

THE JAMMU AND KASHMIR MUNICIPAL CORPORATION (ELECTION) RULES, 2003

[SRO 42, dated 10th February, 2003, Housing and Urban
Development Department]
[As Amended by SRO 387 of 2018, dated 08.09.2018]

In exercise of the powers conferred by section 31 of the Jammu and Kashmir Municipal Corporation Act, 2000, the Government in consultation with the Chief Electoral Officer hereby make the following rules, namely:-

CHAPTER I PRELIMINARY

1. Short title and commencement

- (a) These rules may be called the Jammu and Kashmir Municipal Corporation (Election) Rules, 2003.
- (b) They shall come into force from the date of enforcement of the Act.

2. Definition

In these rules, unless there is any thing repugnant in the subject or the context,

- (a) "Act" means the Jammu and Kashmir Municipal Corporation Act, 2000;
- (b) "Form" means a form appended to these rules;
- (c) "Presiding Officer and Polling Officer" means Presiding Officer and Polling Officer appointed under these rules;
- (d) "Returning Officer and Asstt. Returning Officer" means the Returning Officer and the Asstt. Returning Officer appointed by the Chief Electoral Officer;
- (e) "Roll" means electoral roll of a ward;
- (f) "Treasury" means a Govt. Treasury or Sub-Treasury or Bank to which the Govt. Treasury business has been made over;
- (g) "Symbol" means a symbol, which may be allotted to a candidate for election under these rules;
- (h) "Words and Expressions" used herein and not defined have same meaning as are assigned to them in the Act; and

- (i) "Registration Officer" means Electoral Registration Officer of a ward and includes an Assistant Electoral Registration Officer thereof appointed under rule 7 of these rules;
- (j) "Delegation". — Powers conferred upon the Chief Electoral Officer under these rules, may, by order of the Chief Electoral Officer, be delegated to such officer/officers as may be deemed fit by the Chief Electoral Officer. While performing such functions, the delegated officer shall exercise those powers which are vested in the Chief Electoral Officer under the Act and the rule and formally delegated to such officer (s) by the Chief Electoral Officer. Such officer shall carry out all such directions/instructions as may be issued by the Chief Electoral Officer in this behalf.
- (k) "Control". — From the start of Election process till the conclusion of election, the Deputy Commissioners and also designated police officers who will be so designated under these rules by the concerned administrative department on the recommendation of the Chief Electoral Officer shall work under the supervision, direction and control of the Chief Electoral Officer.

CHAPTER II

ELECTORAL ROLLS

3. Issue of direction by the Government

On receipt of the directions from the Government, the Chief Electoral Officer shall take action for preparation or revision of rolls in accordance with such directions and these rules in respect of all or any of the Municipal Corporation (s) in the State.

4. Preparation of rolls

The roll shall be prepared in Urdu and in such other language or languages including Hindi and in such form and on the basis of such exercise as the Chief Electoral Officer of the State may direct.

5. Publication of electoral rolls in draft

(1) As soon as roll of a ward is ready, the Electoral Registration Officer shall cause it to be published in draft, together with a notice in such form as may be specified and make available copies for their inspections at his office, and in the office of the Corporation/Tehsil office and such other offices as the Chief Electoral Officer may deem fit.

(2) The notice under sub-rule (1) shall also be given wide publicity through newspaper(s) having large circulation in the area and also

electronic media, by affixing copies of such notice in his office, and in the office of Corporation and or such other means as the Chief Electoral Officer may direct. The notice shall contain the date by which an objection or claim made be filed and authority or authorities to whom it may be presented.

6. Hearing of claims and objections

Every claim for the inclusion of name in the electoral roll and every objection to an entry therein shall be preferred within 10 (ten) days from the date of publication of the draft electoral roll before the Electoral Registration Officer or Asstt. Electoral Registration Officer.

7. Appointment of Registration Officer

The Chief Electoral Officer may appoint any officer of the Government or a local body to be the Electoral Registration Officer/Asstt. Electoral Registration Officer for hearing claims and objections under rule 6.

8. Method of making and lodging claims and objections

(1) Every claim or objection shall be addressed to Electoral Registration Officer/Asstt. Electoral Registration Officer and presented in his office. Such claim for inclusion of name or objection to the particulars in any entry or objections to a particular or particulars in any entry shall be made in Forms 3, 4 and 5 respectively as the case may be.

(2) The claim shall be signed by the person desiring his/her name to be included in electoral roll and countersigned by another person whose name is already included in the electoral roll wherein the claimant desires his name to be included and shall be presented by the claimant himself/herself within the prescribed date.

(3) No person shall prefer an objection to the inclusion of any name in the electoral roll, unless his name is already included in that particular roll.

(4) Any claim or objection not lodged within the prescribed period or in prescribed form, shall not be entertained.

9. Notice of claims and objections

(1) The Electoral Registration Officer shall after the period prescribed for the presentation of claims and objections in prescribed Forms 3, 4 and 5 shall exhibit on the notice board of his office a list of claims and objections so received.

(2) Every claimant/objector shall be given a notice, date and time of hearing of such claims or objections and shall further be asked to adduce such evidence, as he may like to adduce.

(3) A person against whom objections have been received by the Electoral Registration Officer for the inclusion or deletion of his name in or from the electoral roll shall also be given sufficient opportunity to adduce such evidence as he may like.

10. Disposal of claims and objections

(1) On the date, time and place fixed under rule 9, the Electoral Registration Officer shall hear and decide the claims and objections according to their merits after hearing the parties concerned and pass such order as he may deem fit.

(2) Any person aggrieved by any such order may, within five days from the date of order, apply to the Electoral Registration Officer for revision, who will within seven days confirm or set it aside or pass such orders with respect to claims or objections as he may deem fit, which shall be final and binding upon the parties.

11. Final publication of roll

(1) The Electoral Registration Officer as soon as he has disposed of all the claims or objections presented to him, shall cause the electoral roll to be revised, if need be, and publish the electoral roll, as corrected.

(2) On such publication, the electoral roll with or without amendments shall be the electoral roll of the ward and shall come into force from the date of its publication under this rule.

12. Special revision of electoral roll/revision of roll

(1) Unless otherwise directed by the Chief Electoral Officer, the electoral roll shall be revised in the prescribed manner before each general election to a Corporation or for any ward or for a bye-election to fill a casual vacancy in such a ward:

Provided that if for any reason the electoral roll is not revised the validity or continued operation of the existing electoral roll may not be called in question provided the Chief Electoral Officer has, through a direction, allowed the adoption of the said roll for the purpose of the conduct of election:

Provided also that, the electoral roll for any ward, as in force at the time of issue of any such direction shall continue to be enforced until the completion of the special revision so directed.

13. Inclusion of names in electoral roll finally published and manner for making application for inclusion of names in the roll

(1) Any person, whose name is not included in the electoral roll of a ward as finally published under rule 11 may apply in the manner

hereinafter provided for inclusion of his/her name in electoral roll. An application under this rule shall be made in duplicate in Form 3:

Provided that such application shall be addressed to the Electoral Registration Officer concerned and presented to him at any time not later than seven days from the date of final publication of the electoral roll under rule 11.

(2) The Electoral Registration Officer shall immediately on receipt of such application, direct one copy thereof to be pasted in some conspicuous place in his office, together with a notice inviting objections to such application within a period of 5 days from the date of such pasting.

(3) The Electoral Registration Officer shall after the expiry of the period specified in sub-rule (1) consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the roll, direct his name to be included therein before the last date for making nomination for each ward:

Provided that if the applicant is registered in the electoral roll of any other ward, the Electoral Registration Officer concerned shall delete the name of the applicant from the electoral roll.

(4) Where an application made under this rule is rejected, an appeal shall be made within a period of 6 days from the date of rejection to Appellate Authority to be nominated by the Government in consultation with the Chief Electoral Officer whose decision thereon shall be final. Every such appeal shall be-

- (a) in a form of a memorandum signed by the applicant; and
- (b) accompanied by a copy of the order appealed against.

(5) The Electoral 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 Authority.

