

# Handbook for Candidates

(At Elections to the Andhra Pradesh Legislative Council)  
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**Chief Electoral Officer**  
Andhra Pradesh



# F O R E W O R D

This manual forms part of our continuing efforts at voter education in the context of the constitution of the AP Legislative Council. The Council was in place till 1985 after which it was abolished. After a gap of nearly twenty two years it is being revived again.

The elections to the Council will be through proportionate representation by single transferable vote. There is little memory available in Andhra Pradesh on the procedures for conducting as well as counting in such elections. The Election Commission has provided detailed instructions in its Handbook for Returning Officers for Elections to the Council of States and State Legislative Councils. In addition this Department has recently produced two manuals a Manual for Voting and Counting in Legislative Council Elections and a Manual for Presiding Officers. Though both these books are in the public domain, it was decided to produce a manual aimed exclusively at the candidates to elections to the Council. Such an focused effort would cater directly to issues of immediate relevance to candidates alone

This book is the result of such an effort. It is modeled on the “ Handbook for Candidates” produced by the Election Commission for elections to Assembly and Parliamentary constituencies. I am grateful to Shri CR Brahmam retired Secretary of the Election Commission of India and Consultant to this Department who has taken great pains to prepare this book on the basis of existing instructions within a short time. I also wish to thank Shri Phani Kumar Addl CEO who has contributed to the design and content of this book. The strong contribution of Shri G Srinivasa Rao, ASO in the production of this book is also acknowledged. It is hoped that all candidates, political parties as well as the general public will find this book useful.

This manual is not a substitute for the various provisions of the Constitution, the Representation of Peoples act 1950 and 1951, the Conduct of Election Rules 1961 and the instructions of the Elections Commission which should invariably be referred to in case of any doubt.

Hyderabad  
13 February 2007

Chief Electoral Officer &  
E.O. Prl.Secretary to Government



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## PRELIMINARY

### 1. INTRODUCTORY

- 1.1 The Constitution of India has established a representative parliamentary democracy under which elections are held from territorial constituencies as determined under the law.
- 1.2 If you are standing as a candidate for election from a Legislative Council constituency, it is essential that you should know the salient provisions of election law and procedure so that you may not experience any difficulty or inconvenience in connection with your candidature. Perhaps you are already aware of the basic provision of the election law and rules; still for your benefit and guidance, this Handbook has been brought out, giving in brief the important and relevant provisions of the law and rules in relation to an election to the State Legislative Council (Vidhana Mandal).

### 2. BRIEF ABOUT ANDHRA PRADESH LEGISLATIVE COUNCIL

- 2.1 The State of Andhra Pradesh was formed on 01.11.1956 as a result of States Re-organisation. It was having a unicameral legislature. The Parliament passed the Legislative Councils Act 1957 in September, 1957 providing for the creation of a Legislative Council for Andhra Pradesh with 90 seats. The Council was thus constituted from the 1st day of July, 1958. However, the Council was abolished w.e.f. 1st June 1985. Now, the Council is being created under the Andhra Pradesh Legislative Council Act, 2005 (1 of 2006). The date from which the Council comes into being is yet to be decided.

### 3. MEMBERSHIP STRENGTH OF THE LEGISLATIVE COUNCIL

- 3.1 Article 171(1) of the Constitution provides that the total number of members of the Legislative Council in a State shall not exceed one-third of the total number of members in the Legislative Assembly of that State.
- 3.2 The Legislative Council of Andhra Pradesh which has been revived will have the same number of members as the Council which was abolished in 1985. Unlike the members of any other House like, the Lok Sabha, the Rajya Sabha or Legislative Assembly of a State, the members of the Legislative Council represent a variety of interests. Special representation has been granted in the Council to the representatives of
  - a) graduates and other persons with equivalent qualifications;
  - b) persons engaged in teaching in eligible educational institutions;
  - c) local authorities in the State; and
  - d) the state legislative assemblyIn addition to above the Governor of the State also nominates certain members.
- 3.3 Andhra Pradesh Legislative Council has 90 seats which are distributed as under
  - a) Graduates Constituencies - 8 seats
  - b) Teachers Constituencies - 8 seats
  - c) Local Authorities Constituencies - 31 seats
  - d) Assembly Members Constituency - 31 seats
  - e) Nomination by the Governor - 12 seats

#### **4. DELIMITATION AND EXTENT OF CONSTITUENCIES**

- 4.1 The Territorial extent is required to be fixed in respect of 3 varieties of the Council constituencies, namely, the Graduates' Constituencies; the Teachers' Constituencies and the Local Authorities' Constituencies.
- 4.2. In pursuance of section 3(3) of the Andhra Pradesh Legislative Council Act, 2005, the "Delimitation of Council Constituencies (Andhra Pradesh) Order, 2006" was issued on 26th September, 2006 (Appendix-1). This order provides geographical details of each category of three council constituencies, namely, Local Authorities Constituencies, Graduates' Constituencies and the Teachers' Constituencies; districts included in each category and the number of seats allocated to each constituency.
- 4.3 So far as the 31 members to be elected by the Members of the Legislative Assembly are concerned, there will no geographical constituency as all Council members will be elected at one election by the MLAs.

#### **5. NUMBER OF SEATS IN EACH CONSTITUENCY**

- 5.1 All Graduates' and Teachers' constituencies are single-member constituencies . So far as the local authorities' constituencies are concerned, 15 are single-member constituencies and only 8 are double-member constituencies. From these 8 double member constituencies, two members each will be elected during a single election.
- 5.2 As a candidate intending to contest the election to the State Legislative Council from any of the three categories of territorial constituencies, you should know to which category the electors in your constituency belong and which district or districts form its territorial extent.

#### **6. CANDIDATE MUST BE AN ELECTOR IN AN ASSEMBLY CONSTITUENCY OF THE STATE**

- 6.1 One of the basic qualifications for candidature at an election to the Legislative Council of a State is that the person concerned should be an elector in any assembly constituency in the State. In the next chapter, you will find detailed discussion regarding various qualifications and disqualifications for candidature at elections. However, it is necessary to note here that as a candidate, you must first ensure that your name has been included in the current electoral roll of the assembly constituency which is in force on the date of filing nominations. Even after the electoral roll for a constituency has been finally published, a person whose name has not been included in the roll, has a right to apply for the inclusion of his name in the electoral roll if he is qualified for such inclusion. The procedure for such inclusion is provided for in section 23 of the Representation of the People Act, 1950 and rule 26 of the Registration of Electors Rules, 1960. Under the rule 26, an application in duplicate for inclusion of name will have to be made to the Electoral Registration Officer of the constituency concerned in Form 6. No fee is charged for such application. After observing the procedure laid down in the Registration of Electors Rules, 1960 the Electoral Registration Officer may direct the name of the applicant to be included in the electoral roll if he is satisfied that the applicant is entitled to be registered in the electoral roll.

#### **7. INCLUSION OF NAME IN ELECTORAL ROLL**

- 7.1. In this connection, it is necessary for you to note that under rule 26 of the Registration of Electors Rules, 1960, any inclusion of name can be ordered only after seven days from the date on which the application for inclusion is exhibited in the office of the Electoral Registration Officer for inviting objections to such application.
- 7.2. No inclusion may be possible unless the application for inclusion is made well before the notification calling the election is issued.

#### **8. CORRECTION OF ENTRIES IN ELECTORAL ROLL**

- 8.1. A person may also apply under section 22 of the Representation of the People Act, 1950 for the correction of entries in the electoral roll. Application for such correction is also to be made to the Electoral Registration Officer of the constituency. Here again, no order for correction of the electoral roll can be made after the last date for making nominations for an election in the constituency and before the completion of that election.



## CHAPTER- II

# SPECIAL FEATURES CHARACTERISTIC OF THE ELECTIONS TO THE STATE LEGISLATIVE COUNCILS

### 1. PRELIMINARY

- 1.1. The provisions relating to election to the Legislative Councils are contained mainly in:
  - (1) The Constitution of India;
  - (2) The Representation of the People Acts, 1950 and 1951 and the rules made there under, namely: Registration of Electors Rules, 1960 and Conduct of Elections Rules, 1961;
  - (3) The Legislative Councils Act, 1957; and the Andhra Pradesh Legislative Council Act 2005
  - (4) The Prohibition of Simultaneous Member-ship Acts of concerned states and the Prohibition of simultaneous Membership rules made by the President under Articles 101(2) and 190(2) of the constitution;
  - (5) The Parliament (Prevention of disqualification) Act, 1959 and Acts of the state Legislatures relating to the removal of disqualifications; the Andhra Pradesh Payment of Salaries and Pensions and Removal of Disqualifications Act 1953 and
  - (6) The Delimitation of Council Constituencies (Andhra Pradesh) Orders, 2006
- 1.2. It is essential that the relevant provisions of these enactments should be studied carefully.
- 1.3. There are some special features characteristic of these elections. These are enumerated below:
  - (1) The Legislative council of a State is not subject to dissolution. As nearly as possible, one third of the members thereof retire, as soon as may be, on the expiration of every second year [Articles 172(2)].
  - (2) Biennial elections are held to fill the vacancies of members in the Council of states and Legislative Councils of states retiring on the expiration of their term of office (Section 16 of the Representation of the People Act, 1951).
  - (3) Bye-elections are held to fill casual vacancies (Section 151 of the Representation of the People Act, 1951).
  - (4) The members of the Legislative council of a state are elected as provided in Article 171(3) of the constitution. As nearly as may be,
    - i) one-third of its members are elected from Local Authorities' Constituencies,
    - ii) one-twelfth each from Graduates' and Teachers' constituencies,
    - iii) one-third by members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly, and
    - iv) the remainder is filled by nomination by Governor of persons having special knowledge or practical experience in respect of such matters as literature, science, art, co-operative movement and social service.
  - (5) The allocation of seats in the state Legislative Councils to be filled by elections from Local Authorities' Constituencies, Graduates' constituencies and Teachers' constituencies, by election by Members of the State Legislative Assembly, and by nomination by Governor are fixed by the Third schedule to the Representation of the People Act, 1950. The Fourth schedule to the said Act specifies the local Authorities in each State whose members constitute the electorates for the Local Authorities' Constituencies in that State.

- (6) The elections to the Legislative Council of a State are held in accordance with the system of proportional representation by means of the single transferable vote [Article 171(4)].
- (7) A member elected to the State Legislative Council holds office for a period of six years. A member chosen to fill a casual vacancy will serve for the remainder of his predecessor's term of office (Sections 154 to 157 of the Representation of the People Act, 1951). At the first constitution, the Governor after consultation with the Election Commission of India as required under 156(1) of the Representation of the People Act, 1951 make provision by an order for the curtailment of the terms of office of some of the members in order that as nearly as may be, one third of the members holding seats of each class shall retire in every second year. Generally, term of office of the members will be determined by lots.
- (8) The Delimitation of Council constituencies Order issued by the President after consulting the Election Commission determines in respect of each state having a Legislative Council, the division of council constituencies, the extent thereof and the number of seats allotted to each such constituency (Sections 11 and 12 of the Representation of the People Act, 1950)
- (9) There is no reservation of seats for members of Scheduled Castes or Scheduled Tribes in the Legislative Councils.
- (10) Symbols are not allotted to any candidates. The provisions relating to the lodging of accounts of election expenses by contesting candidates do not apply to elections to the council of states or the Legislative Council (Section 76 of the representation-of the People Act, 1951).
- (11) The method of voting adopted at these elections is by marking on the ballot papers, the figures 1, 2, 3, etc. in the International form of the Indian numeral or in the roman form or in the form used in any Indian language. Such preferences are not to be indicated in words (Rule 37-A under Rule 70 of the Conduct of Elections Rules, 1961).
- (12) The provisions relating to marking of the voter's left forefinger with indelible ink do not apply to elections to the State Legislative Councils by members of the State Legislative Assembly and from Local Authorities' Constituencies. The indelible ink is applied only during elections from the graduates' and teachers' constituencies.
- (13) Before any ballot paper is delivered to an elector at an election by Assembly members or in a Local Authorities' Constituency, the serial number of the ballot paper should be effectively concealed in the manner directed by the Commission [Rule 38A(5) under Rule 70 of the Con-duct of Elections Rules, 1961].
- (14) The minimum period of eight hours poll as fixed under section 56 of the representation of the People Act, 1951 for elections in Parliamentary and Assembly Constituencies is not applicable to these elections.

## CHAPTER III

# QUALIFICATION AND DISQUALIFICATIONS

### 1. INTRODUCTORY

- 1.1. In order that you may stand as a candidate, you must possess certain qualifications and at the same time you must not suffer from certain disqualifications. These qualifications and disqualifications are laid down both in the Constitution and the election statutes.

### 2. CRUCIAL DATE FOR DETERMINING THE QUALIFICATION OR DISQUALIFICATION

- 2.1 The crucial date for determining whether a candidate is qualified and is not disqualified for contesting an election is not the date on which the candidate files his nomination paper but is the date fixed for the scrutiny of the nominations on which the returning officer scrutinizes his nomination paper [section 36(2)(a) of the RP Act, 1951]

### 3. QUALIFICATIONS

- 3.1 If you want to stand as candidate for election to the Vidhana Mandali (Legislative Council) of a State, you must possess each of the following qualifications:

(1) in the first place, you must be citizen of India [Article 173(a) of the Constitution];

(2) in the second place, you must make and subscribe before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in Form VIIA in the Third Schedule to the Constitution [article 173 (a)];

(3) in the third place, you must not be less than thirty (30) years of age on the date of scrutiny of nominations [Article 173b] of the Constitution, read with section 36(2) (a) of the Representation of the People Act, 1951;

(4) in the fourth place you must be a registered elector for any assembly constituency in the State, that is your name must have been entered in the electoral roll of the assembly constituency for the time being in force.

**Special Note: Please note that the candidate should be an elector in any assembly constituency of the State and not in a council constituency. It is also not necessary that a candidate for election from a graduates' or teachers' constituency should possess the same qualifications as are prescribed under the law for enrolment as an elector in those constituencies. Legally speaking, a person who is neither a graduate or a teacher can contest from a graduates' or teachers' constituency.**

- 3.2. The above are the various qualifications, which you must possess if you want to stand as a candidate for election to the Andhra Pradesh Legislative Council. You must be very careful about this. You are advised to take special care in respect of the following two matters.

### 4. CORRECTION OF NAME, ETC., IN ELECTORAL ROLL

In the first place, you must see that your name has been correctly registered in the electoral roll. If there is any mistake in the spelling or in the description of your name or your father's/mother's/husband's name or in your address or in any other respect (including your age & sex), you must take immediate steps to get the mistake corrected. Your attention in this connection is invited to paragraph 8 of Chapter-I. If you do not get the mistake rectified in time, then at the time of scrutiny of nomination papers, other contestants may raise objections, which may even go against you. To be on the safe side, you may even consult your lawyer.

