the local body concerned),
- XVI) Identity Cards with photographs issued by the Secretariat of Lok Sabha / Rajya Sabha to Members of Parliament,
- XVII) Identity Cards with photographs issued by the Secretariat of the Legislative Assembly / Legislative Council to MLAs/MLCs,

- XVIII) Job cards issued under NREGA with photographs (issued on or before the date of election notification for the local body concerned),
- XIX) Health insurance Scheme Cards with photographs (Ministry of Labour's Scheme,(issued on or before the date of election notification for the local body concerned)
- XX) Pattadar passbooks containing photographs (issued on or before the date of election notification for the local body concerned).

Every voter has to be identified by any one of the above documents before he is allowed to vote.

28. CHALLENGE TO THE IDENTITY OF A VOTER

As stated above, one of the main duties of the polling agent is to help the Presiding Officer to detect and prevent impersonation of voters. The polling agent is therefore, entitled to challenge the identity of a person who comes as a voter if he has personal knowledge that the person claiming to be that voter is not the same person. The polling agents should not, however, make indiscriminate challenges as this would hamper the smooth process of the poll leading to delay in which case some voters, including the supporters of his own candidate, might get tired and leave the queue without voting.

29. LIST OF DEAD, ABSENT AND ALLEGEDLY SUSPICIOUS VOTERS

It is expected that a polling agent will have with him a copy of the electoral roll and also a list of the names of the dead, absent and allegedly suspicious voters which might have been prepared by the candidate or his party. A copy of this list should be supplied to the Presiding Officer also. If any person claims to be a voter whose name is mentioned in that list, the polling agent should draw the Presiding Officer's attention to that fact. This will not amount to a formal challenge. The Presiding Officer will check that person's identity.

30. FORMAL CHALLENGE TO VOTER.S IDENTITY

If the Presiding Officer disregards the list, the polling agent may formally challenge the identity of the person provided he is satisfied that the person concerned is impersonating a voter.

Even if the name of a voter is not mentioned in the above list of dead, absent and allegedly suspicious voters, but a polling agent has personal knowledge that the person claiming to be the voter is not the real voter, the polling agent may formally challenge that person's identity.

Every person whose name is entered in the electoral roll is entitled to vote at the election and a person claiming to be a voter and giving out the name and producing the requisite documents and other details correctly is normally presumed to be that voter. Therefore, the polling agents are advised to challenged the identity of a voter only when they are sure about their identity of the person challenged.

31. CHALLENGE FEE

The Presiding Officer will not entertain any challenge by a polling agent, until the challenger pays him Rs.5 (Rupees five only) in cash. After the amount has been paid, the Presiding Officer will furnish a receipt therefore to the challenger in the form prescribed by the State Election Commission.

32. SUMMARY INQUIRY INTO A CHALLENGE

When the identity of an elector is formally challenged by a polling agent, the Presiding Officer will warn the person challenged about the penalty for personation, read out the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry, enter his name and address in the list of challenged votes in **Form – XXI (Annexure-XXVI)** and ask him to sign or affix his thumb impression thereon. If the person challenged refuses to do so, the Presiding Officer will not allow him to vote.

After the Presiding Officer has completed the entries in the list of challenged votes and obtained the signature or thumb impression of the person challenged in the relevant column in the said list, he will ask the challenger to produce evidence to show that the person challenged is not the voter that he claims to be. If the challenger fails to adduce prima facie evidence in support of his challenge, the Presiding Officer will disallow the challenge and allow the person challenged to vote. If the challenger succeeds in making out a prima facie case that the person challenged is not the voter in question, the Presiding Officer will call upon the latter to produce evidence to rebut the challenge, i.e., to prove that he is the voter he claims to be. In the course of the inquiry the Presiding Officer is free to ascertain the true facts by putting to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer him on oath. He may also take evidence of any person whom he thinks to be helpful in his inquiry like the village officer, the neighbours of the voter in question or any other person present. While taking such evidence he may administer oath to the person challenged or any other person offering to give evidence.

After the completion of the inquiry, if the Presiding Officer considers that the challenge has not been established, he should allow the person challenged to vote. Where, however, he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting. In that case the Presiding Officer has also been instructed to hand over the person concerned to the police man on duty together with a complaint addressed to the SHO of Police Station in the jurisdiction of which the polling station falls for prosecution of the person concerned for committing the offence of personation.

33. RETURN OF FORFEITURE OF CHALLENGE FEE

After the inquiry is over, the Presiding Officer will return the challenge fee of Rs.5/- to the challenger after taking his receipt in the appropriate column in the list of challenged votes, referred to above (**Annexure XXVI**) and on the counterfoil of the relevant receipt in the receipt book.

Where, however, the Presiding Officer is of the opinion that the challenge was frivolous or was not made in good faith, he will forfeit the challenge fee to the government and will not return it to the challenger.

34. CLERICAL AND PRINTING ERRORS IN THE ELECTORAL ROLLS TO BE OVERLOOKED

The particulars in respect of a voter as entered in the electoral roll are sometime incorrectly printed or have become out of date, for example, the age of the voter. The polling agent should overlook mere clerical or printing errors in any entry relating to a voter and should not raise objection about such voter, if he is otherwise satisfied about the identify of that voter.

35. ELIGIBILITY OF VOTER NOT TO BE QUESTIONED

Every person whose name is entered in the marked copy of the electoral roll is entitled to vote at the election. So long as there is no doubt the identity of such person, no question can be

raised by a polling agent at the polling station before the Presiding Officer about the eligibility of such a person to be registered as a voter.

36. PRECAUTIONS AGAINST VOTING BY UNDER AGE VOTERS

As stated above, the eligibility of a person to be a voter whose name is included in the electoral roll cannot be questioned or enquired into by the Presiding Officer at the polling station. However, if the Presiding Officer is prima facie satisfied about the identity of a voter and also about the fact of inclusion of his name in the electoral roll, but considers such person to be below the minimum voting age. The Presiding Officer shall obtain a declaration in a prescribed form from the person concerned about his age.

The polling agents may bring to the notice of the Presiding Officer such cases of voters whose names are included in the electoral roll but who seem to be much below the voting age so that the Presiding Officer may take action in respect of such voters as mentioned above.

37. APPLICATION OF INDELIBLE INK

The left forefinger of every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall be marked with indelible ink. This will be done by the Second Polling Officer.

The application of indelible ink is a vital safeguard against personation and to ensure that the same voter does not vote more than once. If any elector refuses to allow his left forefinger to be inspected or marked with indelible ink or he has already such a mark on his left forefinger, or he does any act with a view to removing the ink mark, he shall not be allowed to vote.

The left forefinger of the voter should be marked with indelible ink soon after his identity is verified by the First Polling Officer and before his signature or thumb impression is obtained on the counterfoil of the ballot paper. The underlying purpose of this instruction is that there should be a sufficient time gap for the indelible ink to dry and leave a proper indelible mark on

the voter's forefinger before he leaves the polling station. His forefinger should again be checked before he leaves the polling station in order to verify that there is a clear indelible ink mark on the finger. If the voter has wiped off the ink or there is no proper ink mark visible, his left forefinger should again be marked with indelible ink.

38. ISSUE OF BALLOT PAPERS

Under the law, before a ballot paper is issued to an elector whose identity has been established, his signature or thumb impression shall be obtained on the counterfoil of the ballot paper. If any elector refuses to put his signature or thumb impression on the counterfoil of the ballot paper, no ballot paper shall be issued to him.

39. MAINTAINS OF SECRECY OF VOTING BY ELECTORS:

Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He should strictly observe the prescribed voting procedure. If he refuses, after warning given by the Presiding Officer, to observe the voting procedure, the Presiding Officer or a Polling Officer under the direction of the Presiding Officer shall not allow such elector to vote and the ballot paper issued to him shall be taken back and cancelled by the Presiding Officer.

All such cancelled ballot papers shall not be inserted into the ballot box, but shall be kept separately by the Presiding Officer in a cover to be specifically provided for the purpose.

40. VOTING BY BLIND OR INFIRM VOTERS:

If the Presiding Officer is satisfied that owing to blindness or any physical infirmity a voter is unable to recognize the symbols on the ballot paper or to record his vote on it without assistance he will permit the voter to take with him an adult companion of not less than 18 years into the voting compartment for recording the vote on his behalf and in accordance with his wishes. But the illiteracy of voter is not a sufficient cause for giving him assistance of a companion to record vote on his behalf. No person shall be permitted to act as the companion of

more than one elector at any polling station on the same day. The person acting as such companion is required to make a declaration in a prescribed form to the effect that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as a companion of any other elector at any polling station on that day.

41. TENDERED VOTES:

It may happen that a person representing himself to be a particular elector comes forward to vote after some other person has already voted as such elector. In that case if the Presiding Officers satisfied about the identity of such persons to be real voter after necessary questioning, the Presiding Officer will permit him to vote by means of tendered ballot papers. For that purpose the Presiding Officer will make necessary entry in the list of tendered votes **Form XXIV. (Annexure XXVII)** and obtain the signature or thumb impression of the voter therein. The voter will be supplied with a ballot paper which shall be serially the words “Tendered ballot paper” will be stamped or written on its back. The elector will record his vote on the tendered ballot paper by placing a mark by means of the arrow cross mark rubber stamp which is used for marking ballot papers. Such tendered ballot paper, after it is marked by the voter in the voting compartment and folded, shall be placed by the Presiding Officer separately in a cover specially kept for the purpose and shall not be inserted into the ballot box.

42. REFUSAL TO VOTE:

If a voter, after receiving the ballot paper does not wish to vote, he may return it to the Presiding Officer without marking it. The ballot paper and the counterfoil of such ballot paper will be cancelled by writing on it the words “returned cancelled”. If any elector has marked a ballot paper wrongly – marked it in favour of one candidate in the first instance and on second through wishes to vote in favour of another candidate – or spoiled it and returned it to the presiding officer he will be given another ballot paper. In every such case the voter should satisfy the Presiding Officer of his inadvertence. The ballot paper so returned and the counterfoil of such ballot paper shall be marked “spoilt cancelled”. Every elector to whom a ballot paper has been issued shall maintain secrecy of voting within the polling station and for that purpose observe the

voting procedure discussed earlier. If an elector to whom ballot paper has been issued refuses, after warning given by the Presiding Officer, to observe the procedure the ballot paper issued to him will, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer. After the Presiding Officer has taken it back, he will record on the back of such ballot paper and on its counterfoil the words “cancelled”- voting procedure violated”. The vote, if any, recorded on such ballot paper will not be counted.

43. CLOSE OF POLL – VOTING OF PERSONS PRESENT AT CLOSING HOUR:

The Presiding Officer will close the polling station at the hour fixed in that behalf and will not thereafter admit any elector into the polling station. But all elector present at the polling station before it is closed will be allowed to cast their votes even if for that purpose the polling is to be continued beyond the specified closing hour. For the above purpose, the presiding officer will distribute to all voters, who are standing in the queue and waiting to vote at the specified closing hours, slips signed by him in full and serially numbered from S.NO.1 onwards. He will not thereafter allow any person to join the queue and for ensuring this he has been instructed to start distribution of the above slips to such voters from the tail end of the queue and proceeding backward toward its head.

44. PREPARATION OF BALLOT PAPER ACCOUNT:

After the close of poll, the Presiding Officer is required to prepare under rule 52 conduct of elections rules, 2006 a ballot paper account of the ballot papers used at the polling station, Such account shall be prepared in part I of Form XXV.

45. SUPPLY OF ATTESTED COPIES OF BALLOT PAPER ACCOUNT TO POLLING AGENTS:

Under the said rule 52, every Presiding Officer is also required to furnish to every polling agent present at the close of the poll, a true attested copy of the ballot paper account as prepared

by him in Form XXV, after obtaining a receipt from those polling agents. Copies of the accounts should be furnished to every polling agent present even without his asking for it.

46. ACCOUNT OF PAPER SEALS:

The Presiding Officer should also keep a correct account of the paper seals supplied to him for use at the polling station and the paper seals actually used by him for sealing and securing the ballot boxes. Such account shall be maintained by him in the form specifically prescribed for the purpose by the commission which is given in the Handbook for Presiding Officers.

The Presiding officer should allow the candidates or their polling agents present to note down the serial numbers of paper seals so supplied for use and actually used.

47. DECLARATION TO BE MADE AT THE CLOSE OF POLL:

In order to ensure that above mentioned requirements of rule 52 regarding furnishing of copies of ballot paper account to polling agents are fulfilled by the Presiding Officer, the commission has devised a declaration (**Annexure XXV**) which will be made by the Presiding Officer at the close of poll.

48. CLOSING OF BALLOT BOX AFTER POLL:

At the close of poll, the ballot boxes will be inspected for verifying –

- (i) that the slit for insertion of ballot papers is still open;
- (ii) that the paper seal or other seals on each box are intact after the seal cover or the window cover, as the case may be, has been opened;
- (iii) that the slit for insertion of ballot papers is thereafter effectively closed and cannot be opened again; and
- (iv) that the seal cover or the window cover as the case may be, is secured and sealed with the Presiding officer's seals.

It is not necessary for any polling agent to put his seal for fixing the window cover or the slit cover. This seal is not vital and it does not matter even if it gets accidentally damaged or broken so long as the paper seal inside is intact. After closing and securing the ballot box or boxes used at the polling station the Presiding Officer will run a ribbon or tape on the four sides of the box lengthwise and breadth wise crossing each other on the lid passing under the handle, if there is one, and tie the knot firmly and seal the knot on a piece of thick paper or cardboard with his seal. The polling agents present may affix their seals or their signature if they so desire. After this, the ballot box or boxes will be either.

- (a) placed in a strong canvass bag with provision for closing it with a strong rope or other locking arrangement and the bag closed and sealed by the Presiding Officer; or
- (b) wrapped with a new cloth which shall be sewn and the seams sealed by the Presiding Officers.

In either, case the polling agents may affix their seals, if they so desire.

49. SEALING OF ELECTION PAPERS:

Each candidate or his election agent or his polling agent who is present at the polling station may affix the seals on the envelopes and packets containing the following documents;

- (i) the unused ballot papers with counterfoils;
- (ii) the tendered ballot papers and list of tendered votes in **Form XXIV (Annexure XXVII)**;
- (iii) the returned and other cancelled ballot papers;
- (iv) the marked copy of the electoral roll;
- (v) the signed but unused ballot papers with counterfoils; if any the list of challenged votes
- (vi) the list of challenged votes;
- (vii) the ballot papers cancelled for violation of voting procedure;
- (viii) the counterfoils of used ballot papers; and

- (ix) any other papers that the Returning Officer has directed to be kept in a sealed packet.

It is your interest to advise your polling agent to affix their seals on those packets so that complaints regarding tampering can be avoided.

50. CUSTODY OF BALLOT BOXES:

After the completion of poll in a constituency the ballot boxes will be taken to the place of storage and kept in safe custody under proper guard till they are taken to the counting place. You will be informed in advance by the Returning officer about the programme and route of the collection parties that will be sent by him for the collection of the polled ballot boxes from the polling stations and for bringing them to place of storage. If you want, you may ask your agents to accompany those collection parties. You will however have to make your own arrangement for their transport as they would not be allowed to travel in the official vehicle. If you like you may also post an agent to keep watch at the place where the ballot boxes are kept, and the agent will be allowed to affix his seals on the doors and windows of the building in which the boxes are stored in addition to the seal that may be affixed by the Returning Officer. In case the candidate or his election agent is not himself putting up such seals, to enable the verification of his identity. After all the ballot boxes have been received and stored and the room has been locked, no one will be allowed to go in until the morning of the day fixed for counting. If during the interval, the room is to be opened for some reasons, the Returning officer will inform the candidate and open the room in their presence and immediately after the purpose for which the room is opened has been served, the candidate or their representatives will be again allowed to seal the doors and windows. A log book will also be maintained in order that a full record is available of persons entering the room, the purpose of the visit, time of entry, time of exist etc,...

51. ADJOURNED POLL:

If there is a riot or open violence at the polling station or a natural calamity like severe storm, heavy snowfall or the like or some other sufficient cause, the Presiding Officer will

adjourn the poll. A passing shower of rain or strong wind would not be sufficient cause for adjournment of poll. The adjourned poll will be held on a date and at the time and place to fixed by the Returning Officer with the prior approval of the State Election Commission. The counting of the votes in the territorial constituency will not commence until adjourned poll has been completed.

Where the poll has been adjourned at a polling station under the provision of section 225 B, the adjourned poll will recommence from the stage at which it was stopped immediately before the adjournment i.e., the electors who have not already voted before the poll was adjourned will alone be permitted to vote at the adjourned poll. The Presiding Officer of the polling station, at which such adjourned poll his taken, will be provided with the sealed packets containing (i) the marked copy of the electoral roll. (ii) stitched bundles of ballot papers with their counterfoils, and (iii) counterfoils of used ballot papers received earlier from the Presiding Officer of the polling station concerned at which the poll was adjourned, and also a new ballot box.

Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and stitched bundles of ballot papers will be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this very marked copy for the electoral roll and these very bundles of ballot papers will be used for adjourned poll. If a bundle is previously used only partly that bundle need not be opened for use and fresh unused bundles only will be used.

The sealed packet containing counterfoils of ballot papers which were before the poll was adjourned will not be reopened, unless it becomes unavoidable to do so in order to decide any case of an elector who is to be issued a tendered ballot paper.

The provision of rules 32 to 52 will apply to the conduct of an adjourned poll as they apply to the poll before it was so adjourned.

52. FRESH POLL.:

If any ballot box used at a polling station-

- (i) has been unlawfully taken away by unauthorised person; or
- (ii) has been accidentally or intentionally destroyed or lost or damaged or tampered with and the Returning Officer is satisfied that the result of the poll at that polling station cannot be ascertained for that reason; or
- (iii) any error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station;

The Returning officer will report the facts to the State Election Commission and the District Election Authority. After considering all the material circumstances, the State Election Commission, will if necessary

- (i) declare the poll at that polling station to be void; and
- (ii) formally fix the date and hours for fresh poll and notify it.

On receiving intimation from the State Election Commission, the Returning Officer will inform the contesting candidates or their election agents of the date, time and place fixed for the fresh poll and affix a notice on his notice board notifying the date and hours so fixed. Also he would announce by beat of drum or otherwise in the polling area concerned the place, the date and hours so fixed.

53. FRESH POLL OR COUNTERMANDING OF ELECTION IN CASE OF BOOTH CAPTURING:

Under section 231 of APPR Act, 1994, if booth capturing (as defined in section 224) has taken place at a polling station in such a manner that the result of the poll of that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the State Election Commission. On receipt of that report from the Returning Officer, the State Election Commission shall, after taking all material circumstances into account, either (i) declared the poll at that polling station to be void and direct a fresh poll to be taken on a date to be appointed by it, or (ii) countermand the election if it is satisfied that in view of the large number of polling station involved in booth capturing the result of the election is likely to be affected.

If the Commission directs fresh poll to be taken at any polling station, the Returning Officer will proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.

If the election is countermanded by the Commission on account of booth capturing, all proceeding for that election will commence a new and a fresh notification calling for the election will be issued in due course.

CHAPTER - XI

COUNTING OF VOTES

1. INTRODUCTORY:

Counting of votes is the last major step towards the culmination of the election process. It is in the correct and proper counting of votes that the true choice of the electorate finds expression and it is on the basis of such ascertainment of their true choice that their chosen representative is declared elected. Therefore, the importance of the process of counting of votes hardly needs to be emphasized.

Under the law, counting of votes is to be done by, or under the supervision and direction of the Returning Officer in the presence of the candidates and their agents. The law authorizes the Assistant Returning Officer also to undertake the counting of votes.

2. LEGAL PROVISIONS:

The legal provisions of counting of votes are given in Rule 56 of Conduct of Election Rules, 2006. Rule 56(2) stipulates that the postal ballot paper shall be counted first. Rule 56 (7) (c) stipulates that subject to such general or special directions, if any, as may be given by the State Election Commission, the ballot papers shall be counted after mixing them territorial constituency-wise.

3. DATE, PLACE AND TIME OF COUNTING:

(1) The State Election Commission will fix the date and time for counting of votes in the election schedule appended to the election notification. The date and time of counting is common for all MPTCs and ZPTCs.

(2) The Returning Officer will give notice in writing to each candidate or his election agent about the date, place and time of counting atleast one week before the date fixed for poll in the territorial constituency in the form prescribed in **Annexure XXVIII**. If for any unavoidable reason if he is unable to proceed with the counting on the date or time or at the place fixed and communicate to the candidates, he can postpone the counting and fix another date or time or if necessary another place for counting of votes with the prior approval of the State Election

Commission. He should give notice of every change in writing to each candidate or his election agent.

(3) In case of adjournment of poll at any or some polling stations Sections 225 B, 225 C and 231 of the APPR Act, 1994, the counting of votes shall not commence till the adjourned poll is completed.