14. Custody/preservation of electoral roll and connected papers

After the electoral roll for a ward has been finally published, the following papers shall be kept in the office of the Electoral Registration Officer till the said electoral roll remains in force,-

- (a) copy of electoral roll;
- (b) papers relating to claims and objections and orders under rules 9 and 11;
- (c) applications and decisions thereon under rules 9, 10 and 13;

(d) papers relating to appeals and manuscripts and other papers prepared by the enumerating agency and used for compiling the electoral roll;

(e) all appeals preferred under these rules.

(2) A copy of electoral roll duly authenticated by the Electoral Registration Officer will become a permanent document and will be replaced only upon next intensive revision.

15. Inspections of the electoral rolls and connected papers

Every person shall have the right to inspect the electoral rolls referred to under rule 14 and get attested copies thereof on payment of a fee of Rs. 2/- per page or part thereof to be paid in cash against proper receipt.

16. Disposal of electoral rolls and connected papers

The papers referred to in the rule 14 shall, on the expiry of the period specified therein be disposed of in such a manner as the Chief Electoral Officer may direct.

CHAPTER III

NOMINATION AND CONDUCT OF POLLS

17. Definitions

In this part, unless context otherwise requires,-

- (a) "Ballot Box" includes any box, bag or other receptacle used for the insertion of ¹[ballot paper by the electors and shall also include electronic voting machine];
- (b) "Counterfoil" means the counterfoil attached to ballot papers printed under the provisions of these rules;
- (c) "Electoral Roll Number", of a person means-
 - (i) the serial number of the entry in the electoral roll in respect of that person;
 - (ii) the serial number of part of electoral roll in which such an entry occurs; and
 - (iii) the name and or the number of constituency to which the roll relates;
- (d) "Roll" means a electoral roll for a ward;
- (e) "Marked copy of the roll" means the copy of the roll set apart for the purpose of marking the names of the electors to whom ballot papers are issued at an election;

¹ Substituted for "ballot paper by the electors" by SRO 336 of 2016, dated 19.10.2016.

- (f) "Polling Station" in relation to an election means place fixed for taking poll for that election;
- (g) For the purpose of these rules, a persons who is unable to write his name shall unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other papers if-
- he has placed mark on such instrument or other paper, in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Chief Electoral Officer; and
 - an officer, on being satisfied as to his identity has attested the mark as being the mark of that person.

18. Notification of symbols

The Chief Electoral Officer shall, by notification in the Government Gazette, specify the symbols that may be chosen by the candidates at an election to a Corporation and may amend the list of symbols from time to time.

19. Public notice of election

On the issue of notification of the programme of election by the Chief Electoral Officer under the Act, the Returning Officer shall give public notice of the intended election in the prescribed form by pasting the same outside his office, and in the office of the Corporation and at such conspicuous places in the wards as he may deem fit.

19-A. Eligibility for membership of a ward

A person shall not be eligible to contest election for membership of a ward unless he-

- is registered as an elector in the electoral roll of any ward in the municipal area];
- is not less than 18 years of age on the date of filing of nomination papers.

20. Nomination paper

(1) Every nomination paper presented by a person for the election to a Corporation shall be in prescribed form and presented to the Returning Officer by the candidate himself or by his proposer between 11:00 a.m. and 3:00 p.m. or such other hours as may be fixed for this purpose on date(s) and places fixed for filing such nomination papers.

1 Substituted by SRO-375 dated 9.11.2004.

(2) The nomination papers of a member of ¹[Scheduled Caste/Scheduled Tribe] shall be accompanied by a declaration by the candidate indicating the ²[Scheduled Caste/Scheduled Tribe] to which he/she belongs.

(3) The nomination papers of a candidate for a ward reserved for ³[Scheduled Caste/Scheduled Tribe] shall be accompanied by a certificate issued by the Deputy Commissioner or Sub-Divisional Magistrate/Tehsildar concerned of the area of which the candidate ordinarily is a resident certifying that the candidate belongs to ⁴[Scheduled Caste/Scheduled Tribe] as the case may be specifying the particulars thereof.

(4) For every candidature, a fee of Rs 2000/- (Rupees two thousand only) shall be deposited either in cash with the Returning Officer along with nomination paper or in the treasury, under the "Head" to be specified by the Chief Electoral Officer or through bank draft. Where the fee has been deposited in the treasury, receipt in respect thereof shall be attached with nomination paper:

Provided that for ⁵[Scheduled Caste/Scheduled Tribe] candidates the fee will be fifty per cent of the fee prescribed.

21. Notice of nomination

The Returning Officer on receiving the nomination papers under sub-rule (1) of rule 20 shall inform the person delivering the same of the date, time and place fixed for scrutiny of nominations and shall enter on the nomination papers its serial number, and shall sign thereon a certificate stating the date and hour at which the nomination papers have been delivered to him, and shall, as soon as may thereafter, cause to be fixed in some conspicuous place in his office a notice of the nominations containing description similar to those contained in the nomination paper, in Form 7.

22. Scrutiny of nominations

(1) On the date fixed for the scrutiny of nominations under rule 21, the candidates and their election agents but no other person may attend at the time and place appointed in this behalf under rule 21 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within time.

1 Substituted for "Scheduled Caste" by SRO 387 of 2018, dated 08.09.2018.

2 Substituted for "Scheduled Caste" by SRO 387 of 2018, dated 08.09.2018.

3 Substituted for "Scheduled Caste" by SRO 387 of 2018, dated 08.09.2018.

4 Substituted for "Scheduled Caste" by SRO 387 of 2018, dated 08.09.2018.

5 Substituted for "Scheduled Caste" by SRO 387 of 2018, dated 08.09.2018.

(2) The Returning Officer shall then 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, reject any nomination on any of the following grounds, namely:-

- (a) that the candidate is disqualified for being elected to the Corporation by or under the Act;
- (b) that the proposer is not an elector of the ward concerned;
- (c) that there has been a failure to comply with any of the provisions of these rules;
- (d) that the signature of the candidate or of the proposer on the nomination paper is not genuine.

(3) Nothing contained in clauses (c) or (d) of sub-rule (2) shall be deemed to authorize the rejection of the nomination of any candidate on the grounds of any irregularity in respect of a nomination paper if the candidate has been nominated by means of another nomination in respect of which no irregularity has been committed.

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

(5) The Returning Officer shall hold scrutiny on the date fixed in this behalf and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riots, violence or by causes beyond his control:

Provided that a candidate, on whose nomination paper an objection has been raised, applies for time to rebut such objection the Returning Officer may adjourn the hearing till the next date. The scrutiny of all other nomination papers shall, however, be completed on the date of scrutiny notwithstanding such adjournment in respect of one or more nomination papers. The adjourned hearing shall be completed before the last date fixed for withdrawal of candidatures.

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

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

and affix this list on his notice board. A copy of such list shall be forwarded as soon as prepared to the Deputy Commissioner.

23. Withdrawal of candidature

Any candidate may withdraw his candidature by notice in writing in Form 8 to be delivered to the Returning Officer or the authority specified in this behalf before 3:00 p.m. on or before the date specified under rule 31 and no person who has withdrawn his candidature shall be allowed to cancel his withdrawal.

24. Allotment of symbols to candidates

(1) If in any ward a poll becomes necessary under rule 26, the Returning Officer shall before preparing a list of contesting candidates under rule 25, consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special directions issued in this behalf by the Chief Electoral Officer allot a different symbol to each contesting candidate in conformity, as far as practicable, with his/her choice. If more contesting candidates that one have indicated preference for the same symbol, the Returning Officer shall take a decision by draw of lots.

(2) 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 Chief Electoral Officer. In each case the Deputy Commissioner may revise the allotment upon appeal.

(3) Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen thereof by the Returning Officer.

¹[24-A. Chief Electoral Officer to prescribe a different procedure for allotment of symbols

Notwithstanding anything to the contrary contained in rule 24, the Chief Electoral Officer shall be competent to prescribe a different procedure for allotment of symbols to the contesting candidates in the event of conduct of Municipal Corporation Elections on non-party basis.]

25. List of contesting candidates

(1) Immediately after the expiry of period within which a candidate may withdraw his candidature under rule 23, the Returning Officer shall prepare in Urdu and in such other language or languages as may be prescribed by the Chief Electoral Officer, a list of contesting candidates

that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidatures within the prescribed period and cause it to be pasted at some conspicuous place in his office and the Corporation Office in Form 9.

