

MANUAL OF MUNICIPAL ELECTION LAW (RAJASTHAN)

(A compilation of statutory provisions governing Municipal elections

(As on 01.01.2026)

State Election Commission, Rajasthan

II Floor, Development Block, Secretariat, Jaipur

2026

PREFACE

The State Election Commission, Rajasthan was constituted in July, 1994 under Article 243K of the Constitution of India.

The State Election Commission has been entrusted with the functions of conducting free and fair elections of the local bodies (rural and urban) in the State of Rajasthan.

As per Article 243ZA of the Constitution, the superintendence, direction and control of the preparations of electoral rolls for, and the conduct of, all the elections to the Municipal bodies is vested in the State Election Commission.

Since 1994, State Election Commission has been conducting all the general elections/bye -elections of the Municipal bodies successfully and in a transparent manner.

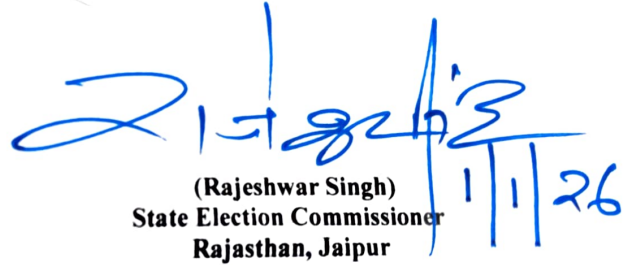
As we know, the officers involved in the process of Municipal elections have to refer to the relevant provisions of various Acts and Rules pertaining to the elections. In order to have an easy and quick access of the relevant provisions pertaining to the Municipal elections an effort has been made to prepare and compile a manual of Municipal election law which may be helpful in carrying out their duties more efficiently and effectively.

Hence, All the officers involved with election work, are requested to go through these provisions very carefully to ensure an error free electoral process.

Jaipur

Dated:

1/1/26


(Rajeshwar Singh)
State Election Commissioner
Rajasthan, Jaipur

1/1/26

DISCLAIMER

Utmost care has been taken while compiling and printing this Manual, still in case of any query/doubt, kindly refer to the Official Gazette for original text of Act, Rule, Notification or Order, issued by the Central Government or State Government.

MANUAL OF MUNICIPAL ELECTION LAW

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PART I
Extracts From The Constitution

EXTRACTS FROM THE CONSTITUTION

PART I

EXTRACTS FROM THE CONSTITUTION

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MANUAL OF MUNICIPAL ELECTION LAW

PART - 1

EXTRACTS FROM THE CONSTITUTION

1. THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992

[20th April, 1992)

AN ACT

Further to amend the Constitution of India

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:-

1. Short title and commencement.-

- (1) This Act may be called the Constitution (Seventy - fourth Amendment) Act. 1992.
- (2) It shall come into force on such date* as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Part IXA. - After Part IX of the Constitution the following Part shall be inserted, namely:-

'PART IX A

THE MUNICIPALITIES

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

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

* Came into force from 1.6.93, vide S.O.No. 346(E), dated 1.6.93 - Gazette of India, E.O., Part II, Sec.3(ii), dated 1.6.93.

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243Q. Constitution of Municipalities. -

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

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

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

243R. Composition of Municipalities.-

- (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.
- (2) The Legislature of a State may, by law, provide,-
 - (a) for the representation in a Municipality of -
 - (i) persons having special knowledge or experience in Municipal administration;
 - (ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;
 - (iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;
 - (iv) the Chairpersons of the Committees constituted under clause (5) of article 243S:

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

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

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

- (1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.
- (2) The Legislature of a State may, by law, make provision with respect to-
 - (a) the composition and the territorial area of a Wards Committee;
 - (b) the manner in which the seats in a Wards Committee shall be filled.

EXTRACTS FROM THE CONSTITUTION

- (3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.
- (4) Where a Wards Committee consists of-
 - (a) one ward, the member representing that ward in the Municipality; or
 - (b) two or more wards one of the members representing such wards in the Municipality elected by the Members of the Wards committee.,
shall be the Chairperson of that Committee.
- (5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

243T. Reservation of seats.-

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

243U. Duration of Municipalities, etc.-

- (1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

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

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

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- (b) before the expiration of a period of six months from the date of its dissolution:

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

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

243V. Disqualification for membership.-

- (1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality-

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

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

- (b) if he is so disqualified by or under any law made by the legislature of the State.
- (2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

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

- (a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to-
- (i) the preparation of plans for economic development and social justice;
- (ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matter listed in the Twelfth Schedule;
- (b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

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

- (a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;
- (b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;
- (c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and
- (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom,

as may be specified in the law.

EXTRACTS FROM THE CONSTITUTION

243Y. Finance Commission.-

- (1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to--
 - (a) the principles which should govern--
 - (i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;
 - (iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;
 - (b) the measures needed to improve the financial position of the Municipalities;
 - (c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.
- (2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

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

243ZA. Elections to the Municipalities.-

- (1) **The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.***
- (2) Subject to the provision of this constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to or in connection with, elections to the Municipalities.

* **Article 243K** of the Constitution is as under :- "**Elections to the Panchayats** - (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by Law, make provision with respect to all matters relating to or in connection with, elections to the Panchayats."

EXTRACTS FROM THE CONSTITUTION

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

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

243ZC. Part not to apply to certain areas.-

- (1) Nothing in this part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2) of article 244.
- (2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.
- (3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243ZD. Committee for district planning.-

- (1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.
- (2) The Legislature of a State may, by law, make provision with respect to-
 - (a) the composition of the District Planning Committees;
 - (b) the manner in which the seats in such Committees shall be filled:

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

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

EXTRACTS FROM THE CONSTITUTION

243ZE. Committee for Metropolitan planning.-

- (1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.
- (2) The Legislature of a State may, by law, make provision with respect to-
 - (a) the composition of the Metropolitan Planning Committees;
 - (b) the manner in which the seats in such Committees shall be filled:

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

- (c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees;
 - (d) the functions relating to planning and co-ordination for the Metropolitan area which may be assigned to such Committees;
 - (e) the manner in which the Chairpersons of such Committees shall be chosen.
 - (3) Every Metropolitan Planning Committee shall, in preparing the draft development plan.-
 - (a) have regard to -
 - (i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;
 - (ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
 - (iii) the overall objectives and priorities set by the Government of India and the Government of the State;
 - (iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;
 - (b) consult such institutions and organisations as the Governor may, by order, specify.
 - (4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

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

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

EXTRACTS FROM THE CONSTITUTION

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

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

3. **Amendment of article 280.**- In clause (3) of article 280 of the Constitution, sub-clause (c) shall be re-lettered as sub-clause (d) and before sub-clause (d) as so re-lettered, the following sub-clause shall be inserted, namely:-

"(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State:"

4. **Addition of Twelfth Schedule.**- After the Eleventh Schedule to the Constitution, the following Schedule shall be added, namely:-

"TWELFTH SCHEDULE

(Article 243W)

- 1. Urban planning including town planning.
- 2. Regulation of land-use and construction of buildings.
- 3. Planning for economic and social development.
- 4. Roads and bridges.
- 5. Water supply for domestic, industrial and commercial purposes.
- 6. Public health, sanitation conservancy and solid waste management.
- 7. Fire services.
- 8. Urban forestry, protection of the environment and promotion of ecological aspects.
- 9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
- 10. Slum improvement and upgradation.
- 11. Urban poverty alleviation.
- 12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
- 13. Promotion of cultural, educational and aesthetic aspects.
- 14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
- 15. Cattle pounds; prevention of cruelty to animals.
- 16. Vital statistics including registration of births and deaths.
- 17. Public amenities including street lighting; parking lots, bus stops and public conveniences.
- 18. Regulation of slaughter houses and tanneries."

EXTRACTS FROM THE CONSTITUTION

PART - I

EXTRACTS FROM THE CONSTITUTION

2. PROVISIONS RELATING TO MEMBERSHIP OF STATE LEGISLATURE

* * * * *
THE STATE LEGISLATURE
* * * * *

173. Qualification for membership of the State Legislature.- A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he -

- ¹ [(a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;]
- (b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and
- (c) Possesses such other qualifications as may be prescribed in that behalf by or under any law² made by Parliament.

* * * * *

191. Disqualifications for membership.- (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly or Legislative Council of a State -

- (a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the Legislature of the State by law not to disqualify its holder;
- (b) If he is of unsound mind and so declared by a competent court;
- (c) If he is an undischarged insolvent;
- (d) If he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State;
- (e) If he is so disqualified by or under any law³ made by parliament.

⁴[**Explanation.-** For the purposes of this clause] a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Minister either for the Union or for such State.

⁵[(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.]

1. Subs. by the Constitution (Sixteenth Amendment) Act, 1963, s.4, for cl. (a). (w.e.f. 5-10-1963).

2. See the Representation of the People Act, 1951 (43 of 1951), ss.5, 5A and 6, Part II,

3. See the Representation of the People Act, 1951 (43 of 1951), in Part II,

4. Subs. by the Constitution (Fifty-second Amendment) Act, 1985, s.5, for "(2) For the purposes of this article" (w.e.f. 1-3-1985).

5. Ins. by the Constitution (Fifty-second Amendment) Act, 1985, s.5(b), (w.e.f. 1-3-1985).

¹[192. **Decision on questions as to disqualifications of members.-** (1) If any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, the question shall be referred for the decision of the Governor and his decision shall be final.

(2) Before giving any decision on any such question, the Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.]

* * * * *

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

* * * * *

334. Reservation of seats and special representation to cease after certain period.-Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to -

- (a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assembly of the States; and
- (b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the State by nomination, shall cease to have effect on the expiration of ²
[a period of eighty years] in respect of clause (a) and seventy years in respect of clause (b) from the commencement of this Constitution:

Provided that nothing in this article shall affect any representation in the House of People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

* * * * *

341. Scheduled Castes.- (1) The President ³[may with respect to any State ⁴[or Union Territory], and where it is a State ^{5***} after consultation with the Governors ^{6***} thereof,] by public notification⁷, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State ⁴[or Union Territory, as the case may be].

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342. Scheduled Tribes.-(1) the President ⁸[may with respect to any state ⁴[or Union territory], and where it is a State ^{5***}, after consultation with the Governor ^{6***} thereof,] by public notification⁷, specify the tribes or tribal communities parts of or groups within tribes or tribes communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State ⁴[or Union territory, as the case may be]

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe, race or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

1. Subs. by the Constitution (Forty-Fourth Amendment) Act, 1978, s.25, for article 192 (w.e.f. 20-6-1979).

2. Subs. by the Constitution (One Hundred and Fourth Amendment) Act, 2019, s. 2, for “seventy years” (w.e.f. 25-1-2020).

3. Subs. by the Constitution (First Amendment) Act, 1951 s.10, for "may, after consultation with the Governor or Raj Pramukh of a State".

4. Ins. by the Constitution (Seventh Amendment) Act, 1956. s.29 and Sch. (w.e.f. 1-11-56)

5. The words and letters "specified in Part A or Part B of the First Schedule" omitted by the Constitution (Seventh Amendment) Act, 1956 sec. 29 and Sch (w.e.f. 1-11-56)

6. The words "or Rajpramukh" omitted by s.29 and Sch. omitted by the Constitution (Seventh Amendment) Act, 1956 sec. 29 and Sch (w.e.f. 1-11-56)

7. See Manual of election law, Vol .I, Part III,

8. Subs. by the Constitution (First Amendment) Act, 1951, s.11, for "may, after consultation with the Governor or Raj-pramukh of a State,".

EXTRACTS FROM THE CONSTITUTION
EXTRACTS FROM THE CONSTITUTION

¹[TENTH SCHEDULE]

[Articles 102(2) and 191(2)]

Provision as to disqualification on ground of defection

- 1. Interpretation.-** In this Schedule, unless the context otherwise requires,-
- (a) "House" means either House of Parliament or Legislative Assembly or, as the case may be, either House of the Legislature of a State;
 - (b) "legislature party", in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or ²*** paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions;
 - (c) "original political party", in relation to a member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2;
 - (d) "Paragraph" means a paragraph of this Schedule.
- 2. Disqualification on ground of defection.-**(1) Subject to the provisions of ³[paragraph 4 and 5], a member of a House belonging to any political party shall be disqualified for being a member of the House-
- (a) if he has voluntarily given up his membership of such political party; or
 - (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation. - For the purposes of this sub-paragraph,-

- (a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;
- (b) a nominated member of a House shall, -
 - (i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;
 - (ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes, a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

1. Added by the Constitution (52nd Amendment) Act, 1985, s.6 (w.e.f. 1.3.85).
2. The words "paragraph 3 or, as the case may be, "omitted by the constitution (Ninety First Amendment) Act 2003, s.5(a) (w.e.f. 1-1-2004).
3. Subs. by the constitution (Ninety First Amendment) Act 2003, s.5 (b) for the paragraphs 3,4and 5.(w.e.f. 1.1.2004).

- (2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.
- (3) A nominated member of a House shall be disqualified for being a member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.
- (4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a member of a House (whether elected or nominated as such) shall,-
 - (i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party;
 - (ii) in any other case, be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph or, as the case may be, be deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

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- (a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or
- (b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

5. Exemption. - Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule. -

- (a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party; or
- (b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

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EXTRACTS FROM THE CONSTITUTION

6. Decision on questions as to disqualification on ground of defection,- (1) If any question arises as to whether a member of a House has become subject to disqualification under this schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212.

¹[7. **Bar of jurisdiction of courts.** - Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.

8. Rules.- (1) Subject to the provisions of sub-paragraph(2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for-

- (a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;
 - (b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub- paragraph(1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;
 - (c) the reports, which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished; and
 - (d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.
- (2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive session and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modification or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.
- (3) The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, article 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.]

1. Paragraph 7 declared invalid for want of ratification in accordance with the proviso to clause (2) of article 368 as per majority opinion in *Kihoto Hollohon vs Zachilhu*, 1992

भाग 2

संसद् के अधिनियम

PART II

Acts of Parliament

PART II

ACTS OF PARLIAMENT

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PART II

ACTS OF PARLIAMENT

1. EXTRACTS FROM THE BHARATIYA NYAYA SANHITA, 2023

(No. 45 of 2023)

* * * *

¹[196. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.-(1) Whoever-

- (a) by words, either spoken or written, or by signs or by visible representations or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or
- (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity; or
- (c) organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment which may extent to three years, or with fine, or with both.

(2) **Offence committed in place of worship, etc:-** Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religions worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

197. Imputations, Assertions prejudicial to national integration.-(1) Whoever, by words either spoken or written or by signs or by visible representations or through electronic communication or otherwise.-

- (a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India; or

1. Subs. by Act 45 of 2023 Published in The Gazette of India extraordinary Part-II Section 1 on dt. 25.12.2023.

EXTRACTS FROM THE BHARATIYA NYAYA SANHITA, 2023

- (b) asserts, counsels, advises, propagates or publishes that any class or persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India; or
- (c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons; or
- (d) makes or publishes false or misleading information, jeopardising the sovereignty, unity and integrity or security of India,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.]

* * * *

¹[CHAPTER IX A - of Offences Relating to Elections

169. "Candidate", "Electoral right" defined.- For the purposes of this Chapter-

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

170. Bribery.- (1) Whoever-

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

commits the offence of bribery:

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

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

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

1. Subs. by Act 45 of 2023 Published in The Gazette of India extraordinary Part-II Section 1 on dt. 25.12.2023.

EXTRACTS FROM THE BHARATIYA NYAYA SANHITA, 2023

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

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

- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
- (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

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

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

Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.

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

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

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

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

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

176. 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 **ten thousand rupees**:

EXTRACTS FROM THE BHARATIYA NYAYA SANHITA, 2023

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.

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

* * * *

¹[**353. Statements conducing to public mischief.-** (1) Whoever makes, publishes or circulates any statement, false information, rumour, or report, including through electronic means -

- (a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) **Statement creating or promoting enmity, hatred or ill- will between classes:-** Whoever makes, publishes or circulates any statement or report containing false information, rumour or alarming news, including through electronic means, with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes of communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(3) **Offence under sub-section (2) committed in place of worship, etc.-** Whoever commits any offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Exception.- It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, false information, rumour or report, has reasonable grounds for believing that such statement, false information, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.]

* * * *

1. Subs. by Act 45 of 2023 Published in The Gazette of India extraordinary Part-II Section 1 on dt. 25.12.2023.

PART - II

ACTS OF PARLIAMENT

2. EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1950

(Act 43 of 1950)

* * * * *

PART - III

¹[ELECTORAL ROLLS FOR ASSEMBLY ^{2***} CONSTITUENCIES]

³[14. Definitions.- In this Part, unless the context otherwise requires,-

(a) "constituency" means an Assembly constituency ^{2***} ;

(b) "qualifying date", in relation to the preparation or revision of every electoral roll under this Part, means ⁴[the 1st day of January, the 1st day of April, the 1st day of July and the 1st day of October] of the year in which it is so prepared or revised]

⁵[Provided that "qualifying date", in relation to the preparation or revision of every electoral roll under this Part in the year 1989, shall be the 1st day of April, 1989.]

15. Electoral roll for every constituency.- For every constituency there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act under the superintendence, direction and control of the Election Commission.

16. Disqualifications for registration in an electoral roll.- (1) A person shall be disqualified for registration in an electoral roll if he -

- (a) is not a citizen of India; or
- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is for the time being disqualified from voting under the provisions of any law relating to corrupt ^{6***} practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:

⁷[Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.]

17. No person to be registered in more than one constituency.- No person shall be entitled to be registered in the electoral roll for more than one constituency ^{8***}

-
1. Subs. by Act 2 of 1956, s.10, for the heading "REGISTRATION OF PARLIAMENTARY ELECTOR".
 2. Certain words omitted by Act 103 of 1956, s.65.
 3. Subs. by Act 2 of 1956, s.11, for s.14.
 4. Subs. by Act 49 of 2021, s. 2, for "the 1st day of January" (w.e.f.01-08-2022)
 5. Ins. by Act 21 of 1989, s.3 (w.e.f. 28.03.1989).
 6. The words "and illegal" ins. by Act 73 of 1950, s.4 and omitted by Act 58 of 1960, s.3 and Sch.II.
 7. Ins. by Act 73 of 1950, s.4.
 8. The words "in the same State" ins. by Act 2 of 1956, s.12 and omitted by Act 58 of 1958, s.6.

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1950

18. No person to be registered more than once in any constituency.- No person shall be entitled to be registered in the electoral roll for any constituency more than once.

¹[19. Conditions of registration.- Subject to the foregoing provisions of this Part, every person who -

(a) is not less than ²[eighteen years] of age on the qualifying date, and

(b) is ordinarily resident in a constituency,

shall be entitled to be registered in the electoral roll for that constituency.]

20. Meaning of "ordinarily resident".- ³[(1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of, a dwelling house therein.

(1A) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(1B) A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.]

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

⁴[(3) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.]

(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, ⁵*** shall be deemed to be ordinarily resident ⁶*** on any date in the constituency in which, but for the holding of any such office ⁷***, he would have been ordinarily resident ⁸*** on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the prescribed manner, that ⁹[but for his having the service qualification] or but for his holding any such office ¹⁰*** as is referred to in sub-section (4) he would have been ordinarily resident in a specified place ⁶*** on any date, shall, in the absence of evidence to the contrary, be ⁹[accepted as correct].

-
1. Subs. by Act 58 of 1958, s.7, for s.19.
 2. Subs. by Act 21 of 1989, s.4, for "twenty-one years" (w.e.f. 28.3.1989).
 3. Subs. by Act 58 of 1958, s.8, for sub-section (1).
 4. Subs. by Act 47 of 1966, s.8, for sub-section (3) (w.e.f. 14.12.1996).
 5. Certain words omitted by Act 47 of 1966, s.8 (w.e.f. 14.12.1966).
 6. The words "during any period or" omitted by Act 2 of 1956, s.14.
 7. The words "or employment" omitted by Act 47 of 1966, s.8 (w.e.f. 14.12.1966).
 8. The words "during that period or" omitted by Act 2 of 1956, s.14.
 9. Subs. by Act 47 of 1966, s.8, for certain words (w.e.f. 14.12.1966).
 10. Certain words omitted by s.8, *ibid.* (w.e.f. 14.12.1966).

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1950

(6) The ¹[spouse] of any such person as is referred to in sub-section (3) or sub-section (4) shall if ²[such spouse] be ordinarily residing with such person ^{3***} be deemed to be ordinarily **resident** on ^{4***} in the constituency specified by such person under sub-section (5).

⁵(7) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.

(8) In sub-section (3) and (5) "service qualification" means -

- (a) being a member of the armed forces of the Union; or
- (b) being a member of a force to which the provisions of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modifications; or
- (c) being a member of an armed police force of a State, who is serving outside that State; or
- (d) being a person who is employed under the Government of India, in a post outside India.

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1. Subs. by Act 49 of 2021, s. 3, for "wife" (w.e.f. 01-08-2022).
2. Subs. by s. 3, *ibid.*, for "if she" (w.e.f. 01-08-2022).
3. The words "during any period" omitted by Act 2 of 1956, s.14.
4. The words "during that period" omitted by s.14, *ibid.*
5. Ins. by Act 47 of 1966, s.8 (w.e.f. 14.12.1966). Original sub-section (7) was omitted by Act 2 of 1956, s.14.

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

PART - II

ACTS OF PARLIAMENT

2. EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

(Act 43 of 1951)

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PART - II

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¹[CHAPTER III. - Disqualifications for membership of Parliament and State Legislatures

7. Definitions.- In this Chapter.-

(a) "**appropriate Government**" means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;

(b) "**disqualified**" means disqualified for being chosen as, and for being, member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State under the provisions of this chapter, and on no other ground.

8. Disqualification on conviction for certain offences.- ²[(1) A person convicted on an offence punishable under -

- (a) section 153A (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 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a 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 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom; or
- (c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 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

1. Subs. by Act 47 of 1966, s. 20. for Chapter III (w.e.f.14.12.1966). Previous Chapter IV (ss. 110 and 111) was rep. by Act 103 of 1956. s. 66.

2. Subs. by Act 1 of 1989, s.4, for sub-sections (1) and (2) (w.e.f. 15.3.1989).

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- (g) section 3 (offence of committing terrorist acts.) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive activities (Prevention) Act, 1987 (28 of 1987); or
- (h) section 7 (offence of contravention of the provisions of section 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 135A (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; ¹ [or]
- ¹[(j) section 6 (offence of conversion of place of worship) of the Places of Worship (Special Provisions) Act, 1991;] ²[or]
- ³[(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing National Anthem) of the Prevention of Insults to National Honour Act, 1971 (69 of 1971).] ⁴ [;or]
- ⁴[(l) the Commission of Sati (Prevention) Act, 1987 (3 of 1988); or
- (m) the Prevention of Corruption Act, 1988 (49 of 1988); or
- (n) the Prevention of Terrorism Act, 2002 (15 of 2002).]

⁵ [shall be disqualified, where the convicted person is sentenced to-

- (i) only fine, for a period of six years from the date of such conviction;
 - (ii) imprisonment, from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]
- (2) A person convicted for the contravention of-
- (a) any law providing for the prevention of hoarding or profiteering; or
 - (b) any law relating to the adulteration of food or drugs; or
 - (c) any provisions of the Dowry Prohibiting Act, 1961 (28 of 1961);^{6***}

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.

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

⁷[4]) Notwithstanding anything ⁸[in sub-section (1), sub-section (2) or sub-section (3)] a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

1. Ins. by Act 42 of 1991, s.8 (w.e.f. 18.9.1991).

1. Ins. by Act 42 of 1991, s.3 (w.e.f. 18.9.1991).
2. Added by Act 21 of 1996, s.3 (w.e.f. 1.8.1996).

3. Ins. by s.3 *ibid.* (w.e.f. 1.8.1996).

4. Ins. by Act 9 of 2003, s.2 (w.e.f. 7.1.2003).

5. Subs. by s.2, *ibid* (w.e.f. 7-1-2003).

6. Cl.(d) omitted by s.2, *ibid* (w.e.f. 7.1.2003).

7. Sub-section (3) renumbered as sub-section (4) by Act 1 of 1989 s. 4 (w.e.f. 15.3.1989).

8. Subs. by s. 4, *ibid.*, for certain words (w.e.f. 15.3.1989).

Explanation.- In this section --

(a) "law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for-

- (i) the regulation of production or manufacture of any essential commodity;
- (ii) the control of price at which any essential commodity may be bought or sold;
- (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
- (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;

(b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940)

(c) "essential commodity" has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955);

(d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

¹[8A. Disqualifications on ground of corrupt practices.- (1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, ²**[as soon as may be within a period of three months from the date such order takes effect]**, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment), Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.]

9. Disqualifications for dismissal for corruption or disloyalty.- (1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal.

1. Subs. by Act 40 of 1975, s. 2. for s.8A.

2. Subs. by Act 41 of 2009, s.4. for certain words (w.e.f. 01-02-2010)

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(2) For the purposes of sub-section (I), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State 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 shall be issued unless an opportunity of being heard has been given to the said person.

9A. Disqualification for Government contracts, etc.- A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

Explanation.- For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

10. Disqualification for office under Government company.- A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate government has not less than twenty-five percent share.

10A. Disqualification for failure to lodge account of election expenses.- If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure,

the Election commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

11. Removal or reduction of period of disqualification.- The Election commission may, for reasons to be recorded, remove any disqualification under this Chapter ¹[except under section 8A] or reduce the period of any such disqualification.

CHAPTER IV - Disqualifications for Voting

11A. Disqualifications arising out of conviction and corrupt practices.- ²[(I) If any person, after the commencement of this Act,-

³*** is convicted of an offence punishable under section 171E or section 171F of the Indian Penal code (45 of 1860), or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act, ⁴***

1. Ins. by Act 40 of 1975, s.3. (w.e.f. 06-08-1975)

2. S.11A renumbered as sub-section(1) thereof by s.4 ibid.

3. The brackets and letter "(a)" omitted by Act 38 of 1978, s-3 and the Second Schedule.

4. The word "or" omitted by s3 and, the Second Schedule, ibid.

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

²[(2) Any person disqualified by a decision of the President under sub-section (I) of section 8A for any period shall be disqualified for the same period for voting at any election.

(3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of sub-section (I) of section 11 A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), as if such decision were a decision in respect of the said disqualification for voting also.]

11B. Removal of disqualification.- The Election Commission may, for reasons to be recorded, remove ³[any disqualification under sub-section (I) of section 11A].]

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PART - VII

⁴[CORRUPT PRACTICES AND ELECTORAL OFFENCES]

⁵[CHAPTER I - *Corrupt Practices*]

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

⁶[(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 ⁷[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 ⁸[having withdrawn or not having withdrawn] his candidature ; or

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

1. Cl. (b) omitted by Act 40 of 1975, s.4.

2. Ins. by s.4, *ibid*.

3. Subs. by s.5, *ibid*, for certain words.

4. Subs. by Act 27 of 1956, s.65, for the heading "CORRUPT AND ILLEGAL PRACTICES AND ELECTORAL OFFENCES".

5. Subs. by s.66, *ibid*, for Chapters I and II (ss. 123 to 125).

6. Subs. by Act 58 of 1958, s.36, for cl. (1).

7. Subs. by Act 47 of 1966, s.53, for "to withdraw" (w.e.f. 14.12.1966).

8. Subs. by s.53, *ibid*, for "having withdrawan" (w.e.f. 14.12.1966).

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(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 ¹[withdrawing or not withdrawing] from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate ²[to withdraw or not to withdraw] his candidature.

Explanation.- For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications 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 *bona fide* incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78.]

(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 ³[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 therein who--

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication 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.

⁴(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:

1. Subs. by s.53, Act 47 of 1966, for "withdrawing" (w.e.f. 14.12.1966).

2. Subs. by *ibid*, s.53, for "to withdraw" (w.e.f. 14.12.1966).

3. Ins. by Act 58 of 1958, s.36.

4. Subs. by Act 40 of 1961, s.23, for cl. (3) (w.e.f. 20.9.1961).

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¹[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.]

(3A) 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 for prejudicially affecting the election of any candidate.]

²[(3B) 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 prejudicially affecting the election of any candidate.

Explanation.-- For the purposes of this clause, "*sati*" and "glorification" in relation to *sati* shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (3 of 1988).]

(4) The publication by a candidate or his agent or by any other person ³[with the consent of a candidate or his election agent], of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, ^{4***} of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) 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 ⁵[with the consent of a candidate or his election agent] ⁶[or the use of such vehicle or vessel for the free conveyance] of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll :

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 or any tramcar or railway carriage 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 or being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorizing of expenditure in contravention of section 77.

1. Ins. by Act 40 of 1975, s.8 (retrospectively).
2. Ins. by Act 3 of 1988, s.19 (retrospectively) (w.e.f. 21.3.1988).
3. Ins. by Act 58 of 1958, s.36.
4. The words "or retirement from contest" omitted by s.36, *ibid*.
5. Ins. by Act 58 of 1958, s.36, *ibid*.
6. Subs. by Act 47 of 1966, s.53, for "for the conveyance" (w.e.f. 14.12.1966).

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(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person ¹[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, ²**[from any person whether or not in the service of the Government]** and belonging to any of the following classes, namely:--

- (a) gazetted officers;
- (b) stipendiary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;

³[(f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, deshmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and]

(g) such other class of persons in the service of the Government as may be prescribed :

⁴[Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, 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.]

⁵**[(h) class of persons in the service of a local authority, university, government company or institution or concern or undertaking appointed or deputed by the Election Commission in connection with the conduct of elections.]**

⁶[(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 the election with 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 ⁷*** of that candidate.]

⁸[(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof -

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

1. Ins. by Act 58 of 1958, s.36.

2. Subs. by Act 41 of 2009, s.6 for certain words (w.e.f. 01.2.2010).

3. Subs. by s.36, *ibid.*, for sub-clause (f).

4. Ins. by Act 40 of 1975, s.8 (retrospectively).

5. Ins. by Act 41 of 2009, s.6 (w.e.f. 01.2.2010).

6. Ins. by Act 1 of 1989, s.13 (w.e.f. 15.3.1989).

7. The words "or a polling agent or a counting agent" omitted by Act 47 of 1966, s.53 (w.e.f. 14.12.1966).

8. Added by Act 40 of 1975, s.8 (retrospectively).

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(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 service such person ceased to be in such service with effect from the said date.]

¹[(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135A.]

CHAPTER III - Electoral Offences

²**[125. 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 of 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, or with fine, or with both.]

³ **[125 A. Penalty for filing false affidavit, etc. –** A candidate who himself or through his proposer, with intent to be elected in an election, -

- (i) fails to furnish information relating to sub-section (I) of section 33A; or
- (ii) give false information which he knows or has reason to believe to be false; or
- (iii) conceals any information,

in his nomination paper delivered under sub-section (I) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.].

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

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

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) 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 an election.].

1. Ins. by Act 1 of 1989, s.13 (w.e.f. 15.3.1989).
2. Ins. by Act 40 of 1961, s.24 (w.e.f. 20.9.61).
3. Ins. by Act 72 of 2002, s.5 (w.e.f. 24.8.2002).
4. Subs. by Act 21 of 1996 s.10 for s.126 (w.e.f. 1.8.1969).

¹**[126A. Restriction on publication and dissemination of result of exit polls, etc.—**(1) No person shall conduct any exit poll and publish or publicise by means of the print or electronic media or disseminate in any other manner, whatsoever, the result of any exit poll during such period, as may be notified by the Election Commission in this regard.

(2) For the purposes of sub-section (1), the Election Commission shall, by a general order, notify the date and time having due regard to the following, namely:—

(a) in case of a general election, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union territories;

(b) in case of a bye-election or a number of bye-election held together, the period may commence from the beginning of the hours fixed for poll on and from the first day of poll and continue till half an hour after closing of the poll:

Provided that in case of a number of bye-elections held together on different days, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the last poll.

(3) Any person who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to two years or with fine or with both. Explanation.—For the purposes of this section,—

(a) “exit poll” means an opinion survey respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election;

(b) “electronic media” includes internet, radio and television including Internet Protocol Television, satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;

(c) “print media” includes any newspaper, magazine or periodical, poster, placard, handbill or any other document;

(d) “dissemination” includes publication in any “print media” or broadcast or display on any electronic media.

126B. Offences by companies.—(1) Where an offence under sub-section (2) of section 126A 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 to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, 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 officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.]

1. Ins. by Act 41 of 2009, s.7 (w.e.f. 01.2.2010).

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

127. Disturbances at election meetings.- (I) 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, ¹[shall be punishable with imprisonment for a term which may extend to ²six months or with fine which may extend to two thousand rupees], or with both.]

³[(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 a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

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

⁴[**127A. Restrictions on the printing of pamphlets, posters, etc.-** (I) 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 Chief Electoral Officer; 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 (I) 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.]

1. Subs. by Act 1 of 1989, s.14, for certain words (w.e.f. 15.3.89).
2. Subs. by Act 21 of 1996, s.11, for certain words (w.e.f. 1.8.1996).
3. Ins. by Act 21 of 1996, s.11, ibid (w.e.f. 1.8.1996).
4. Ins. by Act 40 of 1961, s.26 (w.e.f.20-9-1961)

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

128. 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 authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

¹[Provided that the provisions of this sub-section shall not apply to such officer, clerk, agent or other person who performs any such duty at an election to fill a seat or seats in the Council of States.]

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

129. Officers, etc., at elections not to act for candidates or to influence voting.- (1) No person who is ²[a district election officer or a returning officer], or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer 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 sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

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

130. 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 ⁴[one hundred metres] of the polling station, namely:-

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

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

(3) An offence punishable under this section shall be cognizable.

1. Ins. by Act 40 of 2003, s.5. (w.e.f. 28-08-2003)
2. Subs. by Act 47 of 1966, s.55, for "a returning officer" (w.e.f. 14-12-1966).
3. Ins. by Act 47 of 1966, s.55 (w.e.f. 14-12-1966).
4. Subs. by s. 56, *ibid*, for "one hundred yards" (w.e.f. 14-12-1966).