4. PLACE OF COUNTING

The counting of votes for all MPTCs in the Mandal Praja Parishad and ZPTC of that mandal should be done at one place. The counting of votes of ZPTCs may be done under the supervision of the Assistant Returning Officers concerned as they are legally competent to take up counting and also because only one Returning Officer is appointed for all ZPTCs in a Zilla Praja Parishad who cannot supervise counting at different places.

5. NUMBER OF COUNTING TABLES

The size of the counting hall, in most cases, will determine the number of counting tables at which the votes can be counted simultaneously.

The number of counting tables for a Mandal may be equivalent to total number of MPTCs in that Mandal plus one table for the Returning Officer..

6. NUMBER OF COUNTING AGENTS

Each candidate should be allowed to appoint as many counting agents as there are counting tables and one more to watch the counting at the Returning Officer's table.

7. LETTERS OF APPOINTMENT OF COUNTING AGENTS

(a) A candidate may appoint all his counting agents by a single letter in Form XIII suitably modified. In that case, all the agents should also have signed the letter in token of their acceptance of the appointment and should sign the declaration later in your presence.

(b) The contesting candidates shall furnish a list of counting agents with their photographs from all the contesting candidates by 17:00 hours on the day two days prior to the date fixed for counting of votes. On furnishing of such list with photographs, the photo identity cards of the counting agents should be issued to the contesting candidates by the Returning Officer. On the date of counting of votes only those counting agents who are holding the identity cards will be allowed inside the counting hall. All the contesting candidates and political parties should be informed well in advance of the aforesaid arrangements.

8. SEATING ARRANGEMENTS FOR THE COUNTING AGENTS

The seating arrangements of the counting agents of candidates is made at the counting tables by the following categories of priority:-

- i. Candidates of recognised National / State parties;
- ii. Candidates of registered political parties with a reserved symbol;
- iii. Candidates of registered- political parties without a reserved symbol
- iv. Independent candidates.

9. BADGES FOR COUNTING AGENTS

Each counting agent may have a badge indicating whose agent he is and the serial number of the table at which he will watch the counting. Each counting agent should affix his signature in full on the badge immediately after it has been issued to him. He should keep seated near the table allotted to him and should not be allowed to move about all over the hall. The extra counting agent may sit and watch the proceedings at your table. However, as far as possible in order to avoid overcrowding at Returning Officers table, only one person whether the candidate himself or his election agent or his counting agent should be present at a time at that table on behalf of a contesting candidate.

The candidates and their election agents will be free to go round to any part of the hall. In the absence of both the candidate and his election agent, his extra counting agent at Returning Officers table may be allowed to go round to any part of the hall.

10. PERSONS ALLOWED IN THE COUNTING HALL:

Only the following persons can be allowed inside the counting hall

- i. counting supervisors and counting assistants;
- ii. persons authorised by the State Election Commission;
- iii. public servants on duty in connection with the election; and
- iv. candidates, their election agents and counting agents.

Before counting begins see that no one else is present in the room.

You should note that expression of 'public servant on duty' in connection with election does not normally include police officers; such officers whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside the counting hall, unless the Returning Officer decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the counting hall without any compelling reason has on occasions given rise to complaints by some candidates or parties who have alleged that their agents has been overawed by an unnecessary show of force.

You should also note that the above expression public servant on duty in connection with election does not include the Ministers, State Ministers and Deputy Ministers of the Union and the States. They cannot be allowed to be appointed as election agents or counting agents as they have to be escorted by their security guards who can not be allowed entry into the counting hall.

You should note that no counting agents is to be admitted into the place fixed for counting, unless he has delivered to the Returning Officer the second copy of his appointment letter in Form XIII after duly completing and signing the declaration contained therein, and has been issued by the Returning Officer an authority for such entry. Similarly the election agents of the candidates may also be asked to produce the attested duplicate copy of their appointment letters.

Entry of persons will be strictly regulated as detailed above. No unauthorised person will be allowed to enter the place of counting in any circumstance.

[N.B. No security personnel accompanying the candidates or their agents should be permitted to enter the counting hall.]

11 COMMENCEMENT OF COUNTING - WARNING ABOUT MAINTENANCE OF SECRECY

The Returning Officer will commence the counting at the hour fixed for the purpose. Everyone present in the counting hall will be instructed to maintain secrecy of vote. For that purpose, the Returning Officer shall read out the provisions of section 217 of the APPR Act, 1994 (**Annexure - XXIX**) to bring it to the notice of everyone.

12. COUNTING OF VOTES RECEIVED BY POST

Under Rule 56 of Conduct of Election Rules, 2006 the postal ballot papers are to be counted first. The Returning Officer should first deal with the postal ballot papers.

Covers in Form XIX containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed, noting thereon the appropriate particular.

The covers in Form XIX received in time should be opened one after another. As each cover is opened, the Returning Officer should take out the declaration in Form XVII and the cover in Form XVIII and scrutinize the declaration. If the declaration in Form XVII is not found in the cover or the declaration has not been duly signed and or not attested by an officer competent to do so or is otherwise substantially defective or if the serial number of ballot paper appearing in the declaration is different from the serial number on the cover in Form XVIII the cover containing the postal ballot paper should not be opened but the ballot paper should be rejected. Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed in the cover in Form XIX. All the declarations in Form XVII which have been found to be in order, should then be kept in separate packet in order to ensure that the secrecy of the postal ballot is kept inviolate.

Thereafter the covers in Form XVIII should be opened by the Returning Officer one after another and the validity of the ballot papers scrutinized and decisions arrived at. A postal ballot paper should be rejected.

- i. if no vote is recorded thereon; or
- ii. if votes are given on it in favour of more candidates than one; or

- iii. if it is a spurious ballot papers; or
- iv. if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- v. if it is not returned in the cover sent along with it to the elector by you; or
- vi. if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given; or
- vii. if it bears any mark (other than the mark to record to vote) or writing by which the voter can be identified.

There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus, a mark made anywhere in the space allotted to that candidate should be taken as a valid vote in favour of the candidate concerned. Again a vote recorded on a postal ballot paper should 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 should be for a particular candidate clearly appears from the way the ballot paper is marked.

The valid votes should then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate should then be calculated, entered in the Result Sheet in Form XXVI as in (**Annexure – XXX**) in the appropriate place and announced for the information of the candidates.

13. GETTING THE BALLOT BOXES ETC., TO THE COUNTING TABLES:

In counting of votes, the Returning Officer should proceed strictly according to the serial numbers of the polling stations. That is to say, he should begin the initial counting with the ballot boxes of the polling station in the order of their serial number in the Mandal. The votes in the boxes of different polling stations can be got counted simultaneously by different batches at different tables, The scene thus set for initial counting, get all ballot boxes relating to polling stations for first round and place them on the counting tables. The ballot paper account and paper seal account relating to the respective polling stations is kept on the tables concerned.

14. CHECKING OF SEALS OF BALLOT BOXES:

Before a ballot box is opened, allow the counting agents and the candidates present to check and satisfy themselves that the seals on the box are intact and have not been tampered with.

15. CANDIDATES AND AGENTS ENTITLED TO CHECK IDENTITY MARKS AND PAPER SEALS:

As each ballot box is opened, allow every candidate or his counting agent present to check the identity of the box with reference to, -

- (i) the identity marks on the paper seal, and
- (ii) the serial number of the paper seal.

16. COMPARISON OF SERIAL NUMBER OF PAPER SEALS:

Where the paper seals are used and they are numbered, the serial number on the paper seal of each box should be compared with the number given in the paper seal account sent by the Presiding Officer. The counting agents of the candidates, if they so desire, are allowed to note these numbers. If the Returning Officer finds in any case, the number noted in the paper seal account and the number of the paper seal actually found on a box do not tally, there would be prima facie suspicion that the ballot box has been tampered with or that the paper seal account contains a mistake. The question is decided by Returning Officer, after checking the serial number of the unused paper seals returned by the Presiding Officer and other relevant circumstances. If Returning officer finds it to be a case of mistake, the discrepancy be ignored.

If the paper seals are found to have been tampered with in any box in such a way that the box is no longer secure and its contents are capable of being interfered with, and if the Returning Officer is further satisfied that the box has, in fact been tampered with, he should not open the box or bring out its contents. He shall re-seal the box without counting, wrap it up with tape or in cloth or gunny and keep it apart. He shall report the facts to the District Election Authority and on receipt of the orders of the State Election Commission for a re-poll, arrange for a re-poll in the Polling Station concerned.

17. OPENING OF BALLOT BOXES AND ELECTION COVERS:

- (a) After the identity of the ballot boxes from a polling station has been checked in the manner detailed above and found to be in order, the contents of the ballot boxes should be taken out for counting. Covers containing the tendered ballot papers should not be opened.
- (b) The counting agents are allowed to satisfy themselves that all the ballot papers have been taken out from the boxes and that they are empty before the boxes are taken away from the counting tables.
- (c) The counting assistants should be careful to see that no ballot paper goes astray while being handled by them.

18. BROAD GUIDELINES FOR UNDERTAKING COUNTING OF VOTES IN CASE OF SIMULTANEOUS ELECTION TO ZPTCS AND MPTCS:

- (1) In case of simultaneous election to MPTCs and ZPTCs, the number of counting tables for a Mandal may be equivalent to number of MPTCs in that Mandal Plus one for the returning Officer.
- (2) Counting of each Mandal shall be done in a separate hall. If one hall is not sufficient to accommodate the required number of tables, two adjacent halls can be used. In such a case, one additional table for the Asst. Returning Officer may be kept in the second hall. Further, the Collector & District Election Authority, if he/she so desires, may appoint one or more separate Asst. Returning Officer for the purpose of counting.
- (3) First there will be initial count of all the votes polled. During initial counting, the ballot papers of MPTCs and ZPTCs will be separated and they will be sorted into bundle of 25 ballot papers without opening the fold and the total ballot papers available in the box for MPTC as well as ZPTC will be counted and the same will be tallied with the number given in the ballot paper account and the particulars of the counting will be entered in the relevant columns in the ballot paper account. During the initial count one MPTC Constituency will be counted in each side. Thus, if there are three polling booths in one MPTC, the initial counting will be completed in three rounds.

(4) Thereafter, the ZPTC ballot papers will be pooled for the entire ZPTC constituency and will be kept in a drum or box for the purpose of mixing near the election officers table. Similarly, the MPTC ballot papers from all the polling stations in a MPTC will be polled together for the purpose of mixing in a separate drum.

(5) After the stage of mixing is over, the process of actual counting will start simultaneously for MPTC and ZPTC. 50% of the counting tables will be earmarked for counting of ZPTC ballot papers. Each table will be supplied with 1000 ballot papers for counting in each round.

(6) The remaining 50% of counting tables will be earmarked for counting of MPTC ballot papers. As soon as counting of one MPTC is over, the result sheet will be checked and approved by the Returning Officer and result declared. Thereafter, counting of another MPTC will be taken up on the same table. Thus, each table earmarked for MPTC counting will count votes for two MPTCs, unless the counting hall is so big as to accommodate one counting table for each MPTC in addition to separate tables for counting the ballot papers of ZPTCs.

(7) The above instructions are only broad guidelines. The District Election Authority, may increase the number of tables depending on the space available and the number of contesting candidates and may take up simultaneous counting of all MPTCs as well as ZPTCs.

Detailed procedure for counting where votes are counted by mixing of ballot papers:

Under the system, the counting of votes of Member, MPTC and Member, ZPTC is done in two stages. In the first stage, all the ballot papers of Member, MPTC (white colour) and member, ZPTC (pink colour) contained in the ballot box or boxes used at a polling station are taken out and sorted out. The ballot papers of Member, MPTC shall be retained on MPTC counting tables and the ballot papers of Member, ZPTC shall be passed on in a tray to the table meant for counting of Member, ZPTC ballot papers. In no case the ballot paper should be taken outside to counting hall. The total number of ballot papers of Member, MPTC and Member, ZPTC in the box or boxes at the polling station is ascertained separately. This number shall tally with the ballot paper account of Member, MPTC and Member, ZPTC of the Polling Station as recorded by the Polling Officer concerned.

At the time of the initial counting, the ballot papers, with the vertical fold intact, are made up into bundles of 25 for convenience of counting and each bundle is kept together by means of rubber bands tied at both ends. If at the end of the initial counting, the number of ballot papers left in the box or boxes used at a polling station is less than 25, then they are made into a separate bundle and kept apart in a separate tray. All the bundles containing the full number of 25 ballot papers will be placed inside a big drum or other receptacle. The above procedure will be followed in respect of ballot box or boxes used at every polling station and this procedure may be adopted simultaneously at the various counting tables. After the full bundles of ballot papers from all the ballot boxes used at all the polling stations within a MPTC territorial constituency have been placed in the drum or other receptacle, they will be mixed together slowly with a wooden ladle or other instrument with a smooth surface so that no ballot paper is damaged or spoiled in the process. The bundles containing less than 25 ballot papers will also be made up into bundles of 25 ballot papers as far as possible and put inside the receptacle for mixing.

After the initial counting for the purpose of tallying ballot paper account, in respect of all polling stations has been completed and the bundles of ballot papers have been mixed as explained above, the second stage of counting i.e., detailed counting so as to scrutinise ballot papers for their validity or otherwise, sorting them out candidate-wise and counting them candidate-wise to ascertain the result, is taken up. For this purpose, 40 bundles, each containing 25 ballot papers, so as to make 1,000 ballot papers, will be taken at random from the drum or receptacle and sent to each table for counting.

At the counting table, the said 1,000 ballot papers contained in 40 bundles will be taken up for detailed scrutiny and sorting candidate-wise. The ballot papers contained in each bundle will be scrutinised for determining their validity or otherwise by taking each bundle one by one.

The above procedure for distribution of 1,000 ballot papers to each table and their scrutiny and sorting and counting candidate-wise, as explained above, will be repeated till all the bundles of ballot papers in the big drum or receptacle relating to a MPTC are distributed to the counting tables and counted.

Convention of taking of signatures of agents after every round, wherever followed, may be continued.

The same procedure shall be adopted for mixing and counting of ballot papers of Member, MPTC and Member, ZPTC on the counting tables meant for Member, MPTC and Member, ZPTC separately.

19. GROUNDS FOR REJECTION OF BALLOT PAPERS :

The Returning Officer will scrutinise all doubtful and apparently invalid votes and decide in each case whether a particular vote is valid, if so in favour of which candidate or it is invalid and if so to be rejected as such.

a) A ballot paper is rejected if -

- i) if it bears any mark or writing by which the elector can be identified, or
- ii) if it bears no mark at all to indicate the vote, it bears a mark elsewhere than on or near the symbols of one of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose, or
- iii) if votes are given on it in favour of more than one candidate, or
- iv) if the mark indicating the vote thereon is placed in such manner as to make it doubtful as to which candidate the vote has been given, or
- v) if it is a spurious ballot paper, or
- vi) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- vii) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design, of the ballot papers authorized for use at the particular polling station, or
- viii) if it does not bear both the distinguishing mark and the signature which it should have borne under the provisions of rule 45.

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

b) The Returning Officer should endorse on each ballot paper which is rejected the word "REJECTED", and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and initial such endorsement. Before finally rejecting any ballot paper,

a reasonable opportunity is given to the candidate or his agent who desires to do so, to inspect the ballot paper. You are not allowed to handle any ballot paper physically.

The decision of the Returning Officer as to the validity of the ballot paper shall be final subject to scrutiny and if necessary reversal on an election petition.

20. RECOUNT:

When the counting is completed, the Returning Officer will record in the result sheet in Form XXVI the total number of votes polled by each candidate and announce the same. He will then pause for a minute or two. If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, the Returning Officer will get an application in writing giving a reasonable time of 15 minutes. The Returning Officer will not complete and sign the result sheet in Form XXVI, when an application for recount is made. You should consider the grounds urged and decide the matter. The Returning Officer may allow the application in whole or in part if it is reasonable or he may reject it in toto if it appears to him to be frivolous or unreasonable. His decision will be final, but in every case he will record a brief statement of his reasons for each decision. If, in any case, he allows an application/applications for recount/recounts either wholly or in part, he will have the ballot papers counted over again in accordance with his decision. After each recount has been completed, he will amend the result sheet to the extent necessary and announce the amendments so made by him. After the total number of votes polled by each candidate has been announced by him he will complete and sign the result sheet.

No candidate has a right to demand a recount after the Returning Officer has completed and signed the result sheet.

21. FINAL RESULT SHEET:

Final result sheet in Form XXVI in this system of counting by mixing of ballot papers is different. The said Form XXVI is given in **Annexure XXX**. In this form, first the total number of ballot papers found in the ballot boxes will be shown polling station-wise as ascertained at the initial counting. Thereafter, when the second stage of counting is taken up, the result of round-wise counting is shown in that Form.

22. PROCEDURE TO BE FOLLOWED IN CASE OF DESTRUCTION, LOSS, ETC., OF BALLOT PAPERS BEFORE COMPLETION OF COUNTING:

Under section 225 D of the APPR Act, 1994, the State Election Commission is competent to direct, after taking all material circumstances into account the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that any ballot papers used at a polling station have been –

- (i) unlawfully taken out of his custody, or
- (ii) accidentally or intentionally destroyed or lost, or
- (iii) damaged or tampered with, to such an extent that the result of the poll at the polling station cannot be ascertained. If any such occasion arises, you should forthwith report full facts of the case to the State Election Commission and await its directions in regard to the counting of votes polled at that polling station.

23. ADJOURNMENT OF COUNTING:

The Returning Officer shall proceed with the counting at each place continuously. In case the Returning Officer has to suspend or adjourn the counting before its completion for any unavoidable reason, he shall seal up all the ballot papers in packets as also all other papers relating to the election. He shall allow every candidate or his agent, if he desires to do so, to place his seal on every packet, etc, in which these papers are kept.

24. COUNTING AFTER CONTINUATION POLL OR FRESH POLL :

If any continuation poll or fresh poll has been held at a polling station, the Returning Officer should fix the date, time and place for counting the votes recorded in such election as directed by the State Election Commission and give notice of the same to every candidate or his election agent. The Returning Officer shall not count the votes cast at such election until such continuation poll or fresh poll has been completed.

25. POWER OF OBSERVER TO STOP COUNTING:

Under section 232 A of the APPR Act, 1994, the Observers appointed by the State Election Commission to watch the conduct of election have the power to direct the Returning Officer to stop the counting of votes at any time before the declaration of result or not to declare the result, if in their opinion booth-capturing has taken place at a large number of polling stations or at the counting place or the ballot papers are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with. The election proceedings in such cases shall proceed further in accordance with such directions of the State Election Commission as it may issue on the reports of the Observers and after taking all material circumstances into account.

CHAPTER – XII

DECLARATION AND PUBLICATION OF RESULT OF ELECTION

1. EQUALITY OF VOTES

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

Example – If in a territorial constituency, A, B, C and D are the contesting candidates and the total number of votes they have secured is as follows:

A-12703

B-17567

C-17567

D-16394

A lot will be drawn between B and C who have each polled the highest number of votes and which are equal. The name of whichever of them is drawn will be declared elected treating as if the candidate on whom the lot falls had received the additional vote (Rule 61 of conduct of election rules).

2. DECLARATION OF RESULT

The Returning Officer shall declare in Form XXVII (**Annexure - XXXI**) the candidate to whom the largest number of votes have been polled to be elected for the seat.

3. RETURN OF ELECTION

The Returning Officer should complete and certify the Returning of Election in Form XXVIII under Rule 62 (1) (b) of conduct of election rules and send copies thereof to State Election Commission, Election Authority and District Election Authority.

Any candidate or his agent, an application be permitted to take a copy of an extract of the return of election in Form XXVIII (**Annexure - XXXII**).

4. GRANT OF CERTIFICATE OF ELECTION

As soon as may be after a candidate has been declared under rule 16 or, as the case may be, under Rule 62 to have been elected, the Returning Officer shall grant such candidate a certificate of election in Form XXIX (**Annexure- XXXIII**) and obtain from the candidate an acknowledgement of its receipt duly signed by him immediately.

5. PUBLICATION OF RESULT

The Returning Officer shall publish on the notice board in the office of the Mandal Praja Parishad / Zilla Praja Parishad concerned a notification signed by him stating the names of the candidates duly elected as members.

CHAPTER - XIII
ACCOUNTS OF ELECTION EXPENSES

1. STATUTORY PROVISION

Section 230-A of AP Panchayat Raj Act,1994 stipulates that every contesting candidates at an election held under Andhra Pradesh Panchayat Raj Act shall, either by himself or by his election agent, keep a separate and correct account of all expenditure incurred in connection with election between the date on which the candidate concerned has been nominated and the date of declaration of results of the election both days inclusive.

Sub-section (2) of section 230-A stipulates that the account of election expenditure shall contain such particulars as may, by order, be specified by the State Election Commission.