(2) The said list shall contain the names of the contesting candidates in Urdu and in such other language (s) as may be prescribed by the Chief Electoral Officer in alphabetical order as given in the nomination papers together with the symbols assigned to each candidate, if the poll is necessary under rule 26.

26. Candidates deemed to be elected

A candidate shall be deemed to be elected unopposed if the number of contesting candidates in any ward is one. His/her election to the ward will be notified in Form 10.

In case the number of contesting candidates in a ward is more than one, a poll shall be taken.

27. Death of a candidate before the poll

If a candidate dies before the poll and after the last date fixed for the nomination of the candidate and the nomination has been accepted as valid by the Returning Officer, all proceedings with reference to the election of a member in the ward in which he was a candidate shall commence afresh.

28. Preparation of list of polling stations

(1) The Returning Officer shall fix such number of polling stations for a ward or wards assigned to him as he may consider necessary or in accordance with such directions as may be issued by the Chief Electoral Officer in this behalf. The list of polling stations so fixed shall be prepared in accordance with the format given in Form 11.

29. Appointment of polling personnel

(1) The Deputy Commissioner shall appoint a Presiding Officer for each polling station and such number of polling officers as are considered necessary and under the overall guidance of the Chief Electoral Officer. If before or at the time of poll the Presiding Officer or Polling Officer refuses to act or becomes incapable of acting as such, the Returning Officer shall appoint another officer/person to act as Presiding Officer, and inform the Deputy Commissioner of the change at the earliest available opportunity.

(2) In case any Polling Officer fails to report for duty on the day of poll, the Presiding Officer make such suitable arrangements, as he may

deem fit on spot and inform Returning Officer of such arrangements subsequently.

(3) The Presiding Officer shall in addition to duties under these rules be in general charge of all arrangements at the polling station and may issue orders as to the manner in which a person shall be admitted to the polling station and generally for the preservation of peace and order at or in the vicinity of the polling station.

¹[30. Ban on public meeting

No person shall hold or attend any public meeting within the area of the ward where poll is to be taken during the period of 24 hours preceding the start of poll.]

31. Design of Ballot Box

Every ballot box shall be of such design as may be approved by the Chief Electoral Officer.

32. Form of Ballot Papers

(1) Every ballot paper shall have a counterfoil attached thereto, and shall be in Form 12 and the particulars therein shall be in Urdu and such other language or languages as the Chief Electoral Officer may direct.

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

(3) If two or more candidates bear the same names, they shall be distinguished by the addition of their parentage or residence or in the manner to be prescribed by the Chief Electoral Officer.

33. Facilities for Women Voters

(1) Where a polling station is for both men and women, the Presiding Officer may direct that they shall be admitted to the polling station alternatively in separate batches.

(2) The Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women voters.

34. Material to be supplied at polling stations

The Deputy Commissioner shall cause to provide through Returning Officer/Assistant Returning Officer at each polling station, sufficient number of ballot boxes, as the case may be, copies of relevant part of the electoral rolls, ballot papers and such other articles of election material as may be necessary for conducting the poll.

¹ Substituted by SRO 4, dt. 6-1-2005.

35. Arrangements at polling stations

(1) Outside each polling station the following shall be displayed namely:

- (a) a list of polling stations specifying the polling area; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station there shall be set up one voting compartment in which electors can record their votes secretly without being observed by any one.

36. Appointment of polling agents

(1) The number of polling agents that may be appointed by a candidate for one polling station shall be one.

(2) Every such appointment shall be made in prescribed form and shall be made available to the polling agents for production at the polling station in Form 13.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument of his appointment after duly completing and signing before the Presiding Officer the declaration contained therein.

37. Admission to polling station

The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station.

38. Marked copy of electoral roll

Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present, that the marked copy of the roll to be used during the poll.

39. Preparation of ballot boxes for poll

(1) 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 their seals, if they so choose.

(2) Every ballot box used at the polling station shall bear labels both inside and outside marked with,

- (a) Name of the Committee;
- (b) Ward No.;
- (c) Polling Station No.;

(d) Serial No. of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(e) The date of poll.

(3) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons pres-

ent, that the ballot box is empty and bears the labels referred to in sub-rule (2).

(4) The ballot box shall be closed sealed and secured and placed in full view of the Presiding Officer and polling agents which shall be recorded in Form 14.

40. Identification of Voters

(1) As each voter enters the polling station, the Presiding Officer or Polling Officer authorized by him in this behalf shall check the voter's name and other particulars with the relevant entries in the electoral roll and then call out the serial number, name and other particulars of the voter.

(2) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or Polling Officer as the case may be, shall overlook clerical or printing errors in an entry in the electoral roll if he is otherwise satisfied with the identity of the person.

41. Challenging of identity

(1) Any polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rs. 2/- (Rupees two) in cash with Presiding Officer for each such challenge.

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

- (a) Warn the person challenged of a penalty for impersonation;
- (b) Read the relevant entry in the electoral roll in full and ask him/her, whether he/she is the person referred to in that entry;
- (c) Enter his/her name and address in the list of challenged votes in Form 15; and
- (d) Require him/her to affix his/her signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for the purpose;

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity,
- (b) put to the person challenged any question necessary for the purpose of establishing his/her identity and require him/her to answer them on oath.

(4) If, after the enquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote. In case the challenge is established, he shall debar the person from casting his vote.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the State Exchequer.

42. Safeguards against impersonation

(1) Every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall allow his/her left forefinger to be inspected by the Polling Officer incharge of the indelible ink and mark it with indelible ink.

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

(3) Any reference in this rule to the left forefinger of any elector shall, in case where the voter has his/her left forefinger missing, be construed as reference to any other finger of his/her hand and shall in the case where all the fingers of his/her left hand are missing be construed as a reference to the fare-finger or any finger of his/her right hand and shall in case where all his/her fingers of both hands are missing be construed as a reference to such extremity of his/her left or his/her right arms as he/she possesses.

43. Right to vote

(1) Only an elector is entitled to vote in the election.

(2) No person shall vote in more than one ward.

(3) No person shall be qualified for voting if he has been convicted of any offence punishable with imprisonment under section 171-E or 171-F of the Ranbir Penal Code, unless a period of 6 years has elapsed from the date of conviction or the State Government has, for reasons to be recorded in writing, removed such disqualification in any particular case.

44. Voting by marking ballot papers

The voting shall be made by marking the ballot papers.

¹[44-A. Voting machine at elections

Notwithstanding anything contained in these rules, the giving and recording of votes by voting machines in the manner provided hereinafter in these rules may be adopted in such constituencies as the Chief Electoral Officer may, having regard to the circumstances of each case, specify.

¹ Inserted by SRO 336 of 2016, dated 19.10.2016.

Explanation. — For the purpose of this rule, "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 these rules, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.]

45. Voting to be in person and not be proxy

The votes shall ordinarily be cast only in person:

Provided that in respect of any class of persons, the Chief Electoral Officer may issue instructions for casting of votes.

46. Issue of ballot papers to electors

(1) Every ballot paper, before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with distinguishing mark and every ballot paper, before it is issued, shall be signed in full on its back by the Presiding Officer.

(2) At the time of issue of ballot paper to an elector, the polling officer shall record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the roll of the concerned ward of the Corporation, and obtain signature or thumb impression of the elector on the said counterfoil and mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him without recording therein the serial number of the ballot paper issued to the elector.

(3) No person in the polling station shall note down the serial number of the ballot paper issued to the particular elector.

47. Maintenance of secrecy of voting within polling station

(1) Every elector to whom a ballot paper has been issued under these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) The elector on receiving the ballot paper shall forthwith-

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

(3) Every elector shall vote without undue delay.

(4) No elector shall be allowed to enter a voting compartment when an elector is inside.

(5) If an elector to whom a ballot paper has been issued refuses, after warning given by the Presiding Officer, to observe the procedure, whether he has recorded his/her vote or not be taken back from him/her by the Presiding Officer or a Polling Officer under the direction of the Presiding Officer.

(6) After the ballot paper has been taken back the Presiding Officer shall record on its back, the word "cancelled, voting procedure violated". It shall be kept in a separate cover which shall bear on its face the words "Ballot paper, voting procedure violated."