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

131. 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 wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

132. 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 authorized 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 an opportunity of voting at that station.**

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

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

¹**[132A. Penalty for failure to observe procedure for voting.-** If any 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.]

²**[133. Penalty for illegal hiring or procuring of conveyance at elections.-** If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.]

1. Ins. by Act 4 of 1986, s.2 and Sch. (w.e.f. 15.5.1986).
2. Subs. by Act 21 of 1996, s.12 for s.133 (w.e.f. 1.8.1986).

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

134. 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.

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

(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 ^{2***} ³[district election officers, returning officers], assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with ^{4***} the receipt of nonnominations 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 ^{2***}.

⁵[**134A. Penalty for Government servants for acting as election agent, polling agent or counting agent.-** If any person in the service of the 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.]

⁶[**134B. Prohibition of going armed to or near a polling station -** (1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 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) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

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

135. Removal of ballot papers from polling station to be an offence.- (1) Any person who at any election ⁷[unauthorisedly] takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

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

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

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

1. Ins. by Act 47 of 1966, s.58 (w.e.f. 14.12.66).

2. Certain words omitted by Act 58 of 1958. s. 37.

3. Subs. by Act 47 of 1966, s. 58, for "returning officers" (w.e.f. 14-12-1966).

4. The words "the preparation of an electoral roll" omitted by Act 58 of 1958, s. 37.

5. Ins. by Act 47 of 1966, s.59 (w.e.f. 14.12.1966).

6. Ins. by Act 21 of 1996.s. 13 (w.e.f. 1.8.1996).

7. Subs. by s.14, ibid, for "fraudulently" (w.e.f 1.8.1996).

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

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

¹[**135A. Offence of booth capturing.**- ²[(1)] Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which ³[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 ⁴[this sub-section and section 20 B] "booth capturing" includes, among other things, all or any of the following activities, namely:-

- (a) seizure of a polling station or a place fixed for the poll by any person or persons' making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;
- (b) taking possession of 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 ³[prevent others from free exercise of their right to vote];
- (c) ⁵[coercing or intimidating or threatening directly or indirectly] any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;
- (d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;
- (e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.]

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

⁷[**135 B. Grant of paid holiday to employees on the day of poll.**- (1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such, day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.]

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

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

1. Ins. by Act 1 of 1989, s.15 (w.e.f. 15.3.89).

2. Section 135 A renumbered as sub-section (1) thereof by Act 21 of 1996, s.15 (w.e.f. 1.8.1996).

3. Subs. by s.15, *ibid*, for certain words (w.e.f. 1.8.1996).

4. Subs. by s.15, *ibid*, for "this section" (w.e.f. 1.8.1996).

5. Subs. by s.15, *ibid*, for "threatening" (w.e.f. 1.8.1996).

6. Ins. by s.15, *ibid*, (w.e.f. 1.8.1996).

7. Ins. by Act 21 of 1996, s.16, (w.e.f. 1.8.1996).

EXTRACTS FROM THE REPRESENTATION OF PEOPLE ACT, 1951

(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].

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

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person ¹[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 than 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 wilfully 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 election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;
- (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act ***²

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

1. Ins. by Act 27 of 1956, s.70.

2. The words and figures "or by or under Representation of the People Act, 1950" omitted by Act 58 of 1958, s.38.

3. Subs. by Act 47 of 1966, s.60, for sub-section(4) (w.e.f. 14-12-1966).

भाग 3

संविधान के अधीन नियम और आदेश

PART III

Rules and Orders under the Constitution

PART III
ORDERS UNDER THE CONSTITUTION

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PART III

ORDERS UNDER THE CONSTITUTION

1. THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950¹

(C.O.19)

In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely :-

1. This Order may be called the Constitution (Scheduled Castes) Order, 1950.
2. Subject to the provisions of the Order, the castes, races or tribes or parts of, or groups within, castes or tribes specified in ²[Parts I to ³XXIV]] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those Parts of that Schedule.
- ⁴[3. Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu ⁵[the Sikh or the Buddhist] religion shall be deemed to be a member of a Scheduled Caste.]
- ⁶[4. Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976.]

1. Published with the Ministry of Law Notification No. S.R.O. 385, dated the 10th August, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3, page 163.

2. Subs. by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.

3. The figure "XXI" has been successively subs. by Act 18 of 1987, s.19 and 1st Sch. (w.e.f. 30.05.87), by Act 28 of 2000, s. 19 and 3rd Sch (w.e.f. 01.11.2000) and by Act 29 of 2000, s.24 and 5th Sch (w.e.f. 09.11.2000) to read as above.

4. Subs by Act 63 of 1956, s.3 and First Sch., for paragraph 3.

5. Subs. by Act 15 of 1990, s.2. for "or the Sikh".

6. Subs by Act 108 of 1976, s.3 and First Sch., for paragraph 4 (w.e.f. 27-07-1977).

Constitution (Scheduled Castes) order, 1950
(PART - III - ORDERS UNDER THE CONSTITUTION)

¹[THE SCHEDULE

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| 3. Badi | 30. Jingar |
| 4. Bagri, Bagdi | 31. Kalbelia, Sapera |
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| | 56. Singiwala |
| | 57. Thori, Nayak |
| | 58. Tirgar, Tirbanda |
| | 59. Turi |

* * * *]

1. Subs. by Act 108 of 1976, s.3 and first schedule for the former Sch. (w.e.f. 27.7.77).

PART - III

ORDERS UNDER THE CONSTITUTION

2. THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950¹

(C.O.22)

In exercise of the powers conferred by clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely :-

1. This Order may be called the Constitution (Scheduled Tribes) Order, 1950.
2. The Tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in, ²[Parts I to³[XXII]] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof residents in the localities specified in relation to them respectively in those Parts of that Schedule.
- ⁴[3. Any reference in this Order to State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976].

1. Published with the Ministry of Law Notification No. S.R.O. 510, dated the 6th September, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3, page 597.

2. Subs. by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.

3. The figure 'XVIII' has been successively subs. by Act 18 of 1987, s. 19 and Second Sch (w.e.f. 30.05.87) by Act 28 of 2000, s. 20 and Fourth Sch. (w.e.f. 01.11.2000) by Act 29 of 2000, s. 25 and Sixth Sch. (w.e.f. 09.11.2000) and Act No. 30 of 2000, s. 24 and Sixth Sch. 9w.e.f. 15.11.2000) to read as above.

4. Subs by Act 108 of 1976, s.4 and the Second Sch., for paragraph 3 (w.e.f. 27-07-1977).

Constitution (Scheduled Tribes) Order 1950
(PART - III - ORDERS UNDER THE CONSTITUTION)

¹[THE SCHEDULE

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PART - XIII - Rajasthan

1. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave
2. Bhil Mina
3. Damor, Damaria
4. Dhanka, Tadvi, Tetaria, Valvi
5. Garasia (excluding Rajput Garasia)
6. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Kathari
7. Kokna, Kokni, Kukna
8. Koli Dhor, Tokre Koli, Kolcha, Kolgha
9. Mina
10. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
11. Patelia
12. Seharla, Sehria, Sahariya

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1. Subs. by Act 108 of 1976, s.4 and the Second Sch for the Schedule (w.e.f.27.7.77).

भाग 4

राज्य विधायिका के अधिनियम

PART IV

ACTS OF *STATE* LEGISLATURE

PART – IV

ACTS OF STATE LEGISLATURE

1. EXTRACTS FROM THE RAJASTHAN MUNICIPALITIES ACT, 2009
(Rajasthan Act No. 18 of 2009)

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PART - IV

ACTS OF STATE LEGISLATURE

THE RAJASTHAN MUNICIPALITIES ACT, 2009*

(Act No. 18 of 2009)

[Received the assent of the Governor on the 11th day of September, 2009]

An

Act

to consolidate and amend the laws relating to the Municipalities in the State of Rajasthan and to provide for matters connected therewith and incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Sixtieth Year of the Republic of India, as follows:-

CHAPTER I

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan Municipalities Act, 2009.

(2) It extends to the whole of the State of Rajasthan, excluding cantonment areas therein.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.**

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

- * * * * *
- (ii) **"Backward Classes"** means such backward classes of citizens, other than the Scheduled Castes and the Scheduled Tribes, as may be notified by the State Government from time to time;
- * * * * *
- (ix) **"building"** means a structure constructed for whatever purpose and of whatever materials, and includes the foundation, plinth, walls, floors, roofs, chimneys, fixed platforms, verandas, balconies, cornices or projections or part of a building or anything affixed thereto or any wall (other than a boundary wall of less than three meters in height) enclosing, or intended to enclose, any land, sign or outdoor display structure but does not include a tent, shamiana or tarpaulin shelter;
- * * * * *
- (xi) **"bye-laws"** mean the bye-laws made under this Act;
- (xii) **"Chairperson"** means,-
- (a) Chairman, in case of a Municipal Board;
- (b) President, in case of a Municipal Council; and
- (c) Mayor, in case of a Municipal Corporation;
- (xiii) **"Chief Municipal Officer"** means,-
- ¹[(a) the Commissioner, in case of a Municipal Corporation;
- (b) the Commissioner, in case of a Municipal Council; and
- (c) the Executive Officer, in case of a Municipal Board;

* Published in Rajasthan Gazette extraordinary Part 4 (A) on dt. 11.09.2009.

** Came into effect from dt. 15.09.2009, vide notification no. F.10(A) Elec/I.S.G./09/1971 dt. 15.09.2009, issued by Local Self Government Department, Government of Rajasthan.

¹ Sub-clause (a) of clause (xiii) Substituted by Rajasthan Municipalities (Amendment) Act, 2015 (Act No. 13 of 2015). Published in Rajasthan Gazette extraordinary Part 4 (A) on dt. 04-05-2015 w.e.f. 04-05-2015.

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- (xiv) "**clear days**" used with reference to the period of notice under any provision of this Act, includes Sundays and other holidays, but does not include the date of receipt of such notice by the person to whom it is addressed or the date specified in the notice;
- (xv) "**complex**" means a building comprising twenty five or more units, in case of commercial use; and ten or more units, in case of residential use;
- (xvi) "**corporator**" means a member of a Municipal Corporation;
- (xvii) "**councillor**" means a member of a Municipal Council;
- * * * * *
- (xxi) "**Director of Local Bodies**" mean an officer appointed as such by the State Government, or any other officer of the State Government, designated as Commissioner or any other designation, authorized by it to perform the functions of the Director of Local Bodies under this Act;
- * * * * *
- (xxiii) "**District Magistrate**" means the person appointed under section 20 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) to be the District Magistrate;
- * * * * *
- (xxxiv) "**latest census figures**" mean the figures as ascertained at the last preceding census of which the relevant figures have been published;
- * * * * *
- (xxxvi) "**member**" means any person who is lawfully a member of a Municipality and includes, in case of a Municipal Corporation, a corporator, in case of a Municipal Council, a councillor and in case of a Municipal Board, a member;
- * * * * *
- (xxxix) "**municipal area**" means the territorial area of a Municipality as notified by the State Government from time to time;
- * * * * *
- (xlii) "**Municipality**" means a Municipal Corporation, Municipal Council, and a Municipal Board in existence at the time of commencement, or constituted in accordance with the provisions of this Act;
- (xliii) "**No Objection Certificate**" means the document issued by the authority entitled to do so by this Act or rules made thereunder and shall include a provisional No Objection Certificate;
- * * * * *
- (xlvi) "**officer of the Municipality**" means a person holding for the time being an office created or continued by or under this Act but shall not include a member of the Municipality or of a committee as such;
- (xlviii) "**other agency**" means a company, firm, society, or body corporate in the private sector, or any institution, or government agency, or any joint sector agency, or any agency under any other law for the time being in force;
- (xlix) "**owner**" includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as an agent or trustee for any person or society or for any religious or charitable purpose or as a receiver who would receive such rent if the land or the building or of any part of the land or the building were let to a tenant;
- (l) "**population**", used with reference to any local area, means the population as ascertained at the last preceding census of which the relevant figures have been published;

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- (li) **"prescribed"** means prescribed by this Act or by rules, orders or bye-laws made thereunder;
- * * * * *
- (lvi) **"rules"** mean a rule made in exercise of a power conferred by this Act;
- (lvii) **"Scheduled Castes"** mean any of the castes specified in the Constitution (Scheduled Castes) Order, 1950;
- (lviii) **"Scheduled Tribes"** mean any of the tribes specified in the Constitution (Scheduled Tribes) Order, 1950;
- * * * * *
- (lx) **"State "** means the State of Rajasthan as formed by section 10 of the State Reorganisation Act, 1956 (Central Act No. 37 of 1956);
- * * * * *
- (lxv) **"a transitional area", "a smaller urban area" or "a larger urban area"** means an area specified under Article 243Q of the Constitution of India;
- * * * * *
- (lxvii) **"vehicle"** includes a bicycle, a tricycle, an auto-motor car and every wheeled conveyance, which is used or is capable of being used on a public street;
- (lxviii) **"Vice-Chairperson"** means-
- (a) Vice-Chairman, in case of a Municipal Board,
- (b) Vice-President, in case of a Municipal Council, and
- (c) Deputy Mayor, in case of a Municipal Corporation;
- (lxix) **"village"** means a village specified under clause (g) of Article 243 of the Constitution of India;
- (lxx) **"ward"** means a ward formed under section 9;
- * * * * *
- (lxxiii) **"whole number"** or "total number" when used with reference to the members of a Municipality, means the total number of members, excluding the members nominated under sub-clause (ii) of clause (a) of sub-section (1) of section 6, holding office at the time.

CHAPTER II

Constitution and Government of Municipalities

3. Delimitation of Municipalities.-(1) The State Government may, by notification published in the Official Gazette, declare any local area not included within the limits of a Municipality to be a Municipality, or include any such area in a Municipality, or exclude any local area from a Municipality, or otherwise alter the limits of any Municipality and when-

- (a) any local area is declared as, or included in, a Municipality, or
- (b) any local area is excluded from a Municipality, or
- (c) the limits of a Municipality are otherwise altered, by amalgamation of one Municipality into another or by splitting up a Municipality into two or more Municipalities, or
- (d) any local area ceases to be a Municipality,

the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by an order published in the Official Gazette provide :-

- (i) in a case falling under clause (a), that the election of the members for the area or the additional area shall be held within a period of six months from the appointed day;
- (ii) in a case falling under clause (b), that the members who in the opinion of the State Government represent the area excluded from the Municipality shall be removed;

- (iii) in a case falling under clause (c), that until the term of the Municipality in which another Municipality is amalgamated expires under this Act, the Chairperson, Vice-Chairperson and members of such another Municipality shall be deemed to be the members of the Municipality in which such another Municipality is amalgamated and where a Municipality is split into two or more Municipalities, that the members representing the area included in the newly constituted Municipality shall be deemed to be the members of such new Municipality and such new Municipality shall continue, unless dissolved sooner, until original Municipality would have continued;
- (iv) in a case falling under clause (d), that the Municipality shall be dissolved.

Explanation.- In this sub-section, "appointed day" means the day from which a change referred to in any of the clauses (a) to (d) takes effect.

(2) It shall be the duty of every Municipality already existing and of every Municipality newly established under this Act and of every Municipality whose local limits are altered as aforesaid to cause at its own cost, to be erected or set up, and thereafter to maintain, substantial boundary marks of such description and in such positions as shall be approved by the Collector or any officer authorized by him in this behalf, defining the limits or altered limits of the Municipality subject to its authority, as set forth in the notification.

(3) When any local area ceases to be a Municipality, the Municipality established therein shall cease to exist, and the balance of the municipal fund and other property and rights vesting in such Municipality shall, subject to all charges and liabilities affecting the same, vest in the State Government and the proceeds thereof, if any, shall be expended under the orders of the State Government for the benefit of the local area in which such Municipality had jurisdiction.

(4) Notwithstanding anything contained in sub-section (3), when any local area ceases to be a Municipality and is included within the local limits of the jurisdiction of some other local authority, the municipal fund and other property and rights vesting in the Municipality shall vest in such other local authority and the liabilities of the Municipality shall be the liabilities of such other local authority.

(5) When any local area is excluded from a Municipality and included in another Municipality, such portion of the municipal fund and other property vested in the first mentioned Municipality shall vest in, and such portion of the liabilities thereof shall be the liabilities of, the other Municipality as the State Government may, after consulting both Municipalities, declare by notification in the Official Gazette:

Provided that the provisions of this sub-section shall not apply in any case where the circumstances, in the opinion of the State Government, render undesirable the transfer of any portion of the municipal fund and properties or liabilities.

(6) When a dwelling house, manufactory, warehouse, or place of industry or business is situated within the limits of two or more adjacent municipal areas, the State Government may, notwithstanding anything contained elsewhere in this Act, by notification in the Official Gazette, declare the municipal area within which such dwelling house, manufactory, warehouse, or place of industry or business shall be deemed to be included for the purposes of this Act.

(7) When any local area is included in a Municipality, all rules and bye-laws made, orders, directions, notifications and notices issued and powers conferred and in force throughout such Municipality at the time when the said area is so included, shall apply thereto, unless the State Government otherwise directs, from the date of such inclusion.

(8) When an area comprised in a village is specified as, or when any area is excluded from the village and included in, a municipal area, then with effect from the date on which such area is so specified or is so included, the following consequences shall ensue, namely: -

- (a) such area shall cease to be a village;
- (b) the Municipality in which such area is included or the Municipality declared for such area shall exercise jurisdiction over such area and the panchayat established for such area shall cease to function therein;
- (c) until elections are held under sub-section (1) or the term of the Municipality expires under this Act, whichever is earlier, the Sarpanch, Up-Sarpanch and the panch or panchas representing the area of the village so included in, or declared as a Municipality shall be deemed to be the additional members of the Municipality in which such area of the village is included or the Chairperson, Vice-Chairperson and the members respectively of the Municipality declared for such area, as the case may be;
- (d) the whole of the assets vesting in, and of the liabilities subsisting against, the panchayat so declared to be a Municipality or in case where only a part or whole of a village is so included in a Municipality, such portion of the said assets and liabilities as the State Government may

direct, shall devolve upon the Municipality declared for such area or upon the Municipality in which such area of the village is so included;

- (e) the Municipality so established by the inclusion of any area of a village therein or by the declaration of a village as a Municipality, shall levy or continue to levy such of the taxes as are lawfully imposed under this Act;
- (f) any such area shall cease to be subject to all rules, notifications, orders and bye-laws made under the Rajasthan Panchayati Raj Act, 1994 (Act No.13 of 1994).

(9) For the purpose of facilitating the inclusion of any area of a village in a Municipality or of the declaration of any such area as a Municipality, the State Government may, by order in writing, give such directions as may appear to it to be necessary.

(10) Save as otherwise provided in this section its provisions shall have effect notwithstanding anything contained in this Act or in the Rajasthan Panchayati Raj Act, 1994 (Act No.13 of 1994) or any other law for the time being in force.

4. Power to exempt Municipal Board from operation of any provisions of the Act unsuited thereto.-

(1) The State Government may, by notification, and for reasons to be recorded in writing, exempt any Municipal Board from the operation of any of the provisions of this Act considered unsuited thereto, and, thereupon, the said provisions shall not apply to such Municipal Board until such provisions are applied thereto by notification.

(2) While a notification under sub-section (1) remains in force, the State Government may make rules consistent with the provisions of this Act in respect of any matter within the purview of such provisions from operation of which the Municipal Board is exempted.

5. Establishment and incorporation of Municipality.- (1) In every transitional area, there shall be established a Municipal Board and every such Municipal Board shall be a body corporate by the name of the Municipal Board of the place by reference to which the Municipality is known and shall have perpetual succession and a common seal and may sue or be sued in its corporate name.

(2) In every smaller urban area, there shall be established a Municipal Council and every such Municipal Council shall be a body corporate by the name of the Municipal Council of the city by reference to which the Municipality is known and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) In every larger urban area, there shall be established a Municipal Corporation and every such Municipal Corporation shall be a body corporate by the name of the Municipal Corporation of the city by reference to which the Municipality is known and shall have perpetual succession and a common seal and may sue and be sued in its corporate name:

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

Provided further that having regard to the cultural, historic, tourist or other like importance of an urban area, the State Government may, by notification in the Official Gazette, exclude such area from the Municipality and constitute, or without excluding such area from the Municipality constitute in addition to the Municipality, a development authority to exercise such powers and discharge such functions in the said area as may be prescribed and notwithstanding anything elsewhere in this Act, may, in relation to such area, delegate, by notification in the Official Gazette, such municipal powers, functions and duties to the said authority as it may think appropriate for the proper, rapid and planned development of such area.

6. Composition of Municipality.- (1) Subject to the provisions contained in the succeeding sub-sections, but save as provided in the following provisions of this sub-section, all seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies known as wards, the number of such seats, not being less than thirteen, being fixed by the State Government from time to time by notification in the Official Gazette:

- (a) the following shall represent in the Municipal Board, Municipal Council or, as the case may be, Municipal Corporation, viz.:-
 - (i) the member of the Rajasthan Legislative Assembly representing a constituency which comprises wholly or partly the area of a Municipality; and

- ¹[(ii) **six persons in case of Municipal Board, eight persons in case of Municipal Council and twelve persons in case of Municipal Corporation, having special knowledge or experience in municipal administration, to be nominated by the State Government by notification in the Official Gazette :]**

Provided that-

- (i) the provisions contained in section 24 and section 35 shall be applicable to the persons to be nominated or nominated members;
 - (ii) the State Government shall have power to withdraw a nominated member at any time;
 - (iii) a nominated member shall not have the right to vote in the meetings of a Municipality;
 - ²[(iv) **the number of persons to be nominated each in Municipal Board, Municipal Council and Municipal Corporation under sub-clause (ii) of clause (a) shall include one person with disability.**]
- (b) the member of the House of the People representing a constituency which comprises wholly or partly the area of a Municipal Council or, as the case may be, a Municipal Corporation shall represent on such Council or such corporation:

Provided that the member referred to in sub-clause (i) of clause (a) shall have a right to vote in the meetings of a Municipal Board, a Municipal Council or, as the case may be, a Municipal Corporation, and the member referred to in clause (b) shall have a right to vote in the meetings of a Municipal Council or Municipal Corporation:

Provided further that the members referred to in sub-clause (i) of clause (a), and clause (b) shall not be subject to any disqualification or any other proceedings under the provisions of this Act.

(2) Upon the completion of each census after the establishment of the Municipality, the number of seats shall be re-determined by the State Government by notification in the Official Gazette on the basis of the population of the municipal area as ascertained at the latest census:

Provided that the determination of seats as aforesaid shall not affect the existing composition of the Municipality until the expiry of its term.

(3) In so fixing the total number of seats for a Municipality, the State Government shall specify the number respectively of general seats and of seats reserved for women and for members of the Scheduled Castes or for members of the Scheduled Tribes or for both or persons belonging to the Backward Classes as it may in each case determine.

(4) The number of seats reserved for members of Scheduled Castes or Scheduled Tribes shall, in relation to the total number of seats fixed for a Municipality, bear as nearly as may be, the same proportion as the population of the Scheduled Castes or Scheduled Tribes in the municipal area bears to the total population thereof.

(5) The percentage of seats reserved for the Backward Classes shall be such as the percentage of the combined population of Scheduled Castes and Scheduled Tribes in relation to the total population in the municipal area falls short of fifty:

Provided that the percentage of seats so reserved for the Backward Classes shall not exceed twenty-one:

Provided further that at least one seat shall be reserved for the Backward Classes in every Municipality where the percentage of the combined population of Scheduled Castes and Scheduled Tribes in relation to the total population in the municipal area does not exceed seventy.

(6) One half of the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Backward Classes shall be reserved for the women belonging to such Castes, Tribes or, as the case may be, Classes.

(7) One half including the number of seats reserved under sub-section (6) of the total number of seats shall be reserved for women.

1. Clause (ii) Substituted vide Rajasthan Municipalities (Amendment) Act, 2021(Act No. 4 of 2021), Published in Rajasthan Gazette Part IV A dated 08-04-2021 w.e.f. 08-04-2021.

2. Clause (iv) Added vide Rajasthan Municipalities (Amendment) Act, 2021(Act No. 4 of 2021), Published in Rajasthan Gazette Part IV A dated 08-04-2021 w.e.f. 08-04-2021.

(8) The reservation of seats for Scheduled Castes and Scheduled Tribes and the Backward Classes under sub-sections (3), (5) and (6) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

(9) All the seats fixed for a Municipality, general as well as reserved, shall be filled up by direct election from the wards in the municipal area and such election shall be held in the prescribed manner.

Explanation.- If a fraction forms part of the number of seats computed under this section, the number of seats shall be increased to the next higher number in case the fraction consists of half or more of a seat and the fraction shall be ignored in case it consists of less than half of a seat.

7. Term of office.-(1) Every Municipality unless sooner dissolved under the provisions of this Act, shall continue for five years from the date appointed for its first meeting and no longer.

(2) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under sub-section (1).

Explanation.-For the purposes of this section, the expression “first meeting” means the meeting of the elected members of the Municipality held immediately after the general elections.

8. Municipal government to vest in Municipality.- Except as in this Act otherwise expressly provided, the municipal government of a Municipality shall vest in the Municipal Board, Municipal Council, or as the case may be, Municipal Corporation through their Chairpersons, which shall stand charged with the duty of carrying out the provisions of this Act subject to the limitations and restrictions specified therein.

9. Division into wards.-(1) For purposes of elections, a Municipality shall be divided into such number of wards as is equal to the total number of seats fixed for the Municipality under sub-section (1) of section 6.

(2) The representation of each ward shall be on the basis of the population of that ward and shall, as far as possible, be in the same proportion as the total number of seats for the Municipality bear to its population

10. Determination of wards.- (1) The State Government shall by order determine,-

- (a) the wards into which each Municipality shall, for the purpose of its elections, be divided;
- (b) the extent of each ward;
- (c) the number of seats, if any, reserved for members of the Scheduled Castes or, as the case may be, Scheduled Tribes and for women members of such castes and tribes and for members of the Backward Classes and women members thereof; and
- (d) the number of wards for women candidates.

(2) The seats reserved for Scheduled Castes or, as the case may be, for Scheduled Tribes and for the Backward Classes and for women may be allotted by rotation to different wards in such manner as may be prescribed.

(3) The State Government shall carry out the determination of the boundaries of the wards and allocation of seats reserved in favour of the Scheduled Castes, Scheduled Tribes, the Backward Classes and women among the wards having regard to the provisions of section 6 and also to the following provisions, namely: -

- (a) all wards shall, as far as practicable, be geographically compact areas;
- (b) wards which are reserved for the Scheduled Castes or Scheduled Tribes shall be distributed to different parts of the municipal areas where the proportion of the population of such castes or tribes, as the case may be, is comparatively large; and
- (c) the numbering of wards shall start from the north-west corner of the local area of a Municipality.

(4) The draft of the order under sub-section (1) shall be published for filing objections thereto within a period of not less than seven days and a copy of the same shall be sent to the Municipality concerned for comments.

(5) The State Government shall consider any objection and the comments received under sub-section (4) and the draft order shall, if necessary, be amended, altered or modified accordingly, and thereupon it shall become final.

11. Election to the Municipality.-(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipality shall be vested in the State Election Commission.

(2) An election to constitute a Municipality shall be completed-

- (i) before the expiry of its duration specified in section 7;
- (ii) before the expiration of a period of six months from the date of its dissolution:

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

(3) For the aforesaid purpose the State Government shall on the recommendation of the State Election Commission call upon all the wards to elect members, in accordance with the provisions of this Act and the rules and orders made thereunder, on such date or dates as may be specified in the notification.

(4) When a new Municipality is established, it shall, as far as may be, be constituted in accordance with the provisions of this Act relating to general election to a Municipality.

(5) The State Government shall, when so requested by the State Election Commission, make available to the Commission such staff as may be necessary for discharge of the functions conferred on the State Election Commission by sub-section (1).

12. Delegation of functions of State Election Commission.- The function of the State Election Commission under this Act or the rules made or orders issued thereunder, may, subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, be performed also by a Deputy Election Commissioner, if any, or by the Secretary to the State Election Commission.

13. Electoral Roll for every ward.-(1) For every ward there shall be an electoral roll prepared, revised, modified, updated and published in the prescribed manner by an Electoral Registration Officer who shall be such officer of the State Government or a local authority as the State Election Commission may, in consultation with the State Government, designate or nominate in this behalf.

(2) The Electoral Registration Officer may, subject to any prescribed restrictions, employ such persons as he thinks fit for the preparation and revision of the electoral roll for each ward.

(3) The State Election Commission may appoint one or more persons as Assistant Electoral Registration Officers to assist any Electoral Registration Officer in the performance of his functions.

(4) Every Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to perform all or any of the functions of the Electoral Registration Officer.

(5) Subject to the provisions of section 14, every person who-

- (a) is not less than eighteen years of age on the qualifying date, and
- (b) is ordinarily resident in a ward of the Municipality,

shall be entitled to be registered in the electoral roll for that ward.

Explanation.- (i) A person shall not be deemed to be ordinarily resident in a ward on the ground only that he owns, or is in possession of, a dwelling house therein.

(ii) A person absenting himself temporarily from his place of ordinary residence shall not, by reason thereof, cease to be ordinarily resident therein.

(iii) A person who is a patient in any establishment, maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or any other illness involving long treatment or who is detained in prison or other legal custody at any place or residing in a hostel for study or residing in a hotel etc. as a casual visitor shall not, by reason thereof, be deemed to be ordinary resident therein.

(iv) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the same shall be determined with reference to all the relevant facts of the case and in accordance with such rules as may be made in this behalf by the State Government.

(v) A member of Parliament or the State Legislature shall not, during the term of his office, ceased to be ordinarily resident in the ward in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that ward in connection with his duties as such member.

(vi) "Qualifying date", for the purpose of this section, means the first day of January of the year in which electoral roll is so prepared or revised.

(6) No person shall be entitled to be registered in the electoral roll for more than one ward.

(7) No person shall be entitled to be registered in an electoral roll more than once.

14. Disqualifications for registration in an electoral roll.-(1) A person shall be disqualified for registration in the electoral roll for the ward if he-

- (a) is not a citizen of India; or

- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person, who becomes so disqualified after registration, shall forthwith be struck off the electoral roll prepared under this Act:

Provided that the name of any person struck off the electoral roll of a ward by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be re-entered in that roll, if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.

15. Making false declaration.- If any person makes in connection with-

- (a) the preparation, revision or correction of an electoral roll, or
- (b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall on conviction be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees, or with both.

16. Chief Electoral Officer.- (1) There shall be a Chief Electoral Officer who shall be such officer of the State Government as the State Election Commission may, in consultation with the State Government, designate or nominate in this behalf.

(2) Subject to the superintendence, direction and control of the State Election Commission-

- (a) the Chief Electoral Officer shall supervise the preparation, revision and correction of all electoral rolls in the State under this Act;
- (b) shall supervise the conduct of all elections in the State under this Act; and
- (c) shall exercise such other powers and functions as the State Election Commission may direct.

17. District Election Officers.- (1) For each district in the State, the State Election Commission shall, in consultation with the State Government, designate or nominate a District Election Officer who shall be an officer of the State Government:

Provided that the State Election Commission may designate or nominate more than one such officer for a district if the State Election Commission is satisfied that the functions of the office cannot be performed satisfactorily by one officer.

(2) Where more than one District Election Officers are designated or nominated for a district under the proviso to sub-section (1), the State Election Commission shall in the order designating or nominating the District Election Officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer shall co-ordinate and supervise all work in connection with the conduct of elections in the Municipalities of the district within his jurisdiction.

(4) The District Election Officer shall also perform such other functions as may be entrusted to him by the State Election Commission and the Chief Electoral Officer.

18. Staff of local authorities etc. to be made available.- (1) Every local authority in the State shall, when so required by the Chief Electoral Officer, make available to any Electoral Registration Officer such Staff as may be necessary for the performance of any duties in connection with the preparation and revision of electoral rolls.

(2) The authorities specified in sub-section (3) shall, when so required by the Chief Electoral Officer, make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

(3) The following shall be the authorities for the purposes of sub-section (2), namely: -

- (i) every local authority;
- (ii) any other institution, concern or undertaking which is established by or under a State Act or which is controlled or financed wholly or substantially by funds provided directly or indirectly by the State Government.

19. Officers and staff deemed to be on deputation to the State Election Commission.- The officers and staff deployed in connection with the preparation, revision and correction of the electoral rolls and for the conduct of all elections under this Act shall be deemed to be on deputation to the State Election Commission for the period

during which they are so deployed and such officers and staff shall, during that period, be subject to the control and superintendence of the State Election Commission.

20. Breach of official duty in connection with the preparation etc. of electoral rolls.- (1) If any Electoral Registration Officer or other person required by or under this Act to perform any official duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or exclusion of any entry in or from that roll, is without reasonable cause guilty of any act or omission in breach of such official duty, he shall on conviction be punishable with imprisonment for a term which shall not be less than three months but which may extend to two years or with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees or with both.

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

(3) No court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the State Election Commission or the Chief Electoral Officer or the District Election Officer concerned.

21. Persons qualified for being members.- Subject to the provisions contained in sections 6 and 24 a person shall not be qualified to be chosen to fill a seat on a Municipality unless-

- (a) in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or the Backward Classes, such person is a member of any of these Castes or Tribes or Classes, as the case may be, and is an elector for any ward in the Municipality;
- (b) in the case of a seat reserved for a woman, such person belongs to the female sex and is an elector for any ward in the Municipality;
- (c) in the case of a seat reserved for a woman belonging to the Scheduled Castes or Scheduled Tribes or the Backward Classes, such person is a member of any of these castes or tribes or classes, as the case may be, and is an elector for any ward in the Municipality and belongs to the female sex;
- (d) in the case of any other seat, such person is an elector for any ward in the Municipality; [deleted]¹
- (e) he has attained the age of 21 years, in either case whether the seat is reserved or not;
- ²[(f) ***
- ²[(g) he has functional sanitary toilet in the premises where he resides and no member of his family defecated in the open.