Sub-section 3 of section 230A empowers the State Election Commission to specify the ceiling limits on election expenditure to be incurred by the candidates for various seats in elections to Panchayat Raj Bodies. The maximum ceiling limits which can be incurred by the candidate contesting elections to ZPTC & MPTC and Gram Panchayats shall be as specified by the State Election Commission by notification.

Section 230B of AP Panchayat Raj Act, 1994, stipulates that every contesting candidate at an election shall, within 45 days from the date of declaration of result of 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 230 A . The final return under the sections shall be submitted by the contesting candidates within 45 days from the date of declaration of result to the District Election Authority through MPDOs.

Under section 19 B of he APPR Act, 1994, the State Election Commission is empowered to disqualify a candidate from contesting election for a period of 3 years for failure to lodge an account of election expenses within the time and in the manner required under the said Act and in case the candidate is elected, he is liable for cessation of office for such failure.

For the purpose of clarity, the explanations given under Section 230 A of AP PR Act, 1994 for the election expenses are reproduced below.

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

(a) incurred, or authorized by the contesting candidate, or by his election agent;

(b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent) aimed at promoting or procuring the election of the candidate concerned; and

(c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:

Provided that any expenses incurred by any political party as part of its general propaganda, (which is distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken, or by signs or visible representations, or by audio-visual devises, 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 (7) of section 211 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.*

2. ORDERS ISSUED BY STATE ELECTION COMMISSION:

In exercise of the powers conferred under subsection (2) of section 230-A of the APPR Act, 1994, in supersession of the earlier instructions issued in the subject, the State Election Commission, issued the following orders in connection with maintenance of election expenditure in the ensuing elections to Panchayat Raj Bodies in order No.168/SEC- B1/2011 of 18.05.2011 (Copy enclosed as **(Annexure - XXXIV)**)

1. **Accounts to be in the proforma specified:-** The day to day account of election expenditure of the contesting candidates shall be maintained in Proforma I, and the periodical abstract of election expenditure account shall be maintained in Proforma II, by each of the contesting candidate. These accounts of election expenditure in the said two proformas shall be submitted for scrutiny on demand to the Returning Officers or other authorities designated by the State Election Commission.
2. The 'day-to-day' true account of election expenditure incurred by contesting candidate or his Election Agent and also by his supporters, any political party, or body or association or other individuals supporting the candidature or for furthering chances of the candidate in the election shall be recorded in Proforma I.
3. The day to day expenditure account so maintained in proforma I shall be supported by proper vouchers failing which it will not be treated as true account of election expenditure as required under the law, save in cases where it is not possible to obtain vouchers.
4. Each of the supporting vouchers, enclosed with the account of election expenditure, shall bear the signature in full of the contesting candidate or his election agent.
5. The candidate or his authorised agent shall prepare an abstract of the expenditure periodically during the campaign period in the proforma II enclosed to this Order and the same shall be duly signed by the candidate or his election agent certifying its correctness and shall be submitted to the designated authorities for inspection and scrutiny.

3. AUTHORITIES DESIGNATED FOR SCRUTINY AND MAINTENANCE OF ACCOUNTS:

The State Election Commission directs that the "day to day basis true" account of expenditure in the proforma I and the periodical abstract of expenditure in the proforma II

attached to this Order should be submitted by the contesting candidates to the authorities designated by the State Election Commission on the dates specified by the State Election Commission separately.

In connection with third ordinary elections to Mandal Praja Parishad & Zilla Praja Parishad and Gram Panchayats in the State the Commission, hereby, **designate the Returning Officers for the inspection and scrutiny of the day to day expenditure accounts** and the periodical abstract of expenditure during the election campaign period and issue the following instructions in this behalf:-

1. The contesting candidates or their agents shall submit the election expenditure accounts maintained in Proforma-I and Proforma-II to the designated officers or officers nominated by them once in every three days from the date of publication of list of contesting candidates.
2. The Returning Officers are authorized to nominate officers to receive the accounts filed by the candidates and also notify the place at which and the hour when the candidates or their election agents can file the election expenditure accounts on the dates indicated. The nominated officers shall be available on the date and time indicated above at the places notified and shall receive and inspect and scrutinize the accounts submitted by the candidates and give consolidated report to the Returning Officer and to the election expenditure observer.
3. The election expenditure observers will also undertake inspection and scrutiny of all the expenditure accounts whenever they feel convenient on the said dates and they may also summon the expenditure accounts of any candidate from the officers nominated by the Returning Officers.

4. RETURN OF ELECTION EXPENDITURE A PUBLIC DOCUMENT:

With a view to minimise the possibility of contesting candidates, their supporters, political parties, bodies or associations incurring expenditure in excess of the ceilings prescribed by the State Election Commission, it is felt necessary that the daily returns and the periodical returns of expenditure should be made transparent by making them available to the public and

the other contesting candidates, who, can help the Election Commission to effectively check the veracity of the returns with actual expenditure being incurred by the contesting candidates and their supporters. It is, therefore, decided that the designated officers should make photo copies of these returns available to other contesting candidates, any member of the public or Non-Governmental Organisation, on demand and on payment of xeroxing charges or a certified copy as per Section 76 of the Indian Evidence Act, 1872 and to the media, free of cost, so as to enable them to assist the Election Commission in effectively implementing the ceilings imposed on the expenditure to be incurred by the contesting candidates for various offices. The Commission is of the considered opinion that this exercise in bringing transparency in election expenditure will enhance the purity of elections and help in conduct of free and fair elections.

5. SUBMISSION OF FINAL RETURNS:

The final of return of election expenditure including the abstract shall be submitted by the contesting candidates to the District Election Authority through the MPDO within 45 days from the date of declaration of the results of the Office for which they had contested. The District Election Authority, shall make these returns public.

6. ACTIONS AGAINST DEFAULTERS:

If 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 but 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.

Immediately after the submission of the report, the District Election Authority shall publish a copy thereof affixing the same on his notice board.

After the receipt of the report from the Collector and the District Election Authority, 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.

If 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 under section 19 B of the Act for the failure in case he is elected.

Any contesting candidate who has been called upon to show cause may, within twenty days of the receipt of such notice, submit in 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.

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.

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 future to lodge his account, it shall declare him by an order made under section 19 B of the Act to be ineligible for a period of three years, from the date of the said order, to contest any election held for any office under the Act and if he is an elected candidate declare him to have ceased to hold office with immediate effect and publish the order in the Official Gazette.

ANNEXURE -I

(Extracts of Statutory Provisions relating to qualification and disqualification of candidates)

Extracts from A.P.Panchayat Raj Act, 1994:

Section 155 :

Qualification of candidates - No person shall be eligible for election as a Member of a Mandal Praja Parishad, unless his name appears in the electoral roll of the Mandal Praja Parishad and **he / she has completed the age of 21 years.**

Section 183

No person shall be eligible for election as Member of a Zilla Praja Parishad unless his name appears in the electoral rolls of the Zilla Praja Parishad concerned and he / she has completed the age of 21 years.

Section 156

Disqualifications:- (1) A member of the Mandal Praja Parishad shall be disqualified for election as President or Vice-President if he is in arrears of any dues, otherwise than in a fiduciary capacity to a Gram Panchayat, a Mandal Praja Parishad or the Zilla Praja Parishad or if he is interested in a subsisting contract made with, or any work being done for, any Gram Panchayat in the Mandal or the Mandal Praja Parishad or the Zilla Praja Parishad within whose jurisdiction the Mandal Praja Parishad is situated or any other Mandal Praja Parishad within the jurisdiction of that Zilla Praja Parishad:

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

- (i) a company as a mere shareholder but not as a director;
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money or any security for the payment of money only; or
- (iv) any newspaper in which any advertisement relating to the affairs of any of aforesaid Mandal Praja Parishads is inserted.

(2) The provisions of Sections 18, 19, 20, 21 and 22 shall apply to a member of the Mandal Praja Parishad as they apply to a member of the Gram Panchayat subject to the variation that for the expressions, "Gram Panchayat" "Executive Authority", "Sarpanch" "Upa-Sarpanch" and "District Panchayat Officer" the expressions "Mandal Praja Parishad", "Mandal Parishad Development Officer", "President", "Vice-President" and "Chief Executive Officer", shall respectively be substituted:

Provided that nothing in Clause (b) of Section 20 shall apply to a member of the Mandal Praja Parishad specified in Clause (ii) , Clause (iii) and Clause (iv) of sub-section (1) of Section 149.

Section 184

Disqualifications:- (1) A member of the Zilla Praja Parishad shall be disqualified for election as Chairperson or Vice-Chairperson if he is in arrears of any duties, otherwise than in a fiduciary capacity to any Mandal Praja Parishad in the District or the Zilla Praja Parishad or if he is interested in a subsisting contract made with, or any work being done for any Mandal Praja Parishad in the District or the Zilla Praja Parishad:

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

- (i) a company as a mere shareholder but not as a director;
- (ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- (iii) any agreement for the loan of money or any security for the payment of money only; or
- (iv) any newspaper in which any advertisement relating to the affairs of any of the aforesaid Mandal Praja Parishad or Zilla Praja Parishad is inserted.

(2) The provisions of Sections 18, 19, 19A, 19B, 20, 21 and 22 shall apply to a member of the Zilla Praja Parishad as they apply to a member of the gram panchayat subject to the variations that the expressions, gram panchayat, executive authority, “Sarpanch”, “Upa-Sarpanch” and “District Panchayat Officer”, the expressions “Zilla Praja Parishad”, “Chief Executive Officer”, “Chairperson”, “Vice-Chairperson” and “Chief Executive Officer” shall respectively be substituted:

Provided that nothing in clause (b) of Section 20 shall apply to a member of the Zilla Praja Parishad specified in clauses (ii) to (iv) of sub-section (3) of Section 177.

Sections 156 (2) and 184 (2) read with Section 18:

Disqualification of certain office holders etc. :- (1) No village servant and no officer or servant of the Government of India or any State Government or of local authority or an employee of any institution receiving aid from the funds of the Government and no office bearer of any body constituted under a law made by the Legislature of the State or of Parliament shall be qualified for being chosen as or for being a Member of a Mandal Praja Parishad or Member of a Zilla Praja Parishad.

Explanation : For the purpose of this Section the expression ‘VILLAGE SERVANT’ means in relation to –

(i) the Andhra Area, any person who holds any of the village offices of nearaganti, neeradi, vetti, kawalkar toti, talayar, tandalagar, sathsindhi or any such village office by whatever designation it may be locally known;

(ii) the Telangana Area, any person who holds any of the village offices of neeradi, kawalkar, sathsindhi or any such village office by whatever designation it may be locally known;

(2) A person who having held an office under the Government of India or under the Government of any State or under any local authority has been dismissed for corruption or for disloyalty to the State or to the local authority shall be disqualified for a period of five years from the date of such dismissal.

(3) For the purpose of sub-section (2), a certificate issued by the State Election Commissioner to the effect that a person having held office under the Government of India or under the Government of State or under any local authority has or has not been dismissed for corruption or for disloyalty to the State or to the local authority shall be conclusive proof of that fact;

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the state or to the local authority shall be issued unless an opportunity of being heard has been given to the said person.

(4) Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code (Central Act 45 of 1860), or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of Member of a Mandal Praja Parishad or Member of a Zilla Praja Parishad, for a period of five years from the date of his conviction or for such shorter period as the Court, may by order, determine.

(5) Apart from the disqualifications specified in sub-sections (1), (2) and (4) of Sections 18, 19 and 20 a person shall be disqualified for being chosen as, and for being, a Member of Mandal Praja Parishad or Zilla Praja Parishad, if he is otherwise disqualified by or under any law for the time being in force for the purpose of elections to the Legislature of the State.

Provided that no person shall be disqualified on the ground that he is less than 25 years of age, if he has attained the age of 21 years;

Provided further that where a person is convicted for an offence specified under sub-section (1) or sub-section (2) of Section 8 of the Representation of People Act, 1951 (Act 43 of 1951) or under Section 19 of this Act, while he is a Member of a Mandal Praja Parishad or Member of a Zilla Praja Parishad, the disqualification arising out of such conviction shall not take effect until the expiry of the time for filing an appeal against such conviction and where an appeal is filed until the disposal of the appeal;

Provided also that a person convicted for an offence under sub-section (1) of section 8 of the Representation of People Act, 1951 (Act 43 of 1951) (Extract of Section is given at the end) shall be disqualified for being chosen as or for continuing as a Member of a Mandal Praja Parishad or Member of a Zilla Praja Parishad, as the case may be, for a period of six years from

the date of conviction and a person convicted under sub-section (2) thereof shall be disqualified for a period

of six years from the date of conviction and for a further period of five years from the date of release.

Sections 156 (2) and 184 (2) read with Section 19:

Disqualifications of candidates

(1) A person who has been convicted by a Criminal Court –

- a) for an offence under the Protection of Civil Rights Act, 1955 (22 of 1955); or
- b) for an offence involving moral delinquency; shall be disqualified for election as a Member for a period of five years from the date of conviction or where he is sentenced to imprisonment while undergoing sentence and after a period of five years from the date of expiration thereof.

(2) A person shall be disqualified for being chosen as a member if on the date fixed for scrutiny of nominations for election, or on the date of nomination under sub-section (2) of Section 16 he is –

- a) of unsound mind and stands so declared by a competent court;
- b) a deaf-mute;
- c) an applicant to be adjudicated an insolvent or an undischarged insolvent;
- d) interested in a subsisting contract made with, or any work being done for, the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad or any State or Central Government:

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

- i) a company as a mere share-holder but not as a director;
- ii) any lease, sale or purchase of immovable property or any agreement for the same; or
- iii) any agreement for the loan of money or any security for the payment of money only; or
- iv) any newspaper in which any advertisement relating to the affairs of the Member of a Mandal Praja Parishad or Member of a Zilla Praja Parishad, as the case may be is inserted.

Explanation:- For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Gram Panchayat, Mandal Praja Parishad, Zilla Praja Parishad, the State or Central Government has not performed its part of the contractual obligations;

- e) employed as paid legal practitioner on behalf of the Mandal Praja Parishad or Zilla Praja Parishad, or as legal practitioner against the Mandal Praja Parishad or Zilla Praja Parishad.
- f) employed as a Manager or Secretary of any Company or Corporation (other than a Co-operative Society) in which not less than twenty-five per cent of the paid up share capital is held by the State Government;
- g) an honorary Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974) jurisdiction over any part of the village;

- h) already a Member of Mandal Praja Parishad or Zilla Praja Parishad whose term of office will not expire before his fresh election can take effect or has already been elected as a Member of Mandal Praja Parishad or Zilla Praja Parishad whose term of office has not yet commenced;
- i) in arrears of any dues including the sums surcharged otherwise than in a fiduciary capacity, to the Gram Panchayat upto and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired:

Provided that where any person has paid such dues into the Government treasury or into a bank approved by the Government to the credit of the Gram Panchayat fund and obtained a challan or receipt therefore in token of such payment, he shall not be disqualified to become a Member Member of a Mandal Praja Parishad or Member of a Zilla Praja Parishad on and from the date of such payment.

(3) A person having more than two children shall be disqualified for election or for continuing as Member of a Mandal Praja Parishad or Member of a Zilla Praja Parishad.

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Panchayat Raj Act, 1994 hereinafter in this section referred to as the date of such commencement, of an additional child 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 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 such commencement does not increase;

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.

Section 19A read with Sections 156(2) and 184(2):

Any person who is convicted of any offence punishable under Chapter IXA of the Indian Penal Code, 1860, and any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed in accordance with Section 233, or any person convicted of an offence punishable under Chapter II of Part V of this Act, shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

Section 19B read with Sections 156 (2) and 184(2):

If the State Election Commission is satisfied that a person, -

(a) has failed to lodge an account of election expenses within the time, 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 have ceased to hold office; and

(ii) 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’.

Extract of Section 8 of the Representation of Peoples Act, 1951:

DISQUALIFICATION ON CONVICTION FOR CERTAIN OFFENCES:-

(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.
- 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
 - d) any provisions of the Commission of Sati (Prevention) Act, 1987 (3 of 1988)

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

ANNEXURE - II
FORM - II
[See Rule 6]

**NOTICE OF ELECTION FOR THE OFFICE OF MEMBERS, MANDAL PARISHAD /
ZILLA PRAJA PARISHAD.....**

Notice is hereby given that --

(1) An election is to be held for the office of the Members of Mandal Praja Parishad / Zilla Praja Parishad

(a) Total number of members of Territorial constituencies :

(b) Reservation particulars :

Reservation Category	Name of the territorial constituency
ST(W)	
ST(G)	
SC (W)	
SC (G)	
BC (W)	
BC(G)	
Women	

(2) Nomination papers may be delivered by a candidate or his proposer to the undersigned or to -----(person authorized) between 10.30 A.M. and 5.00 P.M. from ----- to -----.

(3) Forms of nomination papers may be obtained at the place and time aforesaid.

(4) The nomination papers will be taken up for scrutiny at ----- on ----- at -----.

(5) Notice of withdrawal of candidature may be delivered by a candidate or his proposer or by his election agent who has been authorised in writing to deliver it either of the officers specified in paragraph (2) above at his office before 3.00 P.M. on the -----.

(6) In the event of election being contested, the poll will be taken on ----- between the hours of ----- and -----.

Place :

Date :

RETURNING OFFICER

ANNEXURE - III

FORM - IV

[See Rule 8 (1)]

NOMINATION PAPER

Part- I

Election to the Office of Member ----- Territorial
Constituency ----- Mandal Praja Parishad / Zilla Praja Parishad.

I nominate as a candidate for election to the office of Member -----
Territorial Constituency -----Mandal Praja Parishad / Zilla Praja
Parishad.

Name of the candidate :
Father's / Mother's / Husband's Name :
Postal address of the candidate :

His / Her name is entered at Serial Number ----- in Section Number -----
----- of the electoral roll for ----- Gram Panchayat comprised in
the Mandal Praja Parishad -----.

My name is ----- and it is entered at Serial Number -----
----- in Section Number ----- of the electoral roll for the Gram
Panchayatfalling within the Territorial constituency
.....of Mandal Praja Parishad / Zilla Praja Parishad-----.

Date :

Signature of proposer.

Part - II
(Candidates declaration)

I, the candidate mentioned in Part –I assent to this nomination and hereby declare–

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

(b) (i) that I am set up at this election by the ----- party, which is recognised National Party / State Party / Registered political party with reserved symbol (strike out which is not applicable) and that the symbol reserved for the above party be allotted to me.

OR

(b) (ii) that I am set up at this election by the ----- party, which is a registered political party without reserved symbol that I am contesting this election as an independent candidate. (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are:-

(i) (ii)

(iii)

(c) that my name and my father's / mother's / husband's name have been correctly spelt out above in telugu.

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Mandal Praja Parishad / Zilla Praja Parishad.

(e) that the code of conduct proscribed by the State Election Commission is read by me/ is read over to me and I will abide by it.

Signature of the candidate

Part – III

(Declaration in the case of Scheduled Caste/ Scheduled Tribe/ Backward Class Candidate)

I further declare that I am a member of the ----- Caste / Tribe which is a Scheduled Caste / Scheduled Tribe / Backward Class of the State of Andhra Pradesh in relation to ----- district or area in the State.

Date :

Signature of the candidate.

The above declaration is solemnly affirmed before me.....(name of the officer in block letters) by ----- who is personally known to me/ who has been identified to my satisfaction by ----- of -----

Signature of the Gazetted Officer or any
Officer of the Revenue
Department not below the rank of MRO

Full designation

Date

(Seal of the Office)

Part – IV

(To be filled by the Returning Officer)

Serial Number of Nomination Paper -----.

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

Date :

Returning Officer.

Part – V

(Decision of Returning Officer accepting or rejecting the Nomination Paper)

I have examined this nomination paper in accordance with Rule 12 and decide as follows

Accepted / Rejected

Date :

Returning Officer.

Part - VI
(Receipt for Nomination Paper and notice for Scrutiny)

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

Serial Number of Nomination paper -----

The nomination paper of ----- a candidate for election to the office of Member
----- Territorial constituency ----- Mandal Praja Parishad
/ Zilla Praja Parishad was delivered to me at ----- (hour) on ----- (date) by the
candidate / proposer.

All nomination papers will be taken up for scrutiny at ----- (hour) on -----
(date) at ----- (place).

Date :

Returning Officer.

ANNEXURE - IV

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M.G.Road, Secunderabad – 500 003

ORDER

Order No.809/SEC-B1/2003

Dated:06.09.2003

Sub:- Disclosure of information regarding Criminal Antecedents, Assets and Liabilities and Educational Qualifications by candidates contesting Local Body elections.