48. Recording of votes of blind or infirm electors

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognize symbol on the ballot paper or to mark without assistance, the Presiding Officer may permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on 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 insert it into the ballot box:

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

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

(2) The Presiding Officer shall keep a record in Form 16 of all cases under this rule.

(3) The Presiding Officer shall, when he is so requested by the companion of an elector, explain to him/her instructions for the recording of votes.

49. Spoilt and returned papers

(1) An elector who has inadvertently dealt with his/her ballot paper, in such a manner, that it cannot be conveniently used as such may, on returning it to the Presiding Officer and on satisfying of the inadvertence, be given other ballot paper, and ballot paper so returned and the

counterfoil of such ballot paper shall be marked "Spoilt and cancelled" by the Presiding Officer.

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

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

50. Tendered Votes

(1) If a person representing himself to be a particular electoral applies for a ballot paper after any other person has already voted as such elector, he/she shall, on satisfactorily answering such questions related to his/her identity, as the Presiding Officer, may ask, mark a ballot paper (hereinafter in these rules referred as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person, before being supplied with a tendered ballot paper, shall sign and write his/her name against the entry relating to him/her in a list in Form 17.

(3) Tendered ballot paper shall be the same as other ballot paper 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 papers and their counterfoils shall be marked on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

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

51. Commencement and closing of poll

The poll shall be commenced and closed, at the hour fixed in this behalf and no elector shall thereafter be admitted into the polling station after the close of the poll:

Provided that all the electors present at the polling station at the hour of close shall be entitled to have their votes polled.

If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

52. Account of ballot papers

(1) The Presiding Officer shall at the close of poll, prepare an account of ballot papers in prescribed form and if counting is not to be held immediately after the close of the poll, put in a cover super scribed with the words "Ballot Paper Account" in Form 18 and seal it.

(2) The Presiding Officer shall furnish to every polling agent present at the close of poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent and also attest it as a true copy.

53. Sealing of packets

(1) The Presiding Officer shall make separate packets for the following:-

- (a) the counterfoils of used ballot papers;
- (b) the marked foils of electoral roll;
- (c) the unused ballot papers;
- (d) the cancelled ballot papers;
- (e) the cover containing tendered ballot papers alongwith the list;
- (f) the list of challenged votes; and
- (g) any other paper directed by the Returning Officer or the Chief Electoral Officer.

(2) Each such packet shall be sealed with the seal of the Presiding Officer and of those polling agents who may desire to affix their seals thereon.

54. Transmission of polled ballot boxes etc. to the Returning Officer

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

- (a) the ballot boxes;
- (b) the ballot paper account;
- (c) the sealed packets; and
- (d) all other papers used in the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe Custody till the commencement of counting of votes.

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

(1) If at any election, any ballot box used at a polling station or at any other place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or is accidentally or willfully destroyed or lost or

damaged or tampered with and the Returning Officer is satisfied that in consequence thereof the result of the poll of that polling station ¹[cannot be ascertained or any voting machine develops a mechanical failure during the course of recording of votes], he shall report the facts to the Chief Electoral Officer who shall-

- (a) declare the poll at the polling station to be void;
- (b) appoint a day and fix the hours for taking a fresh poll at the polling station; and
- (c) notify the days so appointed and the hours so fixed by him in the manner provided in these rules.

56. Procedure for adjournment of poll

(1) If a poll at any place adjourned for any reason, the provisions of the foregoing rules shall apply.

(2) As and when an adjournment of poll is recommended the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

²[CHAPTER III-A**VOTING BY ELECTRONIC VOTING MACHINES****56-A. Design of Electronic Voting Machines**

Every electronic voting machine (hereinafter referred to as 'voting machine') shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Chief Electoral Officer:

Provided that a printer with a drop box of such design, as may be approved by the Chief Electoral Officer, may also be attached to a voting machine for printing a paper trail of the vote, in such ward or wards or parts thereof as the Chief Electoral Officer may direct.

56-B. Preparation of voting machine by the Returning Officer

(1) The balloting unit of the voting machine shall contain such particulars and in such language or languages as the Chief Electoral Officer may specify.

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

1 Substituted for "cannot be ascertained" by SRO 336 of 2016, dated 19.10.2016.

2 Chapter III-A inserted by SRO 336 of 2016, dated 19.10.2016.

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

(4) Subject to the foregoing provisions of this rule, the Returning Officer shall, —

- (a) fix the label containing the names and symbols of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;
- (b) set the number of contesting candidates 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.
- (c) Where the printer for paper trail is used under the proviso to rule 56A, set the printer as per the number of contesting candidates set in the control unit by-
 - i. loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (a);
 - ii. loading paper in the printer; and
 - iii. sealing the printer in such manner as may be directed by the Chief Electoral Officer.

56-C. Arrangements at the Polling Stations

(1) Outside each polling station there shall be displayed prominently—

- (a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.

(3) The Returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

(4) Without prejudice to the provisions of sub-rule (3), the Returning Officer may, with the previous approval of the Chief Electoral Officer,

provide one common voting machine for two or more polling stations located in the same premises.

56-D. Admission to polling stations

The Presiding Officer shall regulate the number of electors, 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 authorised by the Chief Electoral Officer;
- (d) Candidates, their election agents and subject to the provisions of rule 36, one polling agent of each candidate;
- (e) A child in arms accompanying the elector;
- (f) A person accompanying a blind or infirm elector who cannot move without help; and
- (g) Such other person as the Returning Officer or the Presiding Officer may employ under sub-rule (2) of rule 56-G or sub-rule (1) or rule 56-H.

56-E. Preparation of voting machine for poll

(1) The control unit and balloting unit of every voting machine used at the polling station and the printer for paper trail, wherever used, shall bear a label marked with —

- (a) the serial number, if any, and the name of the ward;
- (b) the serial number and name of the polling station or stations as the case may be;
- (c) the serial number of the unit; and
- (d) the date of poll.

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1), and where the printer for paper trail is used that the drop box of the printer is empty.

(3) A paper seal shall be used for securing the control unit of the voting machine, and the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the control unit of the voting machine and shall secure and seal the same.

(5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal.

(6) The control unit shall, after being closed and secured, be placed in full view of the Presiding Officer and the polling agents and the balloting unit shall be placed in the voting compartment.

(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the Chief Electoral Officer.

56-F. Marked copy of electoral roll

Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll.

56-G. Facilities for women electors

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

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

56-H. Identification of electors

(1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the polling station is situated in a ward, electors of which have been supplied with identity cards under the provisions of the Jammu and Kashmir Registration of Electors Rules, 1966, the elector shall produce his identity card before the Presiding Officer or the Polling Officer authorised by him in this behalf.

(4) In deciding the right of a person to cast his vote, the Presiding Officer or the Polling Officer, as the case may be, shall over look the

clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

56-I. Facilities for public servants on election duty

(1) The provisions of rule 56-H shall not apply to any person who produces at the polling station an election duty certificate and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

(2) On production or such certificate, the Presiding Officer shall—

- (a) obtain thereon, the signature of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

56-J. Challenging of Identity

(1) Any polling agent may challenge the identity of a person claiming Rule 56-J to be a particular elector by first depositing a sum of rupees two in cash with the Presiding Officer for each such challenge.

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

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 15; and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

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

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

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

56-K. Safeguards against personation

(1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left fore finger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.

(2) If any elector—

- (a) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark; or
- (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 56-H,

he shall not be allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger to his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

56-L. Procedure for voting by voting machines

(1) Before permitting an elector to vote, the Polling Officer shall—

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of votes in Form 17-A;
- (b) obtain the signature or the thumb impression of the elector on the said register of votes;
- (c) mark the name of the electoral in the marked copy of the electoral roll to indicate that he has been allowed to vote; and
- (d) give details of the document produced by the elector in proof of his/her identification:

Provided that no elector shall be allowed to vote unless he has put his signature or thumb impression of the register of votes.

(2) Notwithstanding anything contained in sub-rule (2) of rule 56-K, it shall not be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the elector on the register of voter.

56-M. Maintenance of secrecy of voting by electors within the polling station and voting procedure

(1) Every elector who has been permitted to vote under rule 56-L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote, the elector shall proceed to the Presiding Officer or the Polling Officer in charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote.