Explanation.- For the purpose of clause (g) of this section -

- (i) "Sanitary toilet" means a water sealed toilet system or setup surrounded by three walls, a door and a roof; and
- (ii) "member of family" means spouse of such person, children and his parents living with such person.]

21A. Special qualification for election on certain seats.- Notwithstanding anything to the contrary contained in any provision of this Act or of any other law for the time being in force, a person shall not be eligible for election on such seats in a Municipality, as may be determined by the State Government in the prescribed manner, unless he or she is within the age group of twenty one years to thirty five years and is otherwise eligible for election on such seats:

Provided that-

- (i) not more than two seats each from the seats reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes or women in a Municipality shall be determined under this section;

1. word "and" deleted by Rajasthan Municipalities (second amendment) Act, 2015 w.e.f. 21-07-2015. published in Raj. Gaz. Part IV A dated 08-10-2015

2. New clause (f) and (g) added by Rajasthan Municipalities (second amendment) Act, 2015 w.e.f. 21-07-2015. published in Raj. Gaz. Part IV A dated 08-10-2015.

*** Clause (f) deleted vide Rajasthan Municipalities (Amendment) Act, 2019 (Act No. 5 of 2019. Published in Raj. Gaz. Part IV A dated 22-02-2019. ;Deleted clause (f) was as follows:

"he has passed secondary school examination of the Board of Secondary Education, Rajasthan or of an equivalent Board; and "

- (ii) where number of seats reserved in a Municipality for any of the Scheduled Castes, Scheduled Tribes, Backward Classes or women is three or less than three, only one seat from such Castes, Tribes, Classes or, as the case may be, women shall be determined under this section;
- (iii) where number of unreserved seats in a Municipality is five or less than five, only one from such seats shall be determined under this section; and
- (iv) where the number of unreserved seats in a Municipality is more than five, one seat out of each block of five such seats shall be determined under this section and any fraction of less than five seats shall be ignored.

22. Restriction on contesting elections for more than one ward.—Notwithstanding anything contained in section 21, no person shall be entitled, in cases where election to a seat is contested, to contest such election for more than one ward, and every person who may have filed his nomination paper for seats to a Municipality for more than one ward shall withdraw his candidature from all but one of the seats by a notice in writing which shall contain such particulars as may be prescribed and deliver the same before 3 P.M. on the last date fixed for withdrawal:

Provided that if a person fails to withdraw his candidature from all but one seat in the manner specified above, he shall be deemed to have withdrawn his candidature from all seats.

23. Restrictions on use of vehicles, loud-speakers etc. —(1) The State Election Commission may impose reasonable restrictions on the use of vehicles or loudspeakers or on displaying of cut outs, hoardings, posters and banners by any candidate or his duly authorized election agent during the period of election commencing from the date of publication of notification for election to a Municipality and ending on the date on which the whole process of election is completed.

(2) If any candidate or his duly authorized election agent contravenes any of the restrictions imposed by the State Election Commission under sub-section (1), he shall, on conviction, be punishable with a fine which may extend to [fivethousand rupees.]¹

(3) Every person punished under sub-section (2) shall, by an order of the State Election Commission, be liable to be disqualified for being chosen as or for being a member of any Municipality for a period which may extend to six years from the date of such order:

Provided that the State Election Commission may by a subsequent order, for reasons to be recorded, remove any disqualification under this section or reduce the period of any such disqualification.

(4) No court shall take cognizance of an offence referred to in sub-section (2) except on the complaint made by an officer authorized in this behalf by any general or special order of the State Election Commission.

24. General disqualifications for members.—A person, notwithstanding that he is otherwise qualified, shall be disqualified, for being chosen as or for being a member of a Municipality—

- (i) if he has been convicted of an offence involving moral turpitude or of any other offence by a competent court of law and sentenced to imprisonment for six months or more, or
- (ii) if he has been convicted of an offence under section 245 of this Act, or
- (iii) if he is under trial in the competent court which has taken cognizance of the offence and framed the charges against him of any offence punishable with imprisonment for five years or more, or
- (iv) if he has been convicted of an offence under the Prevention of Food Adulteration Act, 1954 (Central Act No. 37 of 1954), or
- (v) against whom an order has been passed under section 117 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), in proceedings instituted under section 110 of the said Code, such order not having been subsequently reversed, or
- (vi) if he has been dismissed or removed from the service of the Central or a State Government or any local authority or any other authority specified under clause (xi) for misconduct, or
- (vii) if, he having been a professional practitioner, has been debarred from practicing as such by order of any competent authority, or
- (viii) if he holds any place of profit in the gift or disposal of the Municipality, or
- (ix) if he is disqualified under section 35 or section 41, or

1. Substituted for "two thousand rupees" vide Rajasthan Municipalities (Amendment) Act, 2020 (Act No. 7 of 2020). Published in Rajasthan Gazette Part IV A dated 24-03-2020 w.e.f. 13-03-2020.

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- (x) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Rajasthan Legislative Assembly:
Provided that no person shall be disqualified under this clause on the ground that he is less than 25 years of age, if he has attained the age of 21 years, or
- (xi) if he holds a salaried or part-time appointment under the Central or a State Government or a local authority or any other authority, or
- (xii) if he holds a salaried whole time or part-time appointment under a university or any corporation, body, enterprise or co-operative society, which is either controlled or wholly or partly financed by the State Government, or
- (xiii) if he is an undischarged insolvent, or
- (xiv) if he has been adjudged by a competent court to be of unsound mind, or
- (xv) if he, save as hereinafter provided, has directly or indirectly, by himself or any member of his family or his partner, employer or employee, any share or interest in any work done or supply made by the order of such Municipality or in any contract or employment with or under or by or on behalf of such Municipality, or
- (xvi) if he is employed as a paid legal practitioner on behalf of such Municipality or contesting as lawyer against the Municipality in any court of law at the time of filing nomination as candidate for such Municipality or accepts employment as legal practitioner against such Municipality during the term for which he has been elected, or
- (xvii) if he has more than two children, or
- (xviii) if he has been in arrear of any municipal dues for more than two years and proceedings for the recovery have been initiated against him under this Act, or
- (xix) if he has been convicted of an offence involving misappropriation or embezzlement of municipal property or fund by a competent court :

Provided that-

- (a) the disqualification mentioned in clause (i) shall cease to operate after the expiry of six years from the date of the release of the disqualified person from imprisonment;
- (b) the disqualification mentioned in clause (v) shall cease to operate after the expiry of the period for which a person is ordered to furnish security;
- (c) the disqualification mentioned in clause (ix) shall cease to operate after the expiry of the period for which a person is so disqualified unless such disqualification is removed earlier by an order of the State Election Commission;
- (d) a person shall not be deemed to have incurred the disqualification under clause (xv) by reason of his-
 - (i) having any share or interest in any joint stock company, otherwise than as a managing director or agent which shall contract with or be employed by or on behalf of the Municipality, or
 - (ii) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or
 - (iii) having a share or interest in any newspapers in which any advertisement relating to the affairs of the Municipality may be inserted, or
 - (iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Municipality, or
 - (v) having a share or interest in the occasional sale of any article in which he regularly trades to the Municipality to a value not exceeding in any official year such amount as the Municipality, with the sanction of the State Government, may fix in this behalf, or
 - (vi) having a share or interest in the occasional letting out on hire to the Municipality, or in the hiring from the Municipality, of any article for an amount not exceeding in any official year two thousand rupees or such higher amount not exceeding five thousand rupees as the Municipality, with the sanction of the State Government, may fix in this behalf;
- (e) a person having more than two children shall not be disqualified under clause (xvii) for so long as the number of children he had on 27th November, 1995 does not increase.

¹[**Explanation.-** For the purpose of clause (xvii),-

- (I) any number of children born out of a single delivery shall be deemed to be one entity and any child given in adoption shall not be excluded while computing the number of children; and
- (II) **while counting the total number of children a child born from earlier delivery and having disability shall not be counted and the word “disability” for this purpose, shall include any type of disabilities specified in or under the Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016).]**

25. Right to vote.-(1) Except as expressly provided by this Act, every one who is for the time being registered in the electoral roll of any ward, shall be entitled to vote in that ward.

(2) No person shall vote at an election in any ward, if he is subject to any of the disqualifications referred to in section 14.

(3) No person shall at any election vote in more than one ward and if a person votes in more than one ward his votes in all the wards shall be void.

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

(5) No person shall vote at any election under this Act, if he is confined in a prison whether under a sentence or otherwise or is in the lawful custody of the police:

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

26. Manner of voting at election.-(1) At every election, where a poll is taken, votes shall be given by ballot in such manner as may be prescribed and no votes shall be received by proxy.

(2) Every elector shall have one vote. If an elector gives votes to more than one candidate then, at the time of counting of the votes, all votes given by him shall be rejected as void.

(3) Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines, in such manner as may be prescribed, may be adopted in such ward or wards of any Municipality as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.-For the purpose of sub-section (3), “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used in any election.

27. Casual vacancy how to be filled.-(1) A casual vacancy in the office of a member occurring otherwise than by efflux of time shall be filled, subject to the provisions of sub-section (4), at a bye-election which shall be fixed to take place as soon as may be, in the manner as may be prescribed for a general election.

(2) A member elected at a bye-election shall hold office so long only as the member in whose place he is elected would have been entitled to hold the office, if the vacancy had not occurred.

(3) When a vacancy occurs by reason of death, resignation or removal of any elected member,-

- (a) against a seat reserved in any ward for a member of the Scheduled Caste or, as the case may be, the Scheduled Tribes or the Backward Classes, such vacancy shall be filled in by a member of such caste or tribe or classes; and
- (b) against a seat reserved in any ward for a woman, such vacancy shall be filled in by a woman.

(4) Where a vacancy occurs by reason of death, resignation, removal or avoidance of the election of an elected member and the term of office of that member would, in the ordinary course of events, have determined within six months of the occurrence of the vacancy, the State Government may direct that the vacancy be left unfilled until the next general election.

1. Explanation Substituted vide Rajasthan Municipalities (Amendment) Act, 2021 (Act No. 4 of 2021). Published in Raj. Gaz. Part IV A dated 8-4-2021 w.e.f. 08-04-2021.

28. Electoral offences.—[(1)] The provisions of sections 125, 126, 127, 127A, 128, 129, 130, 131, 132, 132A, 133, 134, 134A, 134B, 135, 135A, 135B, 135C and 136 of the Representation of People Act, 1951 (Central Act No. 43 of 1951) shall have effect as if -

- (a) references therein to an election were references to an election under this Act,
- (b) references therein to a constituency were references to a ward,
- (c) in sections 125 and 127, for the expression “under this Act”, the expression “under the Rajasthan Municipalities Act, 2009 ” and in sections 134 and 136, for the expression “by or under this Act”, the expression “by or under the Rajasthan Municipalities Act, 2009” were substituted, and
- (d) in sub-section (1) of section 135B for the words “House of the people or the Legislative Assembly of a State”, the words “ward of the Municipality” were substituted.

¹[(2) **Notwithstanding anything contained in any other law for the time being in force a candidate who himself or through his proposer, with intent to be elected in an election, -**

- (i) **gives false information which he knows or has reason to believe to be false; or**
- (ii) **conceals any information,**

in his nomination paper or in his affidavit or a statement or a declaration which is required to be delivered along with nomination paper before the Returning Officer, as the case may be, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.]

29. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of an election under this Act, namely:—

- (i) bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person 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 from being, a candidate or to retire from contest 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 his candidature or having retired from contest; or
 - (ii) an elector for having voted or refrained from voting.

Explanation.—For the purpose 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;

- (ii) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person, 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 therein 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 ex-communication or of 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 as 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;

1. Sub-section (2) Added vide Rajasthan Municipalities (Amendment) Act, 2020 (7 of 2020). Published in Raj. Gaz. Part IV A dated 24-3-2020 w.e.f. 13-03-2020.

- (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;
- (iii) 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 and language or the use of, or appeal to, religious symbols or the use, 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 purpose of this clause;

- (iv) 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 for prejudicially affecting the election of any candidate;
- (v) 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 prejudicially affecting the election of any candidate.

Explanation.—For the purposes of this clause, “sati” and “glorification” in relation to sati shall have the meaning respectively assigned to them in the Commission of Sati (Prevention) Act, 1987 (Central Act No. 3 of 1988);

- (vi) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the candidature or withdrawal or retirement from contest of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate’s election;
- (vii) 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 for the conveyance of any elector (other than the candidate himself, any member of his family or his agent), to or from any polling station or place fixed for the poll :

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or 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 or any tram, car or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place 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;

- (viii) The incurring or authorizing by a candidate or his agent or by any other person of expenditure in contravention of the provision of any rule or order relating to election made under this Act;
- (ix) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person any assistance (other than the giving of vote) for the furtherance of the prospects of the candidate’s election from any person in the service of the Government and belonging to any of the following classes, namely:—
 - (a) Gazetted Officers;
 - (b) Members of the armed forces of the Union;
 - (c) Members of the police force;
 - (d) Excise Officers;
 - (e) Revenue Officers including Patwaries and like; and
 - (f) Such other class of persons in the service of the Government as may be prescribed.

Explanation.— (i) For the purposes of clause (ix), 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 or polling agent or counting agent of that candidate;

(ii) 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 the election with the consent of the candidate.

30. Jurisdiction of civil courts in electoral matters.— (1) No civil court shall have jurisdiction to entertain or adjudicate upon any question relating to the delimitation of wards, the allotment of seats to such wards, preparation of electoral rolls or conduct of election.

(2) No election to any Municipality shall be called in question except by an election petition presented in accordance with the provisions of this Act.

¹[**31. Election petition.**—(1)An election petition calling in question an election of any person as member of a Municipality may be presented by any candidate at such election or any elector within one month from the date of election in the prescribed manner to the District Judge having jurisdiction over the municipal area.

Explanation.—For the purpose of this section, “elector” means a person who was entitled to vote at the election to which election petition relates, whether he has voted at such election or not.

(2) The election petition may be presented on one or more of the following grounds, namely:—

- (a) that on the date of election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act, or
- (b) that any corrupt practice specified in section 29 has been committed by a returned candidate or his election agent or by any other person, with the consent of a returned candidate or his election agent, or
- (c) that any nomination has been improperly rejected, or
- (d) that the result of the election, in so far as it concerns a returned candidate has been materially affected—
 - (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his election agent or a person acting with the consent of such candidate or election agent, or
 - (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or
 - (iv) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder, or
- (e) that in fact the petitioner or some other candidate received a majority of the valid votes, or
- (f) that, but for the votes obtained by the returned candidate by corrupt practices, the petitioner or some other candidate would have obtained a majority of the valid votes.

(3) In hearing the election petition, the District Judge shall follow such procedure and exercise such powers as may be prescribed.]

1. Section 31 Substituted vide Rajasthan Municipalities (Amendment) Act, 2020 (7 of 2020). Published in Raj. Gaz. Part IV A dated 24-03-2020 w.e.f. 13-03-2020.

32. Appeals from orders of District Judge.— (1) An appeal shall lie to the High Court from every order made by the District Judge on the petition presented under section 31.

(2) The High Court shall, subject to the provisions of this Act and the rules made thereunder, have the same powers, jurisdiction and authority, and follow the same procedure, with respect to an appeal under this section as if the appeal was an appeal from an original decree passed by a civil court situated within the local limits of its civil appellate jurisdiction.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the order appealed from :

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

(4) Where an appeal has been preferred against an order declaring the election of all or any of the returned candidates to be void, the High Court may, on sufficient cause being shown, stay operation of the order appealed from and in such a case the order shall be deemed not to have taken effect.

(5) Every appeal shall be decided as expeditiously as possible and endeavour shall be made to determine it finally within three months from the date on which the memorandum of appeal is presented to the High Court.

33. Procedure where election of all candidates is set aside.—Whenever the election of all the members or of more than two-thirds of the total number of the members of a Municipality is declared to be void under section 31 or on appeal under section 32 the State Government shall dissolve the Municipality whereupon the provisions of section 322, except the provisions of sub-section (1) thereof, shall apply.

34. Finality of orders and decision.—The decision of the High Court on an appeal under section 32, and, only subject to such decision, the order of the District Judge under section 31 shall be final and conclusive.

35. Disqualifications.—(1) The following shall entail disqualifications for membership of a Municipality, namely:—

- (a) electoral offences referred to in section 28,
- (b) corrupt practices specified in section 29.

(2) The period of such disqualification shall be six years from the date of the finding of the District Judge as to such corrupt practice or from the date of conviction for such offence, as the case may be.

36. Removal or reduction of period of disqualification.—The State Election Commission may, for reasons to be recorded in writing, remove any disqualification under clause (a) of sub-section (1) of section 35 or reduce the period of any such disqualification.

37. Oath of office.—(1) Every ¹[Chairperson and] member shall, before entering upon his duties as such, make and subscribe before the ²[an officer authorised by the State Government by a general or a special order] for the purpose an oath or affirmation in the prescribed form.

(2) Any member who fails to comply with the provisions of sub-section (1) within a period of one month from the date of the first meeting of the Municipality or in case of a member elected in a bye-election or a nominated member, from the date of his election or, as the case may be, his nomination, shall be deemed to have vacated his seat :

Provided that the period during which such member was in jail as an under trial prisoner or as a detenue or as a political prisoner shall not be taken into account.

38. Resignation.—A member may resign his membership by giving notice in writing to that effect duly attested by an Executive Magistrate to the Chairperson and such resignation shall take effect after the expiry of fifteen days from the date of the notice or from the date of the acceptance of the resignation by the Chairperson, whichever is earlier.

39. Removal of member.—(1) The State Government may, subject to the provisions of sub-sections (3) and (4), remove a member of a Municipality on any of the following grounds, namely:—

- (a) that he has absented himself for more than three consecutive general meetings, without leave of the Municipality :
- (b) Provided that the period during which such member was in jail as an under trial prisoner or as a detenue or as a political prisoner shall not be taken into account,

1. Added vide Rajasthan Municipalities (Amendment) Act, 2011 No. F.2(17)legal/2/2011 dated 27.03.2011. Published in Raj. Gaz. Part IV A dated 27.03.2011 (w.e.f. 24-11-2010).

2. Substituted vide Rajasthan Municipalities (Amendment) Act, 2011 No. F.2(17)legal/2/2011 dated 27.03.2011. Published in Raj. Gaz. Part IV A dated 27.03.2011 (w.e.f. 24-11-2010).

- (b) that he has failed to comply with the provisions of section 37,
- (c) that after his election he has incurred any of the disqualification mentioned in section 14 or section 24 or has ceased to fulfill the requirements of section 21,
- (d) that he has—
 - (i) deliberately neglected or avoided performance of his duties as a member, or
 - (ii) been guilty of misconduct in the discharge of his duties, or
 - (iii) been guilty of any disgraceful conduct, or
 - (iv) become incapable of performing his duties as a member, or
 - (v) been disqualified for being chosen as member under the provisions of this Act, or
 - (vi) otherwise abused in any manner his position as such member:

¹**[(e) that after his election, it has come to the knowledge of the State Government that on the date of election, he was not qualified under section 21 or was disqualified under section 14 or section 24, to be chosen to fill the seat under this Act and his election as a member of a Municipality has not been questioned by an election petition and period of limitation for filing election petition has expired:]**

Provided that an order of removal shall be passed by the State Government after such inquiry as it considers necessary to make either itself or through such existing or retired officer not below the rank of State level services or authority as it may direct and after the member concerned has been afforded an opportunity of explanation.

(2) The power conferred by sub-section (1) may be exercised by the State Government of its own motion or upon the receipt of a report from the Municipality in that behalf or upon the facts otherwise coming to the knowledge of the State Government:

Provided that, until a member is removed from office by an order of the State Government under this section, he shall not vacate his office and shall, subject to the provisions contained in sub-section (6), continue to act as, and exercise all the powers and perform all the duties of, a member and shall as such be entitled to all the rights and be subject to all the liabilities, of a member under this Act.

(3) Notwithstanding anything contained in sub-section (1) where it is proposed to remove a member on any of the grounds specified in clause (c) or clause (d) of sub-section (1), as a result of the inquiry referred to in the proviso to that sub-section and after hearing the explanation of the member concerned, the State Government shall draw up a statement setting out distinctly the charge against the member and shall send the same for enquiry and findings by Judicial Officer of the rank of a District Judge to be appointed by the State Government for the purpose.

(4) The Judicial Officer so appointed shall proceed to inquire into the charge, hear the member concerned, if he makes appearance, record his findings on each matter embodied in the statement as well as on every other matter he considers relevant to the charge and send the record along with such findings to the State Government, which shall thereupon either order for re-inquiry, for reasons to be recorded in writing, or pass final order.

(5) While hearing an inquiry under sub-section (4), the Judicial Officer shall observe such rules of procedure as may be prescribed by the State Government and shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) while trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any such document or any other material as may be predicable in evidence;
- (c) requisitioning any public record; and
- (d) any other matter which may be prescribed.

(6) Notwithstanding the foregoing provisions of this section, the State Government may place under suspension a member against whom proceedings have been commenced under this section until the conclusion of the inquiry and the passing of the final order and the member so suspended shall not be entitled to take part in any proceedings of the Municipality or otherwise perform the duties of a member thereof.

(7) Every final order of the State Government passed under this section shall be published in the Official Gazette and shall be final and no such order shall be liable to be called in question in any court.

1. Clause (e) Added vide Rajasthan Municipalities (Amendment) Act, 2023 (Act No. 8 of 2023). Published in Raj. Gaz. Part IV A dated 13.04.2023 w.e.f.12-04-2023.

40. Inquiry into certain allegations after expiry of term of office.—(1) In respect of any allegations of the nature specified in clause (d) of sub-section (1) of section 39 against any member or the Chairperson or Vice-Chairperson of a Municipality, the inquiry referred to in the proviso to the said sub-section, and in sub-sections (3) and (4) of that section may be initiated against such member, Chairperson or Vice-Chairperson even after the expiry of the term of office of that Municipality or after he has ceased to be such member or Chairperson or Vice-Chairperson or, if already initiated before such expiry may be continued thereafter and in each such case except in the cases covered under sub-section (3), the State Government shall, by order in writing, only record its findings in conformity with those of the Judicial Officer recorded under sub-section (4) of section 39.

(2) The provisions of sub-section (6) of section 39 shall apply to the findings of the State Government so recorded.

(3) In case of a member, Chairperson or Vice-Chairperson, who is re-elected for the new term of the Municipality and against whom any inquiry referred to in sub-section (1) is initiated or, if it has already been initiated, is continued, in respect of his previous term in the Municipality, the provisions of section 39 shall *mutatis mutandis* apply.

41. Disability of members removed under section 39.—A member who has been removed under clause (d) of sub-section (1) of section 39 or against whom adverse findings have been recorded under section 40 shall not be eligible for re-election for a period of six years from the date of the order of his removal or of recording adverse findings as the case may be.

42. Restriction on simultaneous holding of the office of a member in Municipality and the membership of Parliament or State Legislative Assembly or a Panchayati Raj Institution.—No person shall remain both the elected or nominated member of a Municipality and a member of Parliament or State Legislative Assembly or a Panchayati Raj Institution and if a person who is already a member of Parliament or State Legislative Assembly or a Panchayati Raj Institution is elected as a member of a Municipality, then, at the expiration of fourteen days from the date of his being elected or nominated as such member, he shall cease to be such member unless he has previously resigned his seat in the Parliament or the State Legislative Assembly or the Panchayati Raj Institution, as the case may be :

Provided that if a person, who is already an elected or nominated member of a Municipality, is elected as a member of Parliament or the State Legislative Assembly or a Panchayati Raj Institution, then, at the expiration of fourteen days from the date of his being elected as a member of a Parliament or the State Legislative Assembly or a Panchayat Raj Institution, as the case may be, he shall cease to be such member unless he has previously resigned his seat in the Parliament or the State Legislative Assembly or the Panchayati Raj Institution, as the case may be.

43. Every Municipality to have a Chairperson and a Vice-Chairperson.—(1) There shall be a Mayor for every Municipal Corporation, a President for every Municipal Council and a Chairman for every Municipal Board, who shall be elected in the prescribed manner.

(2) There shall be a Deputy Mayor for every Municipal Corporation, a Vice-President for a Municipal Council and a Vice-Chairman for every Municipal Board who shall be elected in the prescribed manner.

(3) The offices of Chairpersons of Municipalities shall be reserved for the Scheduled Castes, Scheduled Tribes and the Backward Classes as also for women in such manner as may be prescribed.

(4) The State Government shall allocate the offices of Chairpersons reserved under sub-section (3) to different Municipalities in the State and in allocating such offices regard shall be had to the following provisions, namely:—

- (i) Municipalities in which office is reserved for the Scheduled Castes or Scheduled Tribes shall be distributed throughout the State and located as far as practicable in those areas where the proportion of their population to the total population is comparatively large;
- (ii) the Municipalities in which office is reserved for women shall be distributed throughout the State.

(5) The reservation of the office of the Chairpersons for the members of Scheduled Castes or Scheduled Tribes or the Backward Classes under this section shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

(6) Every Chairperson or Vice-Chairperson who, for a period exceeding one month, remains absent from the Municipality so as to be unable to perform his duties as such Chairperson or Vice-Chairperson shall cease to be Chairperson or Vice-Chairperson unless leave so to absent has been granted by the Municipality.

(7) Leave under sub-section (6) shall not be granted for a period exceeding six months. Whenever leave is granted to a Chairperson and the office of the Vice-Chairperson is vacant the vacancy shall be filled up by election

from amongst the members within such period and in such manner as may be prescribed. When leave is granted to a Vice-Chairperson or when the Vice-Chairperson is acting for the Chairperson, the vacancy in the office of the Vice-Chairperson may be filled up by election of some other member thereto.

(8) If the Vice-Chairperson of a Municipality is elected as Chairperson of the Municipality, he shall be deemed to have vacated his office as Vice-Chairperson.

(9) Every Chairperson and every Vice-Chairperson of a Municipality shall forthwith be deemed to have vacated his office, if a resolution expressing want of confidence in him is passed in accordance with the procedure prescribed.

(10) Every Chairperson and every Vice-Chairperson shall be removable from his office as such Chairperson and Vice-Chairperson on any of the grounds specified in clause (d) of sub-section (1) of section 39, and the provisions of sub-sections (2) to (6) of that section shall apply.

(11) The term of office of every Chairperson and every Vice-Chairperson shall, save as otherwise provided in this Act, correspond with the term of the Municipality.

(12) A Vice-Chairperson may resign his office by giving notice in writing to the Chairperson, and a Chairperson may resign by personally giving a like notice to such officer as may be appointed or authorized by the State Government in this behalf. Every such resignation shall take effect on its acceptance or as the case may be, the expiry of thirty days from the delivery of the notice to the Chairperson or such officer as the case may be whichever is earlier.

(13) (i) A vacancy in the office of a Chairperson occurring otherwise than efflux of time shall be filled within a period of six months from the occurrence of such vacancy and the person elected to fill up the vacancy shall hold office for the residue of the term for which the Chairperson in whose place he is so elected would have held, if the vacancy had not occurred:

Provided that in case of unavoidable circumstances the State Government may extend the date of such election up-to maximum period of three months beyond the aforesaid period.

(ii) A vacancy in the office of a Vice-Chairperson occurring otherwise than by efflux of time shall be filled in accordance with the provisions of the foregoing sub-sections and the person elected to fill up the vacancy shall hold office for the residue of the term for which the Vice-Chairperson in whose place he is so elected would have held, if the vacancy had not occurred.

(14) The names of the Chairperson and Vice-Chairperson elected in accordance with the provisions of this section shall be published, as soon as may be, in the Official Gazette.

(15) The Chairperson of a Municipality may receive out of the municipal fund such monthly allowances and facilities as may be prescribed.

44. Determination of validity of election of Chairperson or Vice-Chairperson.—(1) The election of a Chairperson or Vice-Chairperson under section 43 shall not be called in question except by an election petition presented to the District Judge having territorial jurisdiction, over the municipal area :

Provided that where an election petition is presented as aforesaid to a District Judge, he may, for the reasons to be recorded in writing, transfer the same for hearing and disposal to a Judge subordinate to him.

Explanation.—The District Judge or any other Judge to whom an election petition is or transferred and by whom it is heard in accordance with the provisions of this section is hereinafter referred to as the Judge.

(2) Such petition may be presented by a candidate who has been defeated or whose nomination has been rejected in such manner, on such grounds and within such period as may be prescribed, along with a deposit of one thousand rupees.

(3) In hearing the petition, the Judge shall follow such procedure and exercise such powers as may be prescribed.

(4) Without prejudice to the generality of the provision contained in sub-section (3), the Judge may, if the petition is found to be frivolous, direct that the deposit mentioned in sub-section (2) shall be forfeited to the State Government.

* * * * *

50. Handing over charge.—(1) Whenever-

- (i) a Chairperson resigns or ceases to be such or is removed from or vacates the office of Chairperson, or is placed under suspension or his election as a member or Chairperson is declared to be void;
- (ii) a Vice-Chairperson resigns or ceases to be such or is removed from, or vacates the office of Vice-Chairperson or is placed under suspension or his election as a member or Vice-Chairperson is declared to be void;
- (iii) a member resigns or is removed or placed under suspension or his election is declared to be void;
- (iv) a Municipality is dissolved or it otherwise becomes defunct, such Chairperson, Vice-Chairperson or member or the Chairperson, Vice-Chairperson and members of such Municipality, as the case may be, shall forthwith hand over charge in the prescribed manner of his or their office including all papers and properties pertaining to such office, in his or their actual possession or occupation-

- (a) in the case of a Chairperson, to the Vice-Chairperson and if there be no Vice-Chairperson, to such member as the State Government may direct:

Provided that charge of office of any Chairperson who was elected to an office reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes, Backward Classes, or for Women, shall be handed over to the Vice-Chairman if he belongs to the same category and if there be no such Vice-Chairperson as per directions of the State Government, to a member, if any, of the said Castes, Tribes or Classes or a woman member, as the case may be, in the manner as may be prescribed and where there is no such member belonging to said Castes, Tribes, Classes or a woman member to whom charge can be given as aforesaid, the charge shall be handed over in the manner as may be prescribed, to any other member not belonging to the aforesaid categories;

- (b) in the case of a Vice-Chairperson, to the Chairperson, and if there be no Chairperson, to such member as the State Government may direct;
- (c) in the case of a member, to a Chairperson, and in his absence, to the Vice-Chairperson; and
- (d) in the case of a Municipality dissolved or otherwise becoming defunct, to the newly constituted Municipality or, as the case may be, to the officer appointed under section 322:

Provided that a member to whom charge has been handed over under clauses (a) and (b) shall hold charge for a period, not exceeding sixty days, or till the taking over of charge by the Chairperson or, the Vice-Chairperson, as the case may be, whichever may be earlier.

(2) If any person fails or refuses or is not available to hand over the charge of office as required under sub-section (1), the person who is entitled to take over the charge of office shall assume charge and thereupon he shall be deemed to have taken over the charge of such office in accordance with the provisions of this Act.

CHAPTER III

Conduct of Business and Ward Committee

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¹[**Sec. 53. Motion of noconfidence against Chairperson and Vice-Chairperson.**—(1) A motion expressing no confidence in the Chairperson or the Vice-Chairperson shall be made and considered in the prescribed manner.

(2) No notice of motion under this section shall be made within two years of the assumption of office by a Chairperson or by a Vice-Chairperson; or in case of Chairperson or Vice-Chairperson elected in a bye-election, unless half of a period of tenure has expired.

(3) If a motion under sub-section (1) is not carried out, no notice of a subsequent motion expressing no confidence in the same Chairperson or Vice-Chairperson shall be made until after the expiration of two years after the meeting in which the said motion was considered.]

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1. Section 53 Substitute by Rajasthan Municipalities (Second Amendment) Act, 2017 (Rajasthan Act 22 of 2017) (w.e.f. 18-05-2017).

¹[CHAPTER XII-A

Prevention of Defacement of Property

297-A. Penalty for defacement of Property.-(1) Whoever defaces any property in public view by defacing or spitting or urinating or pasting pamphlets, posters etc. or writing or marking with ink, chalk, paint or any other material or method except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable, in case of first offence, with imprisonment for a term which may extend to one year or with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or with both, and in case of each subsequent offence, with imprisonment for a term which may extend to two years or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.

(2) Where any offence committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not) then, such other person and every President, Chairman, Director, Partner, Manager, Secretary, Agent or any other officer or person concerned with the management thereof, as the case may be, shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

297-B. Punishment for attempt to commit offence.- Whoever attempts to commit any offence punishable under this Chapter or causes such offence to be committed and in such attempt does any act towards the commission of the offence, shall be punishable with the punishment provided for the offence.

297-C. Punishment for abettor.- Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Chapter shall be punished with the punishment provided for the offence.

297-D. Power to erase writing etc.- Without prejudice to the provisions of section 297-A, it shall be competent for the municipality or any officer authorised by it in this behalf, to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

297-E. Power to compound offence.- It shall be competent for the municipality or any officer authorised by it in this behalf to withdraw any prosecution, or to compound any offence committed, under this Chapter on such terms and conditions as may be prescribed.

297-F. Indemnity.- No suit, prosecution or other legal proceedings shall lie against the Government, any local authority or person for anything which is in good faith or in public interest done or intended to be done under this Chapter.

297-G. Chapter to override other laws.- The provisions of this Chapter shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

297-H. Definitions.- In this Chapter, unless the context otherwise requires,-

- (a) "**defacement**" includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any way whatsoever and the word "deface" shall be construed accordingly;
- (b) "**property**" includes any building, hut, monument, statue, water pipe line, public road, structure, wall including compound wall, tree, fence, post, pole or any other erection as may be notified by the State Government from time to time;
- (c) "**public place**" means any place (including a road, street or way whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort or over which they have a right of passage;
- (d) "**public view**" means anything which is visible to public while they are in or passing along any public place; and

"**writing**" includes decoration, lettering, ornamentation etc., produced by stencil.".]

1. Chapter "XII-A" Inserted vide Rajasthan Municipalities (Amendment) Act, 2017. (Act No. 1 of 2018). Published in Raj. Gaz. Part IV A dated 02.02.2018.