- Ref:-
1. Judgement dated 2.5.2002 of the Hon'ble Supreme Court of India in Civil Appeal No.7178 of 2002.
 2. ECI Order No.3/ER/2002/JS-II/Vol-III, dated 28th June,2002.
 3. The Representation of People (Third Amendment) Act,2002 (Central Act No.72) of 2002.
 4. Judgement dated the 13th March,2003 of the Hon'ble Supreme Court in W.P. (Civil) Nos 490, 509 and 515 of 2002.
 5. ECI Order No.31/ER/2003/JS-II, dated the 27th March,2003.

The Hon'ble Supreme Court of India in its Judgement 1st cited directed the Election Commission of India to call for information by means of a sworn Affidavit from each candidate contesting election to Parliament or State Legislature, as necessary part of his nomination paper on the following aspects in relation to his/her candidature.

- (1) Whether the candidate is convicted/acquitted/discharged of any criminal offence in the past-if any, whether he is punished with imprisonment or fine?
- (2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the Court of law. If so, the details thereof;
- (3) The assets (immovable, movable, bank balances etc.) of a candidate and of his/her spouse and that of dependents.
- (4) Liabilities, if any, particularly whether there are any over dues of any public financial institution or Government dues.
- (5) The educational qualifications of the candidate.

2. Following the said judgement of the Hon'ble Supreme Court, the Election Commission of India issued the order second cited in exercise of its plenary powers under Article 324 of the Constitution of India directing the every candidate filing nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State to furnish information required by the Supreme Court as stated above by means of a sworn affidavit in the format appended to the said order, as a necessary part of the nomination paper. Thereupon, the Government of India promulgated The Representation of the People (Amendment) Ordinance, 2002 (Ordinance No.4 of 2002) which was subsequently replaced by the Representation of the People (Third amendment) Act, 2002 which brought about the following Legislative changes namely:-

- (i) Section 33A was inserted requiring every candidate to furnish information, apart from any information which he is required to furnish, under the Representation of the People Act,1951 or the Rules made thereunder in his nomination paper delivered under sub-section (1) of section 33, as to whether,-
 - (a) he is accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the Court of competent jurisdiction;
 - (b) he has been convicted of an offence (other than any offence referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8) and sentenced to imprisonment for one year or more.
- (ii) Section 33B has been inserted, stating that no candidate is liable to disclose or furnish any such information in respect of his election which is not required to be disclosed or furnished under the Representation of the People Act,1951 or the Rules made thereunder, notwithstanding anything contained in any judgement, decree or order of any Court or any direction, order or any other instruction issued by the Election Commission of India.
- (iii) Section 75A has been inserted to provide for declaring the assets and liabilities to the Presiding Officer of the concerned House after election within ninety days from the date of taking oath or affirmation as Member.

(iv) No requirement for giving information on educational qualifications is provided.

(v) Penalty has been provided for giving false information in the affidavit.

3. The Representation of the People (Third Amendment Act) 2002 has been questioned in W.P.Nos. 490,509 and 515 of 2002 before the Hon'ble Supreme Court of India. In its Judgement dated 13th March,2003 the Hon'ble Supreme Court held that:

(i) Section 33B is unconstitutional;

(ii) The information required to be provided in respect of criminal antecedents in the newly inserted section 33A is reasonably adequate to safeguard the right to information vested in the voter/citizen.

(iii) The provisions made in newly inserted sections 75A regarding declaration of assets and liabilities of the elected candidate to the Speaker or Chairman of the House has failed to effectuate the right to information and freedom of expression of the voters/citizens and that Parliament ought to have made a provision for furnishing this information at the time of filing nomination;

(iv) Failure to provide for disclosure of educational qualifications does not, in practicable terms, infringe the freedom of expression; and

(v) The Election Commission of India has to issue revised instructions to ensure implementation of the newly inserted section 33A and the earlier orders dated 28th June,2002 of the Election Commission of India relating to disclosure of assets and liabilities which will still hold good and continue to be operate. However, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information should not be enforced.

4. Following the Judgement of the Hon'ble Supreme Court dated 13.3.2003, the Election Commission of India issued revised orders fourth cited, the substance of which is as follows:-

(i) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a Council, shall furnish full and

complete information in regard to the matters specified by the Hon'ble Supreme Court in an affidavit, the format of which is annexed to the order.

- (ii) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
- (iii) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the Returning Officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.
- (iv) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective Returning Officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (v) If any rival candidate furnishes information to the contrary by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.
- (vi) It is also clarified that the earlier direction contained in para 14(4) of its earlier order dated 28th June,2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th march,2003 of the Apex Court.

5. Though the aforesaid two judgements of the Supreme Court were delivered in the context of securing to the voters the right to information with regard to the candidates contesting elections to the Legislative Assembly of a State or the Legislative council of a State having such Council and the Parliament, the spirit thereof equally applies to the voters exercising their franchise in elections to local bodies also, which have been conferred with Constitutional status. The democratic process should be common to all levels of electoral offices in the pyramid starting from the Gram Sabha to Lok Sabha. The Commonality of the powers between the State Election Commission and the Election Commission of India can be seen from the fact that

Article 243-K is exactly in **Parimateria** with Article 324 of the Constitution of India. In view of this, the State Election Commission decided that the orders of the Supreme Court of India should be made applicable to elections to local bodies also.

6. Accordingly, the State Election Commission, in exercise of its powers under article 243K read with article 243ZA of the Constitution of India and sections 200 and 201 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994), section 10A of the Andhra Pradesh Municipalities Act, 1965 (Act VI of 1965) and section 9 of the Hyderabad Municipal Corporation Act, 1955 (Act II of 1956) in its application to Hyderabad Municipal Corporation or any other Municipal Corporation, constituted under the Andhra Pradesh Municipal Corporations Act, 1994 (Act 25 of 1994) and of all other powers hereunto enabling it in this behalf, hereby directs as follows:-

- (i) Every candidate contesting elections to the office of Member or Sarpanch of a Gram Panchayat, Member of MPTC or ZPTC or Member of a Municipality, or his proposer, shall along with the nomination paper furnish full and complete information, apart from any other information which he is required to furnish, in regard to all the matters specified in the format of self declaration as in Annexure-I to this Order attested by two witnesses.
- (ii) Every candidate contesting to the office of the Chairman of a Municipality or to the office of Member or Mayor of a Municipal Corporation, or his proposer shall, along with his nomination papers furnish full and complete information, apart from any other information which he is required to furnish, in regard to all the matters specified in the format of the affidavit as in Annexure-II to this Order sworn before a Notary Public or a Magistrate of the First Class.
- (iii) Non furnishing of a declaration or affidavit as the case may be, by any candidate or his proposer, shall be considered to be a violation of this order and the nomination of the candidate concerned shall be liable to be rejected by the Election Officer/Returning Officer, as the case may be, at the time of scrutiny of nomination of the concerned candidate.
- (iv) 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.

- (v) If any rival candidate furnishes information to the contrary, by means of a declaration attested by two witnesses or by means of sworn affidavit, 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; and
- (vi) The Election Officer, or as the case may be, the Returning Officer shall not verify by means of a summary enquiry or otherwise the correctness or otherwise of the information furnished in the declaration/affidavit and reject the nomination paper on the ground that in his opinion the information furnished is incorrect.

7. This order applies to all elections to local bodies for which election notification is given on or after 2nd October, 2003.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

Sd/- I.Rani Kumudini
Secretary

To

The Commissioner of Panchayat Raj & Rural Employment, A.P., Hyderabad.
The Director of Municipal Administration, AP., Hyderabad.

All the Collectors and District Election Authorities.

All the Chief Executive Officers, Zilla Praja Parishad.

All the District Panchayat Officers.

All the Commissioners of Nagar Panchayats/Municipalities/Municipal Corporations.

Copy to:

The Chief Secretary, Government of Andhra Pradesh.

The Principal Secretary, Panchayat Raj Department.

The Principal Secretary, Municipal Administration & Urban Development Department.

The Principal Secretary to Chief Minister.

All recognised and registered political parties.

The Commissioner, Information & Public Relations, AP., Hyderabad.

Annexure –IV (A)

Declaration to be furnished by candidate along with nomination paper

Before the Returning Officer for election to the office of Member,
..... MPTC / ZPTC.

(1) (a) I have been accused of the following offences punishable with imprisonment for two years or more in which the charge has been framed and the particulars there of are as below:-

- (i) Section of the Act and description of the offence for which cognizance taken:
- (ii) The Court which has taken Cognizance:
- (iii) Case No. :
- (iv) Date of order of the Court taking cognizance.

(b) I have been convicted of the following offences (other than the offences for which a conviction and sentence disqualifies me for contest) and sentenced to imprisonment for one year or more and the particulars thereof are as below:-

- (i) Section of the Act and description of the offence for which cognizance taken:
- (ii) The Court which has taken Cognizance:
- (iii) Case No. :
- (iv) Date of order of the Court taking Cognizance:
- (v) Details of appeal (s) application (s) for revision, etc., if any, filed against above order taking cognizance:

(2) That I/ my spouse / my * dependents own the following immovable properties namely;

A. LANDS:

- (i) Give details of Agricultural lands, with the name of owner, its location, extend, value and the relation ship to the candidate

**

- (ii) Give details of urban lands, with name of the owner, its location, extent, value and the relationship of the owner to the candidate

**

B. BUILDINGS :

- (i) Give details of buildings, their location, plinth area, value, the name of the owner and the relationship to the candidate

**

(3) I/ my spouse/* dependents own the following movable properties namely.

(i) Give details of gold, Jewelry and precious stones with the name of the owner, their value and relationship to the candidate;

**

(ii) Give details of bank balance / fixed deposits and shares their value with the details of depositors or purchaser, with relationship to the candidate.

**

(4) I / My spouse / my * dependents are liable to pay the following dues to public, financial institutions and Government dues (Give the details)

**

(5) My educational qualifications are as under:

(Give the details of School and University Education)

**

I, hereby, declare that the contents of this self declaration are true to the best of my knowledge and nothing material has been concealed and no part of this declaration is false.

DECLARANT

Witnesses:

- 1.
- 2.

• Dependent means a person wholly dependent on the income of the candidate

** Wherever space provided is not sufficient additional papers may be used.

ANNEXURE - V

**DECLARATION TO BE FILED BY THE CANDIDATE FILING
NOMINATION ON ACCOUNTS OF ELECTION EXPENDITURE**

I....., S/o.....
Resident of..... having filed the nomination for the office of
Member, Territorial constituency of
Mandal Praja Parishad / Zilla Praja Parishad, hereby acknowledge that I have been supplied with
a copy of the State Election Commission's Order No.168/SEC-B1/2011, dated 18.05.2011
relating to maintenance of accounts of election expenditure by the contesting candidates and also
the Notification prescribing maximum limit on expenditure which can be incurred by the
contesting candidates for the said offices.

I hereby declare and undertake to keep my election expenditure within the limit
prescribed and also to maintain true and day to day accounts of the expenditure in the manner
prescribed.

I, further, declare that I am fully conversant with the legal provisions contained in APPR
Act, 1994 and rules issued thereunder dealing with election expenses and I hereby undertake to
act in accordance with these provisions of Law and the rules made thereunder and in the true
spirit of democracy while contesting the election for the above mentioned office.

Signature of the Contesting Candidate

The above declaration is signed before me

Returning Officer

ANNEXURE - VI

FORM - V

[See rule 11]

LIST OF NOMINATIONS RECEIVED

**Election to Member Territorial Constituency of Mandal Praja Parishad / Zilla
Praja Parishad.**

S.No of Nomination Paper	Name of Candidate	Father's or Husband's Name	Age of the candidate	Occupati on & Address	Particulars of Caste or Tribes for candidates belonging to Scheduled Castes or Scheduled Tribe or Backward Class	Electoral Roll number of Candidate	Na me of the Prop oser	Electoral Roll No. of Proposer	* Name of the Political Party (National / State or registered) by which the candidate claims to have been set up/ independent candidate	* Symbols chosen in order of preference by the candidate
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

The nomination papers will be taken up for scrutiny atA.M./ P.M. on (date) at
.....(place).

Place :

Date :

**Signature of the Returning Officer or
other authorised person**

* applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.

ANNEXURE – VII

FORM - VI
[See Rule 12(4)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to Member, Territorial Constituency of
Mandal Praja Parishad / Zilla Praja Parishad.

S.No	Name of the Candidate	Name of father's/mother's / husband	Address of Candidate	* Party affiliation if any
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				

Place :

Returning Officer.

Date :

* applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad.

ANNEXURE - VIII
FORM - VII
[See Rules 14 (1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to Member, Territorial Constituency of
Mandal Praja Parishad / Zilla Praja Parishad.

To
The Returning Officer,

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

Place :

Date : **Signature of Candidate.**

This notice was delivered to me at my office at ----- (hour) on ----- (date) by ----- (name) * the candidate / candidate's proposer / candidate's election agent who has been authorised in writing by the candidate to deliver it.

Date : **Returning Officer.**

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ----- a validly nominated candidate at the election to the office of the Member, Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad was delivered to me by the * candidate/ candidates proposer / candidate's election agent who has been authorised in writing by the candidate to deliver it at my office at ----- (hour) on ----- (date).

Returning Officer.

* Strike off the inappropriate alternatives.

ANNEXURE - IX

FORM - VIII

[See Rules 14 (2)]

PUBLICATION OF NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to Member, Territorial Constituency of
Mandal Praja Parishad / Zilla Praja Parishad.

Notice is hereby given that the following validly nominated candidate / candidates at the above election withdraws / withdraw his candidature / their candidature today.

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

Date :

Returning Officer.

ANNEXURE - X

FORM - IX

[See Rule 15]

LIST OF CONTESTING CANDIDATES

Election to Member, Territorial Constituency of
Mandal Praja Parishad / Zilla Praja Parishad.

S.No.	Name of the Candidate	Address of candidate	* Party affiliation if any	Symbol allotted
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
etc.				

Place :

Returning Officer.

Date :

* Applicable in case of election to member, Mandal Praja Parishad / Zilla Praja Parishad.

Note:

1. In the election to member / Mandal Praja Parishad / Zilla Praja Parishad, for the purpose of listing, the names of candidates shall be placed in the following categories.

- a) candidates of recognised political parties (National and State parties)
- b) candidates of registered political parties with a reserved symbol.
- c) candidates of registered political parties without a reserved symbol
- d) independent candidates.

2. Under Col. No. 1 above, the serial numbers of candidates of all above four categories shall be given consecutively and not separately for each category in case of election to member, Mandal Praja Parishad / Zilla Praja Parishad.

ANNEXURE - XI

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M G Road, Secunderabad – 500 003

No. 584/SEC-B2/2001,

Dated: 12.06.2001.

**THE REGISTRATION OF POLITICAL PARTIES AND ALLOTMENT OF
SYMBOLS ORDER, 2001**

An order to provide for the Registration of Political Parties and for allotment of Symbols at elections to local bodies constituted in pursuance of Parts IX and IXA of the Constitution of India in Andhra Pradesh, and for matters connected therewith.

Whereas, the superintendence, direction and control of all elections to local bodies in the State are vested by the Constitution of India and under the relevant laws relating to local bodies in the State, in the State Election Commission;

And Whereas it is necessary and expedient to provide, in the interests of purity of elections to the local bodies, and in the interests of conduct of such elections, in a fair and efficient manner, for the registration of political parties and for matters connected therewith;

Now, therefore, in exercise of the powers conferred by Article 243 K read with Article 243 ZA of the Constitution of India, the State Election Commission, hereby, makes the following order: -

1. Short title, extent, application and commencement:

- (1) This Order may be called the Registration of Political Parties and Allotment of Symbols Order, 2001
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It applies to all elections held to local bodies in the State, on party basis.
- (4) It shall come into force with immediate effect.

Part -I – PRELIMINARY

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

- (1) 'Commission' means, the State Election Commission constituted under Article 243 K read with Article 243 ZA of the Constitution of India;
- (2) 'Election Commission of India' means, the Election Commission of India constituted under Article 324 of the Constitution of India;
- (3) 'local body' means, -
 - (a) a Gram Panchayat, Mandal Praja Parishad or Zilla Praja Parishad constituted under the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994);
 - (b) a Municipality or Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965); or
 - (c) a Municipal Corporation constituted under any law relating to Municipal Corporations for the time being in force in the State;
- (4) 'paragraph' means a paragraph of this Order;
- (5) 'political party' means a political party registered under this Order;
- (6) 'recognised political party' means, a political party recognised as a National Party or as a State Party under the Election Symbols (Reservation and Allotment) Order, 1968, made by the Election Commission of India, and also registered by the Commission;
- (7) 'registered political party' means, a political party registered with the Commission;
- (8) 'State' means, the State of Andhra Pradesh;
- (9) words and expressions used but not defined in this Order, but defined in the Andhra Pradesh Panchayat Raj Act, 1994, or the Andhra Pradesh Municipalities Act, 1964, or any law relating to Municipal Corporations, for the time being in force, in the State, or the rules made thereunder, shall have the meanings respectively assigned to them in those Acts, laws and rules.

Part - II

REGISTRATION OF POLITICAL PARTIES

3. Registration of Political Parties: (1) Any association or body of individual citizens calling itself a political party, or a political party already registered with the Election Commission of India, and intending to avail itself of the provisions of this Order, shall make an application to the State Election Commission for its registration as a political party for purposes of elections to local bodies in the State.

(2) Every application under sub-paragraph (1) shall be signed by the chief executive officer of the association or body or political party (whether such chief executive officer is known as Secretary or by any other designation) and presented to the Secretary to the Commission or sent to such Secretary by registered post.

(3) Every such application shall contain the following particulars, namely: -

- (a) the name of the association or body or political party;
- (b) location of its head office;
- (c) the address to which letters and other communications meant for it should be sent;
- (d) the names of its president, secretary, treasurer and other office-bearers;
- (e) the numerical strength of its members, and if there are categories of its members, the numerical strength in each category;
- (f) whether it has any local units; if so, at what levels;
- (g) whether it is represented by any office-bearers or members in any of the local bodies in the State; if so, their number and particulars relating to the office they are holding and the local body concerned;
- (h) whether it has already registered itself as a political party with the Election Commission of India, and if so, whether it is recognised as a National party or a State Party;

*** (4) “(a). The application must be accompanied by the following documents/information: -

(i) A Demand Draft of Rs.5,000/- (Rupees five thousand only) on account of processing fee drawn in favour of the Secretary, State Election Commission. The processing fee shall be non-refundable.

(ii) A neatly typed/printed copy of the memorandum/rules and bye-laws/constitution of the Party containing a specific provision which reads

“..... (name of the party) shall bear true faith and allegiance to the Constitution of India as by law established and to the principles of socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of India”.

NOTE: The above mandatory provision must be included in the text of the party constitution itself as one of the clauses. No association or body shall be registered as a political party unless the memorandum, rules and regulations or the constitution of such association or body conform to the above referred provision. The copy of the party constitution furnished with the application should also be duly authenticated on each page by the General Secretary/President/Chairman of the party and the seal of the signatory affixed thereon.

(iii) There should be a specific provision in the rules and regulations/memorandum/Constitution of the party regarding organisational elections at different levels and the periodicity of such elections and term of office of the office-bearers of the party.

(iv) Besides procedure in the case of merger/dissolution of the association should be provided in the bye-laws.

(*** Sub paragraph 4(a) was substituted vide reference no. 1637/SEC-L/2005, dated 15.12.2005.)

- (v) Certified extracts from the latest electoral rolls in respect of atleast 25 members of the organisation (including all office-bearers/members of main decision making organs like Executive Committee/Executive Council) to show that they are registered electors. ****
- (vi) An affidavit duly signed by the President/General Secretary of the applicant party and sworn before a 1st class Magistrate/ Notary Public to the effect that no member of the organisation is a member of any other political party registered with the Commission.
- (vii) Individual affidavits from atleast 25 members of the party to the effect that the said member is a registered elector and that he is not a member of any other political party registered with the commission. These affidavits should be on Stamp Paper of atleast Rs.10/- denomination and duly sworn before a 1st class Magistrate/Oath Commissioner/Notary Public. These affidavits should be from those persons in respect of whom certified extracts of electoral rolls are being furnished.
- (viii) Particulars of Bank accounts in the name of the party.

(b) In the case of a political party already registered with the Election Commission of India, the application shall be accompanied by the documentary evidence of its registration with the Election Commission of India, Symbol particulars and a certified copy of the party constitution, by whatever name called.

(5) The application shall also be accompanied by a declaration to the effect that the applicant has read and understood the provisions of this Order and that the political party sought to be registered by him shall abide by the provisions of this Order.

(6) The Commission may call for such other particulars, as it may deem fit from the association or body or political party.

(7) The sub para (7) was deleted vide amendment reference no. 1637/SEC-L/2005, dated 15.12.2005.

(**** vide errata no.1637/SEC-L/2005-2, dated 04.01.2006)

* * (8)(i) Before registering a political party under this order a notice shall be published in A.P.Gazette as also one of the regional language daily newspapers indicating therein the name of the political party, its President and calling for objections if any for such registration from the general public.