## 5. OATH OR AFFIRMATION BY CANDIDATES

- 5.1. In the second place, you must not forget to make and subscribe the oath or affirmation (Appendix-2) to which a reference has already been made. The Election Commission has authorised a number of persons before whom the oath or affirmation can be made and subscribed. Relevant notifications of the Election Commission are reproduced in Appendix-3.
- 5.2. For any particular election, the authorised persons are principally the Returning Officer and the Assistant Returning Officers for the constituency. In the case of a candidate confined in a prison or under preventive detention, the superintendent of the prison or commandant of the detention camp in which he is so confined or is under such detention is authorised to administer the oath. And in the case of a candidate confined to bed in a hospital or elsewhere owing to illness or any other cause, the Medical Superintendent in-charge of the hospital or the medical practitioner attending on him is similarly authorised.
- 5.3. In the case of a candidate who is out of India, the oath or affirmation may be made and subscribed before the diplomatic or consular representative of India in the country where the candidate happens to be, or before any person authorised by such diplomatic or consular representative. Where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or the Assistant Returning Officer, the oath or affirmation may be made and subscribed before any other person specially nominated by the Election Commission on an application made to it in this behalf. The Commission has also authorised all stipendiary Presidency Magistrates, all Stipendiary Magistrates of the first class, all district judges and all persons belonging to the judicial service of a State other than district judge as officers before anyone of whom, the candidate can make and subscribe the oath or affirmation.
- 5.4. IN ORDER TO MAKE AND SUBSCRIBE A VALID OATH OR AFFIRMATION, THE FOLLOWING POINTS MUST BE CAREFULLY BORNE IN MIND
  - (i) The oath or affirmation should be made and subscribed before the date fixed by the Election Commission for scrutiny of nomination papers at that election. In the case of Pashupati Nath Singh versus Harihar Prasad Singh (1968) 2 SCR 812-AIR 1968 SC 1064, the Supreme Court has placed two limitations in the matter of making and subscribing the oath or solemn affirmation. In the first place, the Court has held that words "having been nominated" in the form of the oath or affirmation in the Third Schedule to the Constitution of India clearly show that the oath or affirmation cannot be taken or made by a candidate, before he has been nominated as a candidate. That means, according to this finding of the court, that having regard to the relevant provisions contained in sections 30, 31, 32 and 33 of the Representation of the People Act, 1951 the oath or solemn affirmation can be made and subscribed by a candidate only after his nomination papers has been delivered under section 33 to the Returning Officer. In the second place, the Court has held that the expression "on the date fixed for scrutiny" in section 36(2) (a) of the Representation of the People Act, 1951 means on the whole of the day on which the scrutiny of nomination has to take place. In other words, the qualification according to this finding of the court must exist at the earliest moment on the day of scrutiny. This means that the oath or solemn affirmation must have been made before the commencement of the day of scrutiny of nominations. Such oath or affirmation cannot be made by you at any time on the date of scrutiny before the Returning Officer takes up nomination papers for such scrutiny. The Supreme Court has confirmed this view in the subsequent case of Khader Khan Hussain Khan and others versus S. Nijalingappa (1970) 1 SCA 548. You are, therefore, well advised to take the oath immediately after presenting your nomination papers and in any case not later than the day previous to the date of scrutiny.
  - (ii) The oath or affirmation is to be made in person before the authorised officer.
  - (iii) It is not necessary that the oath or affirmation should be taken more than once even if you are nominated from more than one constituency. This view has been expressed by the Supreme Court in its judgment in the case of K.K. Khader Khan Hussain Khan and others versus S. Nijalingappa and another (1970) 1 SCA 548. The language of article 173(a) makes this clear; all that it requires is one oath or affirmation in accordance with the form set out in the Third Schedule to the Constitution so as to remove the disqualification from being a candidate for election. The article does not mention that the making of the oath or affirmation is to be preliminary to the validity of candidature in each constituency, and recognises the fact that once the necessary qualification is obtained that qualification removes the bar laid down by that article. If you contest election from more than one

constituency, it is desirable that you make and subscribe the oath in each constituency or you should have a satisfactory proof with you of having taken the oath at any of the places so as to avoid unnecessary objections at the time of scrutiny. The onus of proving that you had made and subscribed the oath or affirmation before some other competent authority rests on yourself. It is sufficient if you or your representative satisfies the Returning Officer at the time of scrutiny that you had earlier made and subscribed the oath or affirmation before an authorised officer for that particular election.

- (iv) The oath or affirmation has first to be made and then signed, by you before the authorised person. It should be borne in mind that mere signing on the paper on which the form of oath is written out is not sufficient. You must make the oath before the authorised person. He will ask you to read out the oath and then to sign and give the date on the paper on which it is written. If the candidate is illiterate or unable to read the form, the authorised person should read out the oath and ask the candidate to repeat the same and thereafter take his thumb impression on the form. The authorised person should endorse on the form that the oath or affirmation has been made and subscribed by you on that day and hour
- (v) The authorised person will forthwith give you a certificate to the effect that you have made and subscribed the oath before him on that day at a particular hour. If the certificate is not given to you, you can demand the same from him and get it.
- (vi) If the authorised person is the superintendent or commandant of the prison or detention camp, he should issue forthwith to you a certified copy of the oath for producing it as evidence before the Returning Officer at the time of scrutiny of nominations. The superintendent of the prison or commandant of the detention camp will simultaneously send an express telegram to the Returning Officer indicating the date and time at which you made and subscribed the oath or affirmation. He will also send the original of the oath or affirmation made and signed by you to the Returning Officer.
- (vii) If the authorised person is a medical superintendent of a hospital or a medical practitioner or a diplomatic or consular representative of India in the country where you happen to be or the district judge or person belonging to the judicial service of State other than District Judge or Stipendiary Presidency Magistrate or Stipendiary Magistrate of the first class or any other person nominated by the Election Commission, as soon as you have made and subscribed the oath or affirmation, he should certify this fact on the form, keep a copy for his record and hand over the original to you. It will be your responsibility to see that the original oath or affirmation is produced before the Returning Officer at or before the time fixed for the scrutiny of nomination papers.
- (viii) The forms for making oath or affirmation can be obtained from the Returning Officer or Assistant Returning Officer of the constituency.
- (ix) You should be careful to keep with you sufficient evidence which you should be in a position to produce before the Returning Officer at the time of scrutiny about your making and subscribing the oath or affirmation: otherwise, you may be in difficulty if somebody challenges that you have not made and subscribed the requisite oath or affirmation and, therefore, you are not qualified to stand as a candidate.

## **6. DISQUALIFICATIONS**

### **6.1 Constitutional Disqualifications:**

6.1.1 The basic disqualifications which the Constitution itself laid down are contained in art. 191, in relation to membership of the state legislatures. These basic disqualifications are :

- (a) holding an office of profit under the Government of India or the Government of any State; other than an office declared by law made by Parliament or by the Legislature of any State not to disqualify its holder. A person shall, however, not be deemed to hold any such office of profit by reason only that he is a Minister either for the Union or for the State [Explanation to articles 102(1) and 191(1) of the Constitution].
- (b) Being of unsound mind;
- (c) Being an undischarged insolvent;

- (d) Not being a citizen of India or voluntarily acquiring the citizenship of a foreign state or being under an acknowledgement of the allegiance or adherence to a foreign state.

### 6.1.2 Statutory Disqualifications:

6.1.2.1 The Constitution provided that the Parliament may prescribe such other disqualifications as deemed necessary. The Parliament prescribed in sections 7 to 11 in chapter III of Part II of the Representation of the People Act, 1951, the following disqualifications :

1. disqualification on conviction for certain offences (sec. 8)
2. disqualification on ground of commission of corrupt practices (sec. 8A)
3. disqualification for dismissal from government service for corruption or disloyalty (sec. 9)
4. disqualification for contract with 'appropriate government' (sec. 9A)
5. disqualification for holding office under government company (sec. 10); and
6. disqualification for failure to lodge account of election expenses (sec. 10A).

Note-1: “**Disqualification**” is defined in sec. 7(b) to mean disqualification for being chosen as, and for being, a member of Parliament or State Legislature;

Note-2: “**Appropriate government**” is defined in sec. 7(a) to mean Central Government in relation to disqualification to Parliament and the Government of the State concerned in relation to disqualification for being a member of the State Legislative Assembly and Legislative Council.

6.1.3. The candidates are advised strongly to refer to the relevant provisions of the Constitution; and the Representation of the Peoples Act, 1951, Conduct of Elections Rules, 1960, Indian Penal Code, The Andhra Pradesh Payment of Salarie and Pension and Prevention of Disqualification Act 1953, etc as the details given in this book are illustrative and not exhaustive.

# NOMINATIONS AND CANDIDATURE

### 1. INTRODUCTORY

- 1.1 You have perhaps found that you possess all the requisite qualifications for standing as a candidate and for being elected as a member of the Andhra Pradesh Legislative Council (Vidhana Mandali) and do not suffer from any of the disqualifications for such membership and, therefore, you want to stand as a candidate for an election to the Vidhana Mandali.
- 1.2. For the purpose of the first constitution of the Council, the Governor shall, by one or more notifications call upon the members of the local authorities and Council constituencies to elect members (Sec. 15A of the Representation of the People Act, 1951 read with Section 5 of the A.P. Legislative Council Act, 2005 (1 of 2006). The steps for the biennial election to the Andhra Pradesh Legislative Council are set in motion by the issue of one or more notifications under section 16 of the Representation of the People Act, 1951 by the Governor of Andhra Pradesh.
- 1.3. As soon as the notifications are issued as aforesaid, the Election Commission by notification in the Official Gazette fixes the time-table of the elections under section 30 and 39(1) of the Representation of the People Act, 1951. This notification fixing the time-table is issued on the same date on which the Governor's notifications for the election / biennial elections are issued. The notifications fixing the time table under section 30 and 39(1) are published in the Official gazette of the State of Andhra Pradesh.
- 1.4. This notification under section 30 fixing the time table for election to the Legislative Council from Local Authorities', Graduates' and Teachers' constituencies appoints
  - (a) the last date for making nominations which shall be the seventh day after that date of publication of the notification calling the election, or if the seventh day is a public holiday, the next succeeding day which is not a public holiday; (Thus suppose the notification for the election is issued on the 1<sup>st</sup> of March, then the last date for making nominations will be the 8<sup>th</sup> of March (that is the seventh day), that being the seventh day after the publication of the notification or writ calling the election. But if the 8<sup>th</sup> of March is a public holiday, then the last date for making nominations will be the 9<sup>th</sup> of March. If the 9<sup>th</sup> March is also a public holiday, then the last date of making nominations will be the 10<sup>th</sup> of March, if again the 10<sup>th</sup> of March is a public holiday, then the 11<sup>th</sup> March and so on);
  - (b) the date for scrutiny of nominations which shall be the day immediately following the last date for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday (thus if the last date for making nominations is the 8<sup>th</sup> of March, then the date for scrutiny of nominations will be 9<sup>th</sup> of March on the assumption that the 9<sup>th</sup> of March is not a public holiday);
  - (c) the last date for the withdrawal of candidatures which shall be the second day after the date for scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday (thus suppose the date for scrutiny is the 9<sup>th</sup> of March, then the last date for the withdrawal of candidatures will be the 11<sup>th</sup> of March on the assumption that the 11<sup>th</sup> of March is not a public holiday); and
  - (d) the date on which a poll shall, if necessary, be taken which shall be a date (a) not earlier than the 7<sup>th</sup> day after the last date for the withdrawal of candidatures in case of election to the Council by the MLAs [(under section 39(1)] and (b) not earlier than the fourteenth day after the last date for the withdrawal of candidatures in case of elections to the Council from the Local Authorities', graduates' and teachers' constituencies.
- 1.5. You will thus notice that neither the last date for making nominations nor the date for scrutiny of nominations and nor the last date for the withdrawal of candidatures can be a day which is a public holiday. But this prohibition is not applicable to the date of poll. There is no bar to the holding of a poll on a public holiday. On the contrary, unless there be any objection on



religious, customary or other grounds from any section of the people it may be found preferable to take the poll on a Sunday or any other public holiday because the voters then get an opportunity to appear in large number at the polling station.

Note : 'Public holiday' mentioned above means the public holiday declared as such under section 25 of the Negotiable Instruments Act, 1881 and not any other holiday.

- 1.6. On the issue of the notifications by the Election Commission fixing the time table of election under sections 30 and 39(1) of the Representation of the People Act, 1951, a public notice of the intended election is issued by the Returning Officer under section 31 of the Representation of the People Act, 1951. By this public notice, the Returning Officer invites nominations of candidates for the election and specifies the place at which nomination papers are to be delivered.
- 1.7. This public notice under section 31 is in Form 1 appended to the Conduct of Elections Rules, 1961. Generally, the public notice in Form 1 is published on the notice board of the Returning Officer and at such other places as he considers necessary for giving wide publicity to the notice including the offices of Gram Panchayat, Mandal Offices, etc.

## **2. PERIOD OF NOMINATION**

- 2.1 It has already been mentioned above that only eight days (including the day on which the notification is issued) are available for the making of nominations.

## **3. FORM OF NOMINATION PAPER**

- 3.1 The nomination paper must be in the prescribed form. For election to the State Legislative Council, the nomination paper must be in Form 2D or 2E (These Forms are reproduced in Appendix-4A & 4B). Printed copies of the form of nomination paper can be purchased from the Returning Officer at a very nominal price. If the officially printed forms are not available or cannot be obtained you may use a privately printed, type-written, cyclostyled, photo-copied or even manuscript form; but you must take care to see that the form used by you exactly corresponds to the appropriate form as appended to the Conduct of Elections Rules, 1961. You are again cautioned that you must be very particular about every entry in the nomination form.

## **4. QUALIFICATIONS AND DISQUALIFICATIONS**

You must possess all the requisite qualifications and must not suffer from any of the disqualifications. You have been given elaborate guidance in this direction in the earlier chapter.

## **5. NOMINATION PAPER**

As there cannot be any oral nomination under the law, your nomination must be in writing and must be in one of the appropriate forms - Form 2D (for election by the members of the local authority) or 2E (for election from a Council Constituency).

## **6. INFORMATION ABOUT CONVICTIONS IF ANY**

- 6.1 You must furnish along with your nomination paper the particulars relating to convictions, if any, under section 8 of the Representation of the People Act, 1951, in the prescribed format in Form 26 [See Appendix-5].
- 6.2 Apart from the Affidavit in Form 26, another affidavit (Appendix 5B) prescribed in E.C.I. Order no. 3/ER/2003/JS-II, dt. 27.03.2003 regarding details of assets and liabilities shall also be furnished.
- 6.3 If for any reason this information is not furnished along with the nomination paper, it must be forwarded in any case, latest by 03.00 p.m. on the last date of filing nominations, failing which your nomination paper is liable to be rejected by the Returning Officer.

## **7. CANDIDATE'S NAME IN THE NOMINATION PAPER**

You should give your name in the nomination paper as it is entered in the electoral roll. However, if you consider that your name is incorrectly spelt or is otherwise incorrectly shown in the electoral roll, you should give your correct name in the nomination paper. The Returning Officer will overlook such mistake in the electoral roll. In such a case it would be advisable for you to submit also an application to the Returning Officer stating the above fact about the mistake of your name in the electoral roll along with your nomination paper.



**8. THE DATE ON WHICH THE NOMINATION FORM SHOULD BE FILED**

The nomination paper in the appropriate Form may be filed as soon as may be after the notification fixing the time table of election under section 30 or 39 (1) of the Representation of the People Act, 1951 is published in the Official gazette or any day thereafter including the last date for making nomination.

N.B.: But no nomination paper can be filed on any such date if it is public holiday.

**9. TIME FOR FILING NOMINATION**

Nomination paper can be filed only between 11 O'clock in the forenoon and 3 O'clock in the afternoon on any of the above mentioned days.

**10. BY WHOM A NOMINATION PAPER CAN BE PRESENTED**

Your nomination paper may be presented either by you personally or by any of your proposers and by no one else. You may note this very particularly. Wherever possible, it is advisable that you should personally present the nomination paper so that no unforeseen hitch or difficulty may arise and endanger your candidature. You or your proposer cannot send the nomination paper by post.

**11. TO WHOM A NOMINATION PAPER SHOULD BE PRESENTED**

Your nomination paper must be delivered to the Returning Officer of the constituency or to such Assistant Returning Officer as is authorised by the Returning Officer in this behalf. This authorised Assistant Returning Officer is specified in the public notice of election issued under section 31 in Form 1 appended to the Conduct of Elections Rules, 1961.

**12. WHERE A NOMINATION PAPER SHOULD BE DELIVERED**

The nomination paper must be delivered at the place specified in Form-I aforesaid and at no other place. The nomination paper cannot be delivered at the residence of the officer specified or outside the place mentioned in the notice in Form - 1. If it is delivered at any other place, it will be rejected.

**13. BY WHOM YOUR NOMINATION PAPER SHOULD BE SIGNED**

13.1 If you look at the Form of nomination paper, you will find that it must bear the signatures of your proposers as well as your own signature. The signatures of your proposers and your own signature must be in the proper places shown in the Form of nomination paper for such signatures. Be careful not to put your signature in the space indicated for the signature of the proposers or to put the signature of the proposers in the space indicated for the signature of the candidate. Always remember that a nomination paper is a very important document and meticulous care should be taken to fill it as accurately as possible.

13.2 Any of the proposers can sign more than one nomination paper of the same candidate or of different candidates.

**14. NUMBER OF PROPOSERS**

Under the amended section 33 of the Representation of the People Act, 1951, the nomination of a candidate whether set up by a recognised National or State Party, or registered unrecognised party or contesting as an independent candidate at the election to the State Legislative Council (Vidhana Mandali) shall be required to be subscribed by Ten (10) electors of the constituency as proposers. Here the word "constituency" means the Council Constituency from which the person intends to contest.

**15. YOUR PROPOSER MUST BE AN ELECTOR OF THE CONSTITUENCY**

It has already been pointed out that if you are a candidate for election to the Andhra Pradesh Legislative Council, your name must appear in the electoral roll of any Assembly constituency within the State. You need not be an elector of the Council constituency from which you are seeking election. But this is not so in the case of your proposers. Your proposers must be electors for the Council constituency from which you are seeking election. Make sure that the names of your proposers are registered in the electoral roll of the council constituency from which you are seeking election. If any of the proposers names are not there, then another person(s) whose names appear in the electoral roll of the council constituency should be your proposers and sign your nomination paper as proposers.