(3) The elector shall thereafter forthwith —

- (a) proceed to the voting compartment;
- (b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidates for whom he intends to vote; and
- (c) come out of the voting compartment and leave the polling station:

Provided that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept along with the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.

(4) Every elector shall vote without undue delay.

(5) No elector shall be allowed to enter the voting compartment when another elector is inside it.

(6) If an elector who has been permitted to vote under rule 56-L refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (3), the Presiding Officer or Polling Officer under the direction of the Presiding Officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form 17-A by the Presiding Officer under his signature.

56-N. Procedure in case of complaint about particulars printed on paper slip

(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 56-M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Form 17-A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the presiding officer shall report the facts immediately to the returning officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the returning officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the presiding officer shall-

- (i) make a remark to that effect against the second entry relating to that elector in Form 17-A mentioning the serial number and name of the candidate for whom such test vote has been recorded;
- (ii) obtain the signature or thumb impression of that elector against such remarks; and

(iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17-C,

56-O. Recording of votes of blind or infirm electors

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

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

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

(2) The Presiding Officer shall keep a record in Form 16 of all cases under this rule.

56-P. Elector deciding not to vote

If an elector, after his electoral roll number has been duly entered in the register of voters in Form 17-A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 56-L, decides not to record his vote, a remark to this effect shall be made against the said entry in Form 17-A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

56-Q. Tendered Votes

(1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or language as the Chief Electoral Officer may specify.

(2) Every such elector shall before being supplied with tendered ballot paper write his name against the entry relating to him in Form 17-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) for 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 to blindness or physical infirmity, such elector is unable to record his vote without assistance, the Presiding Officer shall permit

him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 56-O for recording the vote in accordance with his wishes.

56-R. 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 anyway.

(2) If the Presiding Officer has reason to suspect that an elector, who has entered the voting compartment, is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

56-S. Closing of Poll

(1) The Presiding Officer shall close the polling station at the hour fixed in that behalf under rule 51 and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the Presiding Officer and his decision shall be final.

56-T. Account of votes recorded

(1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form 17-C and enclose it in a separate cover with the words 'Account of Votes Recorded' superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form 17-C after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

56-U. Sealing of voting machine after poll

(1) As soon as practicable after the closing of the poll the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit and

from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact.

(2) The control unit, the balloting unit and the printer, where it is used, shall thereafter be sealed, and secured separately in such manner as the Chief Electoral Officer may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

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

56-V. Sealing of the other packets

(1) The Presiding Officer shall then make into separate packets —

- (a) the marked copy of the electoral roll;
- (b) the register of voters in Form 17-A;
- (c) the cover containing the tendered ballot papers and the list in Form 17-B;
- (d) the list of challenged votes; and
- (e) any other papers directed by the Election Commission to be kept in a sealed packet.

(2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

56-W. Transmission of voting machines, etc. to the Returning Officer

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

- (a) the voting machine;
- (b) the account of votes recorded in Form 17-C;
- (c) the sealed packets referred to in rule 56-V; and
- (d) all other papers used at the poll

(2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

56-X. Procedure on adjournment of poll

(1) If the poll at any polling station is adjourned under rule 56, the provision of rules 56-T to 56-W shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 66.

(2) When an adjourned poll is recommended, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 17-A and a new voting machine.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.

(5) The provisions of rules 56-A to 56-W shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

56-Y. Closing of voting machine in case of booth capturing

Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station, 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 from the control unit.]

CHAPTER IV

57. Admission to the place of counting and programme for counting of votes

(1) The Chief Electoral Officer may direct as to whether the counting of votes is to be done at the polling station itself after the close of poll or at a different date, time and place.

(2) When the counting is to be done at the polling station itself, the Presiding Officer of the polling station may be designated as the Assistant Returning Officer for the purpose, if so decided by the Chief Electoral Officer.

(3) Where the counting is to be done at a different date, time and place, the Chief Electoral Officer may appoint an Assistant Returning Officer to conduct the counting of votes of one or more wards.

(4) The Returning Officer shall appoint such number of persons as he deems necessary, to be known as counting supervisors and counting assistants to assist him and the Asstt. Returning Officer in counting the votes.

(5) If counting to be done at the polling station, Presiding Officer designated as Assistant Returning Officer will commence counting immediately after the close of the poll.

(6) If the counting is to be done at a different place, date and time, the Presiding Officer will seal the ballot box (s) and election papers in

accordance with these rules and such further directions as may be issued by the Chief Electoral Officer and deposit them at the place fixed for this purpose by the Returning Officer for the safe custody.

(7) Reference to the Returning Officer in these rules shall also be construed as reference to the Assistant Returning Officer.

58. Intimation of time and place for counting of votes

The Returning Officer shall, at least one week before the date or the first of the dates fixed for poll, appoint the place or places where 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.

59. Appointment of counting agents and revocation of such appointments

(1) Each contesting candidate shall, subject to such general or special direction as the Chief Electoral Officer may issue in this behalf, appoint one counting agent for each polling station, one counting agent for the table of Assistant Returning Officer if counting is to take place at a place different than the polling station.

(2) Every such appointment shall be made in Form 19 in triplicate, one copy of which shall be forwarded to the Returning Officer, the second to the Assistant Returning Officer and the third shall be made available to the Counting agent for production at the place of counting.

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

(4) The appointment of counting agent may be revoked by the candidate in Form 20 and in that event fresh appointment may be made.

60. Admission to the place fixed for counting

(1) The Returning Officer shall exclude from the place fixed for counting of votes all the persons except;

- (a) the counting supervisors and counting assistants as he may appoint, to assist him in counting;
- (b) persons authorized by the Chief Electoral Officer;
- (c) public servant on duty in connection with the election;
- (d) candidates, their election agents and counting agents.

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

(3) 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 Returning Officer or by Assistant Returning Officer.

61. Maintenance of secrecy of voting

The Returning Officer shall, before the commencement of the counting, read out the provision of section 22 of the J&K Municipal Corporation Act to such persons as may be present.

62. Scrutiny and opening of ballot boxes

The Returning Officer shall on the date, time and place fixed under rule 58 before commencement of counting shall deal with the ballot boxes in the following manner, namely:—

- (a) all the boxes used at the polling station shall be opened at the same time;
- (b) before any box is opened at the counting table the candidates or their agents shall be allowed to inspect the paper seal or other seals as have been affixed thereon to satisfy themselves that the same are intact;
- (c) the Returning Officer shall satisfy himself that none of the ballot boxes has been tampered with; and
- (d) if the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers of that box and shall follow the procedure as may be laid by the Chief Electoral Officer.

63. Scrutiny and rejection of ballot papers

- (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.
- (2) The Returning Officer shall reject the ballot paper:—
 - (a) if votes are given in favour of more than one candidate; or
 - (b) if it bears any mark or writing by which the voter can be identified; or
 - (c) if no vote recorded thereon; or
 - (d) if 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; or
 - (e) if it is spurious ballot paper; or

- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (g) if it bears a different serial number, or is different from design of ballot paper authorized for use at the polling station; or
- (h) if it does not bear the mark which it should have borne under the provisions of sub-rule 2 (b) of the rule 47:

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

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is 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.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present reasonable opportunity to inspect the ballot paper but shall not allow to handle it or any other ballot paper.

(4) The Returning Officer shall record on every ballot paper which he rejects the letter "R" and the ground of rejection in abbreviated form either in his own hand or by means of rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

64. Counting of votes

(1) Every ballot paper, which is not rejected under rule 64 shall be deemed to be valid and shall be counted after being sorted out candidate wise:

Provided that no packet containing tendered ballot papers shall be opened and no such paper shall be counted except in case of a tie.

(2) After the counting of all valid votes of a polling station has been completed, the Returning Officer shall make entries in a result sheet and announce the particulars.

(3) All valid ballot papers shall thereafter be bundled candidate-wise together and kept along with the bundles of rejected ballot papers in a separate packet, which shall be sealed and on which the following particulars shall be recorded:—

- (a) the name of the ward;
- (b) the particulars of the polling station where the ballot papers have been used; and

(c) date of counting.

¹**64-A. Counting of votes where electronic voting machines have been used**

In relation to counting of votes at a polling station, where voting machine has been used in lieu of rules 62 and 64, the following rules shall apply, namely:—

64-B. 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 and 56, as may be applicable in respect of the polling station where that machine was used.