(ii) If no objection is received with in 15 days from the date of publication in A.P.Gazette/news papers as specified in sub para (i) above, it shall be competent for the State Election Commission to register the political party as proposed in the notice.

(iii) If any objection is received the State Election Commission may consider the same and in case it is found to be flimsy, it may reject the same and register the political party. If on the other hand the State Election Commission considers that the objection is prima facie genuine, then the same shall be communicated to the applicant and his remarks shall be called for. After receipt of the remarks the Commission may either decide the matter on merits on the basis of the records available or it may give personal hearing to the parties concerned and take a decision there after. The decision of the State Election Commission shall be final.

(iv) Every Association or Body of individual citizens making an application under this order for registration of political party shall take care to see that the name of the political party proposed to be registered should not resemble the name of a political party which is already registered with the State Election Commission, thus giving rise to a confusion in the minds of the general public. Where the State Election Commission is either suo-moto or on objections received from the general public considers that the name of a political party sought to be registered is similar to be a political party already registered, it shall be competent to the Commission to reject the application. It shall however, be open to the applicant to make a fresh application by changing the name of the political party and any such application will be examined de-novo as if it is a new application. The decision of the State Election Commission shall be final.

(** 8(i) to (iv) was substituted vide reference no. 492/SEC-L/2004, dt. 22.5.2004)

- (9) After an association or body or political party has been registered as a political party as aforesaid,
- (a) any change in its name, head office, office-bearers, address or in any other material matters shall be communicated to the Commission without delay;
 - (b) such associations or body or political party shall maintain true accounts of its income and expenditure, and particularly maintain separate accounts for the expenditure incurred in connection with local body elections, indicating details of the expenditure incurred on the general publicity of the party, and candidate-wise expenditure incurred for promoting the election of specific candidates set up or supported by the party in various elections to local bodies;
 - (c) a copy of the annual audited accounts of the party and a copy of the income-tax returns filed under the law for the relevant year shall be filed in the office of the Commission within a period of one year after the end of the relevant financial year;
 - (d) should observe the provision of the Model Code of Conduct for Local Body Elections issued by the Commission;
 - (e) follow or carry out the lawful directions and instructions of the Commission, given from time to time, with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and electorate in particular.

Part - III

Allotment of Symbols

4. Allotment of Symbols : In every contested election, a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order, and different symbols shall be allotted to different candidates at an election in the same local body.

5. Classification of Symbols : (1) For the purposes of this Order, symbols are either reserved or free.

(2) Save as otherwise provided in this Order, a reserved symbol is a symbol, which is reserved for a recognised political party or a registered political party for exclusive allotment to the contesting candidates set up by that party.

(1) A free symbol is a symbol, other than a reserved symbol.

***** 5 A:- Conditions for allotment of reserved symbol to registered political parties:**

(a) Registered political party without a reserved symbol: **No symbol shall be reserved to any political party registered with the State Election Commission as per the provisions of this Order unless and until the conditions specified in clause (b) are satisfied. Such registered political party shall be given preferential treatment in allotment of free symbols to the candidates set up by it over the independent candidates.**

(b) Registered political party with a reserved symbol: **A registered political party which returns 15 MPTC members or 3 ZPTC Members or 15 Ward members of Municipalities or 15 Ward Members of Municipal Corporations from any where in the State shall be entitled for a reserved symbol. It shall also be sufficient if a political party returns a total number of 15 candidates from one or more of the local bodies put together in the entire State. For the purpose of this clause one ZPTC Member shall be treated as equal to 5 offices of members of MPTC/Municipality/Municipal Corporation. After each ordinary election, the performance of each registered political party shall be evaluated in order to identify the registered political parties which satisfy the criteria for registration of a symbol. On fulfillment of criteria stipulated for reservation of a symbol, the party concerned shall in consultation with the State Election Commission furnish a list of three symbols of its choice in the order of preference and one of them will be reserved as common symbol of the party by the State Election Commission.**

(*** para 5 A was inserted vide amendment no. 1637/SEC-L/2005, dated 15.12.2005.)

(c) Conditions for continued reservation of a common symbol for a registered political party: **If a symbol is reserved to a registered political party under subparagraph (b), the question whether it shall continue to be so reserved after any subsequent ordinary election to local body shall depend upon the continued fulfillment by it of the conditions specified therein.”**

6. Choice and allotment of symbols --(1) A candidate set up by a recognised National Party at any election to the local bodies in the State shall choose, and shall be allotted, the symbol reserved for that party by the Election Commission of India and no other symbol.

(2) A candidate set up by a recognised State party at any election to the local bodies in the State, whether such party is a State party in the State or not, shall choose, and shall be allotted the symbol reserved for that party by the Election Commission of India and no other symbol.

***** (3) A candidate set up by a registered political party with a reserved symbol at an election to the local body in the State shall choose and shall be allotted a symbol reserved for that party by the State Election Commission and no other symbol.**

(4) In any election to the local bodies in the State, a reserved symbol shall not be chosen by, or allotted to, any candidate other than a candidate set up by a recognised or registered political party with a reserved symbol for whom such symbol has been reserved, even if no candidate has been set up by such party in such election.

7. Choice of symbols by other candidates and allotment thereof --

(1) Any candidate at an election to local bodies in the State, other than a candidate set up by a recognised political party, or a candidate set up by any registered political party with a reserved symbol shall choose and shall be allotted in accordance with the provisions hereafter set out in this paragraph, one of the symbols specified as free symbols by the Commission.

(*** sub para 3 was substituted by amendment no. 1637/SEC-L/2005, dated 15.12.2005.)

(2) Where any free symbol has been chosen by only one candidate at such election, the returning officer/election officer shall allot that symbol to that candidate and to no one else.

(3) Where the same free symbol has been chosen by several candidates at such election, then, --

(a) if of those several candidates one of the candidates is, or was holding the same office, and was allotted that free symbol at the previous election to the same office, when he was chosen, the returning officer/election officer shall allot that free symbol to that candidate and to no one else; and

(b) if of those several candidates, no one is, or was, a sitting member, the returning officer/election officer shall decide by lot to which of those candidates that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls and to no one else;

*** (4) Where the same free symbol has been chosen by several candidates at such election, then –

(a) if, of those several candidates, only one is a candidate set up by an registered political party without a reserved symbol and all the rest are independent candidates, the returning officer shall allot that free symbol to the candidate set up by the registered political party without a reserved symbol, and to no one else; and, if, of those several candidates, two or more are set up by different registered political parties without a reserved symbol and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different registered political parties without a reserved symbol that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else.

(*** sub para 4 was inserted vide amendment reference no. 1637/SEC-L/2005, dated 15.12.2005).

Provided that where of the two or more such candidates set up by such different registered political parties without a reserved symbol, only one is, or was, immediately before such election, a sitting member of the local body (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the returning officer/election officer shall allot that free symbol to that candidate, and to no one else:

- (b) if, of those several candidates, no one is set up by any registered political party without a reserved symbol and all are independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the local body and was allotted that free symbol at the previous election when he was chosen as member, the Returning Officer/Election Officer shall allot that free symbol to that candidate, and to no one else; and
- (c) if, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer/election officer shall decide by lot to which of those independent candidates that free symbol shall be allotted, and allot that free symbol to the candidates on whom the lot falls, and to no one else.”

***8. When a candidate shall be deemed to be set up by a political party:-** For the purpose of this Order, a candidate shall be deemed to be set up by a political party if, and only if, he is nominated by the political party concerned, in such manner and in such format as may be specified by the instructions issued by the State Election Commission, under this paragraph.

(* para 8 was substituted vide reference no. 671/SEC-B1/2001, dated. 23.6.2001.)

9. Power of Commission to suspend or withdraw registration of a political party for its failure to observe Model Code or follow lawful directions and instructions of the Commission.— Notwithstanding anything in this Order, if the Commission is satisfied on information in its possession, that a political party, registered under the provisions of this order, has failed or has refused or is refusing or has shown or is showing defiance by its conduct or otherwise (a) to observe the provisions of the Model Code of Conduct for Local Body Elections, as amended from time to time, (b) to abide by the provisions of this Order, or (c) to follow or carry out the lawful directions and instructions of the Commission, given from time to time, with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and electorate in particular, the Commission may, after taking into account all the available facts and circumstances of the case and after giving the party a reasonable opportunity of showing cause in relation to the action proposed to be taken against it, either suspend, subject to such terms as the Commission may deem appropriate, or withdraw the registration of such party.

10. Notification containing lists of political parties and symbols:- The Commission shall, by one or more notifications in the Andhra Pradesh Gazette, publish lists of recognised political parties and registered political parties along with the symbols reserved for each of them and also the list of free symbols for each office.

11. Powers of Commission to issue instructions:- The Commission, may issue instructions and directions --

- (a) for the clarification of any of the provisions of this Order;
- (b) for the removal of any difficulty which may arise in relation to the implementation of any such provisions; and
- (c) in relation to any matter with respect to the reservation and allotment of symbols and registration of political parties, for which this Order makes no provision or makes insufficient provision, and provision is in the opinion of the Commission necessary for the smooth and orderly conduct of elections.

*** **12 Power of the Commission to issue instructions to registered political parties without reserved symbol.** The Commission may issue instructions for the benefit of registered political parties without a reserved symbol such instructions as it may feel necessary for expeditious reservation of a reserved symbol if they fulfill the conditions specified in sub-paragraph (b) of paragraph 5A.

*** **13. Transitional provision:** Notwithstanding anything contained in paragraph 5A, a symbol reserved to a registered political party prior to the commencement of the Registration of Political Parties and Allotment of Symbols (Amendment) Order, 2005 shall continue until after the third ordinary elections to the Mandal Praja Parishads and Zilla Praja Parishads and thereafter where such a political party does not satisfy the conditions specified in clause (a) of paragraph 5A, it shall be competent for the State Election Commission to withdraw such symbol after giving an opportunity of making representation to the registered political party concerned.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

Sd/- D R Garg
Secretary

To

All District Collectors and District Election

All Chief Executive Officers of Zilla Praja Parishads in the State.

Copy to:

The Principal Secretary to Government, PR & RD Dept., Secretariat, Hyd.

The Principal Secretary to Government, M.A. & U.D. Department, Secretariat, Hyd.

The Commissioner of Panchayat Raj & Rural Employment, A.P., Hyderabad.

The Commissioner & Director of Municipal Administration, A.P., Hyderabad.

(*** paragraph 12 was substituted and paragraph 13 was inserted vide amendment reference no. 1637/SEC-L/2005, dated 15.12.2005.)

ANNEXURE - XII

FORM – B

NOTICE AS TO NAMES OF CANDIDATES SET UP BY THE POLITICAL PARTY

To

The Returning Officer,

..... Territorial Constituency,

..... Mandal Praja Parishad / Zilla Praja Parishad

Sub:- Election to the Office of Territorial Constituency,

.....Mandal Praja Parishad / Zilla Praja Parishad - Setting
up a Candidates.

Sir,

In Pursuance of Notification No..... I hereby give notice on behalf of
..... party.

- (i) that the person whose particulars are furnished in columns (2) and (4) below is the approved candidate of the party above names, and
- (ii) the person whose particulars are mentioned in columns (5) to (7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a candidate, at the ensuing election from this territorial constituency.

Name of the Territorial Constituency	Name of Approved Candidate	Father's/ Husband's Name of Approved candidate	Postal Address of Approved candidate	Name of the substitute candidate who will step in the approved candidates nomination being rejected on scrutiny or his withdrawing from the contest	Father's/ Husband's Name of substitute candidate	Postal Address of Substitute candidate
1	2	3	4	5	6	7

- * 1. The notice in Form 'B' given earlier in favour of Shri/Smt. as party's approved candidates and Shri/ Smt..... as party's substitute candidate, is hereby rescinded.

2. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Place:

Yours faithfully,

Date:

**(Name & Signature of the President/General
Secretary OR authorized Person of the party)**

(Seal of the party)

.....

* Score off, if not applicable.

NOTE:

1. This must be delivered to the Returning Officer not later than 3.00 p.m on the last date for withdrawal of candidature.
2. Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

Para 2 of the Form must be scored off, if not applicable, or must be properly filled, if applicable.

ANNEXURE - XIII

FORM ' A '

Communication with regard to Authorised Persons to intimate names of Candidates set up by recognised NATIONAL OR STATE Political Party or Registered Political parties with a reserved symbol.

To

1. The District Election Authority & District Collector,
..... District.
2. The Returning Officer
..... Territorial Constituency.
..... Mandal Praja Parishad / Zilla Praja Parishad.

Sir,

Sub:- Elections to the Office of Territorial Constituency,
..... Mandal Praja Parishad / Zilla Praja Parishad –
Authorisation of person to intimate names of Candidates.

Ref:- State Election Commission Notification No.

I hereby communicate the following person (s) has / have been authorised by the party which is a National Party / State Party in the State of Andhra Pradesh / Registered Political party with a reserved symbol to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of the person Authorised to send notice	Name of Office held in the party	Districts/areas/Constituency / Constituencies in respect of which he has been authorised
1	2	3
1.		
2.		
3.		
4.		
5.		

The specimen signature of the above mentioned persons so authorised are given below:-

1. Specimen signature of Sri -----
(i) ----- (ii) ----- (iii) -----
2. Specimen signature of Sri _____
(i) _____ (ii) _____ (iii) _____
3. Specimen signature of Sri -----
(i) ----- (ii) ----- (iii) -----

Place :
Date:

Yours faithfully,

President/General Secretary
Name of the party

(seal of the party)

NOTE:

1. This must be delivered to the Collector & District Election Authority not later than 3.00 pm on the last date for making nominations.
 2. Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp etc., of any office bearer shall be accepted.
- No form transmitted by fax shall be accepted.

ANNEXURE - XIV

FORM - XI
[See Rule 18]

APPOINTMENT OF ELECTION AGENT

Election to Member, Territorial Constituency of
Mandal Praja Parishad / Zilla Praja Parishad.

To

The Returning Officer,

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

Place :

Date :

Signature of Candidate.

I accept the above appointment.

Place :

Date :

Signature of Election Agent.

Approved

**Signature and seal of the
Returning Officer**

ANNEXURE - XV

FORM - XII

[See Rule 19]

APPOINTMENT OF POLLING AGENT

Election to Member, Territorial Constituency of
..... Mandal Praja Parishad / Zilla Praja Parishad.

I, ----- a candidate / the election agent of ----- who is a candidate at
the above election, do hereby appoint (name and address)-----
---- as a polling agent to attend polling station No. ----- fixed for the poll -----
---- at -----.

Place :

Date :

Signature of Candidate / Election Agent

I agree to act as such polling agent.

Signature of Polling Agent

Declaration of polling agent to be signed before Presiding Officer

I hereby declare that at above election I will not do anything forbidden by section 217 of
the Andhra Pradesh Panchayat Raj Act, 1994, which I have read / has been read over to me.

Date:

Signature of Polling Agent.

Signed before me

Date:-

Presiding Officer

ANNEXURE - XVI

FORM - XIII

[See Rule 20]

APPOINTMENT OF COUNTING AGENT

Election to Member, Territorial Constituency of
Mandal Praja Parishad / Zilla Praja Parishad.

To
The Returning Officer,

I, ----- a candidate / the election agent of ----- who is a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at -----.

Name of the Counting Agent

Address of the Counting Agent.

- 1.
- 2.
- 3.

Signature of Candidate / Election Agent

I/We agree to act as such counting agents.

- 1.
- 2.
- 3.

Place :

Date :

Signature of the Counting Agents

Declaration of counting agents

We hereby declare that at the above election we will not do anything for bidden by section 217 of the Andhra Pradesh Panchayat Raj Act, 1994 which we have read/ has been read over to us.

- 1
- 2
- 3

Signature of counting agent

Signed before me

Date

Returning Officer

ANNEXURE - XVII

EXTRACTS OF STATUTORY PROVISIONS RELATING TO ELECTIONS OFFENCES

Extracts from A.P. Panchayat Raj Act, 1994:

Section 211:

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

(1) Bribery, that is to say,-

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

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

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

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

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

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

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

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

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

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

Provided that-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to 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.

(4A) 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.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent or 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.

(6) 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.

(6A) The incurring or authorizing of expenses in contravention of section 230-A.

(7) 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, 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 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.

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

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

(2) For the purposes of Clause (7) 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 (7) 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.

(4) For the purposes of sub-section (8), booth capturing shall have the same meaning as in section 224.

Section 212:

Penalty for illegal hiring or procuring of conveyance at elections:- If any person is guilty of any such corrupt practices as is specified in sub-section (7) of section 211 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine..

Section 213:

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.

Section 214:

Prohibition of public meetings before the date of poll:-

(1) No person shall:-

(a) convene, hold or 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 prior to the hour fixed for the conclusion of the poll in the case of Mandal Praja Parishads and Zilla Parisliads and forty four hours prior to the hour fixed for the conclusion of the poll in the case of Gram Panchayats.

(2) Any person who contravenes the provisions 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.

Section 215:

Disturbance at election meetings:-

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

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

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of notification under this Act calling upon the constituency to elect a member or members or office bearers of a Local Authority 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 to do by the Chairperson 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.

Section 216:

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 Commissioner,
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 subsection (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.

Section 217:

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 provisions of subsection (1) shall be punishable with imprisonment for a term, which may extend to three months or with fine or with both.

Section 218:

Officers etc., at elections not to act for candidates or to influence voting:-

(1) No person who is a District Election Officer or a returning officer or an assistant returning officer, or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act other than the giving of vote for the furtherance of the prospects of the election of a candidate.

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

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

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

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

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

Section 219:

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 meters 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
- (a) exhibiting any notice or signs (other than an official notice) relating to the election.

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

Section 220:

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

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

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

(2) Any person who contravenes, or willfully aids or abets the contravention of the provisions Subsection (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.

Section 221:

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 elector who is otherwise entitled to vote at a polling station from having opportunity of voting at that station.

(3) If any person who has been so removed from polling station reenters 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.

Section 221A:

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.

Section 221B:

Prohibition of going armed to or near a polling station:- (1) No person other than a 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 neighbourhood of a polling station.

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

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

Section 222:

Breaches of official duty in connection with elections:-

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

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

(3) The persons to whom this section applies are the District Election Officers, returning officers, assistant returning officers, 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.

Section 223:

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 or a polling agent or a counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

Section 224:

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 232A "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 to orderly conduct of elections;

(b) taking possession of a 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 person, 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.

Section 225:

Removal of ballot papers or ballot boxes from polling stations to be an offence:

(1) Any person who at any election fraudulently takes or attempts to take a ballot paper or ballot box out of polling station, or willfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend upto five thousand rupees.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence, punishable under sub-section (1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and such person may cause him to be searched by a police officer: Provided that when it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency.

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

Section 225A:

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 prior to the hour fixed for the conclusion of the poll in the case of Mandal Praja Parishads and Zilla Praja Parishads and forty four hours prior to the conclusion of poll in the case of Gram Panchayats and also on the counting day.

(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.

Section 225B:

Adjournment of poll in emergencies:- (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the Presiding officer for such polling station shall announce and adjournment of the poll to a date to be notified later, and he shall forthwith inform the Returning Officer concerned.

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

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

Section 225C:

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 the 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.

Section 225D:

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 the 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 the polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at the 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.

Section 226:

Impersonation at election:- Whoever at an election applies for a ballot 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 ballot paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

Section 227:

Other offences and penalties thereunder:-

(1) A person shall be guilty of an electoral offence if at any election he,-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces or destroys or removes any list notice or other documents affixed by or under the authority of a returning officer, or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark or any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys; takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

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

(a) if he is 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 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.

Section 228:

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

Section 229:

Offences by companies:- (1) Where an offence under this Act, has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company such director, manager, secretary or other official shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :- For the purposes of this section-

- a. "company" means any body corporate and includes a firm or other association or individuals; and
- b. "director" in relation to a firm means a partner in the firm.

Section 230:

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

Section 230-A:

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

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

(c) incurred, or authorized by the contesting candidate, or by his election agent;

(b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent), aimed at promoting or procuring the election of the candidate concerned; and

(c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election;

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

Explanation-II:- (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 211 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.

Section 230-B:

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 230A.

ANNEXURE XVII
MODEL CODE OF CONDUCT FOR LOCAL BODY ELECTIONS:

Under Articles 243-K and 243 ZA of the Constitution of India and all other powers hereunto enabling, the State Election Commission, hereby, issues the following code of conduct to be followed in order to ensure free, fair and peaceful elections to Gram Panchayats, Mandal Praja Parishads, Zilla Praja Parishads, Nagar Panchayats, Municipalities, and Municipal Corporations in the state of Andhra Pradesh.