**16. WHAT YOU SHOULD DO IF YOU OR ANY OR SOME OF YOUR PROPOSERS ARE BOTH UNABLE TO SIGN THEIR NAMES**

Under the law [vide rule 2(2) of the Conduct of Elections Rules, 1961] if any or some of your proposers or you are unable to sign, then your proposers or you shall be deemed to have signed the nomination paper if your proposers or you have placed a mark on the nomination paper in the presence of the Returning Officer or the Assistant Returning Officer or such other officer as may be authorised in this behalf by the Election Commission and the Returning Officer or the Assistant Returning Officer or such other officer, on being satisfied as to the identity of your proposers or your identity, has attested the mark(s) as being the marks of your proposers or of yours.

**17. DECLARATIONS TO BE MADE BY YOU IN THE NOMINATION PAPER**

17.1 While assenting to your nomination made by your proposers you are required to make a declaration in the nomination paper itself -

(a) Firstly, as to your age, it has already been pointed out that for election to the State Legislative Council (Vidhana Mandali) you must not be less than thirty years of age. You should give your correct age in the nomination paper. If you find that your age is not correctly mentioned in the electoral roll, you should give only your present age in the nomination paper and not the wrong age as shown in the electoral roll;

N.B. If your age is near the legal minimum, that is to say, if you are just thirty years of age or a little more than that and there is an apprehension that an objection may be raised by a rival candidate regarding your age, arm yourself with sufficient proof of your age.

(b) Secondly, as to your political party, in case you are set up by any political party;

N.B. But declaration as to your being set up by a political party will not arise if you stand as an independent candidate.

(c) Thirdly, as to the correct spelling of your name (in English and Telugu) and the name of your father/mother/husband as given in the nomination paper;

(d) Fourthly, as to the fact that you are qualified and not also disqualified for being chosen to fill the seat for which you are contesting the election, and

(e) Fifthly, as to the fact that you have not been, and shall not be nominated as a candidate at the present biennial elections from more than two constituencies.

**18. WHAT YOU SHOULD DO IF THE PERIOD OF DISQUALIFICATION FOR DISMISSAL FOR CORRUPTION OR DISLOYALTY HAS NOT ELAPSED**

If you, having held any office under the Government of India or under the Government of a State, have been dismissed and the period of disqualification, referred to in section 9 of The Representation of the People Act, 1951 namely, the period of five years since the dismissal has not elapsed, then you shall not be deemed to be duly nominated as a candidate unless your nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that you have not been dismissed for corruption or disloyalty to the State.

**19. PRODUCTION OF COPY OF ELECTORAL ROLL OF THE ASSEMBLY CONSTITUENCY WHERE YOU ARE AN ELECTOR**

19.1 As a proof of the fact that you are a registered elector in the electoral roll in force on date, you must file along with your nomination paper either a copy of the entire electoral roll of the Assembly constituency or, if that is not possible, a copy of the relevant part of that electoral roll (relevant part means the part of the electoral roll in which your name appears) or, if even that is not possible, then a certified copy of the relevant entries relating to your name in such roll.

19.2. If for any reason it is not possible to file any of these documents along with your nomination paper, then you must produce any of these documents before the Returning Officer at the time of the scrutiny of nomination; otherwise your nomination paper will be rejected.

**20. HOW MANY NOMINATION PAPERS CAN BE FILED BY YOU FOR STANDING AS A CANDIDATE FROM THE SAME CONSTITUENCY**

You can file as many as four nomination papers for standing as a candidate in the same constituency; in other words, you cannot file more than four nomination papers in respect of the same constituency.

**21. SECURITY DEPOSITS AND WHEN SUCH DEPOSITS SHOULD BE MADE**

21.1 The law requires that a candidate at an election must make the prescribed security deposit. The failure to make the deposit will invalidate your nomination. If you want to stand as a candidate for election from a Council constituency, you will have to make a deposit of ten thousand rupees (Rs. 10,000/-); and if you are a member of a Scheduled Caste or Scheduled Tribe you shall have to make a deposit of five thousand rupees (Rs. 5000/-).

21.2 It has already been pointed out that from the same constituency you can file as many as four nomination papers but in such a case you shall not have to make four different deposits. It will be enough if you make only one deposit in respect of the first nomination paper. In the case of other nomination papers no deposit is necessary. You are only to attach to the first nomination paper that you file, the original treasury receipt or challan for the deposit. A true copy of the original receipt or challan for the deposit may be attached to every subsequent nomination paper, which may be filed by you. Always retain the official duplicate of the treasury receipt or challan, which you receive from the Reserve Bank of India or the government treasury with you for your future reference and use.

21.3 You should note particularly that the deposit may be made in two ways. Either the amount may be deposited with the Returning Officer in cash at the time of filing your nomination paper or you deposit the amount in the Reserve Bank of India or in a Government treasury. You must do so before you file your nomination paper with the Returning Officer and you must, as already pointed out, attach the treasury receipt or challan which you will receive in duplicate from the Reserve Bank of India or the Govt. treasury to your nomination paper. If you do not deposit the amount in cash with the Returning Officer at the time of filing your nomination paper or if you do not attach to your nomination paper the treasury receipt or challan, then your nomination paper will be rejected. Note that the security deposit cannot be made by means of a cheque.

21.4 The deposit should be made under the following Head of Account: 8443 Civil Deposits-121 Deposits in connection with Elections -1 Deposits made by candidates for State / Union Territories Legislatures.

**22. CANDIDATES SET UP BY POLITICAL PARTIES**

22.1 From the form of nomination paper, you will find that if you are a party candidate, you are required to make a declaration to that effect in the nomination paper itself. Now, you may be set up by a recognised party, that is to say, a National Party or State Party, or you may be set up by a registered unrecognised party, that is to say, by a party for which no symbol has been reserved at all. The order of the Commission lays down clearly that you shall be deemed to be set up by a particular party if, and only if, the conditions mentioned below are fulfilled:

(a) In the first place, you must have made a declaration to that effect in your nomination paper, that is to say, in your declaration in the nomination paper you shall have to say that you are a candidate set up by such and such party.

(b) In the second place, a notice in writing in the form prescribed by the Commission (which is commonly known now as Form 'BB' Appendix-6B) to the above effect by the party which has set you up as a candidate must be delivered to the Returning Officer of the constituency and the Chief Electoral Officer of the State before 3 p.m. on the last date for making nominations and

(c) In the third place, the said notice in Form BB must be signed by the president, secretary or other office bearer of the party who is authorised by the party to send such notices and whose specimen signatures have been communicated by the party in the Form prescribed by the Commission which is commonly known now as Form 'AA' (Appendix-6A,) to the said Returning Officer and also to the Chief Electoral Officer of the State by 3 p.m. on the last date for making nominations.

22.2. If any of these three conditions is not fulfilled strictly in the manner and within the time prescribed then you shall not be deemed to be set up by the party. Therefore, be very particular about these three conditions.

- 22.3. You are well-advised to submit the said Forms 'AA' and 'BB' (duly signed in ink) to the Returning Officer along with your nomination paper itself to avoid any last minute complication. Any Form AA or BB not signed in ink or received by fax will be rejected by the Returning Officer.
- 22.4. Political parties are, however, permitted to either cancel the authorisation in Form BB given in favour of one candidate or change such authorisation by substituting the name of their candidates subject to following conditions, namely:
- (1) Subsequent authorisation canceling or substituting the earlier authorisation in Form BB is received by the Chief Electoral Officer and the Returning Officer of the constituency concerned not later than 3.00 p.m. on the last date for making nominations.
  - (2) Such subsequent authorisation in Form BB is signed by the same authorised office bearer and is unambiguous and clearly shows that it either cancels or substitutes the earlier authorisation, as the case may be;
  - (3) The Returning Officer is satisfied about the genuineness of subsequent authorisation; and
  - (4) The candidate in whose favour subsequent authorisation has been given has already made a declaration in his nomination paper that he has been set up by the said political party.

### **23. PRELIMINARY SCRUTINY**

On the presentation of a nomination paper, the Returning Officer will satisfy himself that the name and the electoral roll number of the candidate and his proposers as entered in the nomination paper are the same as those entered in the relevant electoral rolls.

### **24. MISTAKES, PRINTING ERRORS, ETC., IN ELECTORAL ROLL OR IN NOMINATION PAPER**

- 24.1. The law says that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place mentioned either in the electoral roll or in the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of the candidate or his proposer or any other person in the electoral roll or in the nomination paper shall affect the full operation of the electoral roll or the nomination paper. The law also requires the Returning Officer to permit any such misnomer, inaccurate description or error to be corrected or to overlook, where necessary, such misnomer, inaccurate description or error in the electoral roll or the nomination paper. Still you are well-advised to take particular care that no such misnomer or inaccurate description or clerical, technical or printing error in regard to
- 24.2. your name or the name of your proposer or any other person or in regard to any place remains in the electoral roll or in the nomination paper. You are well-advised to look into the relevant electoral rolls in which your name and the names of your proposers appear well in advance before the writ for election is issued because it is presumed that you must have decided well in time to stand as a candidate.
- 24.3. And if after looking into the electoral roll well in advance of the issue of the writ for election you find that there is any misnomer, inaccurate description or any error in the electoral roll either in relation to you or any of your proposers or any other person (e.g. your father's name) or any other matter, then you must take immediate steps for the correction of the error, etc. under section 22 and for the inclusion of your name and or the names of your proposers, etc., under section 23 of the Representation of the People Act, 1950.

### **25. RECEIPT FOR NOMINATION PAPER AND NOTICE FOR SCRUTINY**

- 25.1. You will find from the form of nomination paper that a part of it requires the Returning Officer or the Assistant Returning Officer before whom it is filed to fill in and sign a certificate of delivery. While filing the nomination paper make sure that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed enters in your presence its serial number and properly fills in and signs the form of certificate of delivery of nomination paper.
- 25.2. You will also find from the nomination paper that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed, is required to hand over to you or your proposer presenting the nomination paper a receipt for the same which also contains a written notice of the date, time and place fixed for the scrutiny of nomination papers. Do not forget or overlook to obtain the receipt for nomination paper containing also the notice of the time, date and place fixed for

the scrutiny. All these are statutory requirements contained in section 35 of the Representation of the People Act, 1951. Therefore do see that the certificate of delivery in the form given on the nomination paper is duly made in your presence by the Returning Officer or the Assistant Returning Officer to whom you have delivered the nomination paper and do not hesitate to ask from him for the receipt of nomination paper which he is bound to give to you or your proposer before leaving the place where the nomination paper is filed.

**26. EXAMINATION OF THE NOTICES OF NOMINATION**

- 26.1. The Returning Officer under section 35 is required to cause to be fixed in some conspicuous place in his office a notice of the nominations received by him on each of the dates fixed for making of nominations. This notice is in Form 3-B and 3-C appended to the Conduct of Elections Rules, 1961. You are well advised to study and examine the notices of the nominations in respect of the various candidates who have filed such nomination papers, affixed by the Returning Officer or the Assistant Returning Officer in some conspicuous place of his office under the law as aforesaid to find out if there is any defect in the nomination papers of your rival candidates. If you find such defects, then you may take objection, if you like, against any of your rival candidates at the time of scrutiny of nominations.

## CHAPTER V

# SCRUTINY OF NOMINATIONS

### 1. INTRODUCTORY

- 1.1. You have filed the nomination paper and other candidates would have also done so. The next stage in the election process is the scrutiny of nomination papers by the Returning Officer. The Returning Officer is required by law to hold the scrutiny of all nomination papers received by him on the date fixed for scrutiny in the election time table issued under section 30 & 39 (1) of the Representation of the People Act, 1951.
- 1.2. The scrutiny of nomination papers takes place on the day immediately following the last date for filing nominations. Thus, if today is the last date for filing nominations then tomorrow will be the date for scrutiny of nominations.



### 2. BY WHOM SCRUTINY OF NOMINATION PAPERS IS HELD

- 2.1 The scrutiny of nomination papers can be held only by the Returning Officer. This function cannot be delegated by the Returning Officer even to an Assistant Returning Officer. There is only one exception, that is to say, an Assistant Returning Officer may be authorised by the Returning Officer to hold the scrutiny of nominations if, and only if, the Returning Officer is unavoidably prevented from performing the function relating to the scrutiny of nominations [see the proviso to section 22 (2) of the Representation of the People Act, 1951)].

### 3. WHO MAY ATTEND SCRUTINY OF NOMINATIONS

- 3.1 According to law only four persons in the case of each candidate may attend the place of scrutiny. These four persons are: (1) the candidate himself, (2) the candidate's election agent, (3) one proposer of the candidate and (4) one other person authorised in writing by the candidate. Even if you have filed the maximum number of nomination papers from the same constituency, namely, four nomination papers and there are different proposers, even then only one proposer can be present at the scrutiny. Thus only four persons for each candidate can be present, and if there are, say, for example, ten

candidates who have filed nomination papers from a particular constituency then in all forty persons can be present at the scrutiny. It will be better for you if the fourth person to be authorised by you in writing at the time of scrutiny is a lawyer conversant with election law, so that he may adequately protect your interests at the time of scrutiny. It will also be to your interest if you yourself can be present at the scrutiny.

#### **4. REASONABLE FACILITIES FOR EXAMINATION OF NOMINATION PAPER**

- 4.1. The four persons (including yourself) who can be present on your behalf at the time of scrutiny have a right to have all reasonable facilities for examining the nomination papers of all the candidates which are taken up for scrutiny by the Returning Officer. This is a valuable right for you and the three other persons, who may be present along with you, namely, your election agent, one of your proposers and the person authorised by you.

#### **5. OBJECTIONS WHICH MAY BE RAISED**

- 5.1. You should not raise any flimsy or technical objections in regard to any nomination paper. Similarly you or the person representing you should oppose any objection raised against your nomination on flimsy or technical ground. Section 36(4) of the Representation of the People Act, 1951 clearly lays down that the Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character. Rule 4 of the Conduct of Elections Rules 1961 lays down that the failure to complete or defect in completing a declaration regarding symbols in the nomination paper is not a defect of a substantial character. Therefore, if any of your opposing candidates raises any objection regarding a defect, which is not of a substantial character, you or any of the persons who may be present on your behalf may oppose it. It has already been pointed out that on the presentation of a nomination paper the Returning Officer will satisfy himself that the names and the electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls. The Returning Officer may not therefore reject your nomination paper on the ground of any misnomer or any inaccurate description or clerical or technical or printing error in regard to your name or the name of your proposer or any other person or in regard to any place mentioned in the electoral roll or nomination paper, etc., provided that such description in regard to any name and place is such as to be commonly understood. If at the time of scrutiny any objection is raised regarding such misnomer or inaccurate description etc., you may draw immediate attention to the proviso to section 33(4) of the Representation of the People Act, 1951.
- 5.2 In one word, when any objection is raised against your nomination paper you should try to impress upon the Returning Officer that he should not reject the nomination paper on any flimsy or technical ground. If he is satisfied as to the identity of the candidate and of the proposer then he should not reject the nomination paper only on ground of any technical defect or inaccurate description in the name of candidate or the proposer or the inaccurate description of any place.
- 5.3 Tell the Returning Officer that if he rejects any nomination paper on any such technical unsubstantial or flimsy ground then that may be regarded as an improper rejection of a nomination paper which may have the effect of voiding the entire election thus involving a huge waste of public money, public time and public energy.

#### **6. OMISSION OF AGE OF THE CANDIDATE IN THE NOMINATION PAPER IS A DEFECT OF A SUBSTANTIAL CHARACTER**

Remember that the omission to specify your age in the nomination paper is a defect of a substantial character and is sure to lead to the rejection of your nomination paper.

#### **7. GROUND FOR REJECTION OF NOMINATION PAPER**

- 7.1 Remember that the Returning Officer will be justified in rejecting your nomination paper on any one of the following grounds namely :
- (a) If you are clearly not qualified to be a member of Legislative Council, or
  - (b) If you are clearly disqualified in law to be such member; or
  - (c) If you have not taken the oath or affirmation as required by the Constitution; or
  - (d) If your nomination paper has not been delivered in time; or



- (e) If your nomination paper has been delivered to the Returning Officer or to an authorised Assistant Returning Officer by a person other than yourself or your proposer; or
- (f) If your nomination paper has not been delivered at the place specified in the public notice issued by the Returning Officer; or
- (g) If your nomination paper has been delivered to a person other than the Returning Officer or any of his authorised Assistant Returning Officer; or
- (h) If your nomination paper is not substantially in the prescribed form; or
- (i) If your nomination paper has not been subscribed by the required number of proposers or has not been signed either by you or by your proposer(s) or by both in the places meant for such signatures in the nomination paper; or
- (j) If the proper security deposit has not been made by you in accordance with the law already explained; or
- (k) If your signature or the signature(s) of your proposer(s) on the nomination paper is/are not genuine; or
- (l) If the proposer is not an elector of the constituency or is not eligible to be proposer.
- (m) If you fail to make declaration that, you have not been, and shall not be nominated as a candidate at the present biennial election from more than two constituencies.
- (n) If you fail to furnish along with your nomination papers the affidavits containing the particulars relating to convictions, if any, and details regarding assets and liabilities in the prescribed formats in Appendix 4C & 5B
- (o) If you fail to specify your age in the nomination paper.