64-C. Counting of votes

(1) After the Returning Officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the Returning Officer shall have.—

- (a) the number of such votes recorded separately in respect of each candidate in Part-II of Form 17-C;
- (b) Part II of Form 17-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

¹ Inserted by SRO 336 of 2016, dated 19.10.2016

(c) corresponding entries made in a result sheet in Form-22 and the particulars so entered in the result sheet announced.

64-D. Sealing of voting machines

(1) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II of Form 17-C and Form 22, the Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result and where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the Chief Electoral Officer.

(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 ward;
- (b) the particulars of polling station or stations where the control unit has been used;
- (c) Serial number of the control unit and printer, wherever used;
- (d) date of poll; and
- (e) date of counting.

(3) The provisions of rules 64 to 68 shall, so far as may be, apply in relation to voting by voting machines and any reference in those rules to ballot paper shall be construed as including a reference to such voting machine.]

65. Commencement of counting after fresh poll

(1) If a fresh poll is held under rule 55, the Returning Officer shall immediately after completion of that poll commence the counting of votes as far as practicable at the place which has been fixed by him in that behalf and of which notice has previously been given to the candidate and their agents.

(2) The provision of rules 57 to 63 shall apply to such further counting.

66. Intimation of result of counting to the Returning Officer

After completion of counting, the Assistant Returning Officer shall forthwith send the result sheet to the Returning Officer in Form 21.

67. Declaration of result and procedure in case of tie

When the counting of votes has been completed for all the polling stations in a ward, the Returning Officer shall forthwith consolidate

result of counting in Form 22 and declare the result in the following manner:

- (a) The Candidate who is found to have obtained largest number of valid votes shall be declared to have been elected.
- (b) If, after consolidation, the result as mentioned above, a tie is found to exist between the candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by draw of lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

68. Grant of certificate of election to the elected candidate

As soon as may be after a candidate has been declared elected by the Returning Officer, he shall grant to such candidate a certificate of election in Form 23 and obtain from the candidate an acknowledgment of its receipt duly signed by him and immediately send the acknowledgment of certificate to the Deputy Commissioner who shall get it notified in the Government Gazette.

69. Election papers to be forwarded to the Deputy Commissioner

(1) After the issuance of certificate under rule 68, the Returning Officer shall seal the following documents in separate packets which shall be superscribed with the description of their contents and forward the same to the Deputy Commissioner:-

- (a) The marked copy of the electoral roll;
- (b) The counterfoils of the used ballot papers;
- (c) The ballot papers signed by the Presiding Officer but not issued to the voters;
- (d) The unused ballot papers;
- (e) The ballot papers cancelled for violation of voting procedure;
- (f) Any other cancelled ballot papers;
- (g) The cover containing tendered ballot papers and tendered voter lists;
- (h) The list of challenged votes;
- (i) Account of ballot papers;
- (j) The ballot papers counted as valid; and
- (k) Any other packet/s which may be prescribed by the Deputy Commissioner.

(2) The Returning Officer/Assistant Returning Officer shall allow a candidate or his agent who may so desire to affix his seal on each or any of the said packets.

70. Custody of election papers

(1) The Deputy Commissioner shall cause to retain the packets forwarded to him under the provision of rule 69 under his custody until the expiry of one year from the date of election and shall, subject to any direction to the contrary given by the Chief Electoral Officer or a competent court or a person or persons appointed to hold an enquiry into the election under these rules, cause them to be destroyed.

(2) Any candidate may apply to Deputy Commissioner for supply of certified copy of any document relating to an election other than ballot papers, counterfoil of unused ballot papers and marked copy of roll, on payment of a fee at the same rate as is charged in the State of J&K for the inspection of a document forming part of a record of the cases dealt with by a Revenue Officer or for supply of a copy of an order by Revenue Officer as the case may be and such copy be supplied in accordance with the procedure to be followed for a similar application in respect of cases dealt with by a Revenue Officer.

71. Choice of seat in case of election to more seats than one

Any candidate who is elected from more than one ward shall, by notice in writing signed by him and delivered to the Deputy Commissioner with a copy to Commissioner of the Corporation concerned within seven days of the publication of results of election in the Government Gazette, choose for which of those wards he/she shall serve. If he/she does not deliver such notice within the period specified above, he/she shall serve in one of the wards which will be notified by the Deputy Commissioner and the resultant vacancy shall be filled under those rules.

72. Filling of casual vacancies

In the event of a vacancy caused due to the death, resignation or removal of a member, election to such vacancy shall be conducted in the manner as prescribed herein above and the programme of the election shall be framed as soon as may be convenient after the occurrence of the vacancy.

73. Appointment of officers to perform functions of Deputy Commissioner

If on account of illness or absence from headquarters or for any other reason the Deputy Commissioner is unable to perform any of his functions under these rules, he may by order in writing appoint Additional

FORM 2

[See rule 5 (1)]

NOTICE OF PUBLICATION OF ELECTORAL ROLL IN DRAFT

To

The Electors of Ward No.

Municipal Corporation

Notice is hereby given that the electoral roll has been prepared in pursuance of the provisions of rule 4 of the Municipal Corporation (Election) Rules, 2003 and a copy thereof is available for inspection at my office or office of the Municipal Corporation/Tehsil office, which can be inspected during office hours.

If there be any claim for the inclusion of a name in the roll or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before in Forms 3, 4 or 5 as may be appropriate.

Every such claim or objection should either be presented in my office or to the Assistant Electoral Registration Officer (designation) not later than the aforesaid date.

Place

Date

Electoral Registration Officer

Ward No.....

FORM 3

[See rule 8 (1)]

CLAIM APPLICATION FOR INCLUSION OF NAME

To

The Electoral Registration Officer

Ward No.

Municipal Corporation

Sir,

I request that my name be included in the Electoral Roll for the above Ward in Mohalla

My name (in full)

My Father's/Mothers'/Husband's name

Particulars of my place of residence: House No.

Street Mohalla Town

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

- (i) that I am a citizen of India;
- (ii) that my age on the first day of January, 200... was years;
- (iii) that I am ordinarily residing at the address given above;
- (iv) that I have not applied for the inclusion of my name in the electoral roll for any other Ward/Constituency.

Place

Date

Signature or thumb impression of Claimant

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

Ward No. My serial number therein is I support claim and countersign it.

Signature of the elector

Name in full

FORM 4

[See rule 8 (1)]

OBJECTION TO INCLUSION OF NAME

To

The Electoral Registration Officer,

Ward No.

Municipal Corporation

Sir,

I object to the inclusion of the name of at serial No. in Mohalla Ward No. of the electoral roll for the following reason(s):-

.....
.....
.....

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

My name has been included in the electoral roll as follows:-

My name in full

Father's/Mother's/Husband's name

Serial No. Mohalla

Signature/thumb impression of objector

Full postal address

Dated

FORM 5

[See rule 8(1)]

APPLICATION FOR CORRECTION OF AN ENTRY

To

The Electoral Registration Officer

Ward No.

Municipal Corporation

Sir,

I submit that the entry relating to myself which appears at Sl. No. in Mohalla of the electoral roll as "....." is not correct.

It should be corrected to read as follows:-

.....

.....

Place

Date

Signature or thumb impression of the elector

FORM 6

[See rule 19]

NOTICE OF ELECTION

Election to the Municipal Corporation from (Ward/Constituency).

Notice is to be given hereby that-

1. an election is to be held of
2. forms and nomination paper may be obtained at the offices of the officers specified in paragraph 6 between the hours of and from date to date);
3. nomination papers may be delivered between the hours of 11:00 A.M. in the morning and 3:00 P.M in the afternoon by a candidate of his [authorised agent] to any of the officer specified in paragraph 6 at his office on any day not later than the day of

4. the nomination papers will be taken up for scrutiny at (hours) on date at (place);
5. notice of withdrawal of candidature may be delivered by a candidate or his [authorized agent] or election agent to any one of the officers specified in paragraph 6 at his office before 3:00 P.M. on
6. nomination papers and notices of withdrawal may be delivered to any of the officers specified in the column of the following table at his office specified in the correspondence entry in the second column of the table:-

TABLE

Designation of Officer	Location of Office
1	2
1. Returning Officer	
2. Assistant Returning Officer	

7. in the event of election being contested, the poll will take place on between the hours of and

Place

Date

Returning Officer.