CHAPTER XVI

Rules, Regulations and Bye-Laws

337. Power of State Government to make rules and orders.-(1) The State Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government shall make rules –

- (i) with reference to all matters expressly allowed by this Act to be prescribed;
- (ii) for prescribing the manner of allotment of seats reserved for members of Scheduled Castes, Scheduled Tribes, the Backward Classes or for women;
- (iii) with regard to all matters relating to the preparation, revision, modification, updating and publication of electoral rolls;
- (iv) for prescribing particulars which shall contain in the notice given for withdrawal of candidature from election on more than one seat;
- (v) for prescribing the manner in which votes shall be given in an election and the manner in which votes shall be given and recorded by the voting machines;
- (vi) with regard to all matters relating to presentation of an election petition, procedure to be followed and powers to be exercised by the District Judge in disposing the election petition;
- (vii) for prescribing the form in which oath or affirmation shall be made by a member before entering upon his duties;
- (viii) for prescribing the manner in which the Judicial Officer shall enquire into the charge against a member and for prescribing the matters, other than those specified in clauses (a) to (c) of sub-section (5) of section 39, regarding which the judicial Officer shall have power of a civil court while inquiring into the said charges;
- (ix) for prescribing the manner of election of Chairperson and Vice-Chairperson and the manner of reserving the offices of the Chairpersons and for prescribing the monthly allowances and facilities which may be allowed to the Chairperson out of the municipal fund;
- (x) for prescribing the executive functions other than those specified in clauses (a) to (d) of sub-section (1) of section 48;
- (xi) for prescribing the powers of the Chief Municipal Office;
- (xii) for prescribing the manner in which charge of the office a Chairperson or a Vice-Chairperson shall be handed over;
- (xiii) for prescribing the procedure for conducting the business of the meeting of the Municipality;
- (xiv) for prescribing the manner, of putting question by a member to the Chairperson, and of moving resolutions on the matters connected with the administration of the Municipality;
- (xv) for prescribing the manner of making and considering the motion expressing no confidence in the Chairperson or the Vice-Chairperson;
- (xvi) for prescribing the powers, duties and functions, and the procedure for conducting the meetings, of the committees constituted under section 55;
- (xvii) for prescribing the restrictions, limitations and conditions subject to which any powers, duties or executive functions, which may be exercised, discharged or performed by or on behalf of the Municipality, may be delegated to the committees and for prescribing the manner of calling the meeting of the Municipality for delegating the powers, duties and functions of the Chairperson to a member;
- (xviii) ¹[Deleted]
- (xix) for regulating the sale or disposal of immovable property and land;
- (xx) for prescribing the manner of preparing and maintaining records of urban land situated in the municipal limits;

1. Clause (xviii) deleted vide Rajasthan Laws (Amendment) Act, 2012. Published in Raj. Gaz. Part IV A dated 02.05.2012. w.e.f. 2-5-2012

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- (xxi) for prescribing heads of accounts other than those specified in sub-section (2) of section 79 and for prescribing manner and form in which accounts shall be kept;
 - (xxii) for prescribing the manner in which payments from Municipal funds shall be made;
 - (xxiii) for transfer of surplus money from one head to another head with regard to all matter relating to preparation, presentation, adoption of budget estimates, preparation and maintenance of accounts and balance sheet etc;
 - (xxiv) for prescribing the rate, date, and manner for imposing and levying the taxes under section 102;
 - (xxv) for prescribing the manner in which internal audit of the day-to-day accounts of the Municipality may be carried out;
 - (xxvi) for prescribing the form in which return shall be furnished by the owner or occupier on the requisition of the assessor;
 - (xxvii) for prescribing the form of warrant for attachment and sale of property of the defaulter and for prescribing the manner in which the attached property may be sold;
 - (xxviii) for prescribing the manner in which repaying capacity of a Municipality shall be ascertained for the purposes of granting loan or giving grantee for a loan raised by the Municipality;
 - (xxix) for prescribing the types of private sector participation agreements for the purpose of this Act;
 - (xxx) for prescribing the Chapters, material and schemes to be incorporated in the City Development Plan;
 - (xxxi) for prescribing the manner in which the elected members of Committee for Metropolitan Planning shall be chosen;
 - (xxxii) for prescribing the extent to which land in any scheme may be reserved for the purpose of providing housing accommodation to the members of Scheduled Castes, Scheduled Tribes, the Backward Classes and weaker sections of the society, including disabled, handicapped and mentally retarded persons and unassisted elderly persons;
 - (xxxiii) for regulating the sanction of specific rights of way in the sub-soil of public and private streets for different public utilities;
 - (xxxiv) for prescribing rates of the conversion charges for change of use of land and for prescribing the manner in which objections shall be invited and heard with respects to change of use of land;
 - (xxxv) for prescribing the manner and the time in which water harvesting structure shall be provided in the buildings owned or occupied by the Government or statutory body or a company or a institution owned or controlled by the Government;
 - (xxxvi) for prescribing limitations, restrictions and conditions subject to which the Municipality may exercise powers in respect of prevention of dangerous diseases;
 - (xxxvii) for prescribing limitations, restrictions and conditions subject to which the Municipality may exercise powers conferred on it under section 274;
 - (xxxviii) for prescribing the functions of the State Municipalities Union;
 - ¹[(xxxviii-a) for prescribing terms and conditions for withdrawal of any prosecution, or compounding the offence committed, under Chapter XII-A;]
 - (xxxix) for prescribing the manner of sending the statement of charges against a Municipality to the Tribunal for enquiry and findings; and for prescribing the manner of constitution of the Tribunal;
 - (xl) for prescribing the special or technical duties which shall be performed by the officers appointed in the Rajasthan Municipal Technical Service; and
 - (xli) for prescribing term and conditions of service in respect of the Rajasthan Municipal Services.
- (3) A rule may be general for all Municipalities or for all Municipalities not expressly exempted from its operation or may be special for the whole or any part of anyone or more Municipalities as the State Government may direct.

1. Clause (xxxviii-a) Inserted vide Rajasthan Municipalities (Amendment) Act, 2017. (Act No. 1 of 2018). Published in Raj. Gaz. Part IV A dated 02.02.2018.

(4) Notwithstanding anything contained in sections 339 and 340, in case the Municipality fails to make any rules or bye-laws as prescribed and the State Government considers it necessary for the purposes of carrying into effect the provisions of this Act, it may also make the rules and bye-laws for the matters enumerated in sections 339 and 340.

(5) All rules and orders made by the State Government under this section shall come into effect on or from the date of their publication in the Official Gazette.

(6) All rules made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rules shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder..-

338. Power of State Government to make regulations.-(1) Notwithstanding anything contained in section 337 or any other provision of this Act or any other law for the time being in force, the State Government may, for the purpose of preservation of human health or the safety or convenience of the public in public places and streets or the amelioration of rickshaw pullers, by regulation provide for regulating (with a view to gradually abolishing) or prohibiting, the plying, use of drawing of rickshaw in streets and public places and to regulate the hours of work of rickshaw pullers-

(2) In particular and without prejudice to the generality of the foregoing power, such regulation may-

- (a) prescribe the date on and after which rickshaw shall not be plied, driven or used in streets and public places;
- (b) provide that no new licences shall be granted to rickshaw and rickshaw pullers;
- (c) provide for the grant and renewal of licences of rickshaw and rickshaw pullers subject to condition that a licence of a rickshaw shall be granted or renewed only in the name of the puller;
- (d) provide for authorising any officer or authority to limit, from time to time, the number of rickshaws for which licences may be granted or renewed in any area having regard to the adequacy of public conveyance of the same or any other class operating or likely to operate in the area in near future, or to the safety or convenience of the puller in the light of traffic conditions in the area;
- (e) prescribe the maximum life period of a rickshaw after expiry whereof it shall not be permitted to be plied;
- (f) prescribe the manner in which the number of rickshaws or rickshaw pullers may be gradually reduced and the principles to be followed in effecting such reduction;
- (g) prescribe the terms of the grant and renewal of licence of rickshaw and rickshaw pullers;
- (h) prescribe the fee, payable for licences to be granted or renewed under this section;
- (i) prescribe the size and design of the rickshaw and the condition for grant or renewal of licences;
- (j) prescribe the standard or physical fitness, with special reference to permissible age limits for rickshaw pullers;
- (k) prescribe the fees to be paid by rickshaw pullers for medical examination;
- (l) prescribe the office or authority to which and the matter in respect of which appeals shall lie;
- (m) provide for disinfections of rickshaws;
- (n) prescribe the penalties for the violation of any of the rules by the owner of the rickshaw or the puller or driver of the rickshaw;
- (o) prescribe the maximum number of passengers or load or both which can be carried at any one time in a rickshaw;
- (p) specify the offence for contravening any regulations and the class of Magistrate by whom the offences against the regulations shall be taken cognizance of; and
- (q) prescribe supplementary and incidental provisions including seizure of a rickshaw in respect of which an offence under this Act has been or is being committed.

(3) The power to make regulations under this section is subject to the condition of the regulation being made after previous publication.

Explanation-I.- For the purpose of this section, a rickshaw means a cycle- rickshaw commonly so-called, or a wheeled vehicle which is fixed or attached to a cycle drawn or pulled by human force and used as a conveyance for passengers and goods and includes a cycle-rickshaw cart but does not include-

- (a) a perambulator,
- (b) a wheeled vehicle used for the carriage of an invalid person, and
- (c) such classes of wheeled vehicles used for the carriage of goods as may be prescribed.

Explanation-II.- For the purpose of clause (c) of sub-section (2), the expression "puller" shall mean a person who earns his livelihood mainly by personally driving rickshaw.

(4) All regulations made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such regulations or resolves that any such regulations should not be made, such regulations shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

* * * * *

340. Power of Municipality to make bye-laws.-(1) Every Municipality may, from time to time, make bye-laws not inconsistent with this Act and the rules made thereunder -

* * * * *

- (zg) regulating the posting of bills and advertisements, and the position, size, shape and style of sign-posts;

* * * * *

(2) Every Municipality shall, before making any bye-laws under this section, publish, in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby, a draft of the proposed by-laws together with a notice specifying a date on or after which the draft will be taken into consideration and shall, before making the bye-laws, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

341. Rules and bye-laws to be printed and sold.-The rules and bye-laws for the time being in force shall be kept open for public inspection at the municipal office during office hours, and printed copies thereof shall be kept for sale at cost price or may be provided in electronic form on the web site, if any, of the Municipality.

CHAPTER XVII

Miscellaneous

342. 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 to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, 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 officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. – For the purpose of this section,-

- (a) "company" means a body corporate, and includes a firm or other association of individuals, and
- (b) "director", in relation to a firm, means a partner in the firm.

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343. Power to remove difficulties.-If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as the occasion requires, but not later than two years from the date of commencement of this Act, by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty.

344. Repeal and Savings.-(1) On and from the commencement of this Act, the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) shall stand repealed.

(2) Without prejudice to the provisions of the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955),-

- (a) such repeal shall not affect the validity or invalidity of anything already done or suffered or any action already taken under the repealed enactment or the rules, regulations and bye-laws made there under; and
- (b) all Municipal Corporations, Councils, Boards or other municipal authorities established under the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) shall, notwithstanding such repeal, be deemed to have been established under this Act and all Municipalities constituted, members nominated, appointed or elected, committees formed, limits defined, appointments, rules, orders and bye-laws made, notifications and notices issued, taxes imposed, contracts entered into and suits and other proceedings instituted under the repealed enactment shall so far as they are not inconsistent with the provisions of this Act, be deemed to have been respectively constituted, nominated, appointed or elected, formed, defined, made, issued, imposed, entered into and instituted under this Act.

* * * * *

PART - IV
ACTS OF STATE LEGISLATURE

**¹[THE RAJASTHAN LEGISLATIVE ASSEMBLY MEMBERS
(PREVENTION OF DISQUALIFICATION) ACT, 2017
(ACT NO. 40 OF 2017)]**

[November 09, 2017]

An Act

to declare certain offices of profit not to disqualify their holders for being, or for being chosen as, members of the Legislative Assembly of the State.

Whereas it is expedient to consolidate and amend the laws declaring the offices of profit in the State which shall not disqualify their holders for being, or for being chosen as, members of the Legislative Assembly of the State;

Be it enacted by the Rajasthan State Legislature in the Sixty-eighth Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Rajasthan Legislative Assembly Members (Prevention of Disqualification) Act, 2017.

(2) It shall come into force at once.

2. Interpretation.- (1) In this Act unless the subject or context otherwise requires, “State” means the State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act No. 37 of 1956).

(2) The provisions of the Rajasthan General Clauses Act, 1955 (Act No. 8 of 1955) shall, as far as may be, apply *mutatis mutandis* to this Act.

3. Removal and prevention of disqualification for membership of the State Legislative Assembly.- It is hereby declared that the following offices shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of the State Legislative Assembly, namely:-

- (a) the office of a Minister of State or a Deputy Minister;
- (b) the office of the Government Chief Whip;
- (c) the office of the Deputy Government Chief Whip;
- (d) the office of a Parliamentary Secretary or a Parliamentary Under Secretary;
- (e) the office of the Leader of Opposition in the Rajasthan Legislative Assembly;
- (f) the office of a chairman or a vice-chairman or the member of a committee set up for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an enquiry into, or collecting statistics in respect of, any such matter or for planning, coordinating or implementing any programme of the Government or any other authority;

1. No. F.2(42) Vidhi/2/2017 Rajasthan Act No.37 of 2017, published in the Rajasthan Gazette, Extraordinary, Part IV- A, dated 09-11-2017 w.e.f. 09.11.2017.

THE RAJASTHAN MUNICIPALITIES ACT, 2009

- (g) the office held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (Central Act No. XXXI of 1948) or in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (Central Act No. LVI of 1948) or in the Auxiliary Air Force or the Air Defence Reserve raised under the Reserve and Auxiliary Air Force Act, 1952 (Central Act No. LXII of 1952);
- (h) the office of a chairman or a member of the committee other than any such committee as is referred to in clause (f);
- (i) the office of a chairman, director, member or any officer of a statutory body, where the power to make any appointment to any such office or the power to remove any person therefrom is vested in the Government;
- (j) the office of profit under an insurer, the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956 (Central Act No. 9 of 1956);
- (k) the office of a Government Pleader, or Special Government Pleader, or Advocate for the Government, appointed specially to conduct any particular suit, case or other proceeding by or against the State Government before any court, tribunal, arbitrator or other authority;
- (l) the office of a Government Pleader, Special Government Pleader, or Advocate for the State Government, appointed specially to assist the Advocate General, Government Advocate or Pleader, Special Government Pleader, or Advocate for Government, in any particular suit, case or other proceeding by or against the State Government before any court, tribunal, arbitrator or other authority; and
- (m) the office of a panel lawyer if the holder of such office is not entitled to any retainer or salary, by whatever name called.

Explanation.- In this section, unless the subject or context otherwise requires,-

- (i) “committee” means any committee, commission, council, board or any other body of persons whether a statutory body or not, set up by Government;
- (ii) “compensatory allowance” means such sum of money as the Government may determine as being payable to the chairman or any other member of a committee by way of travelling allowance, daily allowance, conveyance allowance or house rent allowance for the purpose of enabling the chairman or other member to recoup any expenditure incurred by him in attending any meeting of a committee or performing any other function as a member of the committee;
- (iii) “daily allowance” means such daily allowance as shall not exceed the amount of daily allowance admissible to a Member of the State Legislative Assembly in accordance with the provisions of the Rajasthan Legislative Assembly (Officers and Members Emoluments and Pension) Act, 1956, as amended from time to time, and the rules made thereunder;
- (iv) “insurer” means an insurer as defined in clause (5) of section 2 of the Life Insurance (Emergency Provisions) Act, 1956 (Central Act No. 9 of 1956);
- (v) “statutory body” means any corporation, board, company, society or any other body of persons, whether incorporated or not, established, registered or formed by or under any law for the time being in force or exercising powers and functions under any such law.

4. Repeal.- The Rajasthan Legislative Assembly Members (Removal of Disqualification) Act, 1956 (Act No. 7 of 1957) and the Rajasthan Legislative Assembly Members (Prevention of Disqualification) Act, 1969 (Act. No. 5 of 1969) are hereby repealed.

भाग 5

सांविधिक नियम एवं आदेश

PART V

Statutory Rules and Orders

PART - V

STATUTORY RULES AND ORDERS

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PART - V
STATUTORY RULES AND ORDERS

*** 1. THE RAJASTHAN MUNICIPALITIES (ELECTION) RULES, 1994**

G.S.R.72.- In exercise of the powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following Rules, namely:-

CHAPTER - I

Preliminary

1. Short Title and commencement.-(1) These rules may be called the Rajasthan Municipalities (Election) Rules, 1994.

(2) These Rules shall come into force on the date of their publication in the official Gazette.

2. Definitions.- In these Rules, unless the context otherwise requires,--

- (a) "Act" means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959).
- (b) "Candidate" means a person, who has been or claims to have been duly nominated as a candidate at an election.
- (c) "Counting Agent" means a person appointed by a candidate or his election agent as his counting agent under these rules to remain present at the time of counting of ballot papers after the poll.
- (d) "District Municipal Election Officer" means the District Election Officer appointed under section 19-B of the Act.
- (e) "Election Agent" means a person, appointed by a candidate as his election agent under these rules.
- (f) "Election Commission or Commission" means the State Election Commission.
- (g) "Form" means a Form appended to these rules.
- (h) "Municipal Electoral Roll" in relation to a municipality means the collection of the List of voters published by the Electoral Registration Officer for all the wards of the municipality.
- (i) "Polling Agent" means a person appointed by a candidate or his election agent as his polling agent under these rules to remain present at a polling booth during the polls.
- (j) "Polling officer" means a person appointed by the Returning Officer under these rules as a Polling Officer to assist the presiding Officer.
- (k) "Polling Station" means a place fixed by the State Election Commission or Authority nominated by the Commission under these rules for taking the poll at an election.
- (l) "Presiding Officer" means a person appointed by the Returning Officer under these rules and includes any '[xxx] Polling Officer performing any of the functions of the Presiding Officer under these rules.
- (m) "Registration Officer" means the Electoral Registration Officer of the municipality and includes Assistant Electoral Registration Officer to be appointed by the State Election Commission, in consultation with the State Government.

* First published in Rajasthan Gazette, E.O., Part 4 (GA), dated 16.8.1994.

1. The word "Assistant" deleted vide notification dated 27.7.1995.

THE RAJASTHAN MUNICIPALITIES (ELECTION) RULES, 1994

- (n) "Returning Officer" means a person appointed as such under these rules and includes an Assistant Returning Officer.
- (o) "Section" means a section of the Act.
- (p) "Voter" in relation to an election to a ward, means any person who is entitled to vote at that election and whose name is included in the List of Voters for the ward published by the Electoral Registration Officer.
- (q) "Ward" means the ward as formed under Section 14 of the Act.
- (r) Words and expressions used but not defined in these Rules but defined in the Act shall have the meaning assigned to them in the Act.

CHAPTER - II Formation of wards and Reservation

[3. Finalisation of wards.-- (1) A Municipality shall be divided into wards by the State Government in accordance with the provisions of the Act.

(2) An Officer authorised by the State Government, hereinafter referred to in this Chapter as the "Officer" shall publish the draft of wards showing the area of wards, their numbering and wards reserved for Scheduled Castes and Scheduled Tribes under Sub-section (1) and (2) of Section 14 of the Act and on receipt of objections together with his comments thereon and any other material shall forward them to the State Government for approval.

(3) On approval by the State Government, the officer shall determine the wards reserved for Women and Backward Classes as provided in these rules.

(4) On completion of the above process the draft order shall become final and the officer shall notify the list of wards and a copy thereof shall be displayed on the Notice Board of the Municipality, Collector and the District Municipal Election Officer.]

4. Numbering of wards.-- The wards shall be numbered in anti- Clockwise direction starting from the north-west corner and assigning as far as possible consecutive numbers to contiguous wards.

5. Reservation of reserved wards.--(1) The number of wards to be reserved for Scheduled Castes/Scheduled Tribes/Backward Classes and also for women shall be determined by the Officer, in accordance with the provisions of Act.

(2) The Officer shall for the purpose of reservation of seats for Scheduled Castes, first identify the wards which consist of the population of the Scheduled Castes and such wards shall be serially arranged in the descending order of percentage of population of Scheduled Castes, and shall be assigned serial number as S.C.1 S.C.2 and so on.

(3) The Serial number so assigned shall be known as special serial number for Scheduled Castes.

(4) The Officer shall allocate the number of seats reserved for Scheduled Castes (including ²[one half] of such seats reserved for women, belonging to the Scheduled Castes) serially to the wards bearing special serial number for Scheduled Castes.

(5) The Officer shall also for the purpose of reservation of seats for Scheduled Tribes, proceed to identify the wards which consist of population of Scheduled Tribes and such wards shall be serially arranged in the descending order of percentage of population of Scheduled Tribes and shall be assigned serial number as S.T.1, S.T.2 and so on.

(6) The serial number so assigned shall be known as special serial number for Scheduled Tribes.

(7) The Officer shall also allocate the seats reserved for Scheduled Tribes (including ¹[one half] of such seats reserved for women belonging to Scheduled Tribes) serially to the wards bearing special serial number for Scheduled Tribes.

(8) Where a ward becomes common to be reserved for Scheduled Castes & Scheduled Tribes, then it will be reserved for Scheduled Castes or Scheduled Tribes, as the case may be, whichever has higher percentage of Scheduled Castes or Scheduled Tribes.

1. Subs. vide amendment dated 3.9.94.

2. Subs. vide notification no.1444 dated 15.9.09, for words "one third".

THE RAJASTHAN MUNICIPALITIES (ELECTION) RULES, 1994

(9) In every succeeding general election, the list of wards bearing special serial number for Scheduled Castes, or, as the case may be, Scheduled Tribes shall--

- (i) Continue to be operated serially from special serial number following the special serial number, where the allocation of seats reserved for the Scheduled Castes or, as the case may be, the scheduled Tribes has ended in the preceding election.
- (ii) be operated till it is exhausted, and
- (iii) be re-operated from the beginning after it is exhausted.

(10) The Officer, after having determined and allocated seats reserved for Scheduled Castes and Scheduled Tribes, shall allocate the number of seats reserved for Backward Classes (including ¹[one half] seats reserved for women belonging to Backward Classes), to remaining wards by draw of lots.

(11) The wards to be reserved for women shall be ¹[one half] to total number of wards in a municipality to be determined by draw of lots by the officer.

(12) Wherever seats are to be reserved by draw of lots the officer shall fix the place, date and time for the purpose of drawing lots and inform the members of the Legislative Assembly representing a constituency which comprises wholly or partly the area of the municipality, and the recognised political parties in the State of Rajasthan. The lots shall be drawn in the manner as determined by the officer in the presence of such members of the Legislative Assembly or the nominees of the recognised political parties who may be present at the appointed time.

Explanation.- For the purpose of this rule and the succeeding rules, recognised political parties means the political parties recognised in State as such under the Election Symbols (Reservation and Allotment) order, 1968.

(13) Wards reserved for Backward classes and women by draw of lots in the first general election shall be excluded while drawing lots for such reservation in succeeding elections till the cycle is completed.

²[(14) The provisions of Sub-rule (1) to (13) shall be subject to the provisions of rule 3.]

³[**6. Reservation of offices of Chairperson.**]- (1) Subject to the provisions of sub-rule (4), (5) and (6) of this rule, the reservation to the office of Chairman, President and Mayor in the Municipalities of the State for Schedule Casts and Scheduled Tribes shall be done by drawing lottery by arranging the Municipalities in the descending order based on the percentage of population of Schedule Casts and Scheduled Tribes with reference to the total population of the concerned Municipality. After each census the exercise of reservation as per this sub- rule will be undertaken and in the next phase of the election before the new census, the Municipalities in which the reservation has been provided shall be excluded. After the new census, the reservation shall be applied afresh in the manner provided in this sub-rule and it will not be required to exclude the Municipality in which the reservation was provided after the previous census.

(2) Subject to the provisions of sub-rule (4), (5) & (6) of this rule the reservation to the office of Chairman, President and Mayor in the Municipalities of the each division of the State for Backward Classes shall be 21 percent subject to ceiling of 50 percent of the total reservation for Schedule Casts, Scheduled Tribes and Backward Classes. Reservation for Backward Classes shall be done by drawing lottery amongst the Municipalities which remain in the Division after providing reservation for Schedule Casts and Scheduled Tribes. However, in the next phase of election before the next census, the Municipalities where the reservation for Backward Classes has been provided shall be excluded. After new census, the reservation shall be applied afresh in the manner provided in this sub-rule and it will not be required to exclude the Municipality in which the reservation was provided after the previous census.

(3) Subject to the provisions of sub-rule (4), (5) and (6) of this rule the reservation to the office of Chairman, President and Mayor in the Municipalities of the State shall be reserved for women by drawing lottery in the elections which are conducted after each census. However, in the next phase of election conducted before the next census, the Municipalities where the reservation has been provided shall be excluded. After new census, the reservation shall be applied afresh in the manner provided in this sub- rule and it will not be required to exclude the Municipality in which the reservation was provided after the previous census.

1. Subs. vide notification no. 1444 dated 15.9.09, for words "one third".

2. Ins. by notification dt. 3.9.1994.

3. Substituted by Notification No. F.8(Ga) () Rules/DLB/20/46026 dt. 13.10.20 published in Rajasthan Gazette extraordinary part 6 (A) on dt. 13.10.20.

(4) ¹[one half] of the offices reserved under ²[**sub-rule(1) or sub-rule(2)**]for the Scheduled Castes or the Schedule Tribes or the Backward Classes shall be reserved for the women belonging to such Castes, Tribes or, as the case may be, Classes.

(5) ¹[one half] (including the number of offices reserved under ²[**sub-rule(4)**] of each of the offices of Chairman, President and Mayor of the total number municipalities shall be reserved for woman.

³[**Explanation: For the purpose of this rule the term phase of election shall mean election of all the Municipalities in the State.**]

¹[(6) If no confidence motion passed against Chairperson and no such other eligible candidates except against whom no confidence motion is passed is available in the Board, seat of chairperson shall be treated as general but if seat reserved for woman SC/ST/OBC then the seat shall be filled by a General woman candidate]

7. Fraction.- If a fraction forms part of the number of seats of offices computed under these rules, the number shall be increased to next higher number in case the fraction consists of half or more and the fraction shall be ignored in case it consists of less than half.

⁴[**7A. Determination of Seats under Section 21A.** - The officer, after having determined the seats for Scheduled Casts, Scheduled Casts, Scheduled Tribes, Backward Classes and Women, shall determine the seats for the persons having qualification as specified in section 21A of the Act, by draw of lots.]

-
1. subs. vide notification no. 1444 dt. 15.9.09, for words "one third"
 2. Raj. Municipalities(Elections) (amendment) Rules, 2020, No. F.8(G)() (Rules)/DLB/20/46026 dated 01-10-20, here by subs. and made effective from 30.10.99
 3. Raj. Municipalities(Elections) (amendment) Rules, 2020, No. F.8(G)() (Rules)/DLB/20/46026 dated 01-10-20, here by subs. and made effective from 30.10.99
 4. Ins. vide notification no. 1444 dt. 15.9.09, new rule 7A.

CHAPTER - III Election Process

8. District Municipal Election Officer.- The District Municipal Election Officer shall, subject to the superintendence, direction and control of the State Election Commission, be in the overall charge of the conduct of elections to the municipalities in his district.

9. Appointment of returning officers and assistant returning officers.- For the conduct of elections to a municipality, the District Municipal Election Officer may, subject to the provisions of these rules, appoint a returning officer and as many assistant returning officers as he may deem necessary.

¹[**Explanation:-** Election to a municipality includes elections of members, Chairperson and Deputy Chairperson of a municipality.]

10. Public Notice of intended election.-(1) Subject to sub- rules (2) to (5) below, a public notice, in **Form 1**, of an intended election to a municipality shall be given by the State Election Commission mentioning therein the dates and hours between which nomination papers shall be received, the date for scrutiny of the nominations, the last date for withdrawal of the candidature and the date & hours of poll, if necessary;

²[(2) The last date for filing of nominations shall be the fourth day after the date of publication of the public notice under sub-rule(1) above, or if that day is public holiday, the next succeeding day, which is not a public holiday.

(3) The date for scrutiny of the nominations shall be the day next to the last date for filing nominations, or if that day is public holiday, the next succeeding day, which is not a public holiday.

(4) The last date for withdrawal of candidature shall be the second day after the date for scrutiny of nominations, or if that day is public holiday, the next succeeding day, which is not a public holiday.]

(5) The date of poll shall not be earlier than six days and later than ten days from the last date for withdrawal of candidature;

³[(6) No amendment, transposition or deletion of any entry shall be made and no direction for the inclusion of a name in the electoral roll of a Ward shall be given, after the last date for making nominations for an election in that ward and before the completion of that election.]

11. Notice by the Returning Officer inviting nominations.- Immediately on the issue of a public notice under rule 10, the Returning Officer shall issue a public notice, in **Form 2**, inviting nomination of candidates for such election and specifying therein the time and the place at which the nomination papers are to be delivered, the time and the place for scrutiny of nominations, and the time and the place at which the notice of withdrawal of candidature are to be delivered.

12. Nomination papers.-(1) Every nomination shall be made in **Form 3**.

(2) Every nomination shall contain full particulars of the name, age, sex and address of the candidate, be subscribed by a voter of the ward and must bear the signature of the candidate in token of his willingness to be so nominated;

⁴[Provided that a candidate not set up by a recognised political party, shall not be deemed to be duly nominated for election from a ward unless the nomination paper is subscribed by five proposers being electors of the same ward.

Explanation- A candidate who desires to be considered as candidate set up by a recognised political party, shall produce letter to that effect signed by the president or head of the State unit of that party or any person authorised by him in this behalf on or before 3 PM on the last day for making nominations specified in public notice under rule 10.]

(3) Subject to the reservations in favour of Scheduled Castes, Scheduled Tribes, Backward Classes and Women, a person who is entitled to vote in the election to a municipality and whose name is included in the municipal electoral roll, can contest from any ward;

(4) More than one nomination paper may be filed on behalf of a candidate by different voters, but the total nomination papers filed on behalf of a candidate shall not exceed four per ward. In case more than four nominations are presented, only the first four presented shall be considered and the rest summarily rejected;

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1. Added by notification dated 25.8.99.
 2. Subs. vide notification dated 13.10.2004, for existing sub-rule (2), (3) & (4).
 3. Substituted by notification dated 27.7.95, for existing sub-rule (6).
 4. Added by notification dated 25.8.99.

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(5) A voter cannot nominate, as a proposer more than one candidate. Where a voter has signed on nominations, for more than one candidate, all such nominations other than the first one received by the returning officer shall be declared invalid;

(6) Every nomination paper subscribed and signed as aforesaid must be delivered to the returning officer in person by the candidate ¹[or any of the proposers between 10.30 AM to 3.00 PM] of the days fixed for the nomination of candidates at the place specified in this behalf in the notice issued by the Returning Officer under rule 11.

(7) The Returning Officer shall, on receiving a nomination paper, enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the time at which the nomination paper has been delivered to him;

(8) A candidate who desires to be considered as a Scheduled Caste or Scheduled Tribe or Backward Class candidate, as the case may be, shall attach with his nomination paper an authenticated copy of a Caste/Tribe/Class ²[certificate issued by an officer authorised by the State Government] to issue such Certificate;

(9) In case any dispute regarding the status of a candidate being considered eligible to be elected against a reserved seat arises at the time of scrutiny of nomination, the returning officer may ask the candidate to produce the original of the certificate referred to above or any other documents in support of the claim of the candidate. After scrutiny of such evidence, the Returning Officer shall declare whether the candidate's claim for being eligible to be elected from a reserved seat of any municipalities is acceptable or not.

13. (1)Scrutiny of nomination papers.-³[(1)] On the date and time fixed for scrutiny of nomination papers under rule 10, the Returning Officer shall examine the nomination papers and decide all objections which may be made to any nomination and may, either on such objections or on his own motion, after such summary enquiry, if any, as he thinks necessary, and after giving the candidate a reasonable opportunity of being heard, declare invalid any nomination on any of the following grounds:-

- (i) that the candidate is not enrolled in the municipal electoral roll as a voter of the municipality;
- (ii) that the candidate has not made or caused to be made the deposit referred to in rule 22;
- (iii) that the candidate has not attained the minimum age required for being ²[elected as a member];
- (iv) that the candidate is disqualified under any provisions of the Act from being a member;
- (v) that the proposer has not been enrolled as a voter of the ward for which the nomination has been filed;
- (vi) that the signature of the candidate or the proposer on the nomination paper is not genuine;
- (vii) that the proposer has subscribed nomination for more than one candidate in the same ward.]

(2) On the date fixed for the scrutiny of nomination under rule 10, the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint.

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

(4) A failure to complete or defect in completing the declaration as to symbols in a nomination paper in form 3 shall not be deemed to be defect of a substantial character within the meaning of sub-rule (3).

(5) For the purpose of this rule an entry in the electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that ward unless it is proved that he is subject to a disqualification mentioned in section 18 of the Rajasthan Municipalities Act, 1959 (38 of 1959).]

14. ⁴[Adjournment of the proceeding under rule 13] -The Returning Officer shall not allow any adjournment of the proceedings under rule 13 except when such proceedings are interrupted or obstructed by riot or open violence or by cause beyond his control.

1. Subs. by notification dated 25.8.99 for certain words.

2. Subs. by notification dated 25.8.99 in sub rule (8) of rule 12 and clause. (iii) of sub rule (1) of rule 13.

3. Existing rule 13 is renumbered as sub rule (1) of rule 13 by any notification dated 27.7.95.

4. Inserted by notification dated 25.8.99.

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15. List of validly nominated candidates.- Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, a list of validly nominated candidates shall be prepared by the Returning Officer in **Form 4** and displayed for the information of the public in his office.