7.2 If your nomination paper is rejected for any reason you must get a certified copy of the order of the Returning Officer containing reasons for such rejection. According to the Commission's instruction, you are entitled to get a copy immediately after the Returning Officer has passed an order rejecting your nomination paper for which you need not pay any fee or charges.

7.3 You may apply for time to rebut any objection, if you find that any objection has been raised against your nomination as a candidate and to rebut that objection you require some time you may immediately apply to Returning Officer for time. In such a case the Returning Officer may allow adjournment up to two days because the law says that if the candidate wants time to rebut any objection then he "may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny." Thus if today has been the date fixed for scrutiny, then the Returning Officer has the power to grant you time till day after tomorrow.

## 8. OATH OR AFFIRMATION BY THE CANDIDATE

8.1. In this connection, your attention may again be drawn to the Supreme Court decision in the case of Pashupati Nath Singh vs. Hari Har Prasad Singh (AIR 1968 SC 1064). According to that decision, the oath or affirmation by a candidate must be made after he has been nominated and before the date fixed for scrutiny. The detailed instructions in this regard have already been given.

## 9. REJECTION OF ONE NOMINATION PAPER NOT TO AFFECT YOUR NOMINATION IF ANY OTHER NOMINATION PAPER IS FOUND VALID

9.1. It has already been mentioned that from the same constituency you can file as many as four nomination papers. If any of these four nomination papers is found to be valid, then that itself will be enough for your valid nomination even though the other three are rejected. It is, therefore, advisable for you to file maximum number of nomination papers, namely, four.

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

10.1 To meet possible objections against your nomination, take with you to the place of scrutiny the following documents, namely:



- (a) A copy each of the current electoral roll or a copy of the relevant part of the electoral roll or a certified copy of the entry in that electoral roll bearing your name and the names of your proposers;
- (b) Satisfactory evidence regarding your age;
- (c) Where deposit has been made in cash, the receipt given to you by Returning Officer or an authorised Assistant Returning Officer and, where deposit has been made in a Government treasury or in the Reserve Bank of India, the duplicate copy of the treasury receipt or challan;
- (d) The receipt for nomination paper and notice of scrutiny which was handed over to you by the Returning Officer or the authorised Assistant Returning Officer on your presenting the nomination paper; and
- (e) Copies of the two affidavits filed by you in prescribed format regarding particulars of conviction and assets and liabilities; and
- (f) Any other evidence or material, which may be necessary to repeal and rebut any objection which has been or may be raised against your nomination.

## **11. LIST OF VALIDLY NOMINATED CANDIDATES**

- 11.1 Immediately after all the nomination papers have been scrutinized, the Returning Officer will prepare a list of candidates whose nominations have been found valid. The names of the candidates will be shown in this list as they appear in the nomination papers. If however, a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may at any time before the list of contesting candidates is prepared, furnish in writing to the Returning Officer the proper form and spelling of his name. The Returning Officer on being satisfied as to the genuineness of the request shall make the necessary correction in the list of validly nominated candidates and adopt that form and spelling in the list of contesting candidates.

## **12. DO'S AND DON'T'S FOR GUIDANCE OF CANDIDATES**

- 12.1 The election law of our country is quite comprehensive and the procedure quite elaborate. It is upon their due observance that the purity of the elections depends. Some of the Do's/Don'ts are suggested for your guidance in Appendix- 7A. It should be noted that these are not exhaustive but are only illustrative.
- 12.2 The Commission has issued another set of do's and don'ts for guidance of political parties and candidates to be observed from the announcement of an election and until the completion of the process of election. A copy of these do's and don'ts is also given in Appendix- 7B.
- 12.3 It is your responsibility to ensure that neither you nor the political party which has set you up, your agents, workers, supporters and sympathizers indulge in any acts of commission or omission which may amount to violation of these Do's and Don'ts.

## CHAPTER VI

# WITHDRAWAL OF CANDIDATURES

### 1. INTRODUCTORY

- 1.1. If your nomination paper is accepted, you become a validly nominated candidate. But even then, you may like to withdraw from the contest for several reasons. Such reasons may be personal or political. It is neither necessary nor possible to go into them. You may kindly note that the withdrawal of your candidature can be done only after the scrutiny of nominations is over and not at any stage before.

### 2. NOTICE OF WITHDRAWAL

- 2.1 If you have decided to withdraw your candidature even after your nomination paper has stood the test of scrutiny by the Returning Officer, then you must do so by a notice in writing and such notice shall be in form 5 appended to the Conduct of Elections Rules, 1961 (Appendix- 8). You will fill in this form very carefully and after you have signed, it must be delivered to the Returning Officer not later than 3 p.m. on the last date fixed under section 30 (c) or 39(1)(c) as the case may be for the withdrawal of candidatures by you in person or by any of your proposers or your election agent (duly appointed by you).
- 2.2 Such proposer or election agent presenting your notice of withdrawal should be authorized by you in this behalf in writing; otherwise, such notice will not be accepted by the Returning Officer. The notice of withdrawal should not, in any case, be sent by post.

### 3. REQUIREMENTS FOR VALID WITHDRAWAL

- 3.1 Points to be noted in this connection are repeated for your convenience;
- (a) the notice of withdrawal shall be in the prescribed form (Form 5);
  - (b) it must be signed by you only and by no one else on your behalf;
  - (c) it must be delivered to the Returning Officer not later than 3'O clock in the afternoon on the last date for withdrawal of candidatures; and
  - (d) such delivery must be made either by you in person or by one of your proposers who signed your nomination paper as proposer or by your duly appointed election agent, but if it is delivered by your proposer or your election agent then such proposer or election agent must be authorised by your in writing in this behalf.

### 4. NOTICE OF WITHDRAWAL TO BE FINAL

- 4.1. you must also note very carefully that once you have given a notice of withdrawal of your candidature to Returning Officer, it becomes final under section 37 (2) of the Representation of the People Act, 1951 and you will not be allowed under any circumstances to cancel the notice. Therefore be very careful and circumspect before the notice of withdrawal is actually delivered to the Returning Officer.
- 4.2. But if you have decided to withdraw from the contest you have to take a particular care that all the conditions mentioned above are fulfilled. Otherwise, the withdrawal of your candidature will not be regarded as withdrawal in the eye of law and your name will be included by the Returning Officer in the list of contesting candidates prepared by him under section 38 of the Representation of the People Act, 1951 with the result that even if you do not actually contest, you cannot get a refund of the money which you deposited along with your nomination paper. But if the notice of withdrawal is a good and valid one and accepted by the Returning Officer, then you will be entitled to get back the money you deposited along with your nomination paper.

## **5. RECEIPT OF NOTICE OF WITHDRAWAL**

- 5.1 After the notice of withdrawal has been delivered by you or on your behalf by your proposer or election agent as authorised by you in writing, please wait there for some time to have the receipt for the notice of withdrawal. This receipt will be handed over to you by the Returning Officer. Do not leave the Office of the Returning Officer without getting this receipt because this receipt will help you in getting back your deposit money.
- 5.2. In this connection it may be pointed out that any corrupt withdrawal of candidature is a corrupt practice under the election law. In this connection your attention is drawn to section 123 (1) of the Representation of the People Act, 1951

## **6. LIST OF CONTESTING CANDIDATES**


- 6.1. If you decided to contest the election and do not withdraw your candidature, you will be regarded as a contesting candidate. Immediately after 3 p.m. on the last date for the withdrawal of candidatures, the Returning Officer will proceed to draw a list of the contesting candidates, in form 7B which will show the names of contesting candidates, their addresses as given in the nomination papers and their party affiliation, if any. The Returning Officer will give a copy of such list to each contesting candidate or his election agent and will also cause a copy thereof to be published in a conspicuous place in his office. The list will also be published in the State gazette.

## **7. ARRANGEMENT OF NAMES IN THE LIST OF CONTESTING CANDIDATES**

- 7.1. As per the amended section 38 of the Representation of the People Act, 1951 and revised Form 7B (List of contesting candidates), names of candidates in the said lists are required to be arranged under three categories, i.e. (i) candidates of recognised National parties and State political parties in the State concerned, (ii) candidates of registered unrecognised political parties and (iii) other (independent) candidates. Therefore, names of candidates will be arranged in the said lists and also on the ballot papers in the said order under these categories. It may be noted that names will be arranged alphabetically according to the script of the language as may prescribe by Election Commission of India in each of the above mentioned three categories separately. (However, the headings of the above mentioned three categories as given in the revised Form 7B shall not appear on the ballot papers). The serial numbering will however be continuous for all three categories.
- 7.2. The Returning Officer will determine the arrangement of the names of candidates in alphabetical order in each of the three categories in the list of validly nominated candidates, the list of contesting candidates and also in ballot papers on the basis of the first letter of name irrespective of whether the name given is the proper name or surname. The initials, if any, prefixed to the name of a candidate shall be ignored for the aforesaid purpose. Thus in the case of a candidate giving his name as "T.K. Reddy", the place of that candidate according to alphabetical order shall be determined with reference to the letter "R" and not "T". However, if two candidates in the same category have the same names but different initials, for example P.S. Reddy and T.K. Reddy then the two names will be arranged inter-se with reference to the first letter of the initials. Further, if two or more such candidates have the same names but different surnames, then their names shall be arranged inter-se in alphabetical order with reference to the surnames.
- 7.3. Rules 22(3) and 30(3) of the Conduct of Elections Rules, 1961 provide that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. In such cases, the arrangement of names of those candidates if falling under the same category in the list of validly nominated candidates and contesting candidates and in the ballot paper will be with reference to the distinguishing names of the candidates.
- 7.4. There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title shall on no account be taken into consideration, in the arrangement of names in alphabetical order in the list of validly nominated candidates or contesting candidates and in ballot paper.
- 7.5. The Returning Officer will arrange the names of the candidates in the list of validly nominated candidates alphabetically according to the script of the language (Telugu in case of Andhra Pradesh).

**8. ISSUE OF IDENTITY CARDS TO CONTESTING CANDIDATES**

8.1. After the finalisation of the list of contesting candidates, the Returning Officer will issue an identity card to each contesting candidates in the form given below:

<b>CANDIDATE'S IDENTITY CARD</b>	
Shri.....is a contesting candidate for election to the Andhra Pradesh Legislative Council from .....the constituency *[and is set up by the .....party].	
Place..... Date.....	
Seal	..... <b>Signature of the Candidate</b> Attested by ..... (Returning Officer)

- \*N.B.** If the candidate is set up by a State party or a National Party or a registered unrecognised party registered with the Commission, the Returning Officer will enter the name of the party, otherwise the bracketed portion in the form will be scored out.
- 8.2. The Commission has decided that in all elections, the identity cards issued to contesting candidates shall bear their photographs. For this purpose, you should furnish two copies of your recent photographs to Returning Officer as soon as after the list of contesting candidates is finalised on the last date for withdrawal of candidatures. The identity cards will be prepared in duplicate so that the duplicate copy is kept as office copy for the purposes of record by the Returning Officer one copy of the same duly attested will be supplied to you.
- 8.3. The Commission has decided that Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 8 itself will serve the purpose of such identity card. You should, therefore, affix the photographs also of your election agent on the right top portion of both the copies of his appointment letter in Form 8. These photographs will be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of your photograph.
- 8.4. You should not fail to collect your identity card from the Returning Officer and you should always keep it with you. During the election campaign, on the day of the poll and on the date of counting, there will arise various occasions, on which your identification as a candidate will be necessary and this identity card will readily establish your identity as a candidate.

# ELECTION AGENTS

1. As a candidate, you may appoint any person other than yourself to be your election agent. It is not however incumbent on you to appoint an election agent. Such appointment may, if you so desire, be made at any time you like after you have been nominated as a candidate or not at all. Every such appointment has to be made by a formal communication in form 8 in duplicate by you and forwarded to the Returning Officer. The Returning Officer will retain one copy thereof and return the second copy to the election agent after affixing thereon his signature in token of his approval of the appointment.
2. Any person who is for the time being disqualified under the Constitution or under the Representation of the People Act, 1951 for being a member of either House of Parliament or either House of the Legislature of a state or for voting at election shall so long as the disqualification subsists, also be disqualified for being an election agent at any election.
3. Further, a Minister shall not be appointed as an election agent, as his personal security shall be jeopardised with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the polling stations, counting hall, etc.
4. You may revoke the appointment of your election agent in writing in form 9 under your signature by lodging the revocation with the Returning Officer. It shall operate from the date on which it is lodged with the Returning Officer. In the event of such revocation or the death of an election agent, you may appoint another election agent in his place. You should give notice of such appointment in writing in Form 8 to the Returning Officer and state the facts therein.
5. An election agent may perform such functions in connection with your election as are authorised by the Representation of the People Act, 1951 and the rules made there under. It is also pointed out that any corrupt practice (mentioned in section 123 of the R.P. Act, 1951) committed by your election agent will be regarded in law as having been committed by you and that will vitiate your election. Therefore, take proper care in selecting your election agent. Ask your election agent to carefully go through the provisions of section 123 of the Act regarding corrupt practices. You are responsible for the actions done by him on your behalf.
6. The Commission has decided that Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 8 itself will serve the purpose of such identity card. You should affix the photographs also of your election agent on the right top portion of both the copies of his appointment letter in Form 8. These photographs will be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of yours.

# CAMPAIGN PERIOD

### 1. INTRODUCTORY

- 1.1 The election law provides for an interval of not less than thirteen clear days between the last date fixed for the withdrawal of candidatures and the poll for teachers , graduates and local bodies constituencies and six days for candidates elected by MLAs. This period should be properly utilized for canvassing and educating the voters and for training the large number of workers and agents that you will have to employ.
- 1.2. As you are a contesting candidate in an election held under Proportional Representation by means of the single transferable vote and the electors give their preferential votes by marking numerals against the name of each candidate in the order of their preference on the ballot papers, you should utilise this period fully for educating the voters as to how they have to record their preferences. Similarly, the persons proposed to be appointed by you as your polling and counting agents should also be asked to thoroughly acquaint themselves with the voting and counting procedure to be followed at this election. For their guidance, the Electoral Authorities in Andhra Pradesh have brought out pamphlets as to the correct method of voting. Collect these pamphlets and ensure that your workers get themselves familiar with these instructions.

### 2. CORRUPT PRACTICES AND ELECTORAL OFFENCES

- 2.1. While undertaking your electioneering campaign, you should ensure that the highest standard of morality and purity are maintained, as that would in turn ensure free and fair election. The most potent cause which tends to mar the smooth conduct of an election and disturb the atmosphere of friendly contest that should prevail during the elections, is the violation of the statutory provisions of election law relating to corrupt practices and electoral offences. The election law has enumerated various corrupt practices and electoral offences in sections 123 to 136 of the Representation of the People Act, 1951 and chapter IX-A of IPC. The commission of any such corrupt practices and offences by your agents and workers may vitiate your election. You should, therefore keep in check your overenthusiastic agents and workers from indulging in any objectionable activities. Even a single proved instance of corrupt practice may be enough to unseat you, if you are successful in the election.
- 2.2. In particular, do not permit, on your behalf:
- (i) Any bribery or undue influence by way of coercion or intimidation of voters or otherwise or personation;
  - (ii) Any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport (this is also a criminal offence);  
**N.B.** Even your party cannot arrange for such conveyance.
  - (iii) Any act to promote or attempt to promote on grounds of religion, caste, community or language, feeling of enmity or hatred between different classes of citizens of India is a corrupt practice and which may render your election void and entail disqualification for membership and which is also an electoral offence punishable with imprisonment for a term which may extend to three years, or with fine or both;
  - (iv) Any assistance from any government servant to help your prospects in the election, except that a government servant may, if he so desires, cast his vote for you;
- N.B.** Such assistance on the part of a Government servant is a corrupt practice as well as an offence. If you instigate him to do so, you will be liable criminally for abetment. Provided that where any person in the service of the Government and belonging to any of the specified classes in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities, or does any other act or thing, for or in relation to any candidate, or his election agent, or any other person, acting with the consent of the candidate, or his election

agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

- (vi) any removal of ballot paper from the polling station or tampering with the ballot boxes by use of force or otherwise (these are criminal offences);
- (vii) any appeal by you or by your agent or any other person with your consent or with the consent of your election agent to vote or refrain from voting for any person on grounds of his religion, race, caste, community or language or the use of or appeal to religious symbols or the use of or appeal to National Symbols such as National flag or the National emblem which is a corrupt practice under the law.
- (viii) the publication of any statement of fact which is false in relation to the personal character or conduct of any candidate;
- (ix) booth capturing as defined in section 135A of the Representation of the People Act, 1951. Booth capturing is both a corrupt practice and an electoral offence punishable with imprisonment of not less than six months and up to two years and with fine.