FORM 6A

[See rule 20 (1)]

NOMINATION PAPER

Election to the Municipal Corporation from the Ward/Constituency.

I nominate (Name) Father's/Husband's Name resident of (full postal address) as a candidate at the above election.

His name is entered at serial number in the electoral roll of Mohalla Ward

My name is and is entered at S. No. in the electoral roll of Mohalla Ward

Signature of proposer.

Date

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 the party;
- (c) that the symbols I have chosen are in order of preference:- (i) (ii) (iii)
- (d) that my name and my father's/husband's name have been correctly spelt out above in (name of the language);
- (e) that to the best of my knowledge and belief, I am qualified and nor also disqualified for being chosen to fill the seat in the Municipal Corporation.

¹[I further declare that I am a member of the caste/tribe/class which is Scheduled Caste/Scheduled Tribe/Backward Class.]

Date Signature of the Candidate.

PERFORATION

RECEIPT OF NOMINATION PAPER AND NOTICE OF SCRUTINY

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

Serial No. of nomination paper The nomination paper of candidate for election from the Ward/Constituency delivered to me at my office at (hours) on (date) by the candidate/proposer.

All the nomination papers will be taken up for scrutiny at (hours) on (date) at (Place)

Dated Returning Officer.

FORM 7

[See rule 21]

NOTICE OF NOMINATIONS

Election to the Municipal Corporation from the Ward/Constituency). Notice is hereby given that the following nominations in respect of the above election have been received up to 3.00 P.M. today:-

¹ Substituted by SRO 387 of 2018, dated 08.09.2018.

S.No. of nomination paper	Name of candidate	Name of father/mother/husband	Age of candidate	Address	Party affiliation	Particulars of caste for candidates belonging to Scheduled Caste/ Backward Class	S.No. of the candidate in electoral roll	Name of proposer	S.No. of proposer in the electorl roll
1	2	3	4	5	6	7	8	9	10

Returning Officer.

FORM 7A

[See rule 23 (7)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the Municipal Corporation from the (Ward/ Constituency).

S.No. allotted	Name of candidate	Name of father/husband	Address of candidate
1	2	3	4

Place

Date

Returning Officer.

FORM 8

[See rule 23]

NOTICE OF WITHDRAWAL

Election to the Municipal Corporation from the (Ward/Constituency).

To

The Returning Officer

.....

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

Place.....

Date.....

Signature of the Candidate.

This notice was delivered to me at my office at (hour) on..... (date) by (name) the Candidate/election agent.

Returning Officer.

PERFORATION

The notice of withdrawal of candidature by a candidate at the election to the Municipal Corporation from the (Ward/Constituency) was delivered to me by the candidate/his election agent at my office at (hour) on (date).

Returning Officer.

FORM 9

[See rule 25 (1)]

LIST OF CONTESTING CANDIDATES

Election to the Municipal Corporation from the (Ward/Constituency).

S. No.	Name of Candidate	Address of Candidate	Symbol allotted
1	2	3	4
1.			
2.			
3.			
4.			
5.			
6.			
7.			
etc.			

Place

Date

Returning Officer.

FORM 10

[See rule 26]

DECLARATION OF THE RESULT OF ELECTION UNDER RULE 26 OF MUNICIPAL CORPORATION ELECTION RULES, 2003 (WHEN SEAT IS UNCONTESTED)

Election to the Municipal Corporation from the Ward/Constituency.

In pursuance of rule 26 of the Municipal Corporation (Election) Rules, 2003, I declare that (name) of (address) has been duly elected to fill the seat in Municipal Corporation from the Ward/Constituency.

Place.....

Date

Signature of the Returning Officer

(with seal)

FORM 11

[See rule 28]

LIST OF POLLING STATIONS

Election to the Municipal Corporation from the (Ward/Constituency).

S. No.	Location of Polling Station	Name of Polling Station	Area covered in the Polling Station	Total No. of votes assigned	Whether for all voters or for men only or for women only
1	2	3	4	5	6

Place.....

Date

Signature of the Returning Officer

(with seal)

FORM 12

[See rule 32 (i)]

FORMAT OF BALLOT PAPER

Municipal Corporation

Ward/Constituency.....

Electoral Roll Part No.
 Serial No. of Elector

No. 0001	Signature/Thumb impression
Perforation.....	
Name	Symbol
No. 0001	Municipal Corporation Ward/ Constituency
Name	Symbol
Name	Symbol

FORM 13

[See rule 36 (2)]

APPOINTMENT OF POLLING AGENT

Election to the Municipal Corporation from the
 (Ward/Constituency).

I a candidate/the election agent of
 who is a candidate at the above election do hereby appoint of
 as a polling agent to attend Polling Station No. at
 place fixed for the poll.

Place

Date

Signature of Candidate/
 Election Agent.

I agree to act as such polling agent.

Place

Date

Signature of Polling Agent.

Declaration of Polling Agent to be signed before Presiding Officer
 I hereby declare that at the election I will not do anything act
 forbidden by law in the performance of my duties as Polling Agent.
 Date

Signed before me
 Presiding Officer.

Date

Signature of Polling Agent.

FORM 14

[See rule 39(4)]

PART I

**DECLARATION BY THE PRESIDING OFFICER BEFORE THE
 COMMENCEMENT OF THE POLL**

Election to the Municipal Corporation

S. No. and name of Polling Station

Date of Poll

I hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present that the ballot box (es) to be used for the poll is/are empty and I have allowed them to note down the serial numbers of the ballot box (es);
- *(2) that on the paper seal used for securing the ballot box I have affixed my own signature and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same;
 * (Inapplicable where paper seal is not used)
- (3) that I have demonstrated to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any marks;
- (4) I have allowed the polling agents to note the first and the last of the serial numbers of the ballot papers and showed them bundles of ballot which will be used at the Polling Station.

Signature of Polling Agents	Signature of Presiding Officer
1. (of candidate)	2 (of candidate)
3. (of candidate)	4 (of candidate)
5. (of candidate)	6 (of candidate)
7. (of candidate)	8 (of candidate)
9. (of candidate)	

The following polling agent(s) declined to affix his/her signature(s), on this declaration:-

1 (of candidate)	2 (of candidate)
-------------------------------	-------------------------------

3 (of candidate)	4 (of candidate)
-------------------------------	-------------------------------

Signature
Presiding Officer

Date.....

PART II

DECLARATION BY THE PRESIDING OFFICER AT THE TIME OF USE OF SUBSEQUENT BALLOT BOXES

Election to the Municipal Corporation.....

S. No. & name of Polling Station.....

Date of Poll.

I hereby declare:

(1) that I have demonstrated to the polling agents and other persons present that the second/third () ballot box to be used for the poll is empty; and

*(2) that on the paper seal used for securing the ballot box, I have affixed my own signature and obtained thereon the signature of such of the polling agents as are present and desirous of affixing the same.

* (Inapplicable where paper seal is not used)

Signature of Polling Agents	Signature Presiding Officer
1. (of candidate)	2 (of candidate)
3. (of candidate)	4 (of candidate)
5. (of candidate)	6 (of candidate)
7. (of candidate)	8 (of candidate)
9. (of candidate)	

The following polling agent(s) declined to affix his/her signature(s), on this declaration:-

1 (of candidate)	2 (of candidate)
3 (of candidate)	4 (of candidate)

Date

Signature
Presiding Officer

**PART III
DECLARATION AT THE END OF POLL**

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in the ballot paper account in Form 18 as required under rule 52(1) of the Conduct of Municipal Corporation Election Rules, 2003.

Signature.....
Presiding Officer

Date.....

Received an attested copy of the entries made in the ballot paper account.

Signature of polling agents:

1. (of candidate)	2 (of candidate)
3. (of candidate)	4 (of candidate)
5. (of candidate)	6 (of candidate)
7. (of candidate)	8 (of candidate)
9. (of candidate)	

The following polling agents who were present at the close of the poll declined to receive an attested copy of the ballot paper account and to give a receipt thereof and so an attested copy of the ballot paper account was not supplied to them:-

1. (of candidate)	2 (of candidate)
3. (of candidate)	4 (of candidate)
5. (of candidate)	6 (of candidate)
7. (of candidate)	8 (of candidate)
9. (of candidate)	

Signature.....
Presiding Officer

Date.....