16. Notice of withdrawal.- Any candidate validly nominated may withdraw his nomination by a notice in writing in **Form 5** and delivering it himself in person or through his proposer to the Returning Officer before three o'clock in the afternoon on the day fixed under rule 10 (4). The Returning Officer shall note thereon the date and time at which it was delivered. A candidate who has tendered a notice of withdrawal in the aforesaid manner shall not be allowed to cancel the withdrawal:

Provided that where the candidate on account of being in jail or in police custody, is unable to personally deliver his withdrawal application, he may cause it to be delivered on his behalf by any person authorized by him.

17. No valid Nominations.- If, after the last date fixed for withdrawal of nomination is over, there is no valid nomination, it shall be deemed that no member has been elected and proceedings for filling the vacancies shall be taken under the Act.

18. Uncontested Election.- For any seat, if the number of valid nominations, after withdrawals, if any, is only one, the person so nominated shall be declared to be elected. Result of uncontested election under this rule shall be declared in form 22 A.

19. Election for a ward.- If for any seat the number of valid nominations after withdrawals, if any, exceeds one, the poll shall be held on the date fixed for this purpose.

20. Symbols to contesting candidates.- (1) The State Election Commission shall, by notification in the official gazette, specify the symbols that may be chosen by candidates at elections to the municipality and the restrictions to which their choice shall be subject to.

(2) The day immediately following the last date for withdrawal of the candidate, the returning officer shall proceed to allot symbols to the contesting candidates in the following manner.

(3) For the candidates set up by a party which is a recognized political party in the State under the Election Symbols (Reservation and Allotment) Order, 1968, the symbol reserved for that party under the said Order, shall be allotted.

Provided that such a political party can set up only one candidate per ward.

(4) Subject to any general or special direction issued by the State Election Commission under sub-rule (1) of this rule, where more nomination papers than one are delivered on behalf of a candidate, the choice of symbols made in the nomination paper first delivered and no other choice of symbols, shall be taken into consideration even if that nomination paper has been rejected.

(5) The returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers subject to any general or special directions issued in this behalf by the State Election Commission and shall

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

(6) The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the State Election Commission in this behalf in which case the State Election Commission may revise the allotment in such manner as it thinks fit.

21 List of Contesting Candidates.- (1) Immediately after the allotment of symbols to contesting candidates is over, the returning officer shall prepare, in **form-6** a list of contesting candidates, in Hindi in Devnagri Script, giving the names of all the contesting candidates and the symbols allotted to them.

Provided that for the purpose of listing the names, the candidates shall be classified in two categories, namely, (i) candidates set up by recognised political parties and (ii) other candidates and shall be arranged in that order. Further the names of candidates in each category shall be arranged in Hindi alphabetical order.

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(2) The name of every candidate shall be shown in said list as it appears in his nomination paper.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their father's name or in some other manner as the returning officer deems fit.

(4) The returning officer shall, as soon as practicable, supply a copy of the list of contesting candidates to each such candidate or his election agent.

(5) The returning officer shall, as soon as possible, cause the list of contesting candidates to be displayed in his office, the offices of the assistant returning officers, the municipality and such other places as he may deem fit.

22. Deposit and refund.- (1) A candidate shall not be deemed to be duly nominated for election from a ward unless he deposits -

- (a) in the case of an election from a ward of municipal board, a sum of ¹[rupees 2000/-], or where the candidate is a women or a member of Scheduled Castes or Scheduled Tribes or Other Backward Classes, a sum of ¹[Rs. 1000/-];
- (b) in the case of an election from a ward of municipal council, a sum of ¹[Rs. 4000/-], or where the candidate is a women or a member of Scheduled Caste or Schedules Tribe or Other Backward Classes, a sum of ¹[Rs. 2000/-];
- (c) in the case of an election from a ward of municipal corporation, a sum of Rs. ¹[6000/-], or where the candidate is a women or a member of Scheduled Caste or Schedules Tribe or Other Backward Classes, a sum of ¹[Rs. 3000/-].

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

(2) The deposit shall be refundable except that it shall stand forfeited in the case of such candidate who fails to secure at least one sixth of ²[the total number of valid votes polled by all the candidates.]

23. Election agent.- (1) A contesting candidate may appoint any person as his election agent by giving a notice in **Form 7**. The notice of such appointment shall be given by forwarding the same in duplicate to the returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment;

(2) The revocation of the appointment of an election agent under sub-rule (1) shall be made in **Form 8**.

24. Poll.- In case of a contested election, a poll shall be taken on the date mentioned under rule 10.

24A. Manner of voting at election.- (1) At every election where a poll is taken votes shall be given by ballot and no votes shall be received by proxy.

(2) Notwithstanding anything contained in sub-rule (1), the giving and recording of votes by voting machines may be adopted in such ward or wards of any municipality as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation - For the purpose of sub-rule (2), "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot paper in the Act or these rules shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.]

25. Hours of poll.- The State Election Commission shall fix the hour at which polling shall commence and the hour at which it shall close.

26. Polling agents.- (1) A candidate or his election agent may, subject to such general or special direction as the State Election Commission may issue in this behalf from time to time, appoint at every polling station of the ward from which such candidate is contesting the election, polling agent to remain present on his behalf in the polling station at the time of the poll;

1. Substituted by notification no. F.8(G) () (Rules)DLB/19/31731 dated 05.08.2019
2. Substituted by notification no. F.8(Ga) () (Rules)DLB/18/24669 dated 19.02.2019

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(2) The number of polling agents that may be appointed under sub-rule (1) shall be one agent and two relief agents per polling station;

(3) Every such appointment shall be made in **Form 9** and shall be made over to the polling agent for production at the polling station.

(4) No polling agent shall be admitted into the polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (1) after duly completing and signing before the presiding officer the declaration contained therein ;

(5) The revocation of the appointment of a polling agent shall be made in **Form 10** and lodged with the presiding officer.

¹[27. Polling Stations.- Subject to any general or special directions of the State Election Commission, the District Municipal Election Officer shall select for each ward as many polling stations as he deems necessary and shall publish a list of polling stations so selected and the respective polling areas covered by them.]

28. Presiding Officers and Polling Officers.- (1) The ²[District Election Officer] shall, appoint a presiding officer for each polling station and one or more polling officers to assist the presiding officer.

(2) Each polling officer may, perform all or any of the duties assigned to a presiding officer under these rules.

(3) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who has been duly authorized in this behalf by the ²[District Election Officer].

29. Duties of Presiding Officers.- (1) The Presiding Officer shall keep order at the polling station, see that the election is fairly conducted and regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than -

- (a) polling officers;
- (b) Public servants on duty in connection with the election;
- (c) persons authorized by the State Election Commission;
- (d) candidates, their election agents and subject to the provisions of sub-rule (4) or rule 26 one polling agent of each candidate.
- (e) a child in arms accompanying a voter;
- (f) a person accompanying a blind or infirm voter who cannot move without help; and
- (g) such other persons as the presiding officer may from time to time admit for the purpose of identifying voters.

30. Arrangements at polling station.- (1) There shall be displayed outside each polling station--

- (a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station;
- (b) a copy of the list of contesting candidates along with their symbols;

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

(3) The returning officer shall provide at each polling station sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and such other articles and materials necessary for voters to vote.

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

31. Ballot boxes.- Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked. It shall be of such design as may be approved by the State Election Commission.

1. Subs. by notification dt. 25.8.1999.
2. Substituted by notification no. F.8(G) () (Rules)DLB/19/24669 dated 05.08.2019

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32. Preparation of ballot boxes for poll.- (1) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the candidates, election agents and polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such manner that the slit for insertion of ballot paper thereinto remains open.

(3) The seal used for securing a ballot box shall be fixed in such manner that after the box has been closed, it is not possible to open it without breaking the seal.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the presiding officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

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

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

(6) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the polling agents.

33. Marked copy of list of voters.- Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and others present that the marked copy of list of voters to be used during the poll contain any entry regarding the ballot papers issued to voters.

34. Form of ballot paper.- (1) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in ¹[such form as may be prescribed by the Commission]

(2) The names of the candidates shall be shown on the ballot paper in the same manner and arranged in the same order in which they appear in the list of contesting candidates ²[and NOTA (none of the above) shall also be shown on ballot paper.]

(3) The particulars on the ballot paper shall be in Hindi in Devnagri script.

(4) The ballot papers shall be serially numbered, the serial numbers being printed on the counterfoil and on the front of the ballot paper;

(5) The symbol allotted to the candidates under rule 20 shall be shown alongside the name of the candidate on the ballot paper ²[and symbol fixed for NOTA (none of the above) shall also be shown alongside the NOTA (none of the above) on the ballot paper];

(6) The space allotted to each candidate ²[and for NOTA (none of the above)] on the ballot paper shall have the same dimensions.

(7) The line or the shaded area separating the space provided for different candidates shall be the same on the ballot paper.

35. Procedure for issue of ballot paper to a voter.- (1) Every ballot paper before it is issued to a voter and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the State Election Commission may direct and every ballot paper before it is issued, shall be signed in full on its back by the presiding officer;

1. Subs. vide notification dt. 27.7.95, for words "form 11".

2. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dated 11.07.14, for NOTA (none of the above) . Published in Rajasthan Gazette extraordinary Part 6(A) on dated 15-07-2014.

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- (2) At the time of issuing a ballot paper to a voter, the polling officer shall-
- (a) record on its counterfoil the serial number of the voter in the list of voters as entered in the marked copy of the List of Voters;
 - (b) obtain the signature or thumb impression of that voter on the said counterfoil;
 - (c) mark the name of the voter in the marked copy of the list of voters to indicate that a ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to that voter;

Provided further that no ballot paper shall be delivered to a voter unless he has put his signature or thumb impression on the counterfoil of that ballot paper;

- (3) (a) Before issuing a ballot paper to a voter, the presiding officer shall cause a mark to be put on the left forefinger of the voter with an indelible ink;

Provided that where such a mark already exists on the left forefinger of the voter, it shall be deemed that he had cast his vote already at the election and shall not be given any ballot paper;

Provided further that no ballot paper shall be given to a voter unless he has allowed a mark to be put on his left forefinger with an indelible ink.

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

- (4) It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the voter on the counterfoil.

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

36. Voting.- (1) Save as hereinafter provided, all voters voting at an election shall do so in person at the polling station provided for them under the rules.

- (2) vote shall be given in person and no vote shall be given through a proxy.

37. Procedure for voting and secrecy of voting. - (1) Every voter 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 here-in-after laid down.

- (2) The voter on receiving the ballot paper shall forth with;
- (a) proceed to one of the voting compartments;
 - ¹[(b) there make mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote or NOTA (none of the above) for those who may wish to exercise the option of not voting for any of the candidate in the fray;]
 - (c) fold the ballot paper so as to conceal his vote;
 - (d) if required, show to the presiding officer the distinguishing mark on the ballot paper;
 - (e) insert the folded ballot paper into the ballot box; and
 - (f) quit the polling station.

- (3) Every voter shall vote without undue delay.

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

1. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dated 11.07.14, for NOTA (none of the above). Published in Rajasthan Gazette extraordinary Part 6 (A) on dated 15-07-2014.

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(5) If a voter to whom a ballot paper has been issued, refuses after warning given by the presiding officer, to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the presiding officer or a polling officer under the direction of presiding officer.

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

(7) All the ballot papers on which the words "Cancelled voting procedure violated" are recorded shall be kept in a separate cover which shall bear on its face the words "Ballot papers-voting procedure violated"

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

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

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

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

(2) The presiding officer shall keep a record in **form 12** of all cases under this rule.

39. Assistance to voter.- The presiding officer shall give such assistance as may be required by any voter who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.

40. Identity of voter.- At any time before a ballot paper is delivered to a voter, the presiding officer or polling officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at such polling station and shall, if so required by a candidate or polling agent, satisfy himself by putting to the voter such questions as he may deem necessary that such person is identical with the voter to whom such entry relates.

41. Closing of poll.- (1) The presiding officer shall close polling station at the hour fixed in that behalf under rule 25 and shall not thereafter admit any voter into the polling station :

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

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the presiding officer and his decision shall be final.

42. Number of votes.- Every voter shall be entitled to give one vote only.

43. Challenged votes.- (1) Any polling agent may challenge the identify of a person claiming to be a particular voter by first depositing a sum of rupees two in cash to the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall:

- (a) Warn the person challenged of the penalty for impersonation;
- (b) read the relevant entry in the voter's list in full and ask whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in **Form 13**; and
- (d) require him to place his signature in the said list.

(3) The presiding officer shall thereafter hold a summary enquiry into the challenge.

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

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

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44. Tendered votes.- (1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall on satisfactorily answering such question relating to his identity as the presiding officer may ask, be entitled, subject to the following provisions of this rule to mark a ballot paper (hereinafter in these rules referred to as "a tendered ballot paper") in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in **Form 14**.

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

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and be signed by him;

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

¹[**45. Spoilt and returned ballot papers.-** A voter who has] inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a paper may, in delivering it to the presiding officer and satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper be marked as "spoilt: cancelled" by the presiding officer.

²[XXX sub rule (2) & (3) are deleted.]

46. Voting by officers on election duty.- (1) A presiding officer, polling officer or any other person who is on duty at a polling station at which he is not entitled to vote may make an application to the returning officer in **Form 15** to allow him to vote at the polling station at which he is on duty. If on such application the returning officer certifies in **Form 16** that the applicant is entitled to vote at the election for the ward in connection with which he is employed or for any other ward, have allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the ³[electoral roll] for that ward in which that polling station is situated.

(2) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-rule(1) to the Returning Officer who shall cause such ballot paper to be included among the ballot papers of appropriate ward for counting of votes.

47. Sealing of ballot boxes.- (1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box becoming full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

1. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dt. 11.07.14 for words "Tendered Voters". Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 15-07-2014

2. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dt. 11.07.14 and sub-rule (2) & (3) are deleted. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 15-07-2014.

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48. Sealing of polling materials and other papers.- The presiding Officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of any candidate or election agent or polling agent who may be present, make up into separate packet and seal with his seal and the seal of such candidates or agents as may decide to affix their seals:-

- (a) the unused ballot papers,
- (b) the tendered ballot papers,
- (c) the spoilt and returned ballot papers,
- (d) the marked copy of the List of Voters,
- (e) the counterfoils of the ballot papers,
- (f) the list of tendered votes,
- (g) the list of challenged votes,
- (h) the votes by officers on election duty,
- (i) Ballot papers cancelled under sub-rule (7) of rule 37,
- (j) Any other papers directed by the Commission to be kept in a sealed packet.

The Presiding officer shall after sealing all the packet endorse on each packet a description of its contents.

49. Accounts of ballot papers.- (1) (a) The presiding officer shall at the close of the poll, prepare the ballot paper account in **Form 17**,

- (b) The presiding Officer shall place the ballot paper account in a separate envelope and endorse on it the words "ballot paper account."

(2) Where any ballot papers are given to him for use by election duty staff at his polling station who are voters of a different ward, the presiding officer shall at the close of the poll, also prepare a ballot paper account in **Form 18**. He shall place this ballot paper account in a separate envelope and endorse on it the words "ballot paper account for staff on election duty". He shall transmit this envelope to the Returning Officer.:

Provided that he shall prepare separate accounts of ballot papers ward wise.

50. Transmission of ballot boxes etc. to the returning officer.- (1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct.

- (i) the ballot boxes,
- (ii) the ballot paper account,
- (iii) the sealed packets under rule 48, and
- (iv) all other papers used at the poll.

(2) The returning officer shall make adequate arrangements for the safe transport of all the ballot boxes, packets and other papers and for their custody until the conclusion of the counting of votes.

51. Removal from polling station for misconduct.- If any person misconducts himself at a polling station, or fails to obey the lawful orders of the presiding officer or polling officer performing the duties of the presiding officer, he may immediately, by order of the presiding officer or such polling officer be removed from the polling station by any police officer or by any other person authorized in writing by the presiding officer or such polling officer to remove him and the person so removed shall not except with the permission of the presiding officer or such polling officer be allowed again to enter the polling station during the day:

Provided that this power shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

52. Postponement of poll in emergencies.- The State Election Commission may, for sufficient cause be recorded in writing, postpone the date or extend the period fixed for polling in case of emergencies such as disturbance of the public peace, natural calamity etc. Where a poll is so postponed, the State Election Commission shall endeavour to conduct the poll as soon as practicable.

53. Adjournment of poll.- (1) If at any election it is not possible to take the poll at any polling station or the proceedings at any polling station are interrupted or obstructed by riot, violence, disturbance of the public peace, natural calamity, the presiding officer for such polling station may adjourn the poll and shall forthwith inform the returning officer who shall in turn report to the Commission accordingly.

(2) Whenever a poll is adjourned the returning officer shall as-soon as may be with the previous approval of the State Election Commission, notify the date and hours during which and the polling stations at which the poll shall recommence and shall not count the votes cast at any such election until such adjourned poll shall have been completed.

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54. Procedure on adjournment of poll.- (1) If the poll at any polling station is adjourned under rule 53, the provisions of rules 47 to 50 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 25.

(2) When an adjourned poll is recommended under sub-rule (2) of rule 53, the voters who have already voted at the poll so adjourned shall not be allowed to vote again;

(3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of voters and new ballot boxes;

(4) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the list of voters to whom the ballot papers are issued at the adjourned poll, without however recording therein the serial number thereof.

(5) The provisions of rules 24 (2), 25 to 51 shall apply *mutatis mutandis* in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

¹55. Fresh poll in case of obstruction or damage of ballot boxes etc.-(1) The Returning Officer forthwith report the matter to the State Election Commission, if at any election -

- (a) any ballot box or voting machine used at a polling station is unlawfully taken out of the custody of the presiding officer or is accidentally or intentionally destroyed or lost or 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 recording or counting of votes; or
- (c) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station. or
- (d) booth capturing has taken place at a polling station in such a manner that the result of the counting at that polling station cannot be ascertained.

(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 the day and fix the hour for taking a fresh poll at the polling station and notify the day so appointed and the hour so fixed in such a 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 effect the result of the election or that the mechanical failure of the voting machine or that the error or irregularity in procedure is immaterial, issue such directions to the returning officer as it may deem appropriate for the further conduct and completion of the election.

(3) Where a report has been sent to the State Election Commission under sub-rule (1), the returning officer shall not commence counting of votes till he gets a clearance to do so from the State Election Commission.

(4) Where ballot boxes are used, the provisions of rules 25 to 51 shall apply *mutatis mutandis* in relation to the conduct of a fresh poll as they apply in relation to the originally scheduled poll.

(5) Where voting machine is used, the provisions of 25 to 29, 30A, 31A, 32A, 32B, 33, 34A, 35A, 36, 37A, 37B, 38A, 39, 40A, 41, 42, 43, 44A, 45A, 46A, 47A, 48A, 49A, 50A and 51 shall apply *mutatis mutandis* in relation to the conduct of fresh poll as they apply in relation to the originally scheduled poll.

(6) Where the presiding officer is of opinion that booth capturing is taken place at a polling station, whereat voting machines is being used, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit that from the control unit.

1. Subs. by notification by dated 25.08.1999

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Explanation.- For the purposes of sub-rule (1) of rule 55, "booth capturing" includes, among other things, all or any of the following activities, namely :-

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

(b) taking possession of 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 any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote.

(d) 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.]

¹[**56. Adjournment of poll on the death of a candidate.** - (1) If a candidate set up by a recognised political party.-

(a) dies at any time after 11.00 A.M. on the last date for making nominations and his nomination is found valid on scrutiny under rule 13; or

(b) whose nomination has been found valid on scrutiny under rule 13 and who has not withdrawn his candidature under rule 16, dies,

and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under rule 21; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll,

the Returning Officer shall, upon being satisfied about the facts of the death of the candidate, by order, announce an adjournment of the poll to a date to be notified later, and report the fact to the State Election Commission and also to State Government in Local Self Government Department.

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

(2) The State Election Commission shall on receipt of a report from the Returning Officer under sub-rule (1), call upon the recognised political party, whose candidate has died, to nominate another candidate for the said poll within five days of issue of such notice to such recognised political party and the provisions of rule 10 to 16, and 20 to 22 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under rule 16 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

(3) Where a list of contesting candidates had been published under rule 21 before the adjournment of the poll under sub-rule (1), the returning officer shall again prepare and publish a fresh list of contesting candidates under that rule so as to include the name of the candidate who has been validly nominated under sub-rule (2).

Explanation.- "recognised political party" means a political party recognised by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968.]

57.Appointment of date, time and place for counting of votes.- The returning officer shall at least one week before that date fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent:

Provided that if for any reason the returning officer thinks it necessary to do so he may alter the date, time and place or places so fixed or any of them after giving notice of the same in writing to each candidate or his election agent.

58. Counting agents.- (1) A candidate or his election agent may subject to such general or special directions the Election Commission may issue in this behalf from time to time appoint counting agents to remain present on his behalf at the time of counting of ballot papers.

(2) The number of counting agents that a candidate may appoint under the above sub-rule shall not exceed the number of counting tables including that of the returning officer.

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(3) Every appointment of a counting agent shall be made in **Form 19** in duplicate, one copy of which shall be forwarded to the returning officer while the other copy shall be made over to the counting agent for production before the returning officer not later than one hour before the ¹[time fixed for commencement of counting under these rules].

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

(5) The revocation of appointment of a counting agent made under sub-rule (1) shall be made in **form 20** and lodged with the returning officer.

(6) In the event of any such revocation before the commencement of the counting of votes, the candidate or his election agent may make a fresh appointment in accordance with sub-rule (2).

59. Appointment of counting supervisor and counting assistants.- Subject to the provision of rule 77, the returning officer may with the previous approval of the District Municipal Election Officer, appoint as many counting supervisors and counting assistants as may be needed by him to assist him in the counting.

60. Admission to the place fixed for counting.- (1) The returning officer shall exclude from the place fixed for counting of votes all persons except.

- (a) counting supervisors and counting assistants.
- (b) persons authorized by the State Election Commission.
- (c) public servants on duty in connection with the election.
- (d) candidates, their election agents and not more than one counting agent per counting table.

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

61. Maintenance of secrecy of voting.- Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes of an election shall maintain and aid in maintaining the secrecy of voting and shall not communicate to any person any information calculated to violate such secrecy.

62. Scrutiny and opening of ballot boxes.- (1) The returning officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such boxes counted simultaneously.

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

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

(4) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedures laid down in rule 55.

63. Counting and scrutiny of votes.- (1) Counting of votes shall be ward-wise.

(2) The ballot boxes relating to each polling station of the ward and the envelopes/covers containing the papers referred to in rule 46, shall be opened, and the ballot papers therein taken out and counted and the number thereof recorded in a statement and be verified from the statements received from the presiding officers. If the number of the ballot papers found in the ballot box does not tally with the statements in form 17, ¹[such discrepancy shall be recorded in Part II of Form 17]

(3) The returning officer shall then mix together all the ballot papers of the ward so taken out and distribute them in convenient bundles to the counting supervisors and counting assistants for counting:

Provided that no envelope containing the tendered ballot papers shall be opened and no such votes shall be counted.

(4) After the ballot papers have been so distributed, they shall be scrutinised and counted. The candidates or their counting agents may be given a reasonable opportunity to inspect the ballot papers without actually handling them.

1. Subs. by notification by dated 25.08.1999 for certain words.

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64. Rejection of ballot papers.- (1) The returning officer shall reject the ballot paper if :-

- (i) it bears any mark or writing by which the voter can be identified.
- (ii) it is void for uncertainty.
- (iii) no vote is recorded thereon.
- (iv) if it bears a mark against more than one candidate.
- (v) it bears the mark elsewhere than the space provided.
- (vi) it bears a mark made otherwise than with the instrument supplied for the purpose.
- (vii) the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given.
- (viii) it is a spurious ballot paper.
- (ix) it is so damaged or mutilated that its identity as genuine ballot paper cannot be established.
- (x) it bears a serial number or is of the design different from the serial number or as the case may be, design of the ballot paper authorised for use at a particular polling station.
- (xi) it does not bear the mark and the signature which it should have borne under the provisions of rule 35 :

Provided that if the returning officer is satisfied that any defect as is mentioned in (x) & (xi) has been caused by any mistake or failure on the part of the presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect :

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

(2) Before rejecting any ballot paper under sub-rule (1), the returning officer shall allow each candidate or his election agent or counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle any ballot paper.

(3) The returning officer shall endorse on every ballot paper which he rejects the word "rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(4) All ballot papers rejected under this rule shall be bundled together.

(5) The decision of the returning officer as to the rejection of ballot paper or otherwise shall be final.

(6) Every ballot paper which is not rejected under this rule shall be counted as valid vote¹[:]

²[Provided that for the purpose of forfeiture of security deposit valid votes means the total number of valid votes polled by all the candidates.]

65. Counting to be Continuous.- The returning officer shall as far as practicable proceed continuously with the counting and shall during any interval when the counting has to be suspended keep the ballot paper packets and all other papers relating to election sealed with his own seal and the seal of such candidate or election agent as may desire to affix their seal and take sufficient precaution for their custody during such interval.

³[**66. Preparation of result sheet of counting.-** After the completion of the counting the returning officer shall prepare the result in **Form 21** containing :-

- (i) the names of the candidates for whom valid votes have been given,
- (ii) number of valid votes given for each candidate.
- ¹[(iii) total number of votes given to NOTA (none of the above).
- (iv) number of votes declared invalid.
- (v) number of tendered votes.]

1. Subs. by the notification No. F.8(ga) () Rules/DLB/18/24669 dt. 19.02.19.

2. Ins. by the notification No. F.8(ga) () Rules/DLB/18/24669 dt. 19.02.19.

3. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dt. 11.07.14. Published in Rajasthan Gazette extraordinary Part 6(A) on dt. 15-07-2014.

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67. Announcement of results and recounting of votes.- (1) After the preparation of the result sheet as per rule 66, the returning officer shall announce the total number of votes polled by each candidate.

(2) After such announcement has been made the candidate or ¹[in his absence his counting agent] may apply in writing to the returning officer to recount the votes either wholly or in part stating the grounds on which he demands such recounting.

(3) On such application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it into, if it appears to him to be frivolous and unreasonable.

(4) Every decision of the returning officer under sub-rule (3) shall be in writing and containing the reasons therefore.

(5) If the returning officer decides under sub-rule (3) to allow the recounting of votes either wholly or in part he shall do recounting according to rule ²[64] and amend the result sheet to the extent necessary after such recounting and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or under sub-rule (5) in case a recount has been ordered under sub-rule (3), returning officer shall complete and sign the result sheet and no application for recounting shall be entertained thereafter:

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

68. Declaration of results. When the counting of votes has been completed the returning officer shall prepare a return of the results of the polling wardwise in **form 22** and shall declare the results in the following manner unless otherwise directed by the State Election Commission -

(a) The candidate who is found to have obtained the largest number of valid vote shall be declared to have been elected.

(b) If after the counting of votes, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the returning officer shall forthwith decide between these candidates by lot drawn in the presence of such candidates or their election agents and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared duly elected.

³**69. Oath of Office.-**Every Chairperson and every person who is elected to be a member of any municipality shall before entering upon his duties as such make and subscribe before the Collector or his nominee for the purpose an oath or affirmation in the form prescribed below:-

"I..... do solemnly swear (or affirm) that I will be faithful and bear true allegiance to the constitution of India as by law established & that I will loyally carry out the duties of the office upon which I am about to enter,

I take this pledge that I will remain committed towards cleanliness and devote time for this,

I will devote 100 hours per year, that is two hours per week, to voluntarily work for cleanliness,

I will neither litter nor let others litter. I will initiate the quest for cleanliness with myself, my family, my locality, my village and my work place,

I believe that the countries of the world that appear clean are so because their citizens don't indulge in littering nor do they allow it to happen,

With this firm belief, I will propagate the message of Swachh Bharat Mission in villages and towns,

I will encourage 100 other persons to take this pledge which I am taking today,

I will endeavour to make them devote their 100 hours for cleanliness, and

I am confident that every step I take towards cleanliness will help in making my country clean.

Signature of the Collector or his nominee

signature of the Deponent"

1. Subs. by notification by dated 25.08.1999.

2. Subs. for by notification dated 27.7.1995, for the figure '54'.

3. Substituted by notification no. F.8(G) () (Rules)DLB/19/24669 dated 05.08.2019

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70. Destruction or loss of ballot papers at the time of counting.- (1) If at any time before the counting of votes completed, any ballot papers used at the polling station are unlawfully taken out of the custody of the returning officer or accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent 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.

(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 a repoll at the polling station concerned, appoint the day and fix the hour for taking the repoll and notify the date so appointed and hour so fixed in such a manner as it may deem fit, or
- (b) if satisfied that the results of a fresh poll at that polling station or place will not in any way affect the result the Election Commission shall issue such directions to the returning officer as it may deem proper for 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) Provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

71. Grant of certificate to the elected candidate.- As soon as may be after a candidate is elected the returning officer shall grant to such a candidate a certificate of election in **form 23**, obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send it to the State Election Commission.

¹[**72. Publication of results.-** Subject to the general or specific order of the State Election Commission, the returning officer shall send the details of the elected members under rule 68 to the State Election Commission, for the publication of the name of the members in the Official Gazette.]

73. Custody of ballot papers and other papers relating to election.- The returning officer shall after declaring the result keep in safe custody the used ballot papers and other papers related to the election in separate packets which shall be sealed with the seal of the returning officer and of such candidates or election agents or counting agents as may desire to affix their seal thereon.

²[Provided that all voting machines used, if any, at an election shall be kept in such manner as the State Election Commission may direct.]

³[**74. Production and inspection of election papers.-** (1) While in the custody of the returning officer,

- (a) the packets of unused ballot papers with counterfoils attached thereto;
- (b) the packets of used ballot papers whether valid, tendered, rejected or cancelled;
- (c) the packets of the counterfoils of used ballot papers;
- (d) the packets of the marked copy of the List of Voters;
- (e) the packets containing registers of voters in form 14A; and
- (f) the packets of the declarations by electors and the attestation of their signatures;

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court.

(2) Subject to such conditions and to the payment of such fee as the election Commission may direct, all other papers relating to the election shall be open to public inspection and copies thereof shall on application be furnished.]

75. Disposal of election papers.- Subject to any direction to the contrary given by the Election Commission or by a competent court:-

(a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the Election Commission may direct;

(b) packets other than those as referred to in (a) above shall be retained for a period of one year and shall thereafter be destroyed:

Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the Election Commission;

(c) all other papers relating to the election shall be retained for such period as the Election Commission may direct.

1. Substituted by notification no. F.8(G) () (Rules)DLB/19/24669 dated 05.08.2019

2. Added by notification dated 25-8-99.

3. Substituted by notification no. F.8(G) () (Rules)DLB/19/24669 dated 05.08.2019

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76. Requisitioning of premises, vehicles etc. for election purposes.- (1) If it appears to the District Municipal Election Officer that in connection with an election held under these rules-

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

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate shall be requisitioned under this sub-rule until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by District Municipal Election Officer to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

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

¹[(4) Any person remaining in possession of any requisitioned premises in contravention of any order made under this rule may be summarily evicted from the premises by any officer empowered by the District Municipal Election Officer in this behalf.

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

Explanation:- For the purpose of this rule:-

- (a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
- (b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

77. Printing and clerical errors in electoral rolls.- If a question arises for the decision of the returning officer or a presiding officer under these rules whether an entry in the electoral roll relates to a particular person, the returning officer or the presiding officer as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing error therein.

1. Ins. by notification dated 27-7-95.

¹[CHAPTER III-A

Voting and counting of votes by Electronic Voting Machines.

77-A- Voting and Counting of votes by voting machines.- In relation to voting and counting of votes, custody, inspection and disposal of election papers etc., where voting machine is used,-

(a) the provisions of Chapter III, except rules 30 to 32, 34, 35, 37, 38, 40, 44 to 50, 54, 62 to 64, 74 and 75 shall, so far as may be, *mutatis mutandis* apply and any reference in those provisions to ballot paper shall be construed as including a reference to such voting machine.

(b) in lieu of rules 30 to 32, 34, 35, 37, 38, 40, 44 to 50; 54, 62 to 64, 74 and 75, the following corresponding rules shall apply, namely:-

"30-A- Arrangements at polling station.- (1) There shall be displayed outside each polling station-

(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station; and

(b) a copy of the list of contesting candidates along with names of their symbols.

(2) At each polling station, there shall be set up one or more voting compartments in which the voters can record their votes free from observation.

(3) The returning officer shall provide at each polling station one electronic voting machine, copies of the relevant part of the electoral roll and such other articles and materials necessary for voters to vote.

(4) Where a polling station is for both men and women, the presiding officer may direct that there shall be separate queues for men and women and those they be admitted into the polling station alternatively in separate batches.

31-A-Design of Electronic Voting Machines.- Every electronic voting machine (here in after referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the State Election Commission.

32-A- Preparation of voting machine by the returning officer.- Subject to the provisions of rule 34A, the returning officer shall-

²[(a) fix the ballot paper containing the names and symbols of the contesting candidates and NOTA (none of the above) in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;]

(b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

32-B- Preparation of voting machine for poll.- (1) For securing the control unit of voting machine the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the candidates, election agents and polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefore in the control unit of voting machine and shall secure and seal the same.

(3) The seal used for securing the control unit of voting machine shall be fixed in such manner that after the unit has been sealed it is not possible to press the "result section" without breaking the seal.

(4) Every control unit and balloting unit of the voting machine used at a polling station shall bear labels, both inside and outside marked with:-

(a) the serial number of the ward and name of municipality;

(b) the serial number and name of the polling station;

(c) the serial number of the unit; and

(d) the date of poll.

(5) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the labels referred to in sub-rule (4).

(6) The control unit shall than be closed, sealed and secured and placed in full view of the presiding officer and the candidates, election agents and polling agents present and the balloting unit placed in the voting compartment.

1. Inserted by notification dated 25.8.1999, new chapter IIIA.

2. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dated 11.07.14. Published in Rajasthan Gazette extraordinary Part 6(A) on dated 15-07-2014.

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34-A- Form of ballot paper.- (1) Every ballot paper shall be in such form as may be prescribed by the State Election Commission.