### **3. MODEL CODE OF CONDUCT**

- 3.1 Model Code of Conduct will apply at elections to the Legislative Council, vide Election Commission's letter No. 322/AP-LC/1/2011-CC&BE dated 8-2-2011. See appendix-11 on pp 120-122.

### **4. DEFACEMENT OF PUBLIC OR PRIVATE PROPERTY**

- 4.1 Many of the State/Union territories have laws to prevent the defacement of property, which term includes any building, structure, hut, wall, tree, fence, post, pole or any other erection. Defacement includes impairing or interfering with the appearance of beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever. The offence is cognizable and punishable with imprisonment or with or with both. You must ensure that you or your agents, etc. do not violate the provisions of this law and/on the general law relating to defacement of private or public property.

### **5. PROHIBITION OF PUBLIC MEETINGS AND PROCESSIONS DURING 48 HOURS IMMEDIATELY BEFORE THE CLOSE OF THE POLL**

- 5.1. The law provides that no person shall
  - (a) Convene, hold, attend, join or address any public meeting or procession in connection with an election; or
  - (b) Display to the public any election matter by means of cinematograph, television or other similar apparatus; or
  - (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.
- 5.2. Any person who contravenes the above provisions shall be punishable with imprisonment for a term, which may extend to two years or with fine, or with both.
- 5.3. The expression "election matter" means any matter intended or calculated to influence or affect the result of an election.
- 5.4. You should keep these provisions in view while holding public meetings,.

### **6. STRICT OBSERVANCE OF DO'S AND DONT'S**

- 6.1 As already mentioned in chapter IV, the Commission has given two sets of Do's and Don'ts for guidance of political parties and candidates for ensuring free, fair and peaceful elections (vide Appendices 7A and 7B). Ensure that not only you but the political party, if any, which has set you up, your agents, workers, supporters and sympathizers also observe those Do's and Don'ts strictly from the time the elections are announced and till their completion.

## **7. RESTRICTIONS ON PRINTING AND PUBLISHING OF ELECTION PAMPHLETS**

7.1. Your attention is also invited to section 127-A of the Representation of the People Act, 1951 which imposes restrictions on the printing and publishing of election pamphlets and posters. This section provides that

- (a) Every election pamphlet, hand-bill, placard or poster, which is printed or multi-graphed by any process (except copying by hand), must bear on the front the name and address of the printer and the name and address of the publishers:
- (b) the printer of any such document must obtain from the intending publisher a declaration (in duplicate) regarding his identity signed by him and attested by two persons to whom he is personally known.
- (c) As soon as the document is printed the printer must send one copy of the declaration and one copy of the document to the Chief Electoral Officer, if the document is printed at the capital of the State, and to the District Magistrate of the district in which it is printed in any other case;
- (d) Contravention of any of the provisions of the section is punishable with imprisonment up to six months or fine up to two thousand rupees or with both;
- (e) These restrictions however do not apply to any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

7.2. In order that there is strict observance of and compliance with, the requirements of the abovementioned provisions of law the Commission has issued detailed order on 2.9.94 . The order mainly provides as follows:-

- (a) The printer should send four copies of the printed material, instead of one as mentioned in sub-para (c) above and one copy of the declaration of the publisher to the chief electoral Officer/District Magistrate within 3 days of its printing, the failure of which should be treated as a violation of the above provisions.
- (b) The printer should furnish along with the declaration and copies of the printed material, full particulars regarding number of copies of the pamphlets, etc., printed and the price charged for such job in the proforma prescribed by the Commission, duly signed and authenticated by such printer.
- (c) The District Magistrates shall exhibit at some conspicuous place in their office all the election posters, pamphlets, etc., received by them from the printing press so that the candidates and other interested persons may be able to check in respect of which documents the requirements of law have been complied with so as to enable them to bring to the notice of the authorities concerned the cases of other election posters, pamphlets etc., in respect of which the above requirement of law have been violated.
- (d) The Chief Electoral Officers shall also do like-wise in respect of such documents received by them.
- (e) The District Magistrates and other authorities charged with the detection and investigation of offences have been instructed that they should initiate prompt action and investigation, if any case of publication of election poster, pamphlet, etc. in violation of the abovementioned provisions of section 127-A of the Representation of the People Act, 1951 either comes, or is brought, to their notice. In all such cases, prosecutions should be launched against the offenders expeditiously.

7.3. You must see that all the above requirements of law and the Commission's directives are invariably complied with in respect of the election pamphlets and posters printed and published by you or on your behalf. This is essential for ensuring healthy election campaigns and maintaining purity of elections. Also, don't hesitate to report to the authorities concerned any instances, which come to your notice or knowledge about the publication of any election posters or pamphlets in contravention of the above provisions of law.

## **8. UNOFFICIAL IDENTITY SLIPS**

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

- (i) the name and serial number of the voter in the electoral roll;



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

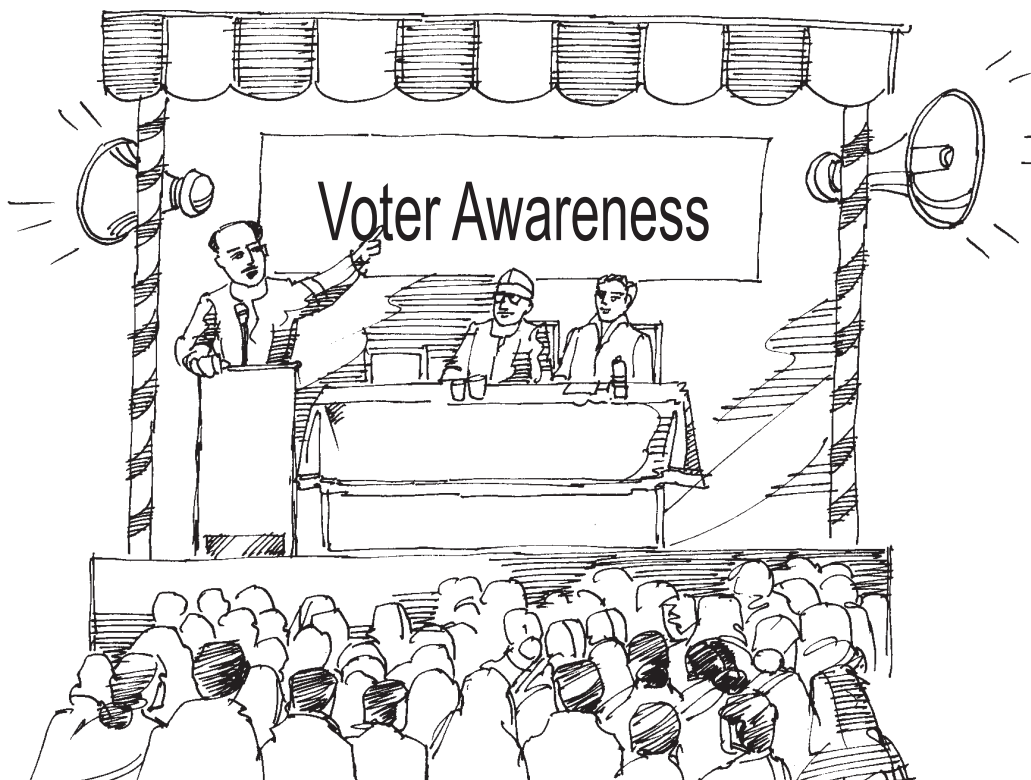
8.2. The identity slips should be on white paper and should not contain the name of the candidate and/or the name of his party and/or the election symbol of the candidate or his party. The slips should not also contain any slogans or any exhortation to vote for a party or for a candidate since these slips if carried by the voters to the polling stations would amount to canvassing within the polling station, which is not permissible. The circulation of any slips within 100 meters of the polling station would also amount to canvassing which is not permissible under the law. However, it may be noted that the Election Commission issues a list of specified documents on the basis of which a voter will be identified by the polling officers prior to being allowed to vote.

## 9. POLLING REHEARSALS

9.1 You may arrange for your polling agent to attend polling rehearsals in their respective areas so that they may get familiar with the method of voting and polling procedure.

## 10. EDUCATING THE ELECTORS ABOUT THE VOTING PROCEDURE

10.1 Your workers should educate the electors about the voting procedure and, in particular, the manner of recording of votes. The electors should be advised to give their preferences in International Form of India Numerals (1, 2, 3, etc.).



10.2. Your workers should also familiarize the electors about the other details of voting procedure followed at the polling station. The elector should be informed that after an elector's name is located in the electoral roll and his identity established, his left forefinger will be marked with indelible ink. Indelible ink mark is put only in respect of elections from Graduates' and

Teachers' constituencies. No such ink is used at elections from Local Authorities' constituencies and the election by the MLAs. The Commission has now changed the manner of application of indelible ink on the elector's finger. Now the indelible ink will be applied on voter's left hand forefinger as a line from the top end of the nail to the bottom of the first joint of the left forefinger. He will then be required to give his signature or thumb impression on the counter-foil of the ballot paper. If he puts his thumb impression on the counter-foil, he should clean his thumb with the help of a piece of wet cloth or rag provided on the table of the polling officer. This will be necessary to avoid any possible smudge on the ballot paper while voting. The electors must be informed about the new manner of marking of the left hand forefinger, so that they may not raise any objection to it at the polling station. In the secrecy of the screened voting compartment, the electors mark their preferences on the ballot papers with pen provided by the polling officer. Please remember to tell voters that they should not use their own pens or pencils to mark the ballot paper, but should vote using the violet coloured sketch pen supplied to them at the polling station.

## **11. DUMMY BALLOT PAPER**

11.1 You may print dummy ballot papers using your own name and indicating the place where it would appear on the actual ballot paper. The dummy ballot paper should not, however, contain the actual names of the other contesting candidates in the constituency. They can be printed on any colour other than pink and white, such as, brown, yellow or grey. You must make sure that dummy ballot papers do not resemble the genuine ballot papers in size and colour.

## **12. DEATH OF A CANDIDATE BEFORE POLL**

12.1. The law (Section 52 of R.P. Act, 1951), which earlier provided for countermanding of election on the death of any candidate has recently undergone a significant change by the Representation of the People (Amendment) Act, 1996. As per the amended Section 52 only in the event of death of a candidate set up by a recognised political party in the following circumstances the poll shall be adjourned:-

- (a) The said candidate dies at any time after 11.00 a.m. on the last date for making nomination and his nomination is found valid on scrutiny under section 36; or
- (b) his nomination has been found valid on scrutiny under section 36 and he has not withdrawn his candidature under section 37, and he dies, and in either case a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or
- (c) he dies as a contesting candidate and a report of his death is received before the commencement of the poll.

12.2. The Returning Officer on being satisfied about the fact of the death of the candidate, will order the adjournment of the poll to a date to be notified later by the Election Commission.

12.3. In the case of death of a candidate as mentioned at (a) above, the order of adjournment of poll will be made only after the scrutiny of all nominations including the nomination of the deceased candidate. In such case, it should be noted that the candidate shall be deemed to have been set up by recognised political party only if all the requirements mentioned in Para 13 of the Election Symbols (Reservation and Allotment) Order, 1968 have been fulfilled by the time of death of the candidate. If the party has not given intimation regarding setting up of the candidate in the prescribed forms 'AA' and 'BB' by the time of the death of the candidate, the candidate shall not be deemed to have been set up by a recognised political party for the purpose of adjournment of poll. In such a case, contention of any party that it would have furnished the required intimation by 3.00 p.m. of the day (as required under Para 13 of the Symbols Order) cannot be accepted.

12.4. Another important point to note in this connection is that recognised political party, for the purpose of section 52 of Representation of the People Act, 1951, means a recognised National party or a party recognised as a State Party in the State concerned. A party recognised as a State Party in a particular State will be treated only as a registered un-recognised party in other State where it is not recognised as State Party, even if that party has been granted concession to use its symbol in other States. Therefore, poll will not be adjourned on the death of a candidate set up by such a party.

12.5. On receipt of the report from the Returning Officer about the death of the candidate set up by a recognised political party, the Election Commission will call upon the concerned political party to nominate another candidate for the said election in place of the deceased candidate. The political party will have to make the nomination within seven days of the issue of notice to that effect by the Election Commission. Nomination of such candidate will also be done in the prescribed form

(i.e., Form 2D or 2E, as the case may be) and he will also have to make a fresh security deposit. The nomination in the prescribed form should also be accompanied by the required intimation from the party in Form AA and Form BB prescribed under paragraph 13 of the Election Symbols (Reservation & Allotment) Order, 1968. All other requirements of law relating to nomination, scrutiny of nomination, withdrawal of candidature in respect of such candidate have also to be followed.

- 12.6. A person who had given a notice of withdrawal of his candidature under subsection (1) of section 37 before the adjournment of poll is eligible to be nominated as a candidate in place of the deceased candidate.
- 12.7. If the list of contesting candidates had already been published under section 38, before the adjournment of poll the Returning Officer will prepare and publish a fresh list of contesting candidates including the name of the candidate nominated in place of the deceased candidate.
- 12.8. Further stages of the election will continue as per the revised schedule notified by the Commission.

## CHAPTER - IX

### PREPARATION FOR THE POLL

1. While you are busy in your election campaign, the Returning Officer will be equally busy in making arrangements and preparations for the conduct of poll. The Returning Officer must have already procured the requisite number of ballot boxes. Immediately after the list of contesting candidates is prepared, the Returning Officer will have the sufficient number of ballot papers printed and also make arrangements to train polling personnel.
2. The RO supplies to each candidate three copies of the list of polling stations.
3. The RO finalises the places for intermediate storage of polled ballot boxes in different districts as well as final storage place at his headquarters. He will intimate the same in writing to you. For teachers and graduates constituencies, the candidate can depute persons to keep watch at both the intermediate strong rooms in different districts as well as the final strong room in the RO's headquarters, prior to counting
4. The RO also prepares a detailed route chart to get back the polled material under security after the poll.
5. The RO whenever necessary calls for meetings of candidates and political parties. Make it a point to attend such meetings to get any of misgivings cleared.
6. Do not make it a practice to air your suspicions or allegations in public. In the first instance meet the RO to have your grievances redressed.

## CHAPTER X

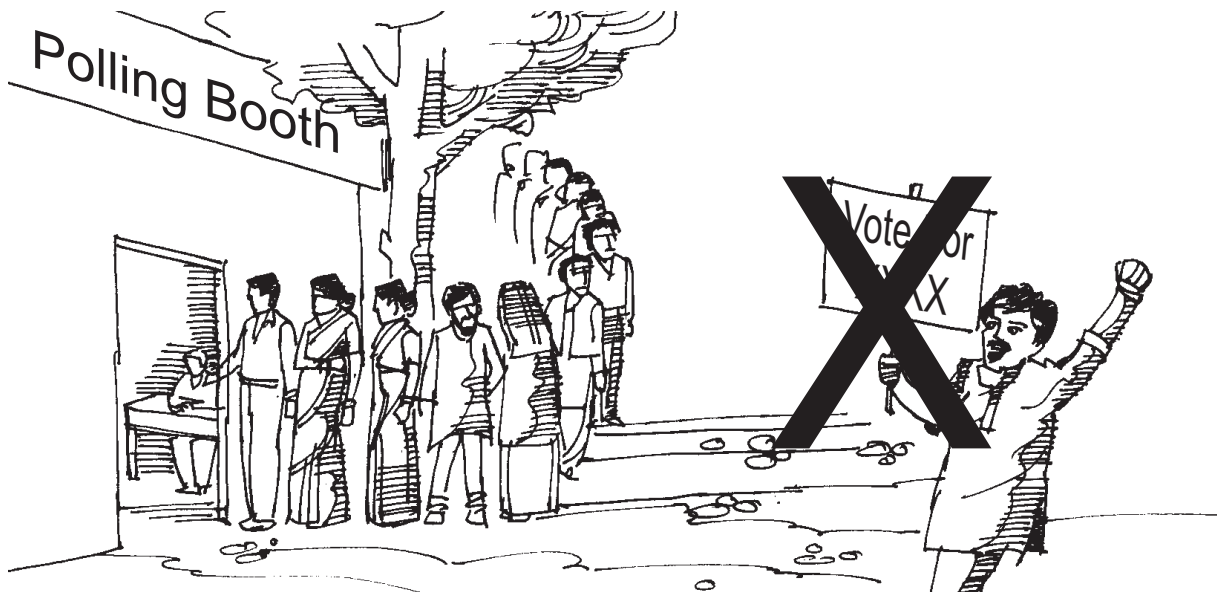
# POLLING DAY & POLL

### 1. INTRODUCTORY

- 1.1. Poll is the most important event in the election process. It is through the poll that the electors express their choice of the candidate to represent them in the State Legislative Council .