FORM 15

[See rule 41(2)]

LIST OF CHALLENGED VOTES

Election to the Municipal Corporation from the
..... Ward/Constituency.

(No. & location of the Polling Station)

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

Signature of Presiding Officer

FORM 16

[See rule 48(2)]

LIST OF ILLITERATE, BLIND AND INFIRM VOTERS

Election to the Municipal Corporation from the
..... Ward/Constituency.

(No. & location of the Polling Station)

Part No. of electoral roll and S. No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of the companion
1	2	3	4	5

Date

Signature of Presiding Officer

FORM 17

[See rule 50(2)]

LIST OF TENDERED VOTES

Election to the Municipal Corporation from the
(Ward/Constituency).

Part number of electoral roll, serial number and name of elector	Address of elector	Serial No. of the tendered ballot paper	Serial No. of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5

Date

Signature of Presiding Officer

¹[FORM 17A

See rule 56-L

REGISTER OF VOTERS

Election to the Municipal Ward. No. and Name of Polling Station
..... Part No. of Electoral Roll

Sl. No.	Sl. No. of elector in the electoral roll	Details of the document produced by the elector in proof of his/her identification	Signature/ Thumb impression of elector	Remarks
(1)	(2)	(3)	(4)	(5)

¹ Inserted by SRO 336 of 2016, dated 19.10.2016.

1			
2			
3			
4			
etc.			

Signature of the Presiding Officer.]

¹[FORM 17B

(See rule 56-Q)

LIST OF TENDERED VOTES

Election to the Municipal ward

Number and Name of Polling Station

Part No. of Electoral Roll

Sl. No.	Name of elector	S.No. of elector in electoral roll	S.No. in Register of voters (Form 17-A) of the person who has already voted in place of elector	Signature/Thumb impression of elector
1				
2				
3				
4				
etc.				

Date.....

Signature of the Presiding Officer]

¹ Inserted by SRO 336 of 2016, dated 19.10.2016

¹[FORM 17C

(See rule 56-T and 64)

PART I

ACCOUNT OF VOTES RECORDED

Election to the Municipal Ward.....

Number and Name of Polling Station:.....

Identification Number of voting:

Machine used at the Polling Station:

Control unit.....

Balloting unit.....

Printer (if used).....

1. Total number of electors assigned to the Polling Station
2. Total number of voters as entered in the Register for Voters (Form 17-A)
3. Number of voters deciding not to record votes under rule 56-P
4. Number of voters not allowed to vote under rule 56-M
5. Test votes recorded under rule 56-N required to be deducted-

(a)	total number of test votes t. be deducted	Total No.	S. No.(s) of elector(s) in Form 17-A	
(b)	candidate(s) for whom test vote(s) cast:	S. No.	Name of candidate	Name of votes

6. Total number of votes recorded as per voting machine:

7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4 (i.e. 2-3-4) or any discrepancy noticed:

¹ Inserted by SRO 336 of 2016, dated 19.10.2016

8. Number of voters to whom tendered ballot papers were issued under rule 56- Q:

9. Number of tendered ballot papers Sl. No.

Total	From	To
(a) received for use		
(b) issued to electors.		
(c) not used and returned		

10. Account of papers seals

Signature of polling agents.

1	Paper seals supplied for used	Total No. Sl. No. fromto	1.
2	Paper seals used :	Total No. Sl. No. (s)	2.
3	Unused paper seals returned to Returning Officer:	Total No. Sl. No. (s)	3.
4	Damaged paper seal, if any:	Total No. Sl. No. (s).....	4. 5. 6.

Date.....

Place

Signature of Presiding Officer.....

Polling Station No.

PART II
RESULT OF COUNTING

Sl. No. of Candidate	Name of candidate	Number of votes as displayed on control unit	Number of test votes to be deducted as per item 5 of Part I.	Number of valid votes. (3-4)

(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.	None of the above			
Total				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 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.

Place

Date.....

Signature of Returning Officer.]

FORM 18

[See rule 52(1)]

PART-I

BALLOT PAPER ACCOUNT

Election to the Municipal Corporation from the (Ward/Constituency).

No. and location of Polling Station

- 01. Ballot papers from Serial No. to Total No.
- 02. Ballot papers unused (i.e. not issued to voters):-
 - (a) with the signature of Presiding Officer.....
 - (b) without signature of the Presiding Officer (Total of a+b).....
- 03. Ballot papers used at Polling Station (1-2)=3
- 04. Ballot papers used at the Polling Station but not inserted in the ballot box.....
 - (a) ballot papers cancelled for violation of voting procedure under rule.....
 - (b) ballot papers cancelled for other reasons
 - (c) ballot papers used. Total (a+b+c)
- 05. Ballot papers to be found in the ballot box (3-4= 5)
(Serial number need not be given)

Signature of the Presiding Officer.

Date

PART-II

I. Name of the candidate	Number of valid votes cast
1	2
01.	
02.	
03.	
04.	
05.	
06.	
07.	
08.	
09.	
10.	
etc.	

II. Number of ballot papers rejected	
III. Total	

Whether the total number of ballot papers shown against item No. III above tallies with the total shown against item No. 5 of Part I or any discrepancy noticed between these two totals.

Place

Date

Signature of the Counting Supervisor.

Place

Date

Signature of the Returning Officer.

FORM 19

[See rule 59 (2)]

PART-I

APPOINTMENT OF COUNTING AGENT

Election to the Municipal Corporation from the (Ward/Constituency).

To

The Returning Officer

.....

.....

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

S.No.	Name of counting agent	Address of the counting agent
01.....	
02.....	
03.....	
04.....	
05.....	

06.....
07.....
08.....
etc.	

Signature of candidate/election agent

We agree to act as such counting agent	Signature of counting agent
01.....
02.....
03.....
04.....
etc.	

Place

Date

PART-II

DECLARATION OF COUNTING AGENTS

[To be signed before the Returning Officer]

We hereby declare that at the above election we will not do anything forbidden by section of the Jammu and Kashmir Municipal Corporation Act, 2000, which we have read/has been read over to us.

Signature of Counting Agent

- 1.....
- 2.....
- 3.....
- etc.

Signed before me.

Date.....

Returning Officer.

FORM 20

[See rule 59 (4)]

REVOCATION OF APPOINTMENT OF COUNTING AGENT

Election to the Municipal Corporation from the (Ward/Constituency).

To

The Returning Officer

.....

I..... the candidate/election agent of..... a candidate at the above election hereby revoke the appointment of as my/his counting agent.

Place.....

Date..... Signature of person revoking.

Here insert the number and name of the Ward/Constituency.

FORM 21

[See rule 66]

INTIMATION OF RESULT OF COUNTING BY ASSISTANT RETURNING OFFICER

Election to the Municipal Corporation from the (Ward/Constituency).

No. and name of Polling Station

Total electors assigned to the Polling Station

Name of the candidate	No. of valid votes cast
1	
2	
3	
4	
5	
6	
7	
8	

9	
Number of ballot papers rejected	
Total	

Place

Signature of Assistant Returning Officer.

Date

FORM 22

[See rule 67]

FINAL RESULT SHEET

Election to the Municipal Corporation from the
..... Ward/Constituency.

Total No. of electors in the Ward/Constituency

S. No.	No. of valid votes cast in favour of													Total No. of		Total No. of tendered Votes
	A	B	C	D	E	F	G	H	I	J	K	L	M	Valid votes	Rej-ec-ted vot-es	
1.																
2.																
3.																
4.																
5.																
6.																
7.																
etc.																
Total No. of votes recorded																
Total votes polled																

Place

Returning Officer

Date

FORM 23

[See rule 68]

CERTIFICATE OF ELECTION

I, Returning Officer for the Ward/Constituency hereby certify that I have on the day of 200 declared Shri/Smt of to have been duly elected from the said Ward/Constituency to be a member of the Municipal Corporation and in token thereof I have granted to him/her this certificate of election.

Place

Returning Officer for the Ward

Date

(with seal).