(2) The names of the candidates shall be shown on the ballot paper in the same manner and arranged in the same order in which they appear in the list of contesting candidates ¹[and NOTA (none of the above)] shall also be shown on ballot paper.]

(3) the particulars on the ballot paper shall be in Hindi in Devnagri script.

(4) The ballot papers shall be serially numbered.

(5) The symbol allotted to the candidates under rule 20 shall be shown alongside the name of the candidate on the ballot paper ¹[and symbol fixed for NOTA (none of the above) shall also be shown alongside the NOTA (none of the above) on the ballot paper];

(6) The space allotted to each candidate ¹[and for NOTA (none of the above)] on the ballot paper shall have the same dimensions.

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

35-A- Procedure for voting by voting machines.- (1) Before permitting a voter to vote, the polling officer shall-

(a) record the electoral roll number of the voter as entered in the marked copy of the electoral roll in a register of voters in **Form 14-A**;

(b) obtain the signature or thumb impression of that voter on the said register of voters;

(c) mark the name of the voter in the marked copy of the electoral roll to indicate that he has been allowed to vote,

Provided that no voter shall be allowed to vote unless he has put his signature or thumb impression on the register of voters.

(2) (a) Before permitting a voter to vote, the presiding officer shall cause a mark to be put on the left forefinger of the voter with an indelible ink;

Provided that where such a mark already exists on the left forefinger of the voter, it shall be deemed that he had cast his vote already at the election and shall not be permitted to vote.

Provided further that no voter shall be allowed to vote unless he has allowed a mark to be put on his left forefinger with an indelible ink.

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

(3) It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the voter on the register of voters.

1. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dated 11.07.14. Published in Rajasthan Gazette extraordinary Part 6(A) on dated 15-07-2014.

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37-A- Procedure for voting and secrecy of voting.- (1) Every voter who has been permitted to vote under rule 35-A shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure here-in-after laid down.

(2) Immediately on being permitted to vote, the voter shall proceed to the presiding officer or the polling officer incharge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit activate the balloting unit, for recording of the voter's vote.

(3) The voter shall thereafter forth with;

(a) proceed to one of the voting compartments;

¹[(b) record his vote by pressing the button on the balloting unit against the name and symbol for the candidate for whom he intends to vote or NOTA (none of the above) for those who may wish to exercise the option of not voting for any of the candidate in the fray]; and

(c) come out of the voting compartment and quit the polling station.

(4) Every voter shall vote without undue delay.

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

(6) If a voter who has been permitted to vote under rule 35-A or 44-A, refuses after warning given by the presiding officer, to observe the procedure as laid down in sub-rule (3), the presiding officer or a polling officer under the direction of presiding officer shall not allow such voter to vote.

(7) Where a voter is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated, shall be made against the name of voter in the register of voters in Form 14-A by the presiding officer under his signature.

37-B- Presiding Officer's entry in the voting compartment during poll.- (1) The presiding officer may whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

(2) If the presiding officer has reason to suspect that a voter who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress the poll.

(3) Whenever the presiding officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

38-A- Recording of votes of blind or infirm voters.-(1) If the presiding officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to recognize the symbols on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the presiding officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

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

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

(2) The presiding officer shall keep a record in Form 12 of all cases under this rule.

1. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dated 11.07.14. Published in Rajasthan Gazette extraordinary Part 6(A) on dated 15-07-2014.

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40-A. Identity of voter.- At any time before permitting the voter to vote the presiding officer or polling officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at such polling station and shall, if so required by a candidate or polling agent, satisfy himself by putting to the voter such questions as he may deem necessary that such person is identical with the voter to whom such entry relates.

44-A- Tendered Votes.- (1) if a person representing himself to be a particular voter seeks to vote after another person has already voted as such voter, he shall on satisfactorily answering such question balloting unit, supplied with a tendered ballot paper which shall be of such design as the State Election Commission may specify.

(2) Every such person shall, before being supplied with a tendered ballot paper, write his name against the entry relating to him in a list in **Form 14-B**.

- (3) On receiving the ballot paper he shall forthwith, -
- (a) proceed to the voting compartment;
 - (b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote.
 - (c) fold the ballot paper so as to conceal his vote.
 - (d) show to the presiding officer, if required, the distinguishing mark on the ballot paper.
 - (e) give it to the presiding officer who shall place it in a cover specially kept for the purpose; and
 - (f) leave the polling station.

(4) If owing blindness or physical infirmities, such voter is unable to record his vote without assistance; the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 38-A for recording the vote in accordance with his wishes.

¹[XXX 45-A deleted]

46-A. Voting by officers on election duty.- (1) A presiding officer, polling officer or any other person who is on duty in the same ward in which he is a voter and at a polling station at which he is not entitled to vote may make an application to the returning officer in **Form 15** to allow him to vote at the polling station at which he is on duty. If on such application the returning officer certifies in **Form 16** that the applicant is entitled to vote at the election for the ward in connection with which he is employed, he may be allowed to record his vote at that polling station.

Provided that the returning officer shall mark "EDC" against the name of voter to whom certificate in **Form 16** has been issued, in the marked copy of electoral roll to indicate that an election duty certificate has been issued and ensure that the voter is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

(2) On production of such certificate, the presiding officer, shall -

- (a) obtain thereon, the signature of the person producing it;
- (b) have the person's name and electoral roll number and part number, along with name of polling station as mentioned in the certificate, entered at the end of the marked copy of the electoral roll; and
- (c) permit him to cast his vote in the same manner as for a voter entitled to vote at that polling station.

(3) After recording the vote under sub-rule (2), the certificate referred to in sub-rule (1) shall be placed in an envelope and sealed by the presiding officer.

(4) A presiding officer, polling officer or any other person being on election duty in a ward of any municipality but who is a voter in different ward or municipality, wishes to vote by post at an election for a ward of any municipality in which he is a voter, may make an application in **Form 15A** to the returning officer of the municipality in which he is a voter, so as to reach that returning officer at least 4 days or such shorter period as that returning officer may allow before the date of poll; and if that returning officer is satisfied that the applicant is a voter on election duty in the other ward or municipality he shall issue a postal ballot paper to the voter on election duty togetherwith -

1. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dated 11.07.14. Published in Rajasthan Gazette extraordinary Part 6(A) on dated 15-07-2014.

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- (a) a declaration in **Form 16A**;
- (b) a cover in **Form 16B**;
- (c) a larger cover in **Form 16C**; and
- (d) instructions for the voter in **Form 16D**.

Provided that the returning officer shall at the same time -

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

Provided further that every postal ballot paper, shall have a counterfoil attached thereto, and the postal ballot paper and the counterfoil shall be in such design as the State Election Commission may direct.

(5) The returning officer shall seal up in a separate packet the counterfoils of the postal ballot papers issued to voters.

(6) (a) The voter, referred to in sub-rule (4), shall record his vote on the postal ballot paper in accordance with the directions contained in Form 16D and then enclose it in the cover in Form 16B.

(b) The voter shall sign the declaration in Form 16A in the presence of, and have the signature attested by any gazetted officer or by the presiding officer of the polling station at which he is on election duty.

(c) **After the voter has recorded his vote and made a declaration in Form 16A, he shall return the postal ballot paper and declaration to the returning officer in accordance with the directions contained in Form 16D so as to reach the returning officer before the time fixed for the commencement of counting of votes.**

(7) In relation of voting by postal ballot paper referred to in sub-rule (4) such procedure, subject to provisions of this rule, shall be adopted as may be specified by the State Election Commission.

47-A. Sealing of voting machine after close of poll.- (1) As soon as practicable after the closing of the poll, the presiding officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from control unit.

(2) The control unit and balloting unit shall thereafter be sealed and secured separately in such manner as the State Election Commission may direct and the seal used for securing them shall be so fixed that it will not be possible to open the units without breaking the seals.

(3) The polling agents or election agents or candidates present at the polling station, who desires to affix their seals, shall also be permitted to do so.

48-A. Sealing of polling materials and other papers.- The presiding officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of any candidate or election agent or polling agent who may be present, make up into separate packet and seal with his seal and the seal of such candidates or agents as may desire to affix their seals:-

- (a) the marked copy of the electoral roll;
- (b) the tendered ballot papers,
- (c) the list of tendered votes,
- (d) the list of challenged votes,
- (e) the certificate in Form 16 produced by officers on election duty,
- (f) the register of voters in Form 14-A,
- (g) any other papers directed by the State Election Commission to be kept in a sealed packet.

The presiding officer shall after sealing all the packet endorse on each packet a description of its contents.

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49-A. Accounts of votes recorded.- (1) The presiding officer shall at the close of the poll, prepare an account of votes recorded in Form 14-C.

(2) The presiding officer shall place the account of votes recorded in a separate envelope and endorse on it the words "Account of Votes Recorded".

50-A. Transmission of voting machines etc. to the returning officer.- (1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct -

- (i) the voting machine,
- (ii) the account of votes recorded in **Form 14-C**,
- (iii) the sealed packets under rule 48-A, and
- (iv) all other papers used at the poll.

(2) The returning officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers and for their safe custody until the conclusion of the counting of votes.

54-A. Procedure of adjournment of poll.- (1) If the poll at any polling station is adjourned under rule 53, the provisions of rules 47A, 48A, 49A and 50A shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 25.

(2) When an adjourned poll is recommended under sub-rule (2) of rule 53, the voters who have already voted at the poll so adjourned shall not be allowed to vote again;

(3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of voters, register of voters in Form 14-A and a new voting machine.

(4) The presiding officer shall open the sealed packet in the presence of the candidates, or election agents or polling agents present and use the marked copy of the electoral roll for marking the names of the voters who are allowed to vote at the adjourned poll.

(5) The provisions of rules 25 to 29; 30A, 31A, 32A, 32B, 33, 34A, 35A, 36, 37A, 37B, 38A, 39, 40A, 41, 42, 43, 44A, 45A, 46A, 47A, 48A, 49A, 50A and 51 shall apply *mutatis mutandis* in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

62-A. Scrutiny and inspection of voting machines.- (1) The returning officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The returning officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(4) If the returning officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 55, in respect of the polling station where that machine was used.

63-A. Counting of votes.- (1) After the returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purposes in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the returning officer shall have-

- ¹[(a) the number of such votes recorded separately in respect of each candidate and NOTA (none of the above) in Part-II of Form 14 C.]

1. Subs. Vide notification No. F.8(ga) () Rules/DLB/14 dated 11.07.14. Published in Rajasthan Gazette extraordinary Part 6(A) on dated 15-07-2014.

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- (b) Part II of Form-14 C completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and
- (c) corresponding entries made in a result sheet in Form 21 and the particulars so entered in the result sheet announced.

(3) No envelope containing the tendered ballot papers shall be opened and no such votes shall be counted.

63-B. Sealing of voting machines after counting of votes.- (1) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II of Form 14C and Form 21 under rule 63 A, the returning officer shall reseal the unit with his seal and the seals of such of the candidates or their election agent present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the returning officer shall record the following particulars, namely :-

- (a) the name of the municipality with ward number;
- (b) the particulars of polling station where the control unit has been used.
- (c) serial number of the control unit;
- (d) date of poll; and
- (e) date of counting;

64-A. Counting and rejection of postal papers.-(1) Subject to general or specific direction given in this behalf by the State Election Commission, the provisions under rule 64 shall apply in relation to rejection of postal ballot papers referred to in sub - rule (4) of rule 46-A.

Provided that postal ballot paper shall be rejected if recording of vote therein is not in-accordance with the directions contained in Form 16 D.

(2) The returning officer shall record the result of counting of votes received by post, if any, in the result sheet in Form 21 and announce the same.

74-A. Production and inspection of election papers.- (1) While in the custody of the returning officer,

- (a) the packets of unused postal ballot papers with counter foils attached thereto;
- (b) the packets of used postal ballot papers weather valid, rejected or cancelled, and counter-foils thereof;
- (c) the packets of used or unused tendered ballot papers;
- (d) the packets of the marked copy of electoral roll;
- (e) the packets containing register of voters in Form 14-A;
- (f) the packets of the declaration by electors and the attestation of their signatures; -

shall not be opened, inspected or produced except under the orders of a competent court.

(2) The control units sealed under rule 63 B and kept in the custody of the returning officer shall not be opened, inspected or produced except under the orders of a competent court.

(3) Subject to such conditions and to the payment of such fee as the State Election Commission may direct, all other papers relating to the election shall be open to public inspection and copies thereof shall on application be furnished.

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75-A. Disposal of election papers.- Subject to any direction to the contrary given by the State Election Commission or by a competent court :-

- (a) the packets of unused postal ballot papers and tendered ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the State Election Commission may direct;
- (b) the voting machines kept in custody of the returning officer under sub-rule (2) of rule 74 A shall be retained intact for such period as the State Election Commission may direct.
- (c) packets other than those as referred to in sub-rule (1) of rule 74 A shall be retained for a period of one year and shall thereafter be destroyed.

Provided that packets containing the counterfoils of used postal ballot papers shall not be destroyed except with the previous approval of the State Election Commission;

- (d) all other papers relating to the election shall be retained for such period as the State Election Commission may direct.]

[CHAPTER – IV] Election of Chairperson

[78. Election of Chairperson :- (1) The office of the Chairperson of a Municipality shall be filled by a person chosen by elected members of the Municipality.

Explanation: "Elected member" means a member elected from a ward of the Municipality.

(2) A person shall be eligible for being chosen as, or holding the office of, a Chairperson, if he is qualified and is not disqualified under the provisions of the Act for being chosen as a member of the Municipality.

(3) An elected member shall also be eligible for being chosen as, or holding office, of a Chairperson.

(4) Notwithstanding anything contained in sub-rule (2) and (3), a person shall not be eligible for being chosen as, or for holding office of, a Chairperson, if he is a member of the Parliament or the State legislative Assembly or is a member or Chairperson of a Panchayati Raj Institution.

(5) A person or an elected member, as the case may be, shall not be qualified to be chosen to fill the post of the Chairperson unless,-

- (a) in the case of an office of the Chairperson reserved for the Scheduled Castes or Scheduled Tribes or the Backward Classes, such person is a member of any of these Castes or Tribes or Classes, as the case may be;
 - (b) in the case of an office of the Chairperson reserved for a woman, such person belongs to the female sex; and
 - (c) in the case of an office of the Chairperson reserved for a woman belonging to the Scheduled Castes or Scheduled Tribes or the Backward Classes, such person is a member of any of these castes or tribes or classes, as the case may be, and belongs to the female sex.
- (6) The provisions of the rule 10 to 23, 56, 71 to 75, 86, 87 and 88 shall apply *mutatis mutandis* to the election of a Chairperson, subject to following modifications: -
- (i) that the nomination paper for the office of a Mayor shall not be valid unless accompanied with a receipt of security deposit of Rs. 30000/- in case of general candidate and Rs. 15000/- in case of woman candidate and candidates belonging to Scheduled Castes, Scheduled Tribes and Backward Classes;

1. Substituted by notification No. F.8(Ga)() Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16-10-2019.

- (ii) that the nomination paper for the office of President shall not be valid unless accompanied with a receipt of security deposit of Rs. 20000/- in case of general candidate and Rs. 10000/- in case of woman candidate and candidates belonging to Scheduled Castes, Scheduled Tribes and Backward Classes;
- (iii) that the nomination paper for the office of Chairman shall not be valid unless accompanied with a receipt of security deposit of Rs. 10000/- in case of general candidate and Rs. 5000/- in case of woman candidate and candidates belonging to Scheduled Castes, Scheduled Tribes and Backward Classes;
- (iv) that a candidate shall not be deemed to be duly nominated for election of the office of a Chairperson unless the nomination paper is subscribed by an elected member as a proposer,
- (v) the last date for filing of nominations shall be the second day after the day on which the result of elected members is declared, or if that day is public holiday, the next succeeding day, which is not a public holiday;
- (vi) the date for scrutiny of the nomination papers shall be the day next to the last date for the filing of nominations, or if that day is public holiday, the next succeeding day, which is not a public holiday;
- (vii) the date for withdrawal of candidature shall be the day next to the date of scrutiny of the nomination papers, or if that day is public holiday, the next succeeding day, which is not a public holiday;
- (viii) the symbol shall be allotted to the contesting candidates immediately after the expiry of time fixed for withdrawal of candidature;
- (ix) the design and form of the ballot papers shall be specified by the State Election Commission. The particulars on the ballot paper shall be in Hindi in Devnagri script;
- (x) the poll shall be taken, if necessary, in the meeting of elected members to be held in the office of the Municipality on the third day after the date for the withdrawal of the candidature or in exceptional circumstances any other later day as may be fixed by the State Election Commission. The votes shall be counted and result shall be declared immediately after the conclusion of the poll;
- (xi) the Returning Officer shall affix notice of meeting of elected members on the notice board of the municipality immediately after the expiry of time fixed for withdrawal of candidature stating therein,-
 - (a) 10.00 AM to 02.00 PM as the hours of poll;
 - (b) counting of votes shall be made immediately after completion of poll; and
 - (c) every contesting candidate, whether he is elected member or not, is entitled to attend the meeting to watch the proceedings of poll and counting of votes. However only elected member is entitled to cast his vote in the meeting;
- (xii) the Returning Officer may extend time for poll, if necessary or may declare the poll as finally concluded earlier in case all the elected member holding office have voted;
- (xiii) a person or elected person after chosen as Chairperson of a Municipality shall hold his office after taking oath before the Collector or his nominee in form prescribed under rule 69;
- (xiv) references to Form 1, Form 2, Form 3, Form 4, Form 5, Form 6, Form 7, Form 8, Form 22A and Form 23 shall be construed as including references to Form 1A, Form 2A, Form 3A, Form 4A, Form 5A, Form 6A, Form 7A, Form 8A, Form 22AA and Form 23A respectively; and
- (xv) reference to Schedule VI shall be construed as including reference to Form 22A-1."

¹[78-A. Filling up of vacancy of Chairperson.- (1) Any vacancy occurring otherwise than by efflux of time shall be filled by holding bye-election ²[in accordance with the provisions of rules as existed at the time of election of the Chairperson who vacated the office]and the persons so elected as Chairperson shall hold office for the residue of the term of his predecessor:

Provided that a person who has been removed from the office of Chairperson under the provisions of the Act, shall be ineligible for re-election to such office for the remaining term of the municipality.]

(2) The date for such bye-election shall be fixed by the State Election Commission.

1. Ins.by notification No. F.8(Ga)() Rules/DLB/19/23179, dt. 31.01.19
 2. Ins.by notification No. F.8(Ga)() Rules/DLB/19/32442, dt. 09.09.19

¹[CHAPTER - V]
¹[Election of Vice-Chairperson]

¹[79. Meeting for election of a Vice-Chairperson.- (1) The office of the Vice-Chairperson of a Municipality shall be filled by a member of the Municipality elected from amongst its elected members.

(2) ²[The meeting of electedmembers]for election of a Vice-Chairperson shall be held in the office of the Municipality at 10 A.M. on the day immediately succeeding the day on which the result of³[Chairperson]is declared:

Provided that the State Election Commission may, for reasons to be recorded in writing, direct the elections of Vice-Chairperson to be held on some other day and time as it deems fit.

80. Notice of Meeting.- The Returning Officer shall affix notice of the meeting on the notice board of the municipality immediately after the declaration of the result of ⁴[election ofChairperson]stating therein-

- (a) 10 A.M. to 11 A.M. as the time for filing nomination;
- (b) 11.30 A.M. as the time for commencement of scrutiny of nomination papers;
- (c) 2 P.M. as the time before which candidature may be withdrawn;
- (d) 2.30 P.M. to 5 P.M. as the hours of poll, if necessary;
- (e) counting shall be made immediately after completion of poll:

Provided that the Returning Officer may extend time for poll, if necessary or may declare the poll as finally concluded earlier in case all the members holding office have voted.

81. Filing of nomination papers.- (1) The nomination of every candidate shall be made by means of a nomination paper in the form prescribed in Schedule-I.

(2) Every nomination paper shall be signed by a member as proposer and the candidate shall sign a declaration on it expressing his willingness to stand for the election.

(3) Each candidate shall be nominated by a separate nomination paper.

1. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dated 31.01.19

2Ins. by notification No. F.8(ga) () Rules/DLB/2019/34554-35010, dated 19.10.19

3. Ins. by notification No. F.8(Ga)() Rules/DLB/19/33841-34298 dt. 16.10.19

4. Ins.by notification No. F.8(Ga)() Rules/DLB/19/33841 dt. 16.10.19

THE RAJASTHAN MUNICIPALITIES (ELECTION) RULES, 1994

(4) Every nomination paper shall be presented by the candidate or his proposer on the date, at the place and during the hours specified in the notice for filing nomination paper.

(5) Immediately after the time for receipt of nomination papers are over, the returning officer shall cause to be published a list in the form prescribed in Schedule-II containing the names of the candidates whose nominations have been received.

82. Scrutiny of nomination paper.- (1) At the time appointed for scrutiny of nominations, the candidate or his proposer may attend at such place and time as is specified in the notice for the scrutiny of nomination papers and the returning officer shall give such person all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may either on such objection, or on his own motion and after such summary enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following grounds :-

- (a) that the proposer is a person who is not a member of the ¹[Municipality];
- (b) that any of the provisions of sub-rule (1) to (4) of Rule 81 have not been complied with:

Provided that the nomination of a candidate shall not be rejected merely on the ground of incorrect description of his name or of the name of his proposer or of any other particulars relating to the candidate or his proposer, if the identity of the candidate or proposer as the case may be otherwise be established beyond reasonable doubt.

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

83. Publication of the list of nomination candidates.- The returning officer shall cause to be published a list containing the names of the validly nominated candidates in the form prescribed in Schedule-III by affixing it on the notice board of the municipality.

84. Notice of withdrawal of candidature.- (1) any candidate may withdraw his candidature by a notice in writing in the form prescribed in Schedule-III-A before the time fixed under clause (c) of rule 80 and deliver the same to the returning officer personally.

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

(3) The returning officer shall arrange the names of contesting candidate according to Hindi alphabets in written Devnagri script prepare the list of contesting candidates in the form prescribed in Schedule-III-B and affix it on the notice board of the municipality.

Explanation.- Alphabetical arrangement shall be made with reference to the names of candidates and not with reference to their surnames, if any.

85. Procedure after publication of list of contesting candidates.- (1) If there is only one candidate, there shall be no poll and the candidate so nominated shall be declared to have been duly elected as the ¹[Vice-Chairperson] in the form prescribed in Schedule-V.

(2) If there are two or more of such candidates, an election shall be held by secret ballot and votes of the members present at the meeting shall be taken.

(3) If there is no validly nominated candidate, all proceedings in relation to election shall be commenced afresh.

1. Substituted by notification No. F.8(ga) () Rules/DLB/19/23179 dated 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dated 01-02-2019.

THE RAJASTHAN MUNICIPALITIES (ELECTION) RULES, 1994

86. Voting. - (1) The returning officer shall cause such arrangement to be made as will ensure the secrecy of the ballot.

(2) Returning officer will be assisted by Polling Officer to be appointed by District Municipal Election Officer.

(3) The ballot paper shall be in the form prescribed in Schedule- IV and shall be duly authenticated by the seal and signature of the returning officer. The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates. The polling officer shall tick mark the entry in the list of members before issuing ballot paper.

(4) Every member wishing to vote shall place a cross mark on the ballot paper against the name of the candidate whom he wants to vote by means of the instrument supplied for the purpose by the returning officer and by no other instrument.

(5) He shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the returning officer.

(6) If the voter is illiterate or is unable to place a mark on the ballot paper owing to blindness or other physical infirmity the returning officer or another member chosen by the voter shall record the vote on the ballot paper in accordance with the wishes of the voter and fold it up so as to conceal the vote and the voter shall then himself or with the assistance of the Returning Officer insert the ballot paper into the ballot box.

(7) The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn.

(8) Every person wishing to record his vote shall do in person can be introduced therein but cannot be withdrawn.

87. Procedure of counting and declaration of result.- (1) The returning officer shall scrutinise the ballot paper and separate those which in his opinion are valid from those which in his opinion are invalid endorsing on the latter the word "rejected" and the ground of rejection.

(2) A ballot paper shall be invalid on the following grounds-

(i) that it bears any mark or signature by which an elector can be identified, or

(ii) that the mark is placed against more than one name, or

(iii) that no mark is recorded on the face of the ballot paper or the mark is so placed that it could not be ascertained for whom the vote has been given or the mark is made by any instrument other than the one supplied for the purpose by the returning officer, or

(iv) that it is a spurious ballot paper.

(3) Every ballot paper which is not rejected under the foregoing sub-rule shall be counted as one valid vote.

(4) If after the counting of the votes is completed, an equality of votes is found between any candidate and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidate by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

(5) The candidates who secures the largest number of votes shall be declared elected.

(6) The declaration of result of election of ¹[Vice-Chairperson] shall be made in the form prescribed in Schedule-VI.

1. Substituted by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

THE RAJASTHAN MUNICIPALITIES (ELECTION) RULES, 1994

88. Preparation of record of Proceeding and publication of result of election.- Immediately after the declaration of the result, the returning officer shall :-

- (a) prepare a record of the proceeding in the form prescribed in Schedule-VIII.
- (b) publish on the notice board of the municipality a notification signed by him stating the name of the person elected as ¹[Vice-Chairperson] and send a copy of such notification
 - (i) to the State Election Commission for publication in the Official Gazette,
 - (ii) to the Collector concerned,
 - (iii) to the Director of Local Bodies Rajasthan, Jaipur and
 - (iv) to the State Government.

89. Packing, preservation, production and inspection of election record.- (1) The returning officer shall then make up into packets the ballot papers and other papers relating to the election, seal up the packets and note thereon a description of the contents and the election to which it relates.

(2) The packets shall be retained in safe custody of the District Municipal Election Officer concerned for a period of six months and shall then, unless otherwise directed by the competent court be destroyed.

(3) While in the custody of the District Municipal Election Officer, the packets of the election papers shall not be opened and their contents shall not be inspected by or produce before any person or authority except under the order of a competent court.

²[**90. Election of Vice-Chairman.-**]

²[**91. Election of President.-**]

²[**92. Election of Vice-President.-**]

²[**93. Election of Mayor.-**]

²[**94. Election of Deputy Mayor.-**]

¹[**95. Filling up of vacancies of Vice-Chairperson .-** (1) Any vacancy occurring otherwise than by efflux of time shall be filled by holding bye-election ³[in accordance with the provisions of rules as existed at the time of election of the Vice-Chairperson who vacated the office] and the persons so elected as Vice-Chairperson shall hold office for the residue of the term of his predecessor:

Provided that a person who has been removed from the office of Vice-Chairperson under the provisions of the Act, shall be ineligible for re-election to such office for the remaining term of the municipality.

(2) The date for such bye-election along with notice period to members shall be fixed by the State Election Commission.

(3) The declaration of result of such election shall be made in the form prescribed in schedule-VII.

96. First Meeting of the Municipality.- The meeting held for the election of the ⁴[Chairperson] of a municipality shall be the first meeting of the municipality.

97. Removal of difficulties.- If any difficulty arises in the implementation of these rules, the State Election Commission or any authority directed by it, may by an order in writing give directions as may appear necessary to it for the removal of any such difficulty.

-
1. Substituted by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.
 2. Deleted by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.
 3. Substituted by notification No. F.8(ga) () Rules/DLB/2019/32442 dated 09.09.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dated 09-09-2019.
 4. Substituted by notification No. F.8(Ga)() Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16-10-2019.

¹[**SCHEDULE – I**]
[Rule - 81 (1)]

Nomination form of election to the office of ²[Vice-Chairperson of the *Municipal Board/Council/Corporation
.....

1. Full name of the candidate
2. Father's or Husband's name
3. Age
4. Sex
5. Caste
6. Address
7. Full name and address of the proposer

Signature of the proposer

Place

Date

Candidate's Declaration

I, The above named candidate, give my consent to this nomination and hereby declare that I do not hold any of the disqualifications enumerated in the Rajasthan Municipalities Act, 1959 and that I am qualified to be candidate for the seat under the provisions of the said Act.

I further declare that I am setup at this election by (Name of the Party)

Place

Date

Signature of the Candidate

Endorsement by the Returning Officer

S.No.

This nomination paper was presented to me by (Name) at
(date and hour).

Place

Date

Signature of the Returning Officer

Order of the Returning Officer

Accepted/Rejected

Reasons for rejection

Place

Date

Signature of the Returning Officer

ACKNOWLEDGEMENT

Received nomination paper of Shri for election as of
.....* Municipal Board / Municipal Council/Municipal Corporation which was presented to me at
..... (time) this day of 20..... by Shri

Place

Date.....

Signature of the Returning Officer

* Score out if inappropriate.

1. Subs. by notification dt. 11.7.14
2. Amended by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

SCHEDULE - II

[Rule-81 (5)]

List of candidates proposed for nomination for election as of Municipal *Board/Council/Corporation.

S.No.	Name and description of candidate	Address of Candidate	Remarks
1.			
2.			
3.			
4.			
5.			
6.			
Place			
Date			Signature of the Returning Officer
* Score out if inappropriate.			

SCHEDULE - III

[Rule-83]

List of candidates validly nominated for election as of Municipal *Board/Council/ Corporation.

S.No.	Name and description of candidate	Address of Candidate	Remarks
1.			
2.			
3.			
4.			
5.			
6.			
Place			
Date			Signature of the Returning Officer
* Score out if inappropriate.			

SCHEDULE - III-A

[Rule-84]

Notice of Withdrawal

Election to the office of ¹[Vice-Chairperson Municipal Board/ Municipal Council/ Corporation.

To

Returning Officer

.....Municipality

I, ... a candidate nominated at the above election given notice that I withdraw my candidature.

Signature of Candidate

This notice was delivered to me in my office at(hour) on..... (date)
by Shri the candidate personally.

Returning Officer

* Score out if inappropriate.

1. Subs. Ch. IV Election of Chairperson by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

SCHEDULE - III-B
[See Rule-84 (3)]
List of Contesting Candidates

Election to the office of ¹ [Vice-Chairperson Municipal Board/ Municipal Council/ Corporation.			
S.No.	Name of candidate	Address of Candidate	Remarks
1.			
2.			
3.			
4.			
5.			
Place			
Date.....			Returning Officer
* Score out if inappropriate.			

SCHEDULE - IV
(See Rule-86 (3))
BALLOT PAPER

Election to the office of ¹[Vice-Chairperson Municipal Board/ Municipal Council/ Corporation.

Sign. and Seal of R.O.

S.No.	Name of Candidate	Vote Mark
1.		
2.		
3.		
4.		
5		
....and so on		
	² [NOTA (none of the above)]	

Place	Signature of the Returning Officer
Date	
*Score out if inappropriate	

SCHEDULE - V
(See Rule 85)
(For use in election when seat is uncontested)

Declaration of the result of election to the office of ¹[Vice-Chairperson of Municipal Board/ Council/Corporation.

In pursuance of the provision contained in sub-rule (1) of rule 85, I declare that -
 Name
 Address

has been duly elected unopposed to fill the office of ¹[Vice-Chairperson of Municipal Board/ Council/Corporation.

Place	Returning Officer
Date	
* Score out if inappropriate.	

1. Subs. Ch. IV Election of Chairperson by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

SCHEDULE - VI
(See Rule 87)

(For use in election when seat is contested)

Declaration of the result of election to the office of ¹[Vice-Chairperson Municipal
*Board/ Council/Corporation.

In pursuance of the provision contained in sub-rule (6) of rule 87, I declare that -

..... Name
..... Address

has been duly elected to fill the office of ¹[Vice-Chairman Municipal *Board/
Council/Corporation.

Place

Date

Returning Officer

* Score out if inappropriate.

SCHEDULE - VII
(See Rule 95)

(For use in election to fill a casual vacancy)

Declaration of the result of election to the office of ¹[Vice-Chairperson Municipal
*Board/ Council/Corporation.

In pursuance of the provision contained in rule 95, I declare that -

..... Name
..... Address

has been duly elected to fill the vacancy of ¹[Vice-Chairman caused by the
*resignation/death/ removal/passing of no-confidence motion against election has been
rendered void of Shri.....

Returning Officer

* Score out if inappropriate.

1. Amended by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

SCHEDULE - VIII

(See Rule 88)

Proceeding of Election/Bye-election of ¹[Chairman/Vice-Chairperson/President/Vice-President/Mayor/Deputy Mayor of Municipal *Board/ Municipal Council/Municipal Corporation.

1. Date of Election _____
2. Place of Election _____
3. Hours of Poll _____
4. Name of Returning Officer _____
5. Total Members holding office _____
6. Total Members present in meeting _____
7. Names of members present in meeting (List enclosed) _____
8. Total No. of Polling Officers appointed _____
9. Counting :-
(a) Commencement time for counting _____
(b) Time for declaration of result _____
10. Result _____

S.No.	Names of candidates	Votes Polled	Name of *Vice-Chairperson declared elected
1.			
2.			
3. and so on			
	² [NOTA (none of the above)]		

Total valid votes polled

Total invalid votes polled

Total votes polled

Returning Officer

Signature by Members

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

1. Amended by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19.
2. Ins. by notification dated. 11.7.14

¹[FORM 1
(See Rule 10)
PUBLIC NOTICE OF INTENDED ELECTION
ELECTION TO THE MUNICIPAL *BOARD/COUNCIL/CORPORATION

Notice is hereby given that -

(1) A general election is to be held to fill the seats to the following Municipal Board/ Council/ Corporation.....

or

*(1) A election is to be held to fill the seats of the following wards of the Municipal Board/Council/ Corporation.

S.No.	Ward Number with name of Municipal Board/ Council/Corporation	Whether ward is general, reserved for S.C., S.T., Backward Classes ² [Women or person having special qualification specified under section 21A.]
1	2	3
1.		
2.		
3.		
4.		

(2) The schedule for the election is as follows :

- (a) Dates and hours between which nomination papers shall be received - from _____ to _____ between 10.30 AM to 3.00 PM (other than public holidays)
- (b) Date for scrutiny of nomination papers/...../.....
- (c) Last date for withdrawal of candidature/...../.....
- (d) Date for poll/...../.....
- (e) Hours of poll..... A.M. to P.M.