### 2. PROHIBITION OF CANVASSING

- 2.1 The election law prohibits canvassing in or near polling stations on polling day. No person shall commit any of the following acts within a polling station or in any public or private place within a distance of 100 meters of a polling station, namely:
- (a) canvassing for votes;
  - (b) soliciting the vote for any elector.
  - (c) persuading any elector not to vote for any particular candidates;
  - (d) persuading any elector not to vote at the election;
  - (e) exhibiting any notice or sign (other than an official notice) relating to the election;
  - (f) using or operating within or at the entrance of the polling station or in any public or private place in its neighbourhood any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; and
  - (g) shouting or otherwise acting in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood.



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

### 3. CANDIDATE'S ELECTION BOOTHS

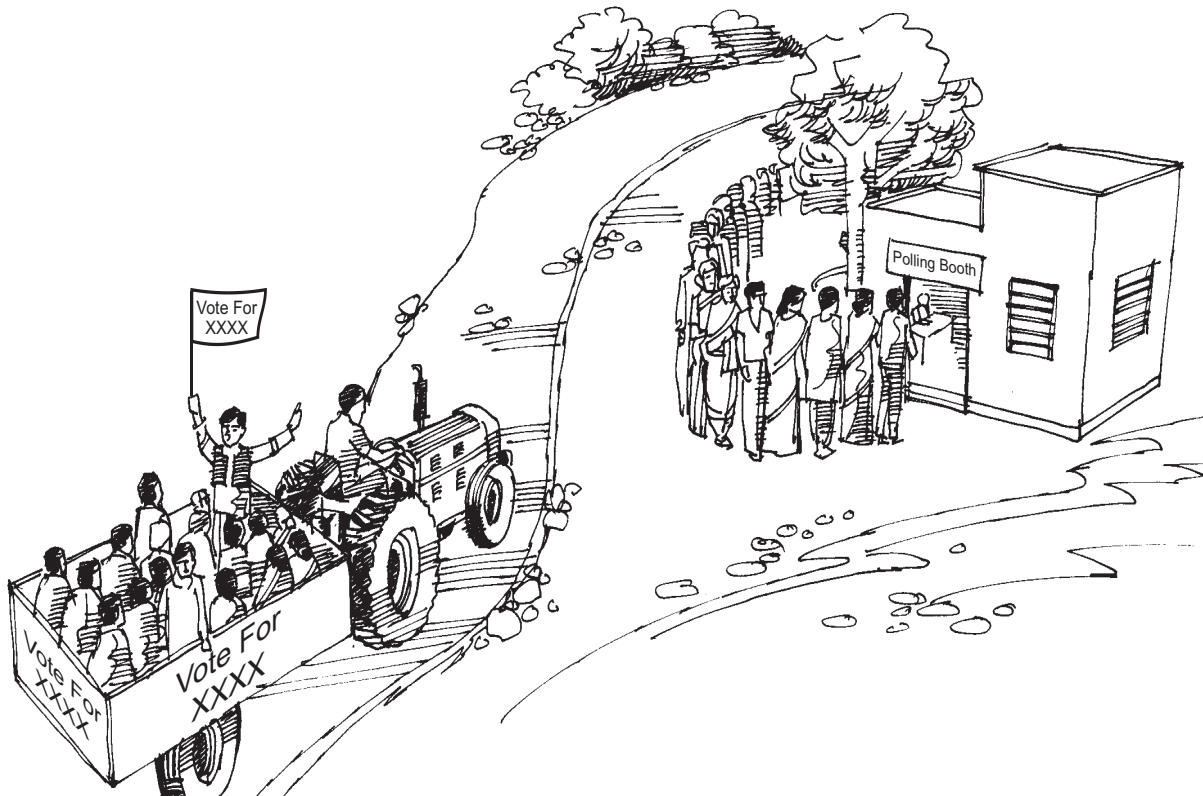
- 3.1 According to the instructions issued by the Commission, no election booths of the candidates should be allowed to be set up near the polling station on the day of poll, as such booths pose many difficulties in the way of holding free, fair and smooth elections by creating obstructions to voters,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

### 4. PREVENTION OF VOTERS FROM VOTING

- 4.1 It is cognizable offence to detain any voters in a camp or any other place whether with or without his consent or obstruct his way to polling station or to prevent him from voting in any manner. If you receive information that any person is so detained or obstructed or prevented you should report the matter to the Presiding Officer, or to the nearest police station or to the Returning Officer, who will take effective action to enable the person who are wrongly detained or obstructed or prevented to exercise their franchise even if the detention or obstruction is done in a private place.

### 5. ILLEGAL HIRING OR VEHICLES FOR THE CONVEYANCE OF VOTERS

- 5.1 Do not allow anyone on your behalf to provide conveyance for voters on the polling day. It is both a corrupt practice and an electoral offence. If you find any other candidate or his agents, supporters or workers providing such conveyance for voters you should make a complaint in this regard then and there and take action to prosecute the offender, under section 133 of



the Representation of the People Act, 1951. If you do not do so and merely send a complaint to the election authorities, much valuable evidence against the offenders would be lost. You may also use this as ground for filling an election petition against the offending candidate in due course as free conveyance of voters from or to polling station is also a corrupt practice. Your polling agent can also make a written complaint in this regard to the Presiding Officer who will forward the same to the Magistrate concerned who has jurisdiction to deal with such cases. You may also ask the Presiding Officer to record his remarks on the complaint from his own observations.

## **6. REGULATION OF TRAFFIC ON THE DAY OF POLL**

6.1 In order to check the corrupt practice and electoral offence of providing free conveyance for voters on the day of the poll, the Commission has devised a scheme. The main guidelines of the scheme are as under:

- (1) The objective is that the polling areas should be cordoned off from all vehicular traffic on the polling day in order to prevent the voters from being carried to and from polling booths in contravention of the election law.
- (2) Public transport vehicles like buses, minibuses are allowed to ply but it should be ensured that they are not used clandestinely for the conveyance of voters.
- (3) Private cars, taxies carrying passengers to places other than polling booths like hospitals, airports, railway stations, bus stands, friends and relations houses, clubs, restaurants will, however, be allowed on the road. But they should not be allowed to come clandestinely near the polling areas for the conveyance of voters. The traffic of these vehicles will be so diverted as to effectively control their misuse.
- (4) The plying of lorries, trucks will also be similarly regulated.
- (5) The district magistrate, Regional Transport Authorities etc., will be instructed to enforce effectively and fully the regulation, both in letter and spirit, and a certificate shall be obtained from the concerned authorities.
- (6) The political parties and contesting candidates and amongst them, their agents and workers shall be warned that any contravention of the regulation would receive serious notice and may provide sufficient materials for challenging the election in an election petition and also invite penal action under the law.
- (7) The candidates, their election agents, their workers and leaders of political parties will be permitted to use only two vehicle each on the polling day on issue of permits as follows for each Council Constituencies:
  - (a) one vehicle for the candidate,
  - (b) one vehicle for election agent of the candidate or his workers or leaders and workers of political party which has set up that candidate.
- (8) The permits printed in bold letters with the legend "Election Permit" with the super inscription of the seal and signature of the authority issuing the permit shall be displayed prominently on the windscreen of the vehicle.

6.2. You should follow the above guidelines of the Commission's scheme meticulously and should obtain permits for the vehicles to be used by you and your party workers on the day of the poll well in advance.

6.3. It should be further noted that no Cars/ vehicles shall, under any circumstances be allowed to move in convoys of more than three vehicles. All bigger convoys shall be broken up even if they are carrying Ministers of Central or State Govt., or any other person, subject, however to any security instructions issued in respect of any such individual.

## **7. REMOVAL OF BALLOT PAPERS FROM POLLING STATION TO BE AN OFFENCE**

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

## **8. REMOVAL OF DISORDERLY PERSONS**

- 8.1. Any person, who misconducts himself or fails to obey lawful directions of the Presiding Officer during the poll, may be removed from the polling station under his order by any police officer or other persons authorised by him.

## **9. POLLING AGENTS**

- 9.1. It will be physically impossible for you or your election agent to be present during poll at every polling station in your constituency. Someone should, therefore, be present to watch your interests at every polling station. The law permits you to appoint a polling agent and two relief agents at each polling station. They are all known as polling agents. It is, however, not obligatory on your part to appoint polling agents to any or all the polling stations yourself. Your election agent may also make any of these appointments on your behalf. However, only one of three polling agents for a polling station is entitled to be present at a time inside the polling station. They can relieve one another from time to time. It should be noted that a Minister shall not be appointed as polling agent under any circumstances, as his personal security shall be jeopardised with such appointment because his security personnel will not be permitted to accompany him into the polling station.
- 9.2. The appointment of polling agents is made in writing in Form 10. You are not required to send a copy of the appointment order to the Returning Officer. The polling agent should produce the appointment order in original at the polling station so that the Presiding Officer may admit him into the polling station. A polling agent should sign the letter of appointment in Form 10 in token of his agreement to act as your polling agent. It is advisable that his signature is placed in your presence or in the presence of your election agent, if the latter makes the appointment, the polling agent will also have to sign again in the presence of the Presiding Officer at the polling station. He should be asked to sign before the Presiding Officer in the same manner as he signed before you or your election agent so that there will no discrepancy in his signature. This will help in his identity being readily accepted.
- 9.3. To enable the Presiding officer of a polling station to verify the signature of the candidate or his election agent as given in appointment letter in Form 10, your specimen signature or that of your election agent shall be obtained by the Returning Officer on the format (See Appendix 9) and copies thereof in sufficient number shall be supplied to each Presiding Officer, Observers of the Commission, Zonal Magistrate and Sector Magistrate etc., in the constituency.
- 9.4. If you have not appointed any election agent, then in the column meant for the signature of the election agent the words "No Election agent appointed" shall be recorded in the said Format. You are at liberty to revoke the appointment of an election agent and to appoint another person in his place. If such a change in the appointment is made at the last moment when the Presiding Officer has already been supplied with the copy of the Format containing the specimen signatures as originally furnished by you, then it shall be your responsibility to supply a copy of Form 9 revoking the appointment of the election agent and to supply a copy of Form 8 appointing the new election agent to the Presiding Officer.
- 9.5. You or your Election agent may revoke the appointment of any of your polling agents in writing in Form 11 and lodge the revocation order with the Presiding Officer of the polling station. If a polling agent happens to die before the poll, you or your election agent should inform the Presiding Officer. In the case of revocation or death, you or your election agent may appoint another polling agent by a fresh letter of appointment in Form 10 in the same manner as before, but in such a case, state in the letter the facts leading to such appointment.

## **10. WHEN POLLING AGENT CAN VOTE BY POST**

- 10.1 Polling Agents should be appointed at least seven days before the date of the poll to enable them to apply for postal ballot paper. It is permissible for a polling agent who is on duty at the polling station away from his place of residence and who cannot personally vote at the polling station where he is entitled to vote, to apply to the Returning Officer for permission to vote by post. This application should be made at least seven days before the first day of the poll in his constituency or at such shorter period as the Returning Officer may allow. If the application is allowed, he will be supplied with the postal ballot paper along with necessary form of declaration, instruction, covers, etc., by the Returning Officer. The polling agent will then vote by postal ballot only and will not be allowed to vote personally. The application for postal ballot should be made in form 12. Copies of this form can be obtained from the Returning Officer.



10.2 If the appointment of any polling agent has been revoked after the issue of ballot paper to him, he can vote by post only.

#### **11. WHEN POLLING AGENT SHOULD REACH THE POLLING STATION**

11.1 The polling agent should reach the polling station at least one hour before the commencement of the poll. This will enable him to be present when the Presiding Officer prepares the ballot box for taking the poll and goes through the other preliminary/arrangements before the commencement of the poll. If any part of these preliminaries has already been gone through, the proceedings will not be commenced de-novo to accommodate any latecomer.

11.2. Each polling agent will be supplied by the Presiding Officer with a pass on the authority of which the polling agent can go in and out of the polling station as may be necessary.

#### **12. DUTIES OF POLLING AGENT**

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

- (a) to help the Presiding Officer to detect and prevent impersonation of voters by challenging persons who try to impersonate voters;
- (b) to help in having the ballot boxes properly secured and sealed according to the rules before and after the poll;
- (c) to take a copy of the ballot paper account in Form 16 and paper seal account from the Presiding Officer after the close of the poll; and
- (d) to see that the documents relating to the poll are also secured and sealed properly as required by law.

#### **13. THINGS TO BE BROUGHT BY POLLING AGENT**

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

- (a) his letter of appointment;
- (b) a copy of the electoral roll for the polling station;
- (c) a list of the names of the dead, absent or bogus voters included in the list;
- (d) a small brass seal, which he can use for putting his seal on the bags in which the ballot boxes are kept before they are transported to the collection / intermediate storage center; and
- (e) pen, paper and pencil.

#### **14. WEARING OF BADGE BY THE POLLING AGENTS**

14.1. The polling agent is prohibited from wearing any badge containing the photograph of the candidate or any other political leader and also displaying any slogan or exhortation to vote within the polling station or one hundred meters thereof. If he does so, his act will amount to a cognizable offence punishable with fine, which may extend to Rs.250. He should, however, display on his person the identity pass issued to him by the Presiding Officer.

#### **15. ARRANGEMENT AT POLLING STATIONS**

15.1 Outside each polling station there will be displayed prominently a notice specifying the polling area, the electors who are entitled to vote at the polling station; the list of the contesting candidates; and a poster detailing the method of voting and recording preferences. Notice is at Appendix-

#### **16. ADMISSION TO POLLING STATIONS**

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

- (a) Polling Officers;
- (b) each candidate, his election agent and one polling agent of each candidate at a time;
- (c) persons authorised by the Election Commission;
- (d) public servants on duty in connection with the election;

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

- (e) Observers appointed by the Commission;
- (f) a child in arms accompanying an elector;
- (g) a person accompanying a blind or an infirm voter who cannot move without help; and
- (h) such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting the Presiding Officer in taking the poll.

NB: No security personnel accompanying, if any, an elector, candidate or his election agent or polling agent shall be allowed to enter the polling station.

## **17. SEATING OF POLLING AGENTS**

17.1. The Presiding Officer will make arrangements to provide seats to the polling agents at such place from where they will have adequate opportunity of identifying electors, seeing the entire operation at the Presiding Officer's table or the table of the Polling Officer (where the ballot box will be kept), and also seeing the movement of the elector from the Presiding Officer's table or the table of the Polling Officer to the voting compartment (where the voter marks his vote in secrecy) and the elector leaving the polling station after he has deposited his vote in the ballot box.

17.2 According to the latest instructions of the Commission, the seating arrangement at the polling station for the polling agents of candidates shall be guided by the following categories of priorities, namely,

- (i) candidates of recognised national parties,
- (ii) candidates of recognised state parties,
- (iii) candidates of recognised state parties who have been permitted to use their reserved symbols in the constituency,
- (iv) candidates of registered unrecognised parties, and
- (v) independent candidates.

## **18. PRELIMINARIES BEFORE THE COMMENCEMENT OF POLL**

18.1 About one hour before the time fixed for the commencement of poll, the Presiding Officer will start going through the preliminary preparations for the conduct of poll. The Presiding Officer will

- (a) demonstrate to the polling agents and other persons present that the ballot box to be used for the poll is empty;
- (b) seals the box leaving it in balloting position with the slit open to receive the votes;
- (c) Gets the signatures of the agents present on the paper seat and fixes paper seal in frame provided for fixing the paper seal on the ballot box. Then he seals it.
- (d) demonstrate to the polling agents and other persons present that the marked copy of the electoral roll (copy of the electoral roll to be used for marking the names of electors who are allowed to vote) does not contain any remarks other than those made for issuing postal ballot papers; and

**19. PREPARATIONS BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF POLL**

- 19.1. If any polling agent is not present, the preparations by the Presiding Officer will not be postponed so as to wait the arrival of the polling agent. Nor will he start the preparations again if any polling agent turns up late.

**20. ACCOUNT OF PAPER SEALS**

- 20.1 The Presiding Officer will keep a correct account of the paper seals supplied to him and actually used by him for sealing and securing the ballot box.
- 20.2. The Presiding Officer shall allow the candidates and/or their polling agents present to note down the serial numbers of paper seals so supplied for use and actually used. They will also be allowed to note down the first and the last serial number of the ballot papers supplied to the polling station.

**21. MAINTENANCE OF SECRECY OF VOTING**

- 21.1. Every polling agent is required by section 128 of the Representation of the People Act, 1951 to maintain and aid in maintaining, the secrecy of voting and should not communicate to any person any information calculated to violate such secrecy. Any person contravening the above provisions of law is punishable with imprisonment for a term which may extend to 3 months or with fine or with both.
- 21.2. Before commencing the poll, the Presiding Officer will bring to the notice of all present the provisions of aforesaid section 128 regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

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

- 22.1 After the Presiding Officer has gone through the preliminaries, as stated above he will make a declaration in the prescribed form to the effect that he has completed those preliminaries. He will read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration and will also obtain thereon the signatures of such of the polling agents as are present and willing to affix the same. The polling agents should sign that declaration as it would satisfy all that the poll had commenced in free and fair manner. If any polling agent refuses to sign that declaration the Presiding Officer will make a note of his name in the paragraph provided for that purpose in the form of said declaration.