Applicability and area of enforcement:

1. (a) The Code shall be known as the Code of Conduct for local body elections.
(b) It shall apply to political parties, contesting candidates, Ministers, employees of the State Government and local bodies and other public servants connected with local body elections.
2. This Code shall come into force from the date of issuance of election notification.
3. The words and expression used in this Code shall have the same meaning as assigned to them under A.P. Panchayat Raj Act, 1994, A.P. Municipalities Act, 1965 and Hyderabad Municipal Corporation Act, 1955, and the rules framed thereunder.
- 3(A)* When ordinary elections are notified either for the Rural Local Bodies or for the Urban Local Bodies located in the entire State, the Model Code of Conduct is applicable for the entire State.
- 3 (B)* When elections are notified to a limited number of casual or ordinary vacancies in the Local Bodies, otherwise than State-wide ordinary elections, the area of applicability or enforcement of Model Code of Conduct shall be as follows:-

ZPTC Member: When election is notified to a ZPTC, the Model Code of Conduct shall be applicable for the **entire area of the Revenue Division** in which the ZPTC is located.

MPTC Member: When election is notified for an MPTC, the Model Code of Conduct shall be applicable for the **entire area of the Mandal Praja Parishad** in which the MPTC is located.

Sarpanch or Ward Member(s) of a Gram Panchayat or for both: When the election is notified for the office of Sarpanch or Ward Member(s) of a Gram Panchayat or for both, the Model Code of Conduct shall be applicable for the **entire area of that Gram Panchayat**.

Member of a Municipality / Nagar Panchayat: When election is notified to the office of Member of a Municipality / Nagar Panchayat, the Model Code of Conduct shall be applicable for the **entire area of that Municipality or Nagar Panchayat**.

Member of a Municipal Corporation: When election is notified to the office of Member of a Municipal Corporation, the Model Code of Conduct shall be applicable for the **entire area of that Municipal Corporation**.

(* 3(A) & (B) were inserted vide amendment notification No. 2540/SEC-B1/2006, dated 13.11.2006.)

I. General Conduct

1. No party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religions or languages.
2. There shall be no appeal to Religion, Communal or Caste feelings for securing votes.
3. Places of worship such as Temples, Mosques, Churches, etc., shall not be used as forum for election propaganda.
4. No criticism of any aspect of candidates private life which is not connected with his public life shall be made nor any allegation be made which are based on unverified facts or incidents.
5. Criticism of a political party, when made, shall be confined to its policies and programmes, past record and works and shall not be based on unverified allegations.
6. Organising demonstration or picketings before the houses of individuals by way of protesting against their opinion or activity shall not be resorted to under any circumstances.
7. No party or candidate shall permit their followers for using any private property / public property for erecting flag staffs, pasting notices, posters or slogans etc., or suspending banners without written permission from the owner / competent authority of the property concerned. Further, a copy of such written permission shall forthwith be sent to the Election Officer / District Election Authority.
8. No candidate or his workers shall remove or deface the flag erected or posters pasted by another candidate or political party.
9. All parties and candidates shall scrupulously avoid all activities which are corrupt practices and offences under the Election Law such as:
 - (i) To appeal for vote or not to vote on the basis of religion, caste or community and to use any religious symbol for soliciting votes.
 - (ii) To print or publish any poster, pamphlet, leaf-let, circular or advertisement without mentioning the name and address of the printer and the publisher.
 - (iii) To publish a statement or news item which is false or not believed to be true with respect to a candidate's personal conduct or character with a view to adversely affect the prospect of his or her election.
 - (iv) To obstruct or disturb any election meeting organised by another political party or candidate.
 - (v) To take out processions or hold public meetings during the period of:-
 - (a) forty-eight hours ending with the hours fixed for the close of the poll in the case of Municipal Corporations, Municipalities and Nagar Panchayats.
 - (b) Forty-eight hours prior to the hour fixed for the commencement of poll in the case of elections to Zilla Praja Parishads and Mandal Praja Parishads.
 - (c) Forty-four hours prior to the hour fixed for commencement of poll in the case of elections to Gram Panchayats.
 - (vi) To bribe or offer reward in any form to voters.

- (vii) To canvas or to appeal for votes within hundred meters of a polling station.
 - (viii) To use any conveyance or means of transport for the voters to or from the polling station.
 - (ix) To behave in an unruly manner within or near about the polling station or to obstruct a polling officer in the discharge of his duty.
 - (x) To impersonate a voter or attempt to cast vote under the false name of voter.
10. The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms of demonstration shall not be countenanced by any political party or candidate.

II. Meetings

1. No party or candidate shall hold public meetings or processions without obtaining necessary permission from the competent Local Authorities.
2. No party or candidate shall use loud speakers without obtaining necessary permission from the Competent Authority and shall not use the loud speaker for purposes other than transmitting speeches, live or recorded. The loud speakers shall not be used to transmit music or songs. The loud speakers shall be used only between 06.00 AM and 10.00 PM The Police are authorised to seize the offending equipment if any body violates the same. The political parties and candidates shall endeavor to see that no disturbance is caused in the vicinity of hospitals due to electioneering to avoid inconvenience to the patients.
3. While granting permission for organising an Election Meeting at a Public place, no distinction should be made between the candidates or the political parties. In case more than one candidate or party requests for holding meeting at the same place and the same date and time, the permission should be granted to such candidate or party who applies first.

III. Processions

1. A party or candidate organizing a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.
2. The organizers of the procession shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.
3. The organizers shall ascertain if any restrictive orders are in-force in the localities through which the procession has to pass and shall comply with the restrictions unless exempted specialty by competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
4. The organizers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is

very long, it shall be organized in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held up traffic could be allowed by stages thus avoiding heavy traffic congestion.

5. Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
6. If two or more political parties or candidates propose to take processions over the same route or parts thereof at about the same time, the organizers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not clash or cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the parties shall contact the police at the earliest opportunity.
7. The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements, especially in moments of excitement.

IV. Polling Day

1. On the polling day, all political parties and candidates shall :-
 - (a) Supply to their authorized workers suitable badges or Identity cards
 - (b) Refrain from serving or distributing liquor within the polling area during the period of forty-eight hours fixed for conclusion of the poll in the case of Zilla Praja Parishads and Mandal Praja Parishads and forty-four hours prior to the hour fixed for conclusion of the poll in the case of Gram Panchayats and also on the counting day.
 - (c) Not allow unnecessary crowds to be collected near the camps set by the political parties and candidates near the polling stations so as to avoid confrontation and tension among workers and sympathizers of the parties and candidates.
 - (d) Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtained permits for them which should be displayed prominently on those vehicles.
2. The identity slips given to voters shall be on plain (white) papers and shall not contain any symbol or name of the candidate. The name of the voter, his father's/husband's name, ward number, polling booth number and the serial number of the voter in the electoral roll shall only be written on the identity slip.
3. Every candidate and the political party shall co-operate with the Officers on Election Duty to ensure peaceful and orderly polling.

V. Polling Booth

Excepting the voters, no one without a valid pass from the State Election Commission shall enter the polling booths.

VI. Observers

The State Election Commission is appointing Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer.

VII. Expenditure

1. No contesting candidate shall incur the election expenditure in excess of the expenditure fixed by the State Election Commission, by notification
2. The contesting candidate shall maintain day-to-day expenditure record in the prescribed proforma which will be supplied to him free of cost on the date of acceptance of his candidature.
3. Every contesting candidate shall, within 45 days of announcement of results, submit the election expenditure account in the prescribed proforma to the District Election Authority.

VIII. Party in Power

1. A Public Servant shall remain absolutely impartial during the elections and he shall not indulge in any campaigning activity for or against any contesting candidate or political party.
2. A Public Servant shall not participate or accompany the Minister in any programme, organised at an individual's house for which the Minister has accepted the invitation during his election tour.
3. Public places such as maidans etc. for holding election meetings and use of helipads for air flights in connection with elections shall not be monopolized by party in power. Other parties and candidates shall be allowed to use such places and facilities on the same terms and conditions on which they are used by the party in power.
4. Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and the political parties on the same terms and conditions on which it is permissible for party in power. However, no candidate or party should be allowed to use such building or its campus for the purpose of election propaganda.
5. No contesting candidate, who is in-charge of, or is in any manner connected with, the management of an aided educational institution, or any other institution receiving aid from the State or Central Government, shall, misuse the buildings, infrastructure, staff, funds or vehicles belonging to such institution for furthering his/her electoral prospects.

6. Ordinarily, all meetings organised during election should be treated as election meetings and no Government money should be spent on them. No Government servant should attend any such meeting except those who are incharge of maintenance of law and order or those deployed for security duties.
 - (i) If a Minister undertakes a tour of any area of a District where elections are taking place, such tour shall be deemed to be an election tour and no Government servant, except those who are deployed for security purposes, shall accompany the Minister. No Government vehicles or any other facility shall be made available for such tour.
 - (ii) No vehicles belonging to Government or local bodies or public undertakings or co-operative institutions or any other institutions receiving Government grants shall be provided to any Minister, Member of the Parliament or the Legislative Assembly or a candidate for canvassing in election in any manner from the date of notification of election to the date of announcement of the results.
7. The Ministers shall not combine their official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicle for furtherance of interests of any candidate.
8. Ministers and other authorities shall not sanction any grant or subsidy out of State funds, where the beneficiaries are selectively identified and the grant or subsidy is not general in nature, from the time elections are announced till the date of announcement of results in any area where the elections are to take place. They should not sanction any new scheme or make an announcement of such new schemes. Laying of foundation stones or opening of any scheme or project shall not be done during the period of election.
9. From the time the elections are announced by the State Election Commission Ministers and other authorities shall not :-
 - (a) Make any ad-hoc appointments in Government, Public undertakings etc. which may have the effect of influencing voters in favour of the party in power.
 - (b) Make any promise of constriction of roads, provision of drinking water facilities etc.
10. Ministers of Central or State Governments shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorized agent.
11. Issue of advertisement at the cost of public exchequer in the news paper and other media during the election period for partisan coverage intended to furthering the prospects of the party in power shall be scrupulously avoided.

IX. Prosecution

1. The violation of these provisions is punishable under various laws.
2. The District Election Authority, Deputy District Election Authority, Additional District Election Authority and the Police are authorized to initiate prosecution against violators of this Code before the Competent Criminal Courts under intimation to the State Election Commissioner.

Sd/- P.Ramakanth Reddy
STATE ELECTION COMMISSIONER

ANNEXURE -XIX
STATE ELECTION COMMISSION
3rd Floor, Buddha Bhavan, M G Road, Secunderabad – 500 003

No.179/SEC-B1/2011

Dated:23.5.2011

DIRECTION

Sub:- A.P. SEC – Fourth ordinary elections to Panchayat Raj Bodies, 2011- Use of Loudspeakers for election campaigns – Instructions - Issued- Reg.

* * *

All Political parties, candidates and their workers, supporters and sympathizers are using loudspeakers for their electioneering campaigns. These loudspeakers are not only used from fixed rostrums but are also mounted / fitted on vehicles like trucks, tempos, cars, taxis, vans, three wheeler scooters, cycle rickshaws, etc. These vehicles move on all roads, streets and lanes and also go around basties, mohallas, colonies and localities with the loudspeakers broadcasting at very great volume. This results in serious ‘noise pollution ‘ and causes great disturbance to the peace and tranquility of the general public. The student community, in particular, gets seriously disturbed as their studies are badly hampered because the loudspeakers start blaring from very early hours in the morning and continue to do so throughout the day and till extremely late hours in the night. The aged, the infirm and the sick whether in institutions, hospitals, etc. or at home are also put to severe discomfort.

2. The Commission is aware that the use of loudspeakers cannot be stopped altogether during the election period as the loudspeakers are one of the means of election propaganda and imparting information to public. But, at the same time, indiscriminate and unfettered use of loudspeaker at odd hours and at odd places at very high volumes which have the effect of disturbing peace and tranquility and causing annoyance to the general public, the sick, and the student community in particular cannot be permitted. Some reasonable restrictions are essential.

3. The Hon’ble Supreme Court of India passed an order banning the use of loud speakers, vehicular horns and bursting of crackers between 10.00 PM and 6.00 AM near residential areas.

4. After considering all aspects of the matter, the Commission, in exercise of its powers conferred by Article 243K of the Constitution and all other powers enabling it in this behalf

and in supersession of its earlier instructions, hereby DIRECTS that the use of loudspeakers at all future elections to Panchayat Raj Bodies shall be strictly regulated as follows: -

(i) The use of loudspeakers, whether fitted on vehicles of any kind whatsoever, or in static position used for public meetings for electioneering purposes, during the entire election period starting from the date of issue of election notification and ending with the date of declaration of results shall be permitted only between 6.00a.m. and 10.00p.m.

(ii) All loudspeakers whether used for general propaganda or for public meetings or procession and whether used on moving vehicles or otherwise, shall be used during the restricted hours only mentioned in clauses (i) above and never beyond.

(iii) All loudspeaker being used beyond the hours prescribed above, shall be confiscated along with all the apparatus connected with the use of these loudspeakers.

(iv) All political parties, candidates and any other persons using any loudspeakers on moving vehicles including but not restricted to trucks, tempos, cars, taxis, vans, three wheeler, scooters, cycle rickshaws, etc. shall intimate the registration identification number of those vehicles to the authorities granting permission to use the loudspeakers and such registration identification numbers of the vehicles shall be indicated on the permits granted by the authorities concerned.

(v) Any vehicle on which a loudspeaker is used without the said written permit shall be confiscated forthwith alongwith the loudspeaker and all the apparatus used along with it.

(vi) All political parties, candidates and even any other person using a loudspeaker either on a moving vehicle or at a fixed place shall intimate:-

(1) the Returning Officer concerned, and

(2) local Police authorities, in writing, the full details of the permits obtained by them before using any of those loudspeakers. In the case of mobile loudspeakers, the registration / identification numbers of the vehicles shall also be registered by them with the Returning Officer concerned and the local Police authorities.

(i) It shall be the responsibility of the local authorities granting permits for use of loudspeakers and the local Police authorities to strictly enforce that no loudspeaker is used by anyone in violation of any of the above directions.

(viii) The political parties and candidates shall endeavour to see that no disturbance is caused in the areas adjacent to hospitals due to electioneering to avoid inconvenience to the patients.

5. No loudspeakers fitted on vehicles of any kind or in any other manner whatsoever shall be permitted to be used within the polling area during the period of forty-eight hours prior to the hour fixed for conclusion of the poll in case of elections to the Mandal Praja Parishads and Zilla Praja Parishads and forty-four hours prior to the hour fixed for conclusion of the poll in case of elections to gram panchayats. Even after the close of poll proper law and order is required to be maintained till completion of election after the declaration of result. Use of loudspeakers is generally regarded as source of public nuisance and can often give rise to tension in a politically surcharged atmosphere. The District Administrations should, therefore, consider any application for permission to use loudspeakers on merit of each application and keeping in view the need to maintain proper law and order till the completion of election.

The above directions of the Commission, which will check noise pollution and disturbance of public peace and tranquility must be scrupulously implemented and strictly enforced by all election authorities concerned. Any violation thereof will be viewed by the Commission with grave concern and will invite severe disciplinary action against the defaulting officers.

A copy of this order shall be made available to local units of all recognised and registered party units in the district under acknowledgement.

The receipt of this letter should be acknowledged immediately.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

**Sd/- Dr. G.M.Ramesh Kumar
Secretary**

To

1. All the Collectors and District Election Authorities in the State.
2. All the Superintendents of Police in the State.
3. All the Chief Executive Officers of Zilla Praja Parishad in the State.
4. All the District Panchayat Officers in the State.
5. All the Returning Officers in the State through CEOs of ZP.
6. The Commissioner of Panchayat Raj & Rural Employment, AP. Hyderabad.

ANNEXURE - XX

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M G Road, Secunderabad – 500 003

Circular No.177/SEC-B1/2011

Date:23.05.2011.

Circular

Sub:- A.P. SEC – Fourth Ordinary Elections to Panchayat Raj Bodies, 2011 –
Prevention of disfigurement of Public and Private places during elections –
Instructions issued – Reg.

* * *

Private and public places are disfigured during the election time by way of pasting election advertisements and writings on the walls in violation of the Model Code of Conduct.

2. Needless to say that this spoils the beauty of the settlements and causes loss to the private house owners who keep their houses and walls painted. In order to prevent such disfigurement, the A.P State Legislature has enacted A.P.Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable posters and Advertisements Act, 1997 (Act 28 of 1997).

3. Section 4 of the said Act makes the disfigurement of any public or private place an offence punishable with imprisonment which may extend upto 3 months or with fine which shall not be less than one thousand rupees but which may extend upto 2,000 rupees or with both. Abetment of such disfigurement is also made punishable under section 5 of that Act. Under section 6 thereof, the police officers are empowered to remove, erase, pull down and destroy objectionable advertisements.

4. The State Election Commission is of the firm view that this unhealthy practice of disfigurement / defacement of private and public properties during the election campaign should be curbed with a heavy hand by invoking the provisions of law referred above. The State Election Commission, therefore, directs to take immediate measures, wherever necessary, for restoration to original position of the defaced public / private properties by directing the political parties and contesting candidates to remove their posters/slogans and repaint the walls of public/private property at their own expenses. In case of failure to

comply with the instructions, prosecution should be lodged against the concerned under the provisions of law referred above. Strict vigilance should be maintained to prevent such defacement of public/private property particularly during election campaign and appropriate legal action should be taken against the violators.

5. The State Election Commission, hereby, directs the District Collectors and the Superintendents of Police to strictly enforce the implementation of item 11 of Model Code of Conduct by taking recourse to sections 4 and 5 of Act 28 of 1997 referred above by issuing suitable instructions to their subordinate officers and also by launching inspection teams from time to time during the campaign period. Prompt prosecution of offenders in the early stages of campaigning will act as great deterrent to others. They are also requested to give wide publicity to the provisions of the said Act and item 11 of the Model Code of Conduct among the general public, political parties and contesting candidates.

6. The Commission also directs that action taken in this regard and the prosecutions launched under the above Act during the period of election to Panchayat Raj Bodies should be informed to the Commission from time to time.

7. A copy of the said Act is enclosed for ready reference.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

**Sd/- Dr. G.M.Ramesh Kumar
Secretary**

To

1. All the District Collectors in the State.
2. All the Superintendents of Police in the State.
3. All the Chief Executive Officers of Zilla Praja Parishad in the State.
4. All the District Panchayat Officers in the State.
5. All the Mandal Parishad Development Officers in the State through CEOs of ZP.
6. The Commissioner of Panchayat Raj & Rural Employment, AP. Hyderabad.
7. The Director General of Police, Hyderabad.

ANNEXURE - XXI

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M.G.Road, Secunderabad - 500 003.

No.174/SEC-B1/2011,

Dt:27.5.2011

ORDER

Sub:- A.P. SEC – Fourth Ordinary elections to Panchayat Raj Bodies, 2011 – Restrictions on the printing of pamphlets, posters, etc. – Orders – Issued.

The printing and publication of election pamphlets, posters, etc., is governed by the provisions of Section 216 of APPR Act, 1994, which reads as follows:-

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 State Election Commissioner. and
 - (ii) In any other case, to the District Magistrate of the district in which it is printed.
3. For the purposes 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 hand-bill, 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”.

2. The above restrictions on the printing of election pamphlets, posters, etc., have been imposed under the law with a view to establishing the identity of publishers and printers of such documents, so that if any such document contains any matter or material which is illegal, offending or objectionable like appeal on ground of religion, race, caste, community or language or character assassination of an opponent, etc., necessary punitive or preventive action may be taken against the persons concerned. These restrictions also sub-serve the purpose of placing a check on the incurring of unauthorized election expenditure by political parties, candidates and their supporters on the printing and publication of election pamphlets, posters, etc.

3. At the time of elections, a large number of election pamphlets, posters etc., are printed, published, circulated and pasted on the walls of private and Government buildings in respect of which the above mentioned requirements of law have not been complied with.

4. In order to ensure strict observance of, and compliance with, the requirements of the above mentioned provisions of law, the State Election Commission, in exercise of its powers under Article 243 K of Constitution of India and all other powers enabling it in this behalf, hereby directs as follows:-

- (a) As soon as any election to a directly elected offices in Panchayat Raj bodies is announced by the State Election Commission, the District Magistrates shall, within three days of issue of election notifications write to all printing presses in their districts.
 - (i) pointing out to them the requirements of above mentioned Sections and specifically instructing them to indicate clearly in the print line the names and

addresses of printer and publisher of any election pamphlets or posters or such other material printed by them.

(ii) asking the printing presses to send the copies of the printed material (alongwith three extra copies of each of such printed material) and the declaration obtained from the publisher as required under the said Sections within three days of its printing;

(iii) impressing on them in clear terms that any violation of the said provisions and the above directions of the State Election Commission would be viewed very seriously and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws would be taken.

(b) The Election Authority and Commissioner of Panchayat Raj, A.P., Hyderabad shall do like wise in respect of the printing presses located at the state capital.