By Order of the State Election Commission.
Secretary, State Election Commission.

Place

Date/...../.....

*Score out the words not applicable.

³[FORM 1A
(See Rule 78)

I

PUBLIC NOTICE OF INTENDED ELECTION TO THE OFFICE OF
CHAIRPERSON OF MUNICIPAL
BOARD/COUNCIL/CORPORATION

Notice is hereby given that-

(1) A *general election/bye-election is to be held to fill the office of the Chairperson of the following Municipal *Board/Council/Corporation.....

(2) The schedule for the election is as follows:

- (a) Dates and hours between which nomination papers shall be received - from _____ to _____ between 10.30 AM to 3.00 PM (other than public holidays)
- (b) Date for scrutiny of nomination papers/...../.....
- (c) ⁴Date for withdrawal of candidature/...../.....
- (d) Date for poll/...../.....
- (e) Hours of poll..... A.M. to P.M.

By Order of the State Election Commission.

Place..... Date...../...../.....

*Score out the words not applicable.

1. Subs. by notification dated 25.8.1999
2. Subs. by notification dated 15.9.2009
3. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Subs. by No. F.8(ga) () Rules/DLB/19/28176 dated 31.05.19 in effect by dated 01.06.19.
4. Amended by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19.

¹[FORM 2

(See Rule 11)

PUBLIC NOTICE OF ELECTION

Election to the Municipal Board/Council/Corporation Ward Number
Notice is hereby given that :-

(1) An election is to be held to fill seats of the following wards -

S.No.	Ward No.	Whether general, reserved for S.C., S.T., Backward Classes ² [Women or person having special qualification specified under section 21A]
1	2	3
1.		
2.		
3.		
4.		
5.		

(2) Nomination papers may be delivered by a candidate or his proposer to the Returning Officer, or to Assistant Returning Officer, at between 10.30 AM and 3.00 PM on any day not later than the

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

(4) The nomination papers will be taken up for scrutiny at my office at hours on/...../.....

(5) Notice of withdrawal of candidature may be delivered by a candidate, or where the candidate is in jail or police custody, by any person authorised by him in this behalf in person to me at my office during hours before 3 P.M. on/...../.....

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

Place.....

Date/...../.....

Returning Officer]

³[FORM 2A

(See Rule 78)

PUBLIC NOTICE OF ELECTION

Election to the office of Chairperson of Municipal *Board/Council/Corporation
Notice is hereby given that-

(1) An election is to be held to fill the office of Chairperson of Municipal *Board/Council/ Corporation.....

(2) The aforesaid office is *general or reserved for..... (mention category)

(3) Nomination papers may be delivered by a candidate or his proposer to the Returning Officer, or to..... Assistant Returning Officer, at..... between 10.30 AM and 3.00 PM on any day not later than the

(4) Forms of nomination paper may be obtained at the place and time aforesaid.

(5) The nomination papers will be taken up for scrutiny at my office at hourson...../...../.....

(6) Notice of withdrawal of candidature may be delivered by a candidate, or where the candidate is in jail or police custody, by any person authorised by him in this behalf in person to me at my office during hours before 3 P.M. on...../...../.....

(7) In the event of the election being contested, the poll will be taken on...../...../..... between the hours of...../..... and.....⁴[in the meeting of elected members to be held in the municipality.]

Place.....

Date...../...../.....

Returning Officer

*Score out the words not applicable.

1. Subs. by notification dated 25.8.1999.
2. Subs. vide notification no. 1444 dated 15.9.2009.
3. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary . Subs. by No. F.8(ga) Rules/DLB/19/28176 dated 31.05.19 in effect by dated 01.06.19.
4. Amended by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19.

¹[FORM - 3

(See rule 12)

NOMINATION PAPER

Election to the Municipal *Corporation/Council/ Board
Ward Number

[Strike off Part I or Part II below whichever is not applicable.]

PART - I

(To be used by the candidate set up by recognised political party)

1. I nominate as a candidate for election to the Municipal of
from Ward Number Candidates Name Father's
/Mother's/Husband's name Sex
Age Postal Address
.....
His name is entered at S.No. in the Part No. of
electoral roll for the Ward Number

2. My name is and it is entered at S.No.
..... in the Part No. of electoral roll for Ward Number
.....

Date/...../.....

(Signature of the proposer)

PART - II

(To be used by candidate NOT set up by recognised political party)

We hereby nominate as candidate for election to the ward number of Municipal
.....

Candidate's name

Father's /Mother's/Husband's name

Sex Age

His postal address
.....

His name is entered at Sl. No. in Part No. of the electoral roll for the Ward
No. of Municipal

We declare that we are electors of the above Ward No. and our names are entered in the
electoral roll for that ward as indicated below and we append our signatures below in token of subscribing
to this nomination :-

-
1. Subs. by notification dt. 25.08.99, for existing form 3.

PARTICULARS OF THE PROPOSERS AND THEIR SIGNATURES :-

S.No.	Electoral Roll No. of proposer			Full name	Signature	Date
	Ward No.	Part No. of electoral roll	S.No. in that part			
1	2	3	4	5	6	7
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
N.B. There should be five electors of the ward of the Municipality as proposers.						

PART - III

3. I, the above mentioned candidate, assent to this nomination and hereby declare:-

- (a) that I have completed years of age;
- ® (b) that I am set up at this election by party;
- or
- that the symbols I have chosen are :-
- (i)..... (ii) (iii)
- (c) that my name and my father's/mother's/husband's name have been correctly spelt out above in Hindi in Devnagri Script and I request that my name may be entered as such on the ballot paper.
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being elected to the Municipality.
- (e) that I have filed /not filed nomination paper in Ward Number /any other Ward.
4. ® I further declare that I am a member of the caste/tribe/class, which is a Scheduled Castes/Scheduled Tribes/Backward Classes in Rajasthan State. I am enclosing herewith an authenticated copy of the caste/tribe/class certificate issued by on / /

Date/...../.....

(Signature of the candidate)

® Score out this paragraph if not applicable.

PART - IV

(To be filled in by the Returning Officer)

1. Serial Number of the nomination paper is
2. This nomination was delivered to me at my office at (hours) on/...../..... (date) by the *candidate/proposer.

Date/...../.....

Returning Officer

PART - V

(Decision of Returning Officer)

I have examined this nomination paper and decide as follows.

.....
.....

Date

Returning Officer

PART - VI

(To be filled in by the Returning Officer and given to the person presenting the nomination paper).

1. Serial Number of the nomination paper
2. This nomination was delivered to me at my office at
(hours) on/...../.....(date) by the *candidate/proposer.

Date/...../.....

Returning Officer

¹[FORM 3A

(Seerule78)

NOMINATIONPAPER

Election to the office of Chairperson of Municipal* Corporation/Council/Board

PART - I

1. I, an elected member, nominate as a candidate for election to the office of Chairperson ofMunicipal *Corporation/Council/Board of
2. CandidatesName.....
- 3Father's/Mother's/Husband'sname.....Sex.....Age.....
- 4.PostalAddress
- 5.His name is entered at S.No. in the Part No.
.....ofelectoralrollfortheWardNumber..... of the Municipality.
- 6.Mynameis..... andI am elected member from the ward
Number.....of the Municipality.

Date/...../.....

(Signatureoftheproposer)

PART-II

1. I, the above mentioned candidate, assent to this nomination and hereby declare:-
 - (a) that I have completed years of age;
 - (b) that I am set up at this election by.....party;or
 - (c) that the symbols I have chosen are:-
 - (i)
 - (ii)
 - (iii)
 - (d) that my name and my father's/mother's/husband's name have been correctly spelt out above in Hindi in Devnagri Script and I request that my name may be entered as such on the ballot paper.
 - (e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being elected to the Municipality.
2. I further declare that I am a member of the
caste/tribe/class, which is a Scheduled Caste/Scheduled Tribe/Backward Classes in Rajasthan State. I am enclosing herewith an authenticated copy of the caste/tribe/class certificate issued by.....on...../...../.....
3. I also declare that I am not a member of Parliament or a member of the StateLegislative Assembly or a Member or Chairperson of a Panchayati Raj Institution.
Date/...../.....

(Signatureofthecandidate)

1. Substitutedby notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19 is hereby superseded, and notification No. F.8(ga) () Rules/DLB/19/34299 dt. 16.10.19 shall come into force with effect from 16.10.2019. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19.

PART- III

(To be filled in by the Returning Officer)

1. Serial Number of the nomination paper is.....
2. This nomination was delivered to me at my office at.....(hours)
on...../...../.....(date) by the *candidate/proposer.

Date/...../.....

Returning Officer

PART- IV

(Decision of the Returning Officer)

I have examined this nomination paper and decide as follows.

.....
.....

Date...../...../.....

Returning Officer

PART-V

(To be filled in by the Returning Officer and given to the person presenting the nomination paper).

1. Serial Number of the nomination paper.....
2. This nomination was delivered to me at my office at.....
(hours) on...../...../.....(date) by the *candidate/proposer.

Date...../...../.....

Returning Officer

*Score out the words if not applicable.

FORM 4

(See Rule 15)

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the Municipal
Ward Number

Sr. No.	Name of the Candidate	Address	Party affiliation	Category of candidate
1.				
2.				
3.				
4.				
etc.				

Place.....

Date...../...../.....

Returning Officer

¹[FORM 4A

(See Rule 78)

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the office of Chairperson of Municipal

Sr. No.	Name of the Candidate	Address	Party affiliation	Category of candidate
1.				
2.				
3.				
4.				
etc.				

Place.....

Date...../...../.....

Returning Officer

1. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

FORM - 5

(See Rule 16)

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the Municipal

Ward Number

To,

The Returning Officer,

Ward No.,

Sir,

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

Date

Signature of validly nominated candidate.

(To be filled by the Returning Officer)

This notice was delivered to me at my office at hours on

*(1) by the candidate personally, or

*(2) by Shri/Smt..... person duly authorised by the candidate as the candidate is in jail/police custody proof of which has been given to me.

Date

Returning Officer

*Score out the words if not applicable

ACKNOWLEDGEMENT

(To be filled in by the Returning Officer and given to the person presenting the notice of withdrawal)

The notice of withdrawal of candidature by Shri/Shrimati Number was delivered to me at my office at hours on

*(1) by the candidate personally/or through his proposer, or

*(2) by Shri/Shrimati person duly authorised by the candidates as the candidate is in jail/police custody proof of which has been given to me.

Date

Returning Officer

* Score out the words if not applicable.]

¹[FORM - 5A

(See Rule 78)

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the office of Chairperson of Municipal

To,

The Returning Officer,

Municipal.....,

Sir,

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

Date

Signature of validly nominated candidate.

(To be filled by the Returning Officer)

This notice was delivered to me at my office at hours..... on

*(1) by the candidate personally, or through his proposer, or

*(2) by Shri/Smt. person duly authorised by the candidate as the candidate is in jail/police custody proof of which has been given to me.

Date

Returning Officer

ACKNOWLEDGEMENT

(To be filled in by the Returning Officer and given to the person presenting the notice of withdrawal)

The notice of withdrawal of candidature by Shri/Shrimati Number was delivered to me at my office at hours on

*(1) by the candidate personally/or through his proposer, or

*(2) by Shri/Shrimati person duly authorised by the candidates as the candidate is in jail/police custody proof of which has been given to me.

Date

Returning Officer

* Score out the words if not applicable]

1. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

FORM - 6

(See Rule 21)

LIST OF CONTESTING CANDIDATES

Election to the Municipal

Ward Number

S.No.	Name of the Candidate	Address	Party Affiliation	Symbol Allotted
1.				
2.				
3.				
4.				
etc.				

Place

Date

Returning Officer

¹FORM - 6A

(See Rule 78)

LIST OF CONTESTING CANDIDATES

Election to the office of Chairperson of Municipal

S.No.	Name of the Candidate	Address	Party Affiliation	Symbol Allotted
1.				
2.				
3.				
4.				
etc.				

Place

Date

Returning Officer]

1. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

FORM - 7

[See Rule 23 (1)]

APPOINTMENT OF ELECTION AGENT

Election to the Municipal.....
Ward Number.....

To,
The Returning Officer,
Ward No.,

Sir,

I, ... a candidate at the above election do hereby appoint
Shri/Shrimati of as my election agent from this date for the above election.

Yours faithfully,

Date/...../.....

Signature of the candidate

I accept the above appointment

Place
Date/...../.....

Signature of the election agent

Signature and seal of the
Returning Officer

¹FORM - 7A

[See Rule 78]

APPOINTMENT OF ELECTION AGENT

Election to the office of Chairperson of Municipal

To,
The Returning Officer,
Municipal.,

Sir,

I, ... a candidate at the above election do hereby appoint
Shri/Shrimati of as my election agent from this date for the above election.

Yours faithfully,

Date/...../.....

Signature of the candidate

I accept the above appointment

Place
Date/...../.....

Signature of the election agent

Signature and seal of the
Returning Officer]

1. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

FORM - 8
[See Rule 23 (2)]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

Election to the Municipal.....
Ward Number.....

To,
The Returning Officer,
Ward No.,

Sir,
I, ... a candidate at the above election hereby revoke the
appointment of Shri/Shrimati

Yours faithfully,

Date

Signature of the candidate

¹**[FORM - 8A**
[See Rule 78]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

Election to the office of Chairperson of Municipal

To,
The Returning Officer,
Municipal.,

Sir,
I, ... a candidate at the above election hereby revoke the
appointment of Shri/Shrimati

Yours faithfully,

Date

Signature of the candidate]

1. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

FORM - 9
[See Rule 26 (3)]

***APPOINTMENT OF POLLING AGENT**

Election to the Municipal Ward
Number

I, ... candidate/the election agent of who is candidate at the
above election do hereby appoint Shri/Shrimati (name and address in full) as a polling agent to
attend polling station No..... name on the day of the poll.

Date Signature of the candidate/election agent

I agree to act as such polling agent.

Date Signature of the polling agent

Declaration of polling agent (to be signed before the Presiding Officer)

I hereby declare that at the above election, I will 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.

Signature of the polling agent

Signed before me

Dated..... Presiding Officer

* to be handed over to the polling agent for production at the Polling Station.

¹[FORM - 9A^(deleted)]

-
1. Omitted by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on
dt. 16.10.19.
-

FORM - 10
[See Rule 26 (5)]

REVOCATION OF APPOINTMENT OF POLLING AGENT

Election to the Municipal

Ward Number

To,

The Presiding Officer,

Polling Station Number

Polling Station Name

Sir,

I, ... a candidate/the election agent of Shri/Shrimati..... a candidate at the
above election hereby revoke the appointment of Shri/Shrimati as polling agent.

Date Signature of the candidate / election agent

¹[FORM - 10A^(deleted)]

-
1. Omitted by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on
dt. 16.10.19.
-

¹[FORM - 11(xxx)]

-
1. Omitted by notification dt. 11.07.14, the Form 11.

FORM - 12

[See Rule 38 (2)]

LIST OF BLIND AND INFIRM ELECTORS

Election to the Municipal
Ward Number
Polling Station Number
Polling Station Name

¹ [Sr. No. and Part No. of the elector]	Full Name of the elector	Full Name and address of the Companion	Signature of the companion
(1)	(2)	(3)	(4)

Date

Signature of Presiding Officer

1. Subs. by ibid, for word "Sr. No. of the elector in the ward Roll."

FORM - 13

(See Rule 43)

LIST OF CHALLENGED VOTES

Election to the Municipal of Ward Number
Polling Station Number Polling Station Name

Sr. No.	Name of Elector	Sr. No. & Part No. of the elector	Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
1	2	3	4	5	6	7	8	9
1.								
2.								
3.								
4.								
etc.								

Date

Signature of the Presiding Officer

FORM - 14

[See Rule 44 (2)]

LIST OF TENDERED VOTES

Election to the Municipal Ward Number
.....

Polling Station Number

Polling Station Name

Sr. No.	Sr. No. & Part No. of the elector	Name and address of the elector	Serial Number of the tendered ballot paper	Signature or thumb impression of the elector
1	2	3	4	5

Date

Signature of the Presiding Officer

FORM - 14A

(See Rule 35A)

REGISTER OF VOTERS

Election to the Municipal Board/Council/Corporation from Ward No.

No. and Name of Polling Station.....

Part No. of Electoral Roll

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

Signature of the Presiding Officer]

¹FORM - 14B

(See Rule 44A)

LIST OF TENDERED VOTES

Election to the Municipal Board/Council/Corporation
from Ward No.

No. and Name of Polling Station.....
Part No. of Electoral Roll

S.No	Name of elector	S.No. of elector in the electoral roll	S.No. in register of voters (form 14A) of the person who has already voted in place of elector.	Signature/Thumb impression of elector
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
etc.				

Date

Signature of the Presiding Officer]

1. Ins. by notification dt. 25.8.99.

FORM - 14C

[See Rule 49A and 63A (2)]

PART 1 - ACCOUNT OF VOTES RECORDED

Election to the Municipal Board/Council/Corporation
from Ward No.

No. and Name of Polling Station.....

Identification No. of Voting Machine used at the Polling Station

Control Unit

Balloting Unit.....

1. Total No. of electors assigned to the Polling Station.
2. Total No. of voters entered in the Register of Voters (Form 14A).
3. No. of voters deciding not to record votes under rule 45A.
4. No. of voters not allowed to vote under rule 35A or 37A.
5. Total No., of votes recorded as per voting machine.
6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus Nos. of voters deciding not to record votes as against item 3 minus No. of voters as against item 4 (2-3-4) or any discrepancy noticed.
7. No. of voters to whom tendered ballot papers were issued under rule 44A.
8. No. of tendered ballot papers.

Sl.No. From to

(a) received for use

(b) issued to electors

(c) not used and returned

9. Account of papers seals

Sl. Nos.

From

To

Signature of polling agents.

- | | |
|---|---------|
| 1. Serial Numbers of paper seals supplied | 1 |
| From.....to..... | 2. |
| 2. Total numbers supplied | 3. |
| 3. Number of paper seals used | 4. |
| 4. Number of unused paper seals returned to | 5. |
| Returning Officer (Deduct item 3 from item 2) | 6. |
| 5. Serial Number of damaged paper Seal, | 7. |
| if any | |

Date

Place

Signature of Presiding Officer
Polling Station No.

PART II - RESULT OF COUNTING

S.No.	Name of Candidate	No. of votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
.....		
Total		

Whether the total numbers of votes shown above tallies with the total no. of votes shown against the item no. 5 of Part I or any discrepancy noticed between the two totals.

Place

Date

Signature of Counting Supervisor

Name of candidate / election agent/ counting agent

Full Signature

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

.....
.....

Signature of Returning Officer]

¹[FORM-14CC^(deleted)

-
1. Omitted by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19.

FORM - 15

(See Rule 46)

APPLICATION FOR ELECTION DUTY CERTIFICATE

Election to the Municipal of Ward Number

To,
The Returning Officer,
Ward Number

Sir,

I intend to cast my vote in person at the ensuing election to the above ward. My name is entered at Serial Number ¹[in part No..... of the electoral roll] for the above ward.

I have been posted on election duty at Polling Station Number Polling Station Name of Ward Number ²[XXX]

I request that an Election Duty Certificate in Form 16 may be issued to enable me to vote at the polling station where I will be on duty on the polling day. It may be sent to me at the following address-

.....
.....

Yours faithfully,
()

Date

FORM - 15A

[See Rule 46A (4)]

Application for postal ballot paper

To,
The Returning Officer,
Municipal Board/Council/Corporation
.....
(Ward No.)

Sir,

I intend to cast my vote by post at the ensuing election to the Municipal Board/Council/Corporation from Ward No.

My name is entered at Serial No. in Part No. of electoral roll for the above ward.

I have been posted on election duty at Polling Station No.; Polling Station Name of Ward No. in the above Municipal Board/Council/Corporation.

I request that postal ballot paper may be given/sent to me personally at the following address :-
.....

Place
Date

Yours faithfully,

Signature.....
Name]

-
1. Subs. by notification dt. 27.7.95, for wards "of the ward Roll".
 2. Omitted by ibid, for expression "ward name"

FORM - 16
(See Rule 46)

ELECTION DUTY CERTIFICATE

Election to the Municipal
Ward Number

Certified

That Shri/Shrimati is an elector in the Ward No. His name is entered at
Sr. No. in Part No. of the electoral roll].

That by reason of his being on election duty he is unable to vote at the polling station where he is entitled to
vote and that he is therefore hereby authorized to vote at :

Polling Station Number
Polling Station Name

where he is to be on duty on the date of poll.

Date
Place

Signature and Seal of
the Returning Officer

**¹[FORM - 16A
[See rule 46A (4)(a)]**

DECLARATION BY ELECTOR

Election to the Municipal Board/Council/Corporation.....

I hereby declare that I am the voter to whom the postal ballot paper bearing serial number
..... has been issued at the election to *the office of Chairperson/seat from Ward No. of
the above Municipal Board/Council/Corporation.

Date

Signature of the voter

Address

Attestation of signature

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

Signature of identifier, if any

Signature of Attestation Officer

Address

Designation.....

Address.....

Date

* Score out the words not applicable]

**¹[FORM - 16B
[See rule 46A (4)(b)]**

[COVER A]

A

NOT TO BE OPENED BEFORE COUNTING ELECTION

to the office of *Chairperson/Seat from Ward No. of Municipality

POSTAL BALLOT PAPER

Serial number of ballot paper

* Score out the words if not applicable."]

-
1. vide notification No. F.8(G) () Rules/DLB/19/23179 dt. 31.01.19, Form 16A, 16B and 16C were substituted, and vide notification No.F.8(G) () Rules/DLB/19/23176 dt. 31.05.19, effective from 01.06.19.

¹[FORM - 16C
[See rule 46A (4)(c)]
[COVER B]

[Every officer under whose care or through whom
a postal ballot paper is sent shall ensure its delivery
to the addressee without delay]

ELECTION - IMMEDIATE

POSTAL BALLOT PAPER

For the office of @Chairperson/Seat from *Ward No..... of
Municipality

(NOT TO BE OPENED BEFORE COUNTING)

To
The Returning Officer

** Signature
of Sender

Sender's Signature

@ Score out the words if not applicable.

* Returning Officer to insert here the name of the appropriate Ward No. and name of municipal body.

** Returning Officer to mention here his full postal address.]

1. vide notification No. F.8(G) () Rules/DLB/19/23179 dt. 31.01.19, Form 16A, 16B and 16C were substituted, and vide notification No.F.8(G) () Rules/DLB/19/23176 dt. 31.05.19, effective from 01.06.19.

¹[FORM-16D

[Seerule46A(4)(d)&78]

INSTRUCTIONS FOR GUIDANCE OF ELECTORS

(To be used at an election to the office of **Chairperson/seat from a ward of a Municipality)

Election to the Municipal**Board/Council/Corporation.....

The persons whose names are reprinted on the postal ballot papers sent herewith. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to give your vote or NOTA (none of the above) if you wish to exercise the option of not voting for any of any of the candidate in the fray. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid.

The number of members to be elected is one. Please remember that you have only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise. You may then sign the declaration in Form 16A also sent herewith in the presence of any gazetted officer or by the Presiding Officer of the polling station in which you are on election duty and obtain the attestation of your signature by such officer.

You may take the declaration to the aforesaid officer and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your postal ballot paper to the attesting officer nor tell him how you have voted.

After your declaration has been signed and your signature has been attested, place the declaration in Form 16A also in the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by messenger or personally. You have to give full signature in the space provided on the cover marked 'B'.

You must ensure that the cover reaches the Returning Officer before on.....

Please note that:-

- (i) if you fail to get your declaration attested in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the returning officer after*

..... on the* your vote will not be counted.

*Here specify the hour and date fixed for the commencement of counting of votes.

**Score out the words not applicable.]

1. Subs. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

¹[FORM 17

[See Rule 49 (1)]

BALLOT PAPER ACCOUNT

Election to the Municipal
 Ward Number
 Polling Station Number
 Polling Station Name

PART - I

		Serial Nos.		Total Nos.
		From	To	
1.	Ballot paper received			
2.	Ballot paper unused (i.e. not issued to voters) -			
	(a) With the signature of the Presiding Officer			
	(b) Without the Signature of the Presiding Officer			
	Total : (a+b)			
3.	Ballot paper used at the* Polling Station (1) - (2) = (3)			
4.	Ballot paper used at the Polling Station but NOT INSERTED INTO THE BALLOT BOX :			
	(a) Ballot papers cancelled for violation of voting procedure*			
	(b) Ballot papers cancelled for other reasons*.			
	(c) Ballot papers used as tendered ballot papers.			
	Total : (a+b+c)			
5.	Ballot papers to be found in * the ballot box [(3) - (4) = (5)]			

Date.../.../....

Signature of the Presiding Officer

* Serial No. need not be given.

PART - II

Result of initial counting
(To be used at the counting centre)

1. Total number of ballot papers found in the ballot box(es) used at the polling station
2. Discrepancy, if any, between the total number as shown against item 1 in this Part and the total number of ballot papers to be found in the ballot box(es) shown in item 5 of Part 1

Date

Signature of Counting Supervisor

Signature of Returning Officer.

1. Subs. by notification dt. 25.8.99.

¹[FORM 17A^(deleted)]

1. Omitted by notification No. F.8 ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19.

FORM 18

[See Rule 49 (2)]

ELECTION DUTY STAFF BALLOT PAPER ACCOUNT

Election to the Municipal

*Ward Number

(*Mention here the ward number of the ward from which the election duty staff are entitled to vote and are voting)

@Polling Station Number Polling Station Name Ward Number

@mention here the particulars of the ward from where the election duty staff are actually voting.)

		Serial	Numbers	Total Nos.
		From	To	
1	Ballot paper received	_____	_____	_____
2	Ballot papers used	_____	_____	_____
3	Ballot papers spoiled	_____	_____	_____
4	Ballot papers unused	_____	_____	_____

Date

Signature of the Presiding Officer

FORM 19
[See Rule 58 (3)]
APPOINTMENT OF COUNTING AGENT

Election to the Municipal
Ward Number

To,
The Returning Officer,
Ward Number

Sir,

I..... a candidate/the election agent of Shri/Shrimati..... who is a candidate at the above election, do hereby appoint the following persons as my counting agents to be present during the counting of votes :-

Serial Number	Name of the counting agent	Address of the counting agent
1.		
2.		
3.		
etc.		

Signature of candidate/election agent

We agree to act as such counting agents

Serial Number	Name of the counting agent	Signature of the counting agent
1.		
2.		
3.		
etc.		

Declaration of counting agents
(To be signed before the Returning Officer)

I/We hereby declare that at the above election I/We will 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.

Serial Number	Name of the counting agent	Address of the counting agent
1.		
2.		
3.		
etc.		

Signed before me

Returning Officer

Date...../...../.....

¹[FORM 19A (deleted)]

1. Omitted by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19.

FORM 20
[See Rule 58 (5)]

REVOCATION OF APPOINTMENT OF COUNTING AGENT

Election to the Municipal
Ward Number

To,
The Returning Officer,
Ward Number

Sir,

I,..... a candidate/the election agent of Shri/Shrimati..... a candidate at the
above election hereby revoke the appointment of Shri/Shrimati..... as counting agent.

Date...../...../.....

Signature of the candidate/election agent

¹[FORM 20A (deleted)]

1. Omitted by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19.

¹[FORM 21
(See Rule 66)
FINAL RESULT SHEET

Election to the Municipal Board/Council/Corporation
Ward Number

Serial Number 1	Name of the candidate 2	Party affiliation 3	Number of votes polled 4
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
....	NOTA (none of the above)	_____	_____

Total Number of valid votes polled
Total of column no. 4 of above table
Total Number of vote for NOTA (none of the above).....
Total Number of rejected votes
Total Number of tendered votes

Returning Officer

1. Subs. by notification No. F.8(ga) () Rules/DLB/14 dt.11.07.14. Published in Rajasthan Gazette Part 6 (A) on dt. 11.07.14

¹[FORM 21A^(deleted)

1. Omitted by notification No. F.8(ga) () Rules/DLB/19/33841 dt. 16.10.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 16.10.19

FORM 22

Declaration of Result

(See Rule 68)

(To be filled ward wise)

Returns showing the result of election for seat of ward number ¹[of Municipal Board/Council/ Corporation]

Date of Counting.....

Serial Number	Name of the candidate	(Party affiliation)	Number of votes polled
1	2	3	4

Total votes

Total Number of valid votes polled

Total of the column no. 4 of above Table

Total Number of votes for NOTA (None of the Above)

Total Number of rejected votes

Total Number of tendered votes

I declare that (name) of (address)
has been duly elected to fill the seat of Ward No. of Municipal Board/Council/Corporation.

Place

Date

Returning Officer

²[FORM 22A

(See Rule - 19)

(For use in Election when seat is uncontested)

Declaration of the result of election under rule 19 of Rajasthan Municipalities (Election) Rules, 1994.

Election to the ward No. of Municipal

In pursuance of the provisions contained in rule 19 of Rajasthan Municipalities (Election) Rules, 1994,
I declare that :-

..... (Name)

..... (Address)

Sponsored by

(name of the recognised political party)

has been duly elected to fill the seat in the above ward.

Place

Date

Signature

Returning Officer.]

1. Subs. by notification dt. 25.08.99.

2. Added by notification dt. 27.07.95, new form 22A.

¹[FORM 22A-I
(See Rule 78)

Declaration of Result

Returns showing the result of election to the office of Chairperson of Municipal

Date of Counting.

Sr. No.	Name of the candidate	Party affiliation	Number of valid votes
---------	-----------------------	-------------------	-----------------------

Total votes

Total Number of valid votes polled

Total Number of votes for NOTA (None of the Above)

Total Number of rejected votes

Total Number of tendered votes

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

Place

Date

Returning Officer

* Score out the words not applicable.]

¹[FORM 22AA
(See Rule - 78)

(For use in Election when seat is uncontested)

Declaration of the result of election under rule 19 read with rule 78 of Rajasthan Municipalities (Election) Rules, 1994.

Election to the office of Chairperson of Municipal

In pursuance of the provisions contained in rule 19 read with rule 78 of Rajasthan Municipalities (Election) Rules, 1994,

I declare that :-

(Name) (Address) Sponsored by
..... (name of the recognised political party) has been duly elected to fill the office of
Chairperson of above Municipalities.

Place

Date

Signature

Returning Officer.]

1. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

FORM 23
(See Rule 71)

CERTIFICATE OF ELECTION

Election to the Municipal
Ward Number

I, the Returning Officer for Ward Number for the Election to the Municipal..... of hereby certify that I have on the day of 20 declared Shri/Shrimati of sponsored by (name of the recognised political party) to have been duly elected by the said ward in the election to be a Member and that in token thereof, I have granted to him this certificate of election.

Date
Place

Signature and Seal of
the Returning Officer

¹FORM 23A

(See Rule 78)

CERTIFICATE OF ELECTION

Election to the office of Chairperson of Municipal

I, the Returning Officer for the Election to the Municipal of hereby certify that I have on the day of 20 declared Shri/Shrimati of sponsored by (name of the recognised political party) to have been duly elected the office of Chairperson of the said Municipality and that in token thereof, I have granted to him this certificate of election.

Date
Place

Signature and Seal of
the Returning Officer]

1. Ins. by notification No. F.8(ga) () Rules/DLB/19/23179 dt. 31.01.19. Published in Rajasthan Gazette extraordinary Part 6 (A) on dt. 01-02-2019.

THE RAJASTHAN MUNICIPALITIES REGISTRATION OF ELECTORS ORDER, 1974

PART - V

STATUTORY RULES AND ORDERS

*2. THE RAJASTHAN MUNICIPALITIES REGISTRATION OF ELECTORS ORDER, 1974

ELECTION DEPARTMENT

NOTIFICATION

Jaipur, June 12, 1974

No. F1(2)(1)M/Elec./74/2230.- In exercise of the powers conferred under Section 297 read with Section 16 and 21 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby makes the Rajasthan Municipalities Registration of Electors Order regarding preparation, revision and special revision of electoral rolls, namely :-

1. Short title and commencement.- (1) This Order may be called the Rajasthan Municipalities Registration of Electors Order, 1974.

(2) It shall come into force on the date of its publication in the official gazette.

2. Repeal.- On this order coming into force, the previous order issued in this behalf under the laws and enactments shall stand repealed.

3. Definition.- In this order unless the subject or context otherwise requires,-

¹[(i) "Act" means the Rajasthan Municipalities Act, 2009 (Act 18 of 2009);

(ii) "Form" means a form appended to this order, and includes a translation thereof in the language in which the electoral roll is prepared;

¹[(iii) "Electoral Registration Officer" means the Electoral Registration Officer designated or nominated by the State Election Commission under section 13 of the Act;

²[(iiia) "Revenue Appellate Authority" means officer appointed with that designation under the provisions of the Rajasthan Land Revenue Act, 1959 (Act No. 15 of 1956)

(iv) "Roll" means the electoral roll for a ward of a Municipality;

(v) "Section" means a section of the Act;

(vi) Words and expression used but not defined in this order shall have the meaning assigned to them in the Act.

4. Form and language of Roll.- The roll for each ward of a Municipality shall be prepared in Hindi in Devnagri Script and in such form as the ³[State Election Commission] may direct.

5. Preparation of roll in parts.- (1) The roll shall be divided into convenient parts which shall be numbered consecutively.

(2) The number of names included in any part of the roll shall not ordinarily exceed two thousand.

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

6. Information to be supplied by occupants of dwelling houses.- The Electoral Registration Officer may, for the purpose of preparing the roll send letters of request in Form 1 to the occupants of dwelling houses in the ward or any part thereof, and every person receiving any such letter shall furnish the information called for therein to the best of his ability.

* First published in the Rajasthan Gazette, Extraordinary, Part VI-A, dated June 13, 1974.

1. Substituted by notification no. F.8(G) () (Rules)DLB/19/24669 dated 05.08.2019

2. Ins. by notification dt. 25.8.99 sub clause (iiia).

3. Subs. by notification dt. 16.8.94, for the words "State Government".

THE RAJASTHAN MUNICIPALITIES REGISTRATION OF ELECTORS ORDER, 1974

7. Access to certain registers.- For the purpose of preparing any roll or deciding any claim or objection to a roll any Electoral Registration Officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institution and such register to give to the said officer or person such information and such extracts from the said register as he may require.