**23. COMMENCEMENT OF POLL**

- 23.1. The poll will be commenced at the stroke of the hour fixed for the purpose. The timings for the poll will be announced by the Returning Officer in the Notice of Election ( Form I) issued by him on the poll notification date. By the time of poll opening, the preliminaries should have been completed by the Presiding Officer. If for any unforeseen reasons the preliminaries are not over, the Presiding Officer may admit about three or four voters at the hour fixed for the commencement of the poll and let the Polling Officers deal with them so as to enable them to go through the process of voting.
- 23.2. In any event, the Presiding Officer cannot extend the appointed closing time, except for allowing such of the voters to vote who have already reached the polling station before the appointed closing time and taken their place in the queue for voting. For this purpose the Presiding Officer should distribute slips duly signed by him to the electors, who were present at the polling station at the hour appointed for the close of poll starting from the tail of the queue towards the head

**24. ENTRY OF VOTERS INTO POLLING STATION**

- 24.1. Normally there will be separate queues for men and women voters. The persons who arrange the queues will allow 3 or 4 voters into the polling station at a time as the Presiding Officer may direct. Other voters waiting to come in will be made to stand in queue outside. Men and women voters will be admitted into the polling station in alternate batches. The Presiding Officer may, however, give precedence, if he thinks fit, to infirm voters and women voters with babies in arms over others. The polling agents should not object to it.

## **25. FACILITIES TO PRESS REPRESENTATIVES AND PHOTOGRAPHERS**

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

## **26. VOTING PROCEDURE AT THE POLLING STATION**

- 26.1. At Single election when there are independent polling stations to the Graduates / Teachers
- 26.1.1 When an elector enters a polling station he will proceed direct to the first Polling Officer who will be in-charge of the identification of electors and of the marked copy of the electoral roll.
- 26.1.2 For the purpose of effective identification of the electors during polling in graduates' and teachers' constituencies, the electors have to produce before the polling officers one of the several documents which the Election Commission will separately specify like photo I-Card, Ration Card, Passport, etc. as notified by the E.C.I. for the purpose as a proof of identity.
- 26.1.3 After his identity has been established and there is no challenge to his identity by any of the polling agents, the elector's left forefinger will be marked with indelible ink. The second polling officer will be in charge of the ballot papers. That polling officer will note down the electoral roll number in the counter-foil of the ballot paper and direct the elector to put his signature or thumb impression on the counter-foil. Thereafter, he folds the ballot paper vertically and horizontally and hands it over to the elector and sends him to the third polling officer. The third polling officer hands over the sketch pen of violet colour ink to the voter and directs him to the Voting Compartment for marking his preferences. After marking his vote, the voter folds the ballot paper in the Voting compartment itself and comes out and in the presence of the third polling officer inserts the ballot paper in the ballot box and leaves the polling station.
- 26.2 At simultaneous elections in common polling stations to the Graduates / Teachers
- 26.2.1 When a Graduate elector enters a polling station he will proceed direct to the first Polling Officer who will be in-charge of the identification of electors and of the marked copy of the electoral roll of Graduates' constituency
- 26.2.2 After his identity has been established and there is no challenge to his identity by any of the polling agents, the elector's left forefinger will be marked with indelible ink. The second polling officer will be in charge of the ballot papers of Graduates' constituency. That polling officer will note down the electoral roll number in the counter-foil of the ballot paper and direct the elector to put his signature or thumb impression on the counter-foil. Thereafter, he sends him to the fifth polling officer. The fifth polling officer hands over the sketch pen of violet colour ink to the voter and directs him to the Voting Compartment for marking his preferences. After marking his vote, the voter folds the ballot paper in the Voting compartment itself and comes out and in the presence of the third polling officer inserts the ballot paper in the ballot box and leaves the polling station.
- 26.2.3 When a Teacher elector enters a polling station he will proceed direct to the third Polling Officer who will be in-charge of the identification of electors and of the marked copy of the electoral roll of Teachers' constituency
- 26.2.4 After his identity has been established and there is no challenge to his identity by any of the polling agents, the elector's left forefinger will be marked with indelible ink. If the voter is a elector for graduates' and teachers' constituency, his left forefinger was marked with indelible ink treating he has exercised his vote in Graduates constituency. In such a case, indelible ink should be applied on the middle finger on his left hand He will be directed to the fourth polling officer. . The fourth polling officer will be in charge of the ballot papers of Teachers' constituency. That polling officer will note down the electoral roll number in the counter-foil of the ballot paper and direct the elector to put his signature or thumb impression on the counter-foil. Thereafter, he sends him to the fifth polling officer. The fifth polling officer hands over the sketch pen of violet colour ink to the voter and directs him to the Voting Compartment for marking his preferences. After marking his vote, the voter folds the ballot paper in the Voting compartment itself and comes out and in the presence of the third polling officer inserts the ballot paper in the ballot box and leaves the polling station.

## **27. CHALLENGE TO THE IDENTITY OF A VOTER**

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

## **28. LIST OF DEAD, ABSENT AND ALLEGEDLY SUSPICIOUS VOTERS**

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

## **29. FORMAL CHALLENGE TO VOTER'S IDENTITY**

- 29.1. If the Presiding Officer disregards the list, the polling agent may formally challenge the identity of the person provided he is satisfied that the person concerned is impersonating a voter.
- 29.2. Even if the name of a voter is not mentioned in the above list of dead, absent or allegedly suspicious voters, but a polling agent has personal knowledge that the person claiming to be the voter is not the real voter, the polling agent may formally challenge that person's identity.
- 29.3. Every person whose name is entered in the electoral roll is entitled to vote at the election and a person claiming to be a voter and giving out the name and other details correctly is normally presumed to be that voter. However, voters are required to identify themselves through any of the identification documents specified by the Election Commission and the Presiding officer may refuse to allow a person a vote if identification documents are not produced. Therefore, the polling agents are advised to challenge the identity of a voter only when they are sure about their identity of the person challenged.

## **30. CHALLENGE FEE**

- 30.1. The Presiding Officer will not entertain any challenge by a polling agent, until the challenger pays him Rs.2/- (Rupees two only) in cash. After the amount has been paid, the Presiding Officer will furnish a receipt therefor to the challenger in the form prescribed by the Election Commission.

## **31. SUMMARY INQUIRY INTO A CHALLENGE**

- 31.1. When the identity of an elector is formally challenged by a polling agent, the Presiding Officer will warn the person challenged about the penalty for personation, read out the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry, enter his name and address in the list of challenged votes and ask him to sign or affix his thumb impression thereon. If the person challenged refuses to do so, the Presiding Officer will not allow him to vote.
- 31.2. After the Presiding Officer has completed the entries in the list of challenged votes and obtained the signature or thumb impression of the person challenged in the relevant column in the said list, he will ask the challenger to produce evidence to show that the person challenged is not the voter that he claims to be. If the challenger fails to adduce prima facie evidence in support of his challenge, the Presiding Officer will disallow the challenge and allow the person challenged to vote. If the challenger succeeds in making out a prima facie case that the person challenged is not the voter in question, the Presiding Officer will call upon the latter to produce evidence to rebut the challenge, i.e., to prove that he is the voter he claims to be. In the course of the inquiry the Presiding Officer is free to ascertain the true facts by putting to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer him on oath. He may also take evidence of any person whom he thinks to be helpful in his inquiry like the village officer, the neighbors of the voter in question or any other person present. While taking such evidence he may administer oath to the person challenged or any other person offering to give evidence.

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

### **32. RETURN OF FORFEITURE OF CHALLENGE FEE**

32.1. After the inquiry is over and the challenge is established, the Presiding Officer will return the challenge fee of Rs.2/- to the challenger after taking his receipt in the appropriate column in the list of challenged votes and on the counterfoil of the relevant receipt in the receipt book.

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

### **33. CLERICAL AND PRINTING ERRORS IN THE ELECTORAL ROLLS TO BE OVERLOOKED**

33.1. The particulars in respect of a voter as entered in the electoral roll are sometimes incorrectly printed or have become out of date, for example, the age of the voter. The polling agent should overlook mere clerical or printing errors in any entry relation to a voter and should not raise objection about such voter, if he is otherwise satisfied about the identify of that voter. When the electoral roll has been prepared in more than one language and the name of a person has not been included in the marked copy of the electoral roll, the Presiding Officer has been instructed to allow such voter to vote if his name appears in the version of the electoral roll in the other language. You should advise your polling agents not to raise any objection in respect of such an elector.

### **34. ELIGIBILITY OF VOTER NOT TO BE QUESTIONED**

34.1. Every person whose name is entered in the marked copy of the electoral roll is entitled to vote at the election. So long as there is no doubt the identity of such person, no question can be raised by a polling agent at the polling station before the Presiding Officer about the eligibility of such a person to be registered as a voter.

### **35. VOTING BY BLIND OR INFIRM VOTERS**

35.1. If the Presiding Officer is satisfied that owing to illiteracy, blindness or other infirmity, a voter is unable to read the ballot paper or to record his vote thereon, he will permit the elector to take with him a companion of not less than 18 years who is able to read the ballot paper and record the vote thereon on behalf of and in accordance with the wishes of the elector and , if necessary, to fold the ballot paper so as to conceal the vote and insert it into the ballot box.

35.2. No person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

35.3. A candidate, his election agent or polling agent (provided he is not less than 18 years of age) can also act as such companion to a blind or infirm voters. But he can act as such companion of only one elector on that day.

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

35.5. None of the polling staff shall act as a companion to the blind elector to record vote on his behalf under any circumstances.

### **36. TENDERED VOTES**

36.1. It may happen that a person representing himself to be a particular elector comes forward to vote after some other person has already voted as such elector. In that case if the Presiding Officer is satisfied about the identity of such persons to be the real voter after necessary questioning, he will permit him to vote by means of a tendered ballot papers. For that purpose the Presiding Officer will make necessary entry in the list of tendered votes and obtain the signature or thumb impression of the voter therein. The voter will be supplied with a ballot paper and the words 'Tendered Ballot Paper' will be stamped or

written on its back. The elector will record his vote on the tendered ballot paper by placing his preferences in figures with the instrument supplied at the polling station. Such tendered ballot paper, after it is marked by the voter in the voting compartment and folded, shall be placed by the Presiding Officer separately in a cover specially kept for the purpose.

### **37. ELECTORS DECIDING NOT TO VOTE**

- 37.1 If an elector, after his electoral roll number has been duly entered in the Counter-foil and he has put his signature/thumb impression on that counter-foil, decides not to record his vote, he shall not be forced or compelled to record his vote. A remark to the effect that he has decided not to record his vote "Refused to Vote" - shall be made in the remarks column against the entry relating to him in the Register of Voters by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark under rule 49.

### **38. VIOLATION OF SECRECY OF VOTING**

- 38.1 Every elector, who has been allowed to record his vote, is required to maintain secrecy of voting within the polling station and to observe the prescribed voting procedure. If any elector refuses, after warning given to him by the Presiding Officer to maintain the secrecy of voting and observe the voting procedure, he will not be allowed to vote by the Presiding Officer or by a polling officer under his direction. The ballot paper issued to such elector shall be taken back from him. The Presiding Officer will make a remark to that effect "Not allowed to vote Voting procedure violated" and that ballot paper will be sealed separately and not inserted into the ballot box.

### **39. VOTING BY PERSONS PRESENT AT CLOSING HOUR**

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

### **40. CLOSE OF POLL**

- 40.1 The Presiding Officer shall close the poll after the last voter has recorded his vote. He should close the slit of the ballot box.
- 40.2 The total number of votes recorded shall be immediately noted by the Presiding Officer in the "Account of votes recorded" in Form 16.

### **41. FURNISHING OF COPY OF ACCOUNT OF VOTES RECORDED (FORM 16) BY THE PRESIDING OFFICER**

- 41.1 The Presiding Officer should at the close of the poll prepare a ballot paper account in the polling station in the prescribed Form 16. He is also required to furnish to every polling agent present at the close of the poll an attested copy of the account after obtaining a receipt therefor from the Polling Agent. The Polling Agents should, therefore ensure that they receive a copy of the said account from the Presiding Officer as such account will be greatly needed by their candidates at the time of the counting of votes. Every polling agent who receive a copy of the said account from the Presiding Officer should affix his signature on the form of declaration prescribed by the Commission. If any polling agent refuses to accept a copy of the above account the Presiding Officer will note down the name of such polling agent.
- 41.2 At the end of the poll, the polled ballot box will be securely sealed. The candidates or their polling agents as are present and desirous of putting their seals on the cloth covering the ballot box shall be allowed to do so.
- 41.3 The names of the candidates/polling agents who have affixed their seals on the ballot box will be noted by the Presiding Officer in the declaration, which he makes at the close of the poll.



#### **42. SEALING OF ELECTION PAPERS-AFFIXATION OF SEALS THEREON BY POLLING AGENTS**

- 42.1. After the close of poll the Presiding Officer will also seal all the election papers in separate packets in accordance with the rules and instructions of the Election Commission. The polling agents present at polling station are also permitted to affix their seals, in addition to the seal of the Presiding Officer, on the envelopes and packet containing the following documents
- (a) the marked copy of the electoral roll;
  - (b) the counterfoils of the used ballot paper;
  - (c) the ballot papers signed in full by the presiding officer under sub-rule (1) of rule 38 but not issued to the voters;
  - (d) any other ballot papers not issued to the voters;
  - (e) the ballot papers cancelled for violation of voting procedure under rule 39;
  - (f) any other cancelled ballot papers;
  - (g) the cover containing the tendered ballot papers and the list in Form 15;
  - (h) the list of challenged votes; and
  - (i) any other papers directed by the Election Commission to be kept in a sealed packet.

42.2. The polling agents are advised in the interest of their candidates to affix their seals on the above packets of election papers.

#### **43. TRANSMISSION OF BALLOT BOXES AND ELECTION PAPERS TO THE COLLECTION/STORAGE CENTRE**

43.1. After the ballot boxes and all election papers have been sealed and secured by the Presiding Officer, he will deliver them or cause them to be delivered at the collection/storage centre. This may be either the final storage center prior to counting or the intermediate center prior to shifting to the final center.

#### **44. ACCOMPANYING VEHICLES CARRYING POLLED BALLOT BOXES**

44.1. The polling agents are permitted to accompany the vehicle in which the ballot boxes and election papers are carried to both the intermediate as well as the final collection/storage centre. But they will have to make their own transport arrangements and will not be permitted to travel in the vehicle carrying the ballot boxes and election papers.

#### **45. CUSTODY OF BALLOT BOXES:**

45.1. After the completion of poll in a constituency the polled boxes will be taken to the place of intermediate storage at sub-division level and kept in safe custody under proper guard till they are taken to the strong room at Counting centre. On the next day, the polled ballot boxes along with other material shall be shifted by the District Revenue Officer, who is the Assistant Returning Officer of the constituency with the help of the RDOs under proper escort to the RO-District headquarters i.e., strong rooms at Counting centre. You will be informed in advance by the Returning Officer about the programme and route of the collection parties that will be sent by him for the collection of the polled ballot boxes from the polling stations and for bringing them to place of storage. If you want, you may ask your agents to accompany those collection parties. You will, however, have to make your own arrangement for their transport as they would not be allowed to travel in the official vehicle. If you like you may also post an agent to keep watch at the place where the ballot boxes are kept, and the agent will be allowed to affix his seal on the doors and windows of the building in which the ballot boxes are stored in addition to the seal that may be affixed by the Returning Officer. In case you yourself or your election agent himself is not putting up such seals, you should give full particulars of the agent who would put such seals, to enable the verification of his identity. After all the ballot boxes have been received and stored in the final counting center and the room has been locked, no one will be allowed to go in until the morning of the day fixed for counting. If during the interval, the room is to be opened for some reason, the Returning Officer will inform the candidates and open the room in their presence and immediately after the purpose for which the room is opened has been served, the candidate or their representatives will again be allowed to seal the doors and windows. A log book will also be maintained in order that a full record is available of persons entering the room, the purpose of the visit, time of entry, time of exit etc.