(c) Before undertaking the printing of any election pamphlets or posters, etc., the printer shall obtain from the publisher a declaration in the proforma prescribed by the State Election Commission in Annexure-A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the Election Authority (Commissioner of Panchayat Raj, Hyderabad) or the District Magistrate concerned as the case may be.

(d) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Alongwith such printed material and the declaration, the printer shall also furnish the information regarding number of copies of the document printed and the price charged for such printing job, in the proforma prescribed by the State Election Commission in Annexure – B hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.

- (e) As soon as a District Magistrate received any election pamphlets or posters, etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the State Election Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.
 - (f) The Election Authority & Commissioner of Panchayat Raj, A.P., Hyderabad shall also likewise take further follow up action as mentioned in sub-para (e) above in respect of the pamphlets, posters, etc., received by him.
 - (g) The Election Authority & Commissioner of Panchayat Raj, A.P., Hyderabad and the District Magistrates shall initiate prompt action for investigation forthwith if any case of publication of election pamphlets, posters, etc., in violation of the above mentioned provisions of said Sections and / or the State Election Commission's above directions either comes, or is brought, to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.
5. The State Election Commission hereby cautions all political parties, candidates and others concerned that any violation of the law and the directions of the State Election Commission on the above subject will be viewed with utmost concern and the severe stringent action possible will be taken against the offenders.
6. If any officer who is responsible for the enforcement of the above provisions of law and the directions of the State Election Commission is found to have failed in the due

discharge of his duties in this regard, he will be liable to severe disciplinary action apart from any penal action that may be called for against him for breach of his official duty.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

**Sd/- Dr. G.M.Ramesh Kumar
Secretary**

To

- 1.All the Collectors and District Election Authority in the State
- 2.The Commissioner of Panchayat Raj and Rural Employment, A.P., Hyderabad.
3. All Superintendents of Police in the State.

Copy to

All The Chief executive officers of Zilla Praja Parishad.
All the District Panchayat Officers.

Annexure – A

Proforma for Declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.

(See Section 216 of APPR Act, 1994)

I.....son/daughter/wife of.....

Name

Resident of.....(Village/town).....

(District)(State), hereby declare that I am the publisher of
.....(Give brief particulars of election poster, pamphlet, etc.)

being printed by

(Name of printing press)

Place.....

Date.....

(Signature of Publisher)

Full Address.....

Attested by (person personally known to publisher)

1. Signature

(name and address)

2. Signature

(name and address)

Countersigned by

Signature

(Name and address of Printer)

Annexure – B

Proforma for submission of information regarding printing of Election posters pamphlets etc.,

1. Name and address of printer
2. Name and address of publisher
3. Date of the printing order of the publisher
4. Date of the declaration of the publishers
-
5. Brief particulars of election poster, pamphlet, etc
6. Number of copies of the above document printed
7. Date of printing
8. Printing charges (including cost of paper) being charged from the publisher in respect of the above document

Place (Signature of Printer)

Date Seal of the printer

ANNEXURE - XXII

INSTRUCTIONS TO ELECTORS FOR MARKING BALLOT PAPERS AT ELECTION TO MANDAL PRAJA PARISHADS AND ZILLA PRAJA PARISHADS

Every ballot paper will have a counterfoil at the top of the ballot paper.

After your name is traced in the electoral roll by the Polling Officer, your left forefinger will be marked with indelible ink. Your signature or thumb impression will then be taken on the counterfoil of the ballot paper. No ballot paper will be delivered to you unless you have put your signature or thumb impression on the counterfoil of the ballot paper, if you put your thumb impression on the counterfoil of the ballot paper, you should clean your thumb with the help of a piece of wet cloth or rag provided on the table of the Polling Officer. This will be necessary to avoid smudge on the ballot paper while handling the ballot paper. Thereafter you will be given one ballot paper.

On this ballot paper you will see the names of the candidates and against the name of each candidate, the symbol of that candidate. In the ballot paper which will be given to you by the Polling Officer at the polling station, a symbol will be printed against the name of each candidate shown on that ballot paper.

With the ballot paper given to you by the Polling Officer, proceed to the next table. The Polling Officer will take back the ballot paper and fold it twice, first vertically and then horizontally. He will then unfold and return the ballot paper to you together with an inked rubber stamp.

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

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

Place the ballot paper on the table and mark with rubber stamp clearly on the symbol of the candidate for whom you wish to vote.

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

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

Drop the folded ballot paper into the ballot box kept on the table and return the rubber stamp to the Polling Officer sitting there.

If you have any doubt or difficult, do not hesitate to ask the Presiding Officer, he is there to help you.

Instructions to Electors for marking Ballot Papers at simultaneous elections to the Mandal Praja Parishads and Zilla Praja Parishads.

Every ballot paper will have a counterfoil at the top of the ballot paper.

After your name is traced in the electoral roll by the Polling Officer(s), your left forefinger will be marked with indelible ink. Your signature or thumb impression will then be taken on the counterfoils of two ballot papers-one in pink colour for MPTC election and the other in white colour for ZPTC election. No ballot paper will be delivered to you unless you have put your signature or thumb impression on the counterfoil of the ballot paper. If you put your thumb impression on the counterfoil of the ballot paper, you should clean your thumb with the help of a piece of wet cloth of rag provided on the table of the Polling Officer. This will be necessary to avoid smudge on the ballot paper while handling the ballot paper. Thereafter, you will be given the above mentioned two ballot papers.

On each of these ballot papers, you will see the names of the candidates and against the name of each candidate, the symbol of that candidate. Two sample ballot papers are given in the following pages but on these sample ballot paper no symbol has been printed. In the ballot papers which will be given to you by a Polling Officer at the polling station, a symbol will be printed against the name of each candidate shown on those ballot papers.

With the two ballot papers given to you by Polling Officer, proceed to the next table. A Polling Officer will take back both the ballot papers, he will fold the MPTC ballot paper first vertically and then horizontally. He will then unfold it and give it together with an inked rubber stamp.

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

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

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

Remember you are now voting for MPTC candidates.

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

After marking, fold the ballot paper in the same way it was previously folded and come out of the voting compartment and drop it in the one common ballot box for MPTC / ZPTC elections. In the mean time the Polling Officer, will ZPTC ballot paper first. After you dropped MPTC ballot paper in the ballot box, go to Polling Officer to whom you handed over the ballot papers. He will give ZPTC ballot paper along with an inked rubber pad. You follow same procedure cast you vote on the ZPTC ballot paper in the voting compartments, fold it and drop it the ballot box.

ANNEXURE - XXIII

DOS AND DON'TS FOR GUIDANCE OF CANDIDATES AND ELECTION AGENTS

- **Dos**

1. Do familiarize yourself with the legal provisions relating to elections.
2. Do make it a point to obtain the Electoral Rolls of the territorial constituencies constituting Mandal Praja Parishad / Zilla Praja Parishad and have it checked up.
3. Do check up your name and the particulars in the current electoral roll well before deciding to stand for election.
4. Do check up that you are qualified to stand for election.
5. Do check up that you are not disqualified from standing for election.
6. Do check up the nomination form to ensure that it is in the prescribed (Form - IV).
7. Do present the nomination form personally or send it through your proposer and no one else.
8. Do ensure that your proposer is a registered voter in the concerned territorial constituencies of Mandal Praja Parishad and Zilla Praja Parishad as the case may be.
9. Do presents more than one nomination paper, if you wish to do so.
10. Do collect the receipt for the nomination paper.
11. Do make it a point to attend the scrutiny of nominations personally.
12. Do check up that your name appears in the list of valid nominations
13. Do check up that your name is correctly entered in the list of validly nominated candidates.
14. Do check up your name and other particulars in the list of contesting candidates for its correctness.
15. Do find out the hours of poll as notified.
16. Do appoint the Election Agent in proper form and well in time.

17. Do obtain a copy of the list of Polling Stations.
18. Do appoint a polling agent and one relief agent in proper form for each and every polling station well in time.
19. Do provide copies of electoral roll to your polling agents.
20. Do appoint counting agents in proper form.
21. Do make it appoint to attend counting personally.
22. Do maintain proper accounts of election expenses from the date of your nomination as a candidate till the date of declaration of result in the proformas prescribed by State Election Commission

- **DON'Ts**

1. Don't present the nomination paper before or after the specified hours fixed for the purpose.
2. Don't present the nomination paper to any person other than the Returning Officer or the Officer so authorised in this behalf
3. Don't forget to make the required deposit
4. Don't interfere directly or indirectly or attempt to interfere with the free exercise of the electoral right of any person.
5. Don't appeal to voters to vote or refrain from voting on grounds of religion, race, caste or community or language.
6. Don't make use of or appeal to, religious symbols or national symbols.
7. Don't promote or attempt to promote feeling of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language.
8. Don't publish false statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate.
9. Don't hire or provide vehicles for the conveyance of voters to and from the polling stations.

10. Don't incur or authorise expenditure in connection with elections beyond the maximum prescribed for your election.
11. Don't procure the support of any Government servant.
12. Don't indulge in misconduct at polling station.
13. Don't induce disorderly conduct in or near any Polling Station.
14. Don't hold public meeting in the polling area any time 48 hours before the hour fixed for the conclusion of the poll.
15. Don't create disturbances at election meetings. Don't canvass within 100 metres of the Polling Station on the date or dates of poll.
16. Don't destroy fraudulently any nomination paper or any list or notice or any other documents affixed by or under the authority of the Returning Officer.
17. Don't destroy any ballot paper or any official mark on the ballot papers or any declaration of identity; don't put into the ballot boxes anything other than the ballot paper.
18. Don't destroy, take out or otherwise interfere with any Electronic voting machines or Ballot paper.
19. Don't publish any statement or have it published with your consent or the consent of your Election Agent which is false or which you believe to be false or do not believe to be true in relation to the personal character and conduct of any candidate or in relation to the candidates or withdrawal of any candidate, giving a statement reasonably calculated to prejudice the prospect of the candidate in the election.
20. Don't threaten any candidate or any elector or any person with any kind of act including social ostracism and ex-communication or expulsion from any caste or community.
21. Don't induce or attempt to induce a candidate or an elector making him believe that he or any person in whom he is interested will become or will be rendered the object of divine displeasure or spiritual censure.
22. Don't abet the offence of personation to an election.
23. Don't forget to lodge the election expenditure accounts with the District Election Authority (district collector) through Mandal Parishad Development Officer concerned within 45 days from the date of declaration of result.

24. Don't use the cell phone either in the Polling Station or the Counting Hall.
25. Do not issue identity slips bearing your name, your party or your symbol or containing any exhortation to voters to vote for you.
26. Do not make give or offer or promise of gratification to any person to induce another to stand or not to stand as a candidate or to withdraw or not to withdraw his candidature or to vote or refrain from voting at the election.

DOs AND DON'Ts FOR GUIDANCE OF POLLING AGENTS

The main duty of a Polling Agent is to see the interests of the candidate, who appointed him, are safeguarded at the polling station.

- **DOs:**

- 1) Do carry a letter of appointment in the prescribed form signed by the candidate or his election agent and produce it before the Presiding Officer at the assigned polling station.
- 2) Do co-operate in having the electronic voting machine properly secured and sealed according to the rules before, during and after close of the poll.
- 3) Do see that all the election records relating to the poll are secured and sealed properly after the close of the poll as required by the law.
- 4) Do detect and prevent impersonation of voters by challenging persons whose identity as real voter is doubtful.
- 5) Do carry a copy of the current electoral roll of the polling station.
- 6) Do carry a list of names of the dead, absent or allegedly suspicious voters which might have been included in the electoral rolls.

- 7) Do carry a small brass seal to affix seals on covers containing election papers etc.
- 8) Do obtain attested copy of the ballot paper account from the Presiding Officer concerned as per the rules.

- **DON'Ts:**

- 1) Don't communicate any person any information calculated to violate secrecy of voting.
- 2) Don't interfere directly or indirectly with the free exercise of the electoral right of any voter.
- 3) Don't destroy, take out or otherwise interfere with any EVM or ballot box or ballot paper.
- 4) Don't indulge in misconduct at the polling station.
- 5) Don't abet the offence of personation.
- 6) Don't canvass within 100 metres radius of the polling station on the date of poll.
- 7) Don't carry cell phones into the polling station.
- 8) Don't smoke inside the polling station.

DOs AND DON'Ts FOR GUIDANCE OF COUNTING AGENTS

- **DOs:**

- 1) Do deliver a letter of appointment in the prescribed form signed by the candidate or his election agent, to the Returning Officer on the date fixed for counting of votes and sign the declaration contained therein before the Returning Officer.

- 2) Do co-operate with the Returning Officer in maintaining strict discipline and order inside the counting hall.
- 3) Do acquaint yourself with rules and procedures relating to counting of votes.
- 4) Do inspect of seals affixed on ballot boxes/Electronic Voting Machines to satisfy yourself that they are intact and have not been tampered with.

- **DON'Ts**

- 1) Don't communicate to any person any information calculated to violate secrecy of voting.
- 2) Don't destroy, take out or otherwise interfere with the Electronic Voting Machines or ballot boxes or ballot papers.
- 3) Don't indulge in misconduct in the counting hall.
- 4) Don't smoke inside the counting hall.
- 5) Don't carry cell phones into the counting hall.

ANNEXURE - XXIV

STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M G Road, Secunderabad – 500 003

DIRECTION

No.180/SEC-B1/2011

Dated:13.05.2011

Sub:- A.P. SEC – Fourth Ordinary elections to Panchayat Raj Bodies, 2011

– Instructions on use of vehicles during elections – Issued.

The State Election Commissioner, in exercise of the powers conferred on him under Article 243-K of the Constitution of India and in the interest of preserving the purity of election process, hereby, issues the following instructions relating to use of vehicles during the ensuing ordinary elections to Panchayat Raj bodies.

Use of vehicles for campaigning:

1. The candidates contesting to the office of Member, ZPTC or Member, MPTC shall furnish details of the vehicles intended to be used by them for campaigning to the Revenue Divisional Officer concerned. Only after such information has been received by the Revenue Divisional Officer concerned, the vehicles so notified by the candidates can be used for the election campaign. Thus, prior intimation to the Revenue Divisional Officer is a must for the actual deployment of any vehicle for campaign purpose by the candidates. The Revenue Divisional Officer concerned shall also transmit the information so received by them from the candidates about the vehicles to be used by them to the Observers appointed by the State Election Commission.
2. Ministers, MLAs and MPs who want to campaign for their political party and not for a particular candidate, shall also notify the vehicles to be used by them to the Revenue Divisional Officer concerned indicating the areas in which they intend to campaign. The restrictions imposed on convoy of vehicles in this order, are also applicable to them.
3. The Revenue Divisional Officer to whom intimation of use of vehicles is given by contesting candidates, shall publish on his office notice boards details of the vehicles notified by the various contesting candidates and also release it to the press. This measure

- is intended to enable the common citizen to bring to the notice of the authorities any unauthorised use of vehicles for the election campaign.
4. Vehicles deployed for election campaign, as per the intimation given by the candidates, or by the election agents should not be requisitioned by the administration.
 5. Any vehicle which has not been registered for election campaigning with the Revenue Divisional Officer concerned, if found being used for campaigning, shall be deemed to be unauthorisedly campaigning for the candidate and will attract penal provisions of Chapter-IX (A) of the Indian Penal Code and shall therefore be immediately taken out of the campaign exercise.
 6. The vehicles permitted to be used under this order, shall not carry more than five passengers including the driver.
 7. Permits for vehicles should be issued from the day of publication of list of contesting candidates upto the date of declaration of results (except for the poll day).
 8. Permit for vehicles including two wheelers of candidates/political parties should be issued only by the Revenue Divisional Officer/Sub-Collector concerned.(copy of model permit is enclosed)
 9. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.
 10. Permit should be displayed prominently on the windscreen of the vehicle.
 11. Permit should be of sufficient dimension so that it could be seen from a distance.
 12. A register must be maintained in this matter in the office of the Revenue Divisional Officer as well as Returning Officer concerned.
 13. A list of permits issued to various candidates for plying vehicles should be given to all Observers and also Returning Officers concerned and updated on daily basis.
 14. There is no limit in respect of number of vehicles to be permitted for campaigning to each candidate/political party (except for the poll day)

Restrictions on convoy of vehicles:-

15. Cars/vehicles being used for electioneering purposes, shall, under no circumstances, be allowed to move in convoys of more than two vehicles during the campaigning period. All bigger convoys shall be broken up, even if they are carrying any Minister of Central or State Government. This shall, however, be subject to any security instructions issued in respect of any such individuals. In other words the convoy shall not, in any case, exceed two vehicles plus the authorised security vehicles.

16. The authorities concerned shall keep a close watch on the vehicles used by the contesting candidates, persons accompanying the contesting candidates and other party leaders and ensure that the Commission's instructions are not flouted.
17. Videography can be used effectively to check use of unauthorised vehicles for campaigning as well as for violation of instructions regarding convoys.

Use of vehicles on the day of Poll:

18. (a) The contesting candidates for the office of Member, Zilla Parishad Territorial Constituency and their election agents, their workers and leaders of political parties shall be permitted to use only two vehicles on Polling Day ie., (i) one vehicle for the candidate and (ii) one vehicle for election agent of the candidate or his workers or leaders and workers of political party which has set up the candidate.
(b) The contesting candidates for the office of Member, Mandal Parishad Territorial Constituency shall be allowed only one vehicle for their movement within their constituency on the polling day. It may be noted that no separate vehicle will be allowed for their agents or other party leaders.
19. The Revenue Divisional Officer concerned are authorised to issue permits to the contesting candidates for use of vehicles during the day of poll as indicated above. This permit should be displayed on their vehicle. (A copy of model permit is enclosed)
20. The following type vehicles shall be allowed to be plied on the poll day –
 - a) Private vehicles being used by the owners for their private use, not connected with elections;
 - b) Private vehicles being used by owners either for themselves or for members of their own family for going to the polling booth to exercise their franchise, but not going anywhere within a radius of 200 meters of a polling station;
 - C) Vehicles used for essential services namely hospital Vans, Ambulance, Milk Vans, Water Tankers, electricity emergency duty Vans, Police on duty, Officers on election duty;
 - d) Public transport carriages like buses plying between fixed termini and on fixed routes;

- e) Taxis, three Wheelers, Scooters, Rickshaws etc., for going to Airports, Railway Stations, Inter- State Bus stands, Hospitals for journeys which cannot be avoided;
- f) Private vehicles used by sick or disabled persons for their own use.

General:

21. The election authorities concerned and the Commissioner of Police/ Superintendents of Police concerned are requested to implement these instructions scrupulously. They are also directed to make arrangements to open check posts in the areas, where elections are held to effectively check un-authorized movement of vehicles during election campaign and on the day of poll.

22. The contesting candidates and political parties are hereby informed that any contravention of these instructions will be viewed seriously by the State Election Commission.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

**Sd/- Dr. G.M.Ramesh Kumar
Secretary**

To

All the Collectors & District Election Authorities in the State
All the Superintendents of Police in the State.
All the Chief Executive Officers of Zilla Praja Parishad in the State.
All the District Panchayat Officers in the State .
All the Revenue Divisional Officers and MPDOs through District Election Authority.
The Commissioner of Panchayat Raj and Rural Employment & Election Authority.
All the Political Parties.



**STATE ELECTION COMMISSION
ANDHRA PRADESH**

MPTC/ZPTC ELECTIONS -2011

VEHICLE PERMIT

Name of the MPTC/ZPTC :

Name of the Candidate :

Party Affiliation :

Vehicle Name & No. :

Permission obtained from _____ to _____

Date:

**Issuing Authority
With Office Seal**

ANNEXURE - XXV

DECLARATION BY THE PRESIDING OFFICER

PART-I

Declaration by the Presiding Officer before the commencement of the Poll / Election to
ZPTC / MPTC Constituency Serial No. and name of Polling Station

Date of Poll

I hereby declare:

(1) that I have demonstrated to the polling agents and other persons present that the ballot box(es) to be used for the poll is/are empty and I have allowed them to note down the serial numbers of the ballot box (es);

* (2) that on the paper seal used for securing the ballot box I have affixed my own signature and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same;

*(in applicable where paper seal is not used)

(3) that I have demonstrated 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 marks other than those used for issuing postal ballot papers and election duty certificates; and

(4) that I have allowed the polling agents to note the first and the last of the serial number of the ballot papers which will be used at the polling station.

Signature

Signature of polling agents: Presiding Officer

1.(of candidate)
2.(of candidate)
3.(of candidate)
4.(of candidate)
5.(of candidate)
6.(of candidate)
7.(of candidate)
8.(of candidate)
9.(of candidate)

The following polling agents(s) declined to affix his/her signature(s) on this declaration:

1.(of candidate)
2.(of candidate)
3.(of candidate)
4.(of candidate)

Signature

Date

Presiding Officer

PART-II

Declaration by the Presiding Officer at the time use of subsequent Ballot Box (es)

Election to ZPTC / MPTC constituency
Serial No. and name of Polling StationDate of Poll
.....