8. Publication of roll in draft.- (1) As soon as the roll for a Ward of a Municipality is ready, the Electoral Registration Officer shall publish it in draft by making a copy thereof available for inspection:-

(a) at his office, and

¹[(b) at the office of the Municipality concerned, and display a notice in Form 2 at the aforesaid places and at five conspicuous places in each ward including small settlements, the photographs of such display in each ward shall be sent to the State Election Commission.]

(2) The Electoral Registration Officer may also give such further publicity to the notice in Form 2 as he may consider necessary.

9. Period for lodging claims and objections.- (1) Every claim for the inclusion of-

(a) a name of an individual,

(b) names of all the family members, if whole family is left from enrolment,

in the roll and every objection to an entry therein shall be lodged within a period of ²[15 days] from the date of publication of the roll in draft under clause 8 or such shorter period as may be fixed by the State Election Commission in this behalf :

Provided that the ³[State Election Commission] may by an Order extend the period in respect of the Ward as a whole or in respect of any part thereof.

10. Form for claims and objections.- (1) Every claim for inclusion of name of an individual shall be-

(a) in Form 3;

(b) signed by the person desiring his name to be included in the roll;

⁴[(c) XXX]

⁴[(2) XXX]

(3) Every objection to the inclusion of a names in the roll shall be-

(a) in Form 5;

(b) preferred by a person whose name is already included in electoral roll of any ward of the municipality; and

⁴[(c) XXX]

(4) Every objection to a particular or particulars in an entry in the roll shall be.

(a) in Form 6; and

(b) preferred only by the person to whom that entry relates.

11. Manner of lodging claims and objections.- Every claim or objection shall-

(a) either be presented to the Electoral Registration Office; or

(b) be sent by post to the Electoral Registration Officer.

1. Substituted. vide notification No. F.8(G)()Rules/DLB/23/5150, dated13-04-2023,

2. Substituted for "10 days" vide notification No.F.8(G)()Rules/DLB/23/5150, dated13-04-2023,

3. Subs. by ibid, for expression "State Government".

4. Notification No.F.8(G)()Rules/DLB/19/31478, dated05-08-2019, the existing sub-clause(c) of clause 10 (1) and clause 10(3) has been Deleted and the existing sub-clause (2) of clause 10 of the said order have been deleted.

THE RAJASTHAN MUNICIPALITIES REGISTRATION OF ELECTORS ORDER, 1974

12. Inquiry into claims and objections.- (1) The Electoral Registration Officer before deciding whether or not to allow the claim or objection cause to be served-

- (a) in the case of claim of an individual, a notice on the claimant;
- (b) in the case of claim of all family members, a notice on any of the family members preferably head of the family;
- (c) in the case of an objection a notice on the objector and on the person to the inclusion of whose name the objection relates; and
- (d) in the case of an objection to a particular or particulars in an entry, to the objector :

Provided that it shall not be necessary to serve any such notice where the Electoral Registration Officer on being satisfied as to the validity of the claim or objection decides to allow it without further inquiry :

Provided further that a list containing the names and addresses of the persons applying for inclusion of their names shall be exhibited on the notice board of the office of the Electoral Registration Officer for 3 clear days before making an order on the claim.

(2) A notice under sub-clause (1) be given either personally or by registered post or by affixing it to the person's residence or last known residence within the Ward.

(3) The Electoral Registration Officer, specified in the notice in Form 2 shall hold a summary inquiry into every claim or objection, and the orders passed by him shall be final.

(4) The Electoral Registration Officer shall also correct any clerical or printing errors which he may discover in the roll.

13. Inclusion of names inadvertently omitted.- If it appears to the Electoral Registration Officer that owing to inadvertence or error during preparation, the names of any electors have been left out of the roll and that remedial action should be taken under this clause, the Electoral Registration Officer shall-

- (a) prepared a list of the names and other details of such electors;
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these means in the roll will be considered, and also publish the list and the notice in such other manner as he may thinks fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.

14. Deletion of names of dead electors and persons who cease to be or are not, ordinarily residents.- If it appears to the Electoral Registration Officer during preparation of the roll that owing to inadvertence or error or otherwise, the names of dead persons or of persons who cease to be, or are not, ordinarily residents in the ward have been included in the roll and that remedial action should be taken under this clause, the Electoral Registration Officer shall-

- (a) prepare a list of the names and other details of such electors;
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and
- (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll :

Provided that before taking any action under this clause in respect of any person on the ground that he has ceased to be, or is not, ordinarily resident in the ward, the Electoral Registration Officer shall make every endeavour to give him a reasonable opportunity to show cause why the action should not be taken in relation to him.

THE RAJASTHAN MUNICIPALITIES REGISTRATION OF ELECTORS ORDER, 1974

15. Final publication of roll.- (1) The Electoral Registration Officer shall thereafter-

- (a) prepare a list of amendments to carry out his decisions under clause 12, 13 and 14 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll; and
- (b) published the roll together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in Form 7 at his office and may also publish it in the office of the concerned Municipality.

(2) on such publication, the roll together with the list of amendments shall be the electoral roll of the ward.

(3) Where the roll (hereafter in this sub-clause referred to as the basic roll), together with the list of amendments, becomes the electoral roll for a ward under sub-clause (2), the Electoral Registration Officer may, for the convenience of all concerned integrate, subject to any general or special directions issued by the ¹[State Election Commission] in this behalf, the list into the basic roll by including the names of electors in the list together with all particulars relating to such electors in the relevant parts of the basic roll itself, so however that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector as given in the list of amendments.

16. Revision of Rolls.- (1) The roll for every ward shall be revised either intensively or summarily or partly intensively and partly summarily, as the State Election Commission may direct.

(2) Where the roll or any part thereof is to be revised intensively, it shall be prepared afresh and clause 4 to 15 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(3) When the roll or any part thereof is to be revised summarily, the Electoral Registration Officer shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft; and the provisions of clause 7 to 15 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(4) Where at any time between the publication in draft of the revised roll under sub-clause (2) or of the roll and list of amendments under sub-clause (3) and the final publication of the same under clause 15, any names have been directed to be included in the roll for the time being in force under clause 17, the Electoral Registration Officer shall cause the names to be included also in the revised roll unless there is, in his opinion any valid objection to such inclusion.

17. Correction of entries and inclusion of names in Rolls.- (1) Any person may apply in writing to the Electoral Registration Officer for inclusion or his name in the roll or for correction therein of any error or defect in the entry relating to him.

(2) The Electoral Registration Officer shall, after making such inquiry as he considers necessary if satisfied that the applicant is entitled to be registered in the roll or that the error or the defect in the entry should be corrected, direct the name of the applicant to be included therein, or as the case may be, the entry to be amended.

(3) A list of persons applying under sub-clause (1) shall be exhibited on the notice board of the office of the Electoral Registration Officer for a period of 3 clear days before making an order and no order shall be made under this clause after the last date of filing nominations and before completion of that election.

(4) Every application for inclusion or correction under sub-clause (1) shall be made in duplicate in one such of ¹[the Forms 3 and 6] as may be appropriate.

17A. Deletion of entries in Rolls.- If the Electoral Registration Officer for wards in a Municipality on application made to him in duplicate in Form 5 or on his own motion, is satisfied after such enquiry as he thinks fit, that any entry in an electoral roll of the ward should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the ward or the person concerned is already enrolled in the current voters list of any ward of a panchayat or is otherwise not entitled to be registered in that roll, the Electoral Registration Officer shall delete the entry:

Provided that before taking any action under this clause the Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him except in the case of deletion of name of dead person.

1. substituted by No.F8 (G) () (Rules)DLB/19/31478 Jaipur dated 5.8.2019

THE RAJASTHAN MUNICIPALITIES REGISTRATION OF ELECTORS ORDER, 1974

17B. Appeals from orders deciding claims and objections.- (1) An appeal shall lie from any decision of Electoral Registration Officer ¹[under clauses 12, 13, 14, 17 and 17A] of the Collector of the district concerned :

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representation to the Registration Officer on the matter which is the subject of appeal.

(2) Every appeal under sub-clause (1) shall be -

- (a) in the form of a memorandum signed by the appellant, and
- (b) presented to the Collector within a period of fifteen days from the date of announcement of the decision or sent to that officer by registered post so as to reach him within that period.

(3) The presentation of an appeal under this clause shall not have the effect of staying or postponing any action to be taken by the Registration Officer under clause 15.

(4) Every decision of the Collector shall be final, but in so far as it reverses or modifies a decision of the Registration Officer it shall take effect only from the date of the decision in appeal.

(5) The Registration Officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decision of the appellate officer under this clause.

(6) For the purpose of sub-clause (1), an appeal shall be deemed to have been presented to the Collector of the district concerned, when the memorandum of appeal is delivered by, or on behalf of, the appellant to the Collector himself or to any other officer appointed by him in this behalf.

²[17C XXX]

18. Transpositions of entries from one ward to another.- Notwithstanding anything contained in clause 17, if the Electoral Registration Officer on application made to him or on his own motion is satisfied, after such inquiry as he thinks fit, that any entry in the roll of a ward should be transposed to the roll of another ward of a municipality for the reason that there has been an error in inclusion of any entry at the time of preparation or revision of roll, the Electoral Registration Officer shall transpose the entry in the roll of the correct wards by affixing a copy of his order on the notice Board and also at a conspicuous place in each of the affected wards and give such further publicity to the order as he may consider fit.

19. Custody and preservation of Rolls.- After the roll for a ward has been finally published the following papers shall be kept in the office of the Electoral Registration Officer until the final publication of the next electoral roll-

- (i) One complete copy of the Electoral Roll duly authenticated by the Electoral Registration Officer;
- (ii) All applications in regard to the preparation of Draft Electoral Roll;
- (iii) All manuscript parts prepared by the enumeration agencies and used for compiling the Draft Electoral Roll;
- (iv) All claims and objections to the Draft Electoral Roll.
- (v) All decisions passed on the claims and objections.

1. substituted by No.F8 (G) () (Rules)DLB/19/31478 jaipur dated 05.08.2019

2. deleted by No.F8 (G) () (Rules)DLB/19/31478 jaipur dated 05.08.2019

FORM 1
[See Clause 6]

LETTER OF REQUEST

Place.....

Date

To

The occupant of

Ward No.

Sir/Madam,

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

Electoral Registration Officer
..... Municipality

STATEMENT

Names and particulars of adult citizens ordinarily residing in the above premises.

Name of citizen	Particulars as to father or husband	Age on Ist January 19
1.		
2.		
3.		
4.		
5.		
6.		
7.		
etc.		Signature : Date : House No. Gali/Mohalla

INSTRUCTIONS

1. Enter the names of all person who have completed ¹[18 years of age on or before the 1st ²[January]] of this year and who are ordinarily residing in the premises.

2. Only the names of those who are citizens of India should be entered.

3. Enter against Serial No. 1 in the first column, the name of the head or other senior member of the family, provided he or she has the qualifications mentioned in paragraphs 1 and 2 above.

4. "Ordinarily residing" does not mean that the person should be actually in the form. The persons who normally live in the House should be included even though they may be temporarily absent, e.g. on a journey or on business or in hospital. On the other hand, a guest or visitor, who normally lives elsewhere but happens to be in the house at the time, should not be included.

1. Subs. by notification dt. 6.5.59 for words "21 years of age on or before the 1st January."
2. Subs. by notification dt. 10.4.90 for the word "April".

5. All ordinary residents of the house should be included whether they are members of the family or not.
6. In the case of every male citizen, enter in the second column the name of his father preceded by the words "son of".
7. In the case of every female citizen, enter in the second column :-
 - (i) the name of the husband preceded by the words "wife of" if she be married;
 - (ii) the name of the late husband preceded by the words "widow of", if she be a widow; and
 - (iii) the name of the father preceded by the words "daughter of", if she be unmarried.
8. In the third column enter the age of the citizen as accurately as possible, giving only the number of complete years and ignoring the months.

¹**[FORM 2**
[See Clause 8]

Notice of Publication of Draft Electoral Roll

To,

The Electors of all Wards/Ward No. of Municipality.

*Notice is hereby given that the Electoral Roll has been prepared in accordance with the Rajasthan Municipalities Registration of Electors Order, 1974 with reference to 1 ²[January] as the qualifying date and a copy thereof is available for inspection at my office and at the office of the Municipality concerned during office hours.

OR

*Notice is hereby given that the existing Electoral Roll revised with reference to 1 ²[January] as the qualifying date in accordance with the Rajasthan Municipalities Registration of Electors Order 1974 is available for inspection at my office and at the office of the Municipality concerned during office hours.

Those who have attained the age of ³[18] years or more on 1 ²[January] may file the claim for the inclusion of their names in the above roll, similarly if there is any objection to the inclusion of name or any objection to particulars in entry it shall be made on or before in form No. 3,4,5 and 6 as may be appropriate.

Every such claim or objection shall be presented in my office or sent by post to the address given below so as to reach me not later than the aforesaid date.

Date.....

Electoral Registration Officer,
(Address)
.....]

-
1. Subs. by notification dt. 14.2.80 for existing Form 2.
 2. Subs. by notification dt. 10.4.90 for word "April".
 3. Subs. by notification dt. 6.5.89 for the figure 21.

Claim Application for inclusion of name in electoral roll			
To,		SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH	
The Electoral Registration Officer			
..... Municipal Board/Municipal Council/Municipal Corporation.			
Sir,			
I request that my name be included in the electoral roll for the Part no. of ward no. of Municipal Board/Municipal Council/Municipal Corporation			
As a first time voter ☐ or due to shifting from another ward ☐ or others ☐			
Particulars in support of my claim for inclusion in the electoral roll are given below.			
Mandatory Particulars			
(a) Name			
(b) Surname (if any)			
(c) Name and surname of Relative of applicant[see item (d)]			
(d) Type of relation (Tick appropriate box)	Father ☐	Mother ☐	Husband ☐ Wife ☐ Other ☐
(e) Age as on 1 st January	Year	Month	Days
(f) Date of Birth (in DD/MM/YYYY)	Day	Month	Year
(g) Gender of Applicant (Tick appropriate box)	Male ☐	Female ☐	Third Gender ☐
(h) current address where applicant is ordinarily resident			
House No.			
Street/ Area/Locality			
Town/Village	Tehsil	Panchayat Samiti	
Post Office	Pin Code		
District	State/UT		
(i) Permanent address of applicant			
House No.			
Street/ Area/Locality			
Town/Village	Tehsil	Panchayat Samiti	
Post Office	Pin Code		
District	State/UT		
(j) EPIC No. (if issued)			
Optional Particulars			
(k) Disability (if any)	Visual impairment ☐	Speech and hearing disability ☐	Locomotor disability ☐ Other ☐
(l) Email id			
(m) Mobile No./Land Line			

Details of member(s) of applicant's family already included in the current electoral roll on the Municipal Board/Municipal Council/Municipal Corporation:			
Sr. No.	Name	Relationship with applicant	Serial No. of electoral roll

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

(i) I am a citizen of India and place of my birth is Village/Town District State

(ii) I am ordinarily resident at the address given at (h) above since (since DD/MM/YYYY)

(iii) I am eligible for the registration of voter list related to above Municipal Board/Municipal Council/Municipal Corporation

(iv) I have not applied for the inclusion of my name in the electoral roll for any other ward of Municipal Board/Municipal Council/Municipal Corporation

(v) *My name has not already been included in the electoral roll for this ward or any other ward of Municipal Board/Municipal Council/Municipal Corporation, or
*My name is included in the electoral roll for ward no. serial number in voter list in which I was ordinarily resident earlier at the address mentioned under. I request that the same may be deleted from that electoral roll.

Place: _____
Date: _____

Signature or thumb impression of the applicant
(with name and address)

*strike off the option not appropriate

Address of earlier place of ordinary residence (if applying due to shifting from another ward of Municipal Board/Municipal Council/Municipal Corporation)			
House No.			
Street/ Area/Locality			
Town/Village	Tehsil	Panchayat Samiti	
Post Office	Pin Code		
District	State/UT		
EPIC No. (if issued)			
I am aware that making a statement or declaration which is false and which I know or believe to be false or do not believe to be true, is punishable under section 15 of the Rajasthan Municipalities Act, 2009. Place: _____ Date: _____ Signature or thumb impression of the applicant (with name)			

Details of action taken on Application

Remarks of Field Level Verifying Officer (officer working on behalf of the Electoral Registration Officer)	
Details of action taken (To be filled by Electoral Registration Officer) The application of Shri/Shrimati/Kumari for the inclusion of name in the electoral roll in Form-3 has been *accepted/*rejected. Detailed reasons for acceptance or rejection under or in pursuance of clause 12 of the Rajasthan Municipalities Registration of Electors Order, 1974. Place: _____ Date: _____ Signature Electoral Registration Officer (Name and Seal of Electoral Registration Officer) *strike off the option not appropriate	

Intimation of decision taken

(to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as given by the applicant)

The application in Form-3 of Shri/ Shrimati/ Kumari				Postage Stamp to be affixed by the ERO at the time of dispatch	
Present address where applicant is ordinarily resident.					
House No.					
Street/ Area/Locality					
Town/Village		Tehsil	Panchayat Samiti		
Post Office		Pin Code			
District		State			
Has been- (a) accepted and the name of Shri/Shrimati/Kumari has been registered at serial number in ward No. of Panchayat Circle (b) rejected for the reason Place: Date: Signature Electoral Registration Officer (Name and Seal of Electoral Registration Officer)					

<u>Acknowledgement/Receipt</u>
Acknowledgment Number: Date: Received the application in Form-3 of Shri/Smt./Kumari Address (Applicant can refer the acknowledgment No. to check the status of application) Signature of Officer receiving the application on behalf of the Electoral Registration Officer (Name and Post of the Officer)

¹[FORM-4

1. Form 4 deleted by No.F8 (G) () (Rules)DLB/19/31478 Jaipur dated 5.8.2019

Application for objecting inclusion of name in electoral roll	
To, The Electoral Registration Officer Municipal Board/Municipal Council/Municipal Corporation. Sir,	
I hereby object to the proposed inclusion of the name of the under mentioned person in the electoral roll	☐
I hereby request that entry relating to name of the person mentioned below is required to be deleted	☐
I request that the entry relating to myself is to be deleted from Electoral Roll	☐
Particulars in support of my objection/deletion are given below:-	

Particulars of applicant			
Name		Surname (if any)	
Name of Father/Mother/Husband			
Ward No.	☐ ☐	Part No.	☐ ☐
		Serial Number of rolls	☐ ☐ ☐
EPIC No. (if issued)			

Details of person inclusion of whose name is objected to/whose entry is to be deleted:			
Name		Surname (if any)	
Name of Father/Mother/Husband			
Ward No.		Serial Number of rolls	
EPIC No. (if issued)			
Reason(s) for objection/deletion			

Declaration:	
I hereby declare that the facts and particulars mentioned above are true to the best of my knowledge and belief. I am aware that making a statement or declaration which is false and which I know or believe to be false or do not believe to be true, is punishable under section 15 of the Rajasthan Municipalities Act, 2009.	
Place:	
Date:	
	Signature or thumb impression of the applicant (with name and address)

Details of action taken on Application

Remarks of Field Level Verifying Officer (officer working on behalf of the Electoral Registration Officer)	
Details of action taken (To be filled by Electoral Registration Officer) The application of Shri/Shrimati/Kumari objecting to inclusion/ seeking deletion of name of Shri/Shrimati/Kumari..... in the electoral roll in form-5 has been accepted/rejected. Detailed reasons for acceptance or rejection under or in pursuance of clause 12(1) of the Rajasthan Municipalities Registration of Electors order, 1974 are given below: Place: Date: Signature Electoral Registration Officer (Name and Seal of Electoral Registration Officer)	

Intimation of decision taken

(to be filled by Electoral Registration Officer and to be posted to the applicant on the address available in the record)

The application in Form II of shri/ Shrimati/ Kumari					Postage Stamp to be affixed by the ERO at the time of dispatch
Present address of ordinary Residence as mention in application.					
House No.					
Street/ Area/Locality					
Town/Village		Tehsil	Panchayat Samiti		
Post Office		Pin Code			
District		State/UT			
Has been (a) accepted and the name of Shri/Shrimati/Kumari has been deleted from serial number in ward No. Municipal Board/Municipal Council/Municipal Corporation (b) rejected for the reason Place: Date: Signature Electoral Registration Officer (Name and Seal of Electoral Registration Officer)					

Acknowledgement/Receipt

Acknowledgment Number:

Date.....

Received the application in Form-II of Shri/Smt./Kumari

Address

(Applicant can refer the acknowledgement No. to check the status of application)

Signature of Officer receiving the application
on behalf of the Electoral Registration Officer
(Name and Post of the Officer)

Application for correction to particulars entered in electoral roll			
To, The Electoral Registration Officer Municipal Board/Municipal Council/Municipal Corporation. Sir, I request that entry relating to myself appearing in the electoral roll of ward no. Municipal Board/ Municipal Council/Municipal Corporation is not correct and it should be corrected. SPACE FOR PASTING ONE RECENT PASSPORT SIZE PHOTOGRAPH (3.5CM X 3.5 CM) SHOWING FRONTAL VIEW OF FULL FACE			
Applicant's details			
(a) Name		Surname (if any)	
(c) Details of registration with electoral roll			
Ward No.	Part No.	Serial No.	
(d) EPIC No. (if issued)			
(e) please tick the entry which is to be corrected			
Name ☐	Photograph ☐	Address ☐	Date of Birth ☐
Age ☐	Name of Relative ☐	Type of Relation ☐	Gender ☐
(f) The correct particulars in entry to be corrected are as below:			
(g) Email id (optional)			
(h) Mobile/Land line No.			
I am aware that making a statement or declaration which is false and which I know or believe to be false or do not believe to be true, is punishable under Section 15 of the Rajasthan Municipalities Act, 2009. Place: Date: Signature or thumb impression of the applicant (with name and address)			

Details of action taken on Application

Remarks of Field Level Verifying Officer (officer working on behalf of the Electoral Registration Officer)	
Details of action taken (To be filled by Electoral Registration Officer)	
The application of Shri/Kumari for correction of entry in the electoral roll in Form-6 has been accepted/rejected.	
Detailed reasons for acceptance or rejection under or in pursuance of clause 12(1) of the Rajasthan Municipalities Registration of Electors order, 1974.	
Place:	
Date:	
*strike off the option not appropriate	Signature Electoral Registration Officer (Name and Seal of Electoral Registration Officer)

Intimation of decision taken

(to be filled by Electoral Registration Officer of the constituency and to be posted to the applicant on the address as available in records/given by applicant)

The application in Form-6 of shri/ Shrimati/ Kumari				Postage Stamp to be affixed by the ERO at the time of dispatch
Present address where applicant is ordinarily residence.				
House No.				
Street/ Area/Locality				
Town/Village		Tehsil	Panchayat Samiti	
Post Office		Pin Code		
District		State		
Has been (a) accepted and the entry at Sr. No. of Part no. of Ward no. Municipal Board/Municipal Council/Municipal Corporation has been modified accordingly (b) rejected for the reason				
Place:				
Date:				
Signature Electoral Registration Officer (Name and Seal of Electoral Registration Officer)				

Acknowledgement/Receipt

Acknowledgment Number:

Date.....

Received the application in Form-6 of Shri/Smt./Kumari

Address

(Applicant can refer the acknowledgment No. to check the status of application)

Signature of Officer receiving the application
on behalf of the Electoral Registration Officer
(Name and Post of the Officer)

FORM 7

(See Clause 15)

Notice of Final Publication of Electoral Rolls

It is hereby notified for public information that the lists of amendments to the draft electoral rolls of the Municipal Council/Board (Ward No to.....) have been prepared in accordance with the Rajasthan Municipalities Registration of Electors Orders 1974 and a copy of the said rolls together with the said lists of amendments have been published and will be available for inspection at.

Electoral Registration Officer.

Place

Date

THE RAJASTHAN MUNICIPALITIES ELECTION PETITION RULES, 2009

PART -V

STATUTORY RULES AND ORDERS

***3. THE RAJASTHAN MUNICIPALITIES ELECTION PETITION RULES, 2009**

In exercise of powers conferred by section 31 and 44 read with section 337 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009), the State Government hereby makes the following rules, namely:-

1. Short title, extent and commencement.- (1) These rules may be called the Rajasthan Municipalities Election Petition Rules, 2009.

(2) They shall come into force with immediate effect.

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

- (a) "Act" means the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009); and
- (b) "Candidate" means a person who has been nominated as a candidate at election of Chairperson, Vice-chairperson, or member, as the case may be.
- (2) Words and expression used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Election Petition.-(1) The election of any person as a Chairperson, a Vice-chairperson or a member of a Municipality may be questioned by an election petition within thirty days from the date on which the result of the election in question is announced by the Returning Officer.

- (2) The election petition may be filed by a candidate who has been defeated or whose nomination has been rejected in such election.
- (3) The election of any person as a Chairperson, a Vice-Chairperson or a member of a Municipality may be questioned on the following grounds, namely:-
 - (a) that on the date of election, a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act, or
 - (b) that any corrupt practice specified in section 29 of the Act has been committed by a returned candidate or his election agent or by any other person, with the consent of a returned candidate or his election agent, or
 - (c) that any nomination has been improperly rejected, or
 - (d) that the result of the election in so far as it concerns a returned candidate has been materially affected-
 - (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his election agent or a person acting with the consent of such candidate or election agent, or
 - (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or
 - (iv) by any non-compliance with the provisions of the Act or of any rules or order made thereunder; or

* Issued vide Notification No. F.8(Ka)Elec/Rules/LSG/09/6934 Dt. 12.11.09

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- (e) that in fact the petitioner or some other candidate received a majority of the valid votes, or
 - (f) that but for the votes obtained by the returned candidate by corrupt practices, the petitioner or some other candidate would have obtained a majority of the valid votes.
- (4) A petitioner shall join as respondents to his petition -
- (a) where the petitioner, in addition to claiming a declaration that the election of the returned candidates is void, claims further that he himself or any other candidate be declared duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, the returned candidate; and
 - (b) any other candidate against whom allegations of any corrupt practice are made in the petition.
- (5) An election petition -
- (a) shall contain a concise statement of the material facts on which the petitioner relies;
 - (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including names of the person alleged to have committed such corrupt practice and the date and place of the commission of such practice;
 - (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908) for the verification of pleadings. Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition, and
 - (d) shall be accompanied by a treasury challan of rupees one thousand.
- (6) The petitioner may in addition to claiming a declaration that the election of the returned candidate is void, claim a further declaration that he himself or any other candidate be declared duly elected.
- 4. Procedure.**-(1) The Judge shall, as soon as, may be, cause a copy of the petition together with a copy of the Schedule or annexure referred to in clause (c) of sub-rule (5) of rule 3 to be served on each respondent.
- (2) All election petitions in respect of the same election may, in the discretion of the Judge, be heard separately or in one or more Groups.
- (3) Except so far as may be otherwise provided in the Act or these rule, the procedure provided in the Code of Civil Procedure, 1908 (Central Act V of 1908) in regard to the hearing of suits shall, so far as it is not inconsistent with the Act or these rule, be followed in the hearing of election petitions:
- Provided that the Judge shall have discretion to refuse, for reasons to be recorded in writing to examine any witness or witnesses if he is of the opinion that his or their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.
- (4) The provisions of the India Evidence Act, 1872 (Central Act No. 1 of 1872) shall be deemed to apply in all respects to the hearing of an election petition:

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Provided that-

- (a) notwithstanding anything in any law to the contrary, no document shall be inadmissible in evidence at such hearing on the ground that it is not duly stamped or registered;
 - (b) no witness or other persons shall be required to state for whom he has voted at any election;
 - (c) no witness shall be excused from answering any question as to any matter relevant to a matter in issue in such hearing upon the ground that the answer to such question may criminate or **tend to criminate him or that it may expose or tend to expose him to any penalty or forfeiture;**
 - (d) a witness, who answers truly all questions which he is required to answer, shall be entitled to receive a certificate of indemnity from the Judge and no such answer shall, except in the case of any criminal proceeding for perjury in respect of the evidence be admissible in evidence, against him in any civil or criminal proceeding; and
 - (e) when a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election.
- (5) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Judge to such person and shall, unless the Judge otherwise directs, be deemed to be part of the costs.
- (6) When, in an election petition, it is claimed that any candidate other than the returned candidate be declared to be duly elected, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that the returned candidate or such other party, as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the service of the copy of the petition under sub-rule (1) given notice to the judge of his intention to do so.

- (7) Every notice referred to in the provision to sub-rule (6) shall be accompanied by a statement and list of particulars as required in the election petition and shall be signed and verified in the like manner.
- (8) Any candidate, not already a respondent, shall upon application made by him to the Judge within fourteen days from the date of commencement of the trial and subject to the provision of rule 13, be entitled to be joined as a respondent to the petition.
- (9) For the purpose of sub-rule (8), the hearing of an election petition shall be deemed to commence on the date fixed for the respondents to appear before the Judge and answer the claim or claims made in the petition.
- (10) The Judge may, upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.
- (11) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the hearing within six months from the date of the service of the copy of the petition under sub-rule (1).

5. Appearance before Judge.-Any appearance, application or act before the Judge may be made or done by the party or by a pleader duly appointed to act on his behalf:

Provided that it shall be open to the Judge to direct any party to appear in person whenever the Judge consider it necessary.

THE RAJASTHAN MUNICIPALITIES ELECTION PETITION RULES, 2009

6. Powers of Judge hearing petition.—The Judge hearing an election petition shall have the same powers and privileges as a Judge of a Civil Court when trying a suit and may, for the purpose of serving any notice or issuing any process or doing any other thing, employ any officer, clerk or peon attached to his Court.

7. Decision of the Judge.— (1) At the conclusion of the hearing of an election petition, the Judge shall make an order—

- (a) dismissing the election petition; or
 - (b) declaring the election of the returned candidate to be void; or
 - (c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.
- (2) At the time of making an order under sub-rule (1) the Judge shall also make an order—
- (a) Where any charge is made in the petition of any corrupt practice having been committed at the election, recording a finding whether any corrupt practice has or has not been proved to have been committed by, or with the consent of, any candidate or his agent at the election and the nature of that corrupt practice; and
 - (b) fixing the total amount of costs payable and specifying the person by and to whom costs shall be paid.
- (3) The Judge shall dismiss an election petition, which does not comply with the provisions of these rules.
- (4) The Judge shall declare the election of a returned candidate to be void on any of the grounds specified in sub-rule (3) of rule 3.
- (5) If, in the opinion of the Judge, returned candidate has been guilty by an agent, other than, his election agent, of any corrupt practice specified in section 29, but the Judge is satisfied,—
- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election, agent.
 - (b) that the candidate and his election agent took all reasonable steps for preventing the commission of corrupt practices at the elections, and
 - (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agent.
- the Judge may decide that the election of the returned candidates is not void.
- (6) If any person who has filed a petition has, in addition to calling in question the election of the returned candidate, claims that he himself or any other candidate be declared duly elected, the Judge, if satisfied as to the matters specified in clauses (e) (f) of sub-rule (3) of rule (3), shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.
- (7) If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then —
- (a) any decision, made by the Returning Officer under the provisions of this Act or any rules made there under, shall, in so far as it determines the question between those candidates, be effective also for the purpose of the petition; and

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(b) in so far as that question is not determined by such a decision, the Judge shall decide between them by lot and proceed as if the one on whom the lot then falls has received an additional vote.

(8) The Judge shall, after announcing the orders made under this rule send a copy thereof to the State Election Commission, Rajasthan, Jaipur and also to the Director, Local Bodies, Rajasthan, Jaipur.

8. Effect of orders.- (1) Every order of the Judge under rule 7 shall take effect as soon as it is pronounced by him.

(2) Where by such order the election of a returned candidate is declared to be void, acts and proceedings in which that candidate has, before the date of the order, participated as a member of the board shall not be invalidated by reason of that order nor shall such candidate be subjected to any liability or penalty on the ground of such participation.

9. Withdrawal of petitions.- (1) An election petition may be withdrawn only with the permission of the Judge.

(2) Where an application for withdrawal is made under sub-rule (1), notice there of fixing a date for the hearing of the application shall be given to all other parties to the petition.

(3) If there are more petitions than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(4) No application for withdrawal shall be allowed if in the opinion of the Judge such application has been included by any bargain on consideration which ought not to be allowed.

(5) If the application for withdrawal is allowed, the petitioner shall be ordered to pay such costs to the respondents as the Judge may think fit.

10. Abatement of petitions.- (1) An election petition shall abate on death of a sole petitioner or of the survivor of several petitioners.

(2) Where an election petition abates under clause (1) notice of the abatement shall be given to all the respondents to the petition.

11. Substitution on death of petitioner.- After a notice of the abatement is served under sub-rule(2) of rule 10, any of the respondent who might himself have been a petitioner may, within fourteen days of such service, apply to be substituted as petitioner and to continue the proceedings upon such terms as the Judge may think fit.

12. Abatement or substitution on death of respondent.- If before the decision of an election the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, the Judge shall cause a notice of such event to be served upon all other parties to the petition and if thereupon any person applies within fourteen days of the issue of such notice to be substituted in place of such respondent to oppose the petition, the Judge may order such substitution upon such terms as he may think fit.

13. Costs.- Costs including pleader's fees shall be in the discretion of the Judge.

14. Execution of orders as to costs.- Any order as to costs passed by the Judge shall be executed by him on application made in that behalf in the same manner and by the same procedure as if it were a decree, for the payment of money made by him in a suit.

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15. Repeal and savings.- (1) On and from the commencement of these rules, the Rajasthan Municipal Board's Chairmen and Vice-Chairmen and Municipal Council's Presidents and Vice-Presidents (Election Petition) Rules, 1959 shall stand repealed.

- (2) Such repeal shall not affect the validity or invalidity of anything done or suffered or any action already taken under repealed rules.