I hereby declare:

(1) that I have demonstrated to the polling agents and other persons present that the second/third () ballot box to be used for the poll is empty; and

*(2) that on the paper seal used for securing the ballot box I have affixed my own signature and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same;

*(in applicable where paper seal is not used)

Signature

Signature of polling agents: Presiding Officer

- 1.(of candidate)
- 2. (of candidate)
- 3. (of candidate)
- 4. (of candidate)
- 5. (of candidate)
- 6. (of candidate)
- 7. (of candidate)
- 8. (of candidate)
- 9. (of candidate)

The following polling agents(s) declined to affix their signature(s), on this declaration:

- 1. (of candidate)
- 2. (of candidate)
- 3. (of candidate)
- 4. (of candidate)

Signature

Date

Presiding Officer

PART-III

Declaration of the end of poll

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in the ballot paper account in Form XXV as required under rule 52(2) of the Conduct of Election Rules, 2006.

	Signature
Signature of polling agents:	Presiding Officer
1. (of candidate)	
2. (of candidate)	
3. (of candidate)	
4. (of candidate)	
5. (of candidate)	
6. (of candidate)	
7. (of candidate)	
8. (of candidate)	
9. (of candidate)	

The following polling agents who were present at the close of the polling declined to receive an attested copy of the ballot paper account and to give a receipt therefore and so an attested copy of the ballot paper account, was not supplied to them:

1. (of candidate)	
2. (of candidate)	
3. (of candidate)	
4. (of candidate)	
5. (of candidate)	
6. (of candidate)	
7. (of candidate)	
8. (of candidate)	
9. (of candidate)	

Signature

Date

Presiding Officer

ANNEXURE - XXVI
FORM XXI
[See Rule 43 (2) (c)]

LIST OF CHALLENGED VOTES

Election to Member, Territorial Constituency ofMandal Praja Parishad / Zilla Praja Parishad.

Number and Name of Polling Station No. ----- Ward No.Gram Panchayat -----

S.No	No. of Elector on Electoral Roll / Section Number Gram Panchayat	Name of Elector	Signature or thumb impression of the person challenged and his address	Name of Challenger	Signatures or thumb impression and address of identifier, if any	Order of Presiding Officer	Signature of Challenger on receiving refund of deposit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place :
Date :

Signature of Presiding Officer

ANNEXURE - XXVII

FORM - XXIV

[See Rule 50 (2)]

LIST OF TENDERED VOTES

Election to Member, Territorial Constituency of
.....Mandal Praja Parishad / Zilla Praja Parishad.

Number and Name of Polling Station ----- in ward No. -----of-----
Gram Panchayat.

S.No.	Name of the Elector	No. in Electoral Roll/Section No. Name of Gram Panchayat	Serial No. of tendered Ballot paper vote	Signature of elector or thumb impression of person tendering	Serial No. of ballot paper issued to the person who had already voted
(1)	(2)	(3)	(4)	(5)	(6)

Place :

Date :

Signature of Presiding Officer.

ANNEXURE – XXVIII

**NOTICE TO CANDIDATES OR THEIR ELECTION AGENTS REGARDING THE
DATE, TIME AND PLACE FOR COUNTING**

Election to MPTC / ZPTC Mandal Praja
Parishad / Zilla Praja Parishad.

I hereby give notice that the State Election Commission fixed the day of
..... (month), 2006 a.m./p.m. as the date and time for the counting of
votes in the MPTC/ZPTC The place for such counting is
.....

Place.....

Date.....

Signature.....

Returning Officer

To

All candidates or their election agents.

ANNEXURE - XXIX

EXTRACT OF STATUTORY PROVISION RELATING TO MAINTENANCE OF SECURITY OF VOTING

Section 217:

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 provisions of subsection (1) shall be punishable with imprisonment for a term, which may extend to three months or with fine or with both.

ANNEXURE - XXX

FORM – XXVI

[See Rules 57(11), 59 , 60 & 92]

FINAL RESULT SHEET

(to be used for recording the result where counting is done polling station wise)

Election to Member, Territorial Constituency of
.....Mandal Praja Parishad / Zilla Praja Parishad.

Serial No. of polling station	No. of valid votes cast in favour of			Total of valid votes	No. of rejected votes	Total	No. of tendered votes
	A	B	C				
1							
2							
3							
Total No. of votes recorded at Polling Station							
No. of votes recorded on postal ballot papers.							
Total votes polled.							

Place.....

Date

Returning Officer

ANNEXURE - XXXI

FORM XXVII

[See Rule 62 (1)(a)]
(for use in election when the seat is contested)

Declaration of result of election

In accordance with rule 62 (1) (a) of Andhra Pradesh Panchayat Raj (Conduct of Election) Rules, 2006, I, declare that the following candidate has been elected to the office of Member of Territorial Constituency of Mandal Praja Parishad / Zilla Praja Parishad.

Name:

Address:

* Party affiliation, if any:

Place :

Date:

Signature of Returning Officer

* Applicable in case of election of Member, Mandal Praja Parishad / Zilla Praja Parishad.

ANNEXURE - XXXII
FORM XXVIII
[See Rule 62(1)(b)]

RETURN OF ELECTION

Election to Member, Territorial Constituency ofMandal Praja
 Parishad /Zilla Praja Parishad.

Serial No	Name of the candidate	*Party affiliation, if any	Number of votes polled

(Total number of electors.....)

Total number of valid votes polled.....

Total number of rejected votes.....

Total number of tendered votes.....

I declare that-

.....(Name)

of(address)

has been duly elected to fill the seat.

Place.....

Dated.....

Returning Officer

- applicable in case of election to Member, Mandal Praja Parishad / Zilla Praja Parishad

ANNEXURE - XXXIII

FORM XXIX

[See Rule 63]

CERTIFICATE OF ELECTION

I, Returning Officer for the election to Member, Territorial Constituency ofMandal Praja Parishad / Zilla Praja Parishad hereby certify that I have on the day of 2006 declared Shri/Smt/ Kum of *sponsored by (name of the recognised / registered political party) to have been duly elected to the said office in the ordinary / casual election and that in token thereof I have granted to him this certificate of election.

Place.....

Date.....

Returning Officer

Seal

* applicable in case of election to member, Mandal Praja Parishad / Zilla Praja Parishad

ANNEXURE - XXXIV
STATE ELECTION COMMISSION

3rd Floor, Buddha Bhavan, M G Road, Secunderabad – 500 003

ORDER

No.168/SEC-B1/2011

Dated:18.05.2011

Sub:- A.P. SEC. Fourth Ordinary elections to Panchayat Raj Bodies, 2011– Election expenditure - Maintenance and Scrutiny of Election Expenditure Accounts - Orders – Issued.

* * *

Section 230-A of AP Panchayat Raj Act stipulates that every contesting candidates at an election held under Andhra Pradesh Panchayat Raj Act shall, either by himself or by his election agent, keep a separate and correct account of all expenditure incurred in connection with election between the date on which the candidate concerned has been nominated and the date of declaration of results of the election both days inclusive.

Sub-section (2) of section 230-A stipulates that the account of election expenditure shall contain such particulars as may, by order, be specified by the State Election Commission.

Sub-section 3 of section 230A empowers the State Election Commission to specify the ceiling limits on election expenditure to be incurred by the candidates for various seats in elections to Panchayat Raj Bodies. The maximum ceiling limits which can be incurred by the candidate contesting elections to ZPTC & MPTC and Gram Panchayats shall be as specified by the State Election Commission by notification.

Section 230B of AP Panchayat Raj Act, 1994, stipulates that every contesting candidate at an election shall, within 45 days from the date of declaration of result of 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 230 A . The final return under the sections shall be submitted by the contesting candidates within 45 days from the date of declaration of result to the District Election Authority through MPDOs.

Under section 19 B of the APPR Act, 1994, the State Election Commission is empowered to disqualify a candidate from contesting election for a period of 3 years for failure to lodge an account of election expenses within the time and in the manner required under the said Act and in case the candidate is elected, he is liable for cessation of office for such failure.

For the purpose of clarity, the explanations given under Section 230 A of AP PR Act, 1994 for the election expenses are reproduced below.

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

(d) incurred, or authorized by the contesting candidate, or by his election agent;

(e) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent) aimed at promoting or procuring the election of the candidate concerned; and

(c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:

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

Explanation-II:- *(1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 211 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.*

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

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

In exercise of the powers conferred under subsection (2) of section 230-A of the APPR Act, 1994, in supersession of the earlier instructions issued in the subject, the State Election Commission, hereby, issues orders in connection with maintenance of election expenditure in the ensuing elections to Panchayat Raj Bodies.

6. **Accounts to be in the proforma specified:-** The day to day account of election expenditure of the contesting candidates shall be maintained in Proforma I, and the periodical abstract of election expenditure account shall be maintained in Proforma II, by each of the contesting candidate. These accounts of election expenditure in the said two proformas shall be submitted for scrutiny on demand to the Returning Officers or other authorities designated by the State Election Commission.
7. The 'day-to-day' true account of election expenditure incurred by contesting candidate or his Election Agent and also by his supporters, any political party, or body or association or other individuals supporting the candidature or for furthering chances of the candidate in the election shall be recorded in Proforma I.
8. The day to day expenditure account so maintained in proforma I shall be supported by proper vouchers failing which it will not be treated as true account of election expenditure as required under the law, save in cases where it is not possible to obtain vouchers.
9. Each of the supporting vouchers, enclosed with the account of election expenditure, shall bear the signature in full of the contesting candidate or his election agent.
10. The candidate or his authorised agent shall prepare an abstract of the expenditure periodically during the campaign period in the proforma II enclosed to this Order and the same shall be duly signed by the candidate or his election agent certifying its correctness and shall be submitted to the designated authorities for inspection and scrutiny.
11. The attention of all political parties and contesting candidates is, hereby, drawn to the provisions of section 171 of the Indian Penal Code which reads as follows:

“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”.

Thus, from the above provision of law, it may be noted that the expenditure incurred by the supporters in connection with election of a candidate, without the knowledge or consent of the contesting candidate, is a criminal offence under the above law and persons, supporters, political parties, body or associations are liable for prosecution. And if such expenditure has been incurred, with the knowledge or with the consent of the candidate, then the same should be included in the account of election expenses of the candidate.

6. In order to put effective curbs on the incurring or authorising of expenditure, in violation of the statutory provisions of the above-referred section 171 H of the Indian Penal Code and in the interests of free and fair electors, the State Election Commission, in exercise of its powers under Article 243 K of the Constitution and Section 230-A of APPR Act, hereby, directs as follows:

- (i) No political party or any other association, body or individual, shall put up any cut-outs, hoardings, wall paintings, flags, banners, buntings, advertisements in newspapers, electronic media etc., without the general or special authority (in writing) of the candidate whose election is sought to be promoted by such cut-outs, hoardings, etc., as is statutorily and mandatorily required under Section 171 H of the Indian Penal Code. Strict penal action against those offending the above provisions of law will be taken and prosecutions launched against them
- (ii) Since elections to Gram Panchayats are conducted on non-party basis, the contesting candidates or their supporters shall not put up any cut-outs, hoardings, wall paintings, banners etc., of the political parties in support of any candidate contesting in Gram Panchayat elections.
- (iii) Subject to clause (iv) below, a political party or association or body may put up any cut-outs, hoarding, etc., referred in para 6 (i) above as part of its general propaganda, which is a distinguishable from its election campaign for the promotion the election of a particular candidate. For example if the poster, banner etc. appeals to the voter to vote for a party in words or picture or photo of party office bearers only then it is a case of general publicity. But if a poster, banner etc. also appeals to vote for a particular candidate in words or picture or photo then the cost thereof should be counted towards the expenditure of that candidate.
- (iv) No political party, contesting candidate, association, body or individual shall put up any cut-outs, hoarding etc., either under clause (i) or under clause (iii) above, unless prior written permission of the concerned Government authorities or local authorities like Zilla Praja

Parishad, Mandal Praja Parishad and Gram Panchayat has been obtained under the relevant local laws before putting up such cut-outs, hoarding etc.

(v) Before granting any permission as envisaged in clause (iv) above, the concerned Government authorities or the local authorities mentioned above shall thoroughly examine the applications of the parties, association, bodies or individuals with a view to satisfying themselves that the putting up of such cut-outs, hoardings etc., on the proposed site does not compromise the safety and security of the general public and does not result in traffic and other hazards in any manner whatsoever. Such authorities shall also examine whether any authorisation from a particular candidate is required by the applicant in terms of clause (i)&(ii) above and, if so, whether such authorisation has been obtained by the applicant.

(vi) It shall be the responsibility of the Government authorities and local authorities mentioned above to ensure that no cut-outs, hoardings etc., are put up by any political party, association, body or individual on any highways, road-sides, traffic intersection and crossings, government buildings and property, like electricity and telephone poles, etc., without prior written permission of the concerned department or local body and the written authorisation of the candidate, where required, as mentioned above. Any cut-out,hoardings, etc. which have been put up without the required permission and authorisation should be got removed/demolished forthwith at the cost of the party, association, body or individual responsible for the unauthorised putting up of the same.

(vii) Penal action shall also be initiated forthwith against such defaulting parties, associations, bodies or individuals by the aforementioned authorities under section 171 H, IPC and section 4 and 5 of “A.P. Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable posters and Advertisements Act, 1997 (Act 28 of 1997)” the provisions whereof have been violated by the putting up of such unauthorised cut-outs, hoardings etc.

(viii) If any such instances either come, or are brought, to the notice of the election expenditure observer, District Election Authorities, Returning Officers or other authorities concerned with the conduct of elections, including the Police authorities, they shall take up forthwith the matter with the aforementioned authorities for prompt action as directed in clauses (vi) and (vii) above.

7. The Commission, hereby, warns all concerned that any violation of the above directions will be viewed by the Commission with the utmost gravity and most stringent action possible

under the law will be taken against the parties, associations, bodies or individuals responsible for such violations.

8. If any Officers is found to have failed to take prompt and expeditious action as envisaged above, he will render himself liable to strict disciplinary action for failure to discharge the official duty.

9. The State Election Commission directs that the “day to day basis true” account of expenditure in the proforma I and the periodical abstract of expenditure in the proforma II attached to this Order should be submitted by the contesting candidates to the authorities designated by the State Election Commission on the dates specified by the State Election Commission separately.

10. In connection with third ordinary elections to Mandal Praja Parishad & Zilla Praja Parishad and Gram Panchayats in the State the Commission, hereby, **designate the Returning Officers for the inspection and scrutiny of the day to day expenditure accounts** and the periodical abstract of expenditure during the election campaign period and issue the following instructions in this behalf:-

4. The contesting candidates or their agents shall submit the election expenditure accounts maintained in Proforma-I and Proforma-II to the designated officers or officers nominated by them once in every three days from the date of publication of list of contesting candidates.
5. The Returning Officers are authorized to nominate officers to receive the accounts filed by the candidates and also notify the place at which and the hour when the candidates or their election agents can file the election expenditure accounts on the dates indicated. The nominated officers shall be available on the date and time indicated above at the places notified and shall receive and inspect and scrutinize the accounts submitted by the candidates and give consolidated report to the Returning Officer and to the election expenditure observer.
6. The election expenditure observers will also undertake inspection and scrutiny of all the expenditure accounts whenever they feel convenient on the said dates and they may also summon the expenditure accounts of any candidate from the officers nominated by the Returning Officers.

11. With a view to minimise the possibility of contesting candidates, their supporters, political parties, bodies or associations incurring expenditure in excess of the ceilings prescribed by the State Election Commission, it is felt necessary that the daily returns and the periodical returns of expenditure should be made transparent by making them available to the public and the other contesting candidates, who, can help the Election Commission to effectively check the

veracity of the returns with actual expenditure being incurred by the contesting candidates and their supporters. It is, therefore, decided that the designated officers should make photo copies of these returns available to other contesting candidates, any member of the public or Non-Governmental Organisation, on demand and on payment of xeroxing charges or a certified copy as per Section 76 of the Indian Evidence Act, 1872 and to the media, free of cost, so as to enable them to assist the Election Commission in effectively implementing the ceilings imposed on the expenditure to be incurred by the contesting candidates for various offices. The Commission is of the considered opinion that this exercise in bringing transparency in election expenditure will enhance the purity of elections and help in conduct of free and fair elections.

12. The final of return of election expenditure including the abstract shall be submitted by the contesting candidates to the District Election Authority through the MPDO within 45 days from the date of declaration of the results of the Office for which they had contested. The District Election Authority, shall make these returns public and take up follow up action in the manner in rule 101, 102 and 103 (1) of APPR (Conduct of Election) Rules, 2000.

13. The District Election Authority shall also take follow up action in respect of candidates who failed to lodge election expenditure accounts within the time and in the manner required by or under the APPR Act, 1994, as per the procedure envisaged in sub rules (2) and (7) of Rule 103 of APPR (Conduct of Election) Rules, 2000.

The election authorities relating to Mandal Praja Parishad & Zilla Praja Parishad and Gram Panchayat elections are directed to furnish a copy of these instructions to the contesting candidates under acknowledgement.

(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)

**Sd/- Dr. G.M.Ramesh Kumar
Secretary**

To

All the Collectors and District Election Authorities.

All the Chief Executive Officers of Zilla Praja Parishad with the directions to transmit these instructions to all Returning officers in their district.

All the District Panchayat Officers with the directions to transmit these instructions to all Returning officers in their district.

PROFORMA – I

PROFORMA FOR THE MAINTENANCE OF ACCOUNTS OF ELECTION EXPENSES

Name of the Candidate : _____ 4) Name of the territorial constituency : _____
 Office contested : Ward Member (specify ward)/ Sarpanch /Member, MPTC / ZPTC
 Name of the GP/ Mandal Praja Parishad / Zilla Praja Parishad : _____ 5) Date of Election : _____
 :

Date of expenditure	Name of Expenditure	Amount of Expenditure		Date of payment	Name & address of payee	Serial No. of voucher in case of amount paid	Serial No. of bill in case of an amount outstanding	Name & address of person to whom the amount outstanding is payable	Remarks
		Paid	Outstanding						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

N.B: It is not necessary to give the particulars (the name and address of payee) in regard to expenditure for which vouchers are not required to be obtained.

Candidate / Election Agent

Signature of the

Certified that this is a true copy of the account kept by me / my Election Agent

Contesting Candidate

Signature of the

(FOR OFFICIAL USE ONLY)

(Acknowledgement)

The account of election expenses of.....(Candidate) from.....(Constituency) result of which declared on.....filed by him / or on his behalf by.....has been received by me today, the.....(date).....(month).....(year).

Returning Officer

PROFORMA - II
ABSTRACT OF ELECTION EXPENDITURE ACCOUNT

- 1) Name of the Candidate : _____ 5. Date of Election _____ :
- 2) Office contested: Ward Member (specify ward)/ Sarpanch /Member, MPTC / ZPTC _____ 6. Expenditure as on _____/Final return.
- 3) Name of the GP/Mandal Praja Parishad / Zilla Praja Parishad _____ :
- 4) Name of the territorial constituency _____

S. No	Item of Expenditure	Expenditure incurred or authorised by candidate or his election agent		Expenditure by Political party/parties for promoting his candidature		Expenditure incurred by his supporters,(individuals/body/associations etc.)		Total Expenditure	
		Paid	Committed but not paid	Paid	Committed but not paid	Paid	Committed but not paid	Paid	Committed but not paid
1.	2.	3.		4.		5.		6.	
1.	Expenditure on Printing of election Campaign material								
2.	Expenditure on pasting of posters and distribution of handbills.								
3.	Expenditure on hoardings, Wall writings, cutouts etc.								
4.	Expenditure on advertisements in print & electronic media by candidates, agents & supporters for campaign								

5.	Expenditure on propaganda for public meetings & for all arrangements for public meetings				
6.	Hiring charges for campaign office & office establishment				
7.	Hiring charges for vehicles, cost of petrol, oil, lubrication charges etc. for vehicle use				
8.	Hiring charges of loud-speakers				
9.	Expenditure on production & use of audio & video Cassettes, films slides etc.				
10.	Expenditure on gates, arches & visits of VIPs and Party leaders for campaign				
11.	Expenditure on refreshments given to supporters, polling agents, counting agents and to those for doing house to house campaign				

12.	Travel expenses by candidate or his agent or supporters etc. authorised by him.				
13.	Expenditure on rallies, etc. organised by the candidate.				
14.	Expenditure incurred by other individuals, body, association supporters etc., towards election campaigns				
15.	Value of the publicity material supplied by political party / parties to the candidate.				
16.	Misc. expenses not covered in above items.				
	Total :				

Declaration:

Certified that the particulars given above are true and correct to the best of my knowledge.

Signature of contesting candidate

N.B:

The account shall be countersigned by the candidate, if it is lodged by his election agent and should be certified by the candidate to be correct copy of the account kept.