#### **46. ADJOURNED POLL**

- 46.1. If there is a riot or open violence at the polling station or a natural calamity like severe storm, heavy snowfall or the like or some other sufficient cause, the Presiding Officer will adjourn the poll under the provisions of sub-section(1) of section 57. A passing shower of rain or strong wind would not be sufficient cause for adjournment of poll. The Commission has, however, decided that an adjourned poll may be ordered at all those polling stations where polling fails to start for two hours. The adjourned poll will be held on a date and at the time and place to be fixed by the Returning Officer with the prior approval of the Election Commission. The counting of the votes in the constituency will not commence until the adjourned poll has been completed.
- 46.2. Where the poll has been adjourned at a polling station the adjourned poll will recommence from the stage at which it was left immediately before the adjournment. i.e., only those electors, who had not already voted before the poll was adjourned, will be permitted to vote at the adjourned poll. The Presiding Officer of the polling station, at which such adjourned poll is taken, will be provided with the sealed packets containing (i) the marked copy of the electoral roll, and (ii) ballot papers etc., received earlier from the presiding officer of the polling station concerned at which the poll was adjourned, and also a new ballot box.
- 46.3. Before the commencement of the poll, the sealed packets containing the marked copy of the electoral roll and ballot papers will be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this very marked copy for the electoral roll and ballot papers will be used for adjourned poll.

#### **47. FRESH POLL**

- 47.1. If any ballot box or ballot papers used at a polling station
- (i) have been unlawfully taken away by unauthorised person; or
  - (ii) have been accidentally or intentionally destroyed or lost or damaged or tampered with and the Returning Officer is satisfied that the result of the poll at that polling station cannot be ascertained for that reason; or
  - (iii) any error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station;
- 47.2. The Returning Officer will report the facts of the Election Commission and the Chief Electoral Officer of the State.
- 47.3. After considering all the material circumstances, the commission will, if necessary
- (i) declare the poll at that polling station to be void; and
  - (ii) formally fix the date and hours for fresh poll and notify it.
- 47.4. On receiving intimation from the Commission, the Returning Officer will inform the contesting candidates or their election agent of the date, time and place fixed for the fresh poll and affix a notice or his notice board notifying the date and hours so fixed. Also he would announce by beat of drum or otherwise in the polling area concerned the place, the date and hours so fixed.
- 47.5. The fresh poll will be taken in the same manner as is prescribed for the original poll.
- 47.6. The counting of votes in respect of the rest of the constituency will not be and shall not be taken up till the polled ballot box from the polling station where repoll was held reaches the counting centre.

#### **48. FRESH POLL OR COUNTERMANDING OF ELECTION IN CASE OF BOOTH CAPTURING**

- 48.1. Under section 58A, if booth capturing (as defined in section 135A) has taken place at a polling station in such a manner that the result of the poll of that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission. On receipt of that report from the Returning Officer, the Election Commission shall, after taking all material circumstances into account, either (i) declare the poll at that polling station to be void and direct; fresh poll to be taken on a date to be appointed by it, or (ii) countermand the election if it is satisfied that in view of the large number of polling station involved in booth capturing the result of the election is likely to be affected.

- 48.2. If the Commission directs fresh poll to be taken at any polling station, the Returning Officer will proceed for taking such fresh poll in accordance with the instructions contained in the preceding paragraph.
- 48.3 If the election is countermanded by the Commission on account of booth capturing, all proceedings for that election will commence a new and a fresh notification calling for the election will be issued in due course.

## CHAPTER XI

### METHOD OF VOTING

Every elector has only one vote at an election irrespective of the number of seats to be filled.

An elector in giving his vote

- (a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he wishes to vote in the first instance; and
- (b) may, in addition, place on his ballot paper in figure 2 or the figures 2 and 3, or the figures 2, 3 and 4 and so on, in the space opposite the names of the other candidates in the order of his preference.
- (c) The figures referred above may be marked in the international form of Indian numerals or in the Roman form or in the form used in any Indian language but shall not be indicated in words.

To avoid confusion at the time of counting, marking the figures in International form of Indian numerals i.e., 1, 2, 3, 4 etc., is preferable by the electors.

Instructions on method of voting and sample illustrations of invalid ballot papers are at Appendix-10

## CHAPTER XII

# COUNTING OF VOTES

### 1. INTRODUCTORY

1. Counting of votes is the last major step towards the culmination of the election process. It is on the correct and proper counting of votes that the true choice of the electorate finds expression and it is on the basis of such ascertainment of their true choice that their chosen representative is declared elected. Therefore, the importance of the process of counting of votes hardly needs to be emphasized.
- 1.2. Under the law, counting of votes is to be done by, or under the supervision and direction of the Returning Officer of the constituency in the presence of the candidates and their agents. The law authorizes the Assistant Returning Officer also to undertake the counting of votes

### 2. DATE, PLACE AND TIME OF COUNTING

- 2.1. The Returning Officer will give notice to you or to your election agent, at least one week before the date or the first of the dates fixed for the poll, of the place, date and time fixed for the counting of the votes, in the forms prescribed by the Commission for the purpose.
- 2.2. If for any unavoidable reason the Returning Officer is unable to proceed with the counting at the place and at the time and on the date fixed and communicated to you, he will postpone the counting and fix another date and time and if necessary another place for the counting of votes. You or your election agent will be given notice of every such change in writing.



### **3. PERSONS ALLOWED IN COUNTING HALL**

3.1 Only the following persons will be allowed inside the counting hall:-

- (i) counting supervisors and counting assistants;
- (ii) persons authorised by the Election Commission;
- (iii) public servants on duty in connection with the election;
- (iv) yourself, your election agents and counting agents.

N.B. (1) The 'public servants on duty' will not include the Police Officers, whether in uniform or without uniform (unless called for by the Returning Officer for maintenance of law and order or other duty), Ministers, State Ministers and Deputy Ministers of the Union and States and the Speaker/Chairman of the Lok Sabha/Rajya Sabha/State Legislative Assemblies/Legislative Councils.

(2) No security personnel accompanying, if any, a candidate or his election agent or counting agent shall be permitted to enter the counting hall.

### **4. NUMBER OF COUNTING AGENTS THAT MAY BE APPOINTED**

4.1. Each candidate has been allowed to appoint as many counting agents as there are counting tables and one more to watch the counting at the Returning Officer's table. Under the instructions of the Election Commission, not more than fourteen tables in addition to one table for the Returning Officer can be provided for counting in one counting hall. The number of counting agents that may be appointed by a candidate may not ordinarily exceed fifteen, as the number of counting tables may also not ordinarily exceed fifteen, including the table of the Returning Officer.

4.2. As mentioned above, the Returning Officer will intimate in writing to each candidate or his election agent, at least one week before the date fixed for the poll, the place or places where the counting of votes will be done and date and time at which the counting will commence. He will also inform them sufficiently in advance about the number of counting tables that will be provided in the counting hall, so that they may appoint their counting agents accordingly.

4.3. The above mentioned limit in regard to the maximum number of counting agents will apply separately in respect of each counting place when counting is done at more places than one.

### **5. QUALIFICATION FOR COUNTING AGENTS**

5.1. The law does not prescribe any specific qualifications for persons to be appointed as counting agents. However, the candidates are advised to appoint mature and major persons as their counting agents so that their interests are properly watched.

5.2. However a Minister shall not be appointed as a counting agent as his personal security shall be jeopardised with such appointment, because his security personnel will not be permitted to accompany him into the counting hall.

5.3. A Government servant also cannot act as counting agent of a candidate and if he so acts, he is punishable with imprisonment for a term, which may extend to 3 months or with five or with both.

### **6. APPOINTMENT OF COUNTING AGENTS**

6.2. Appointment of a counting agent is to be made either by yourself or your election agent. Such appointment is made in Form 18 appended to the Conduct of Elections Rules, 196. The name and address of the counting agent will be filled in that form and you or your election agent will personally sign that form. The counting agent will also sign that form in token of his acceptance of the appointment. Two copies of such forms will be prepared and signed, in all cases. One copy of that form is to be forwarded by you/your election agent to the Returning Officer while the other copy is given to the counting agent for production before the Returning Officer.

6.3. You may appoint all your counting agents by a single letter of appointment in Form 18. In that case, all the counting agents are required to sign that letter of appointment in token of having accepted the appointment.

6.4. Your facsimile signature in the form of appointment may also be acceptable wherever there is no doubt about the signature.

#### **7. TIME LIMIT FOR MAKING APPOINTMENT OF COUNTING AGENT**

7.1. The Election Commission has directed that in all constituencies irrespective of the number of contesting candidates in the constituency, the candidates should submit the list of their counting agents with photographs of such agents to the Returning Officer latest by 1700 hours on the day three days before the date of counting. The Returning Officer will prepare identity cards for such agents and issue the same to the candidate.

7.2. The counting agent must produce those identity cards along with their letter of appointment when they come to attend the counting.

7.3. The letter of appointment along with the identity card of counting agent must be produced before the Returning Officer at least one hour before the time fixed for counting of votes. The Returning Officer will not accept any appointment letter which is received after the aforesaid time.

#### **8. REVOCATION OF APPOINTMENT OF COUNTING AGENT**

8.1. You or your election agent are authorised to revoke the appointment of a counting agent.

8.2. Such revocation of appointment is made in Form 19 appended to the Conduct of Elections Rules, 1961 and becomes operative from the time at which it is lodged with the Returning Officer. In such a case, you are authorised to appoint another counting agent in place of the one whose appointment has been revoked, at any time before the commencement of counting. Once the counting has commenced no appointment of fresh counting agent can be made.

8.3. Appointment of such fresh counting agent is to be made in the same manner as explained in Para 6 above.

#### **9. ADMISSION OF COUNTING AGENTS TO THE COUNTING HALL**

9.1. On production of his letter of appointment and the identity card before the Returning Officer, the counting agent will be required to sign before the Returning Officer the declaration contained in his letter of appointment regarding maintenance of secrecy of voting. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the counting agent to enter the counting hall.

9.2. The Returning Officer is empowered to subject any counting agent to search of his person before entry into the counting hall.

#### **10. BADGES FOR COUNTING AGENTS**

10.1. Each counting agent will be given a badge by the Returning Officer indicating whose agent he is and showing the serial number of the table at which he will watch the counting. He should keep sitting at the table allotted to him and will not be allowed to move about all over the hall. However, you, your election agent and in their absence, your polling agent at the Returning Officer's table will be allowed to go around all counting tables.

#### **11. MAINTENANCE OF DISCIPLINE AND ORDER IN THE COUNTING HALL**

11.1. Every one should cooperate with the Returning Officer in maintaining discipline and order inside the counting hall. They should not leave the counting hall without the permission of the Returning Officer. They should carry out all directions given by the Returning Officer. They should note that the Returning Officer may send out of the counting hall any person who persists in disobeying his directions.

11.2. No counting agents and others will be allowed to go outside the counting hall during counting process. In other words, when once counting agents and others are inside the counting hall, they will ordinarily not be allowed to go outside until after the declaration of result.

11.3. All the reasonable facilities for drinking water, refreshment, toilet, etc., will be provided adjacent to the counting hall.

## **12. SMOKING INSIDE THE COUNTING HALL IS STRICTLY PROHIBITED**

If any person desires to smoke, he should go out of the counting hall (but not outside the premises of the counting centre) for that purpose, with the permission of the Returning Officer and without, however causing any dislocation in the counting process.

## **13. SEATING ARRANGEMENT FOR COUNTING AGENTS**

13.1. On each counting table, the seating arrangement for the counting agents shall be made having regard to the following categories or priority, namely:-

- (i) candidates of recognised National parties;
- (ii) candidates of recognised State parties;
- (iii) candidates of recognised State parties of other States who have been permitted to use their reserved symbols in the Constituency;
- (iv) candidates of registered-unrecognised parties;
- (v) independent candidates.

## **14. ARRANGEMENTS FOR BARRICADING OF COUNTING TABLES**

14.1. In each counting hall, barricades will be provided for each counting table so that the ballot boxes and ballot papers are not handled by the counting agents. However, counting agents will be provided all reasonable facilities to see the whole counting process at the counting table. The Returning Officer will ensure that the barricades are transparent or that the space in between or above the bamboos or other material used for purpose of erecting barricades is adequate to permit full viewing of the counting process. The exact manner in which barricades may be erected is left to the discretion of the Returning Officer who has to adopt such approach as he may deem fit for attaining the objective of ensuring that the ballot papers are not handled by unauthorised persons or tampered with in any manner in process of counting.

## **15. MAINTENANCE OF SECRECY**

15.1. Every person inside the counting hall is required by law to maintain, and aid in maintaining, the secrecy of voting and should not communicate to any person any information calculated to violate such secrecy. They should note that any person contravening the provisions of law in this respect is liable to be punished with imprisonment for a term which may extend to 3 months or with fine or with both (Section 128 of the R.P. Act, 1951)

15.2. Before the commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the above mentioned section 128 for the information of all present and for compliance on their part.

## **16. COUNTING TO BE CONTINUOUS**

16.1. The counting of votes will, as far as practicable, be proceeded with continuously till it is over.

## **17. COUNTING OF POSTAL BALLOT PAPERS**

17.1. Under the law [Rule 73(1)(a) of the Conduct of Elections Rules, 1961] the covers containing the postal ballot papers are to be dealt with first. Such covers will be dealt with in the manner as prescribed in sub-rules (2) to (7) of Rule 54A. It should be noted that after a postal ballot paper has been taken out of the cover containing it, the same will not be taken forthwith for detailed scrutiny to determine its validity or otherwise. All postal ballot papers should be taken up for such detailed scrutiny along with the ballot papers taken out of the ballot boxes [Rule 73(1)(c)].

17.2. Covers in Form 13C containing postal ballot papers received after the hour fixed for the commencement of the counting of votes will not be opened. They will be rejected and kept in a separate packet and sealed, noting thereon the appropriate particulars.

17.3. The covers in Form 13C received in time will be opened one after another. As each cover is opened, the declaration in form 13A and the cover in Form 13B will be taken out and scrutinized the declaration. If the declaration in Form 13A is not found

in the cover or the declaration has not been duly signed and attested or attested by an officer not competent to do so or is otherwise substantially defective or if the serial number of ballot paper appearing in the declaration is different from the serial-number on the cover in Form 13B the cover containing the postal ballot paper will not be opened but the ballot paper should be rejected. Each such rejected cover will be endorsed suitably and the declaration and cover will be replaced in the cover in Form 13C. All such covers in Form 13C will be kept together in a separate packet and sealed and full particulars such as the name of the constituency, the date of counting and a brief description of contents should be noted thereon for easy identification. All the declarations in Form 13A which have been found to be in order, will then be kept in a separate packet in order to ensure that the secrecy of the postal ballot is kept inviolate. The packet will then be sealed noting thereon the particulars regarding the name of the constituency, the date of counting and brief description of contents. This will be done before the covers containing the ballot papers in Form 13B are opened. Thereafter the covers in Form 13B will be opened one after another and the ballot papers contained therein taken out.

- 17.4 As already clarified above, the postal ballot papers taken out of the covers will not be taken up for detailed scrutiny separately but along with the ballot papers taken out of the ballot boxes.



## CHAPTER - XIII

# COUNTING PROCESS IN LEGISLATIVE COUNCIL ELECTIONS GENERAL INSTRUCTIONS

1. This is a practical example of counting of votes at an election from a Council Constituency.
2. The constituency spread over two districts and the total number of polling stations set up were 120. Total electorate 1,20,000. Total Votes polled were 55,003. The polled & sealed ballot boxes from the 120 polling stations reached the counting center in time and were stored in the strong room in the counting center.
3. When the polling station material was delivered to distribution centre after close of voting, then immediately Form-16 was identified. The entry in Form-16 (Ballot Paper Account) relating to the number of ballot papers to be found in the ballot box (item 5 in Form-16) was noted in the statement of total votes polled as detailed in para 6.4 below.
4. The candidates and their agents were informed of the time of counting in advance
- 5. Postal Ballots**
  - 5.1. The RO attended to postal ballots in the beginning. There were total 25 postal ballots received in time. The covers in Form 13C received in time were opened one after another. The RO took out the declaration in form 13A and the cover in Form 13B and scrutinized the declaration. In respect of 20 postal ballots, the RO found either the declaration in Form 13A was not found in the cover or the declaration has not been duly signed and attested or attested by an officer not competent to do so or is otherwise substantially defective or the serial number of ballot paper appearing in the declaration is different from the serial number on the cover in Form 13B. In these 20 cases, the RO did not open the cover containing the postal ballot paper and rejected them as invalid. Each such rejected cover was endorsed suitably and the declaration and cover were Replaced in the cover in Form 13C. All such covers in Form 13C were kept together in a separate packet and sealed.
  - 5.2. All the declarations in Form 13A which have been found to be in order were kept in a separate packet in order to ensure that the secrecy of the postal ballot is kept inviolate.
  - 5.3. The 5 covers containing the ballot papers in Form 13B were opened one after another and the ballot papers contained therein taken out.
- 6. Bringing out ballot boxes**
  - 6.1. While the RO was engaged with the postal ballots, the ARO was authorised to bring out the polled ballot boxes into the counting hall from the strong room. The Boxes were brought out in the serial order of the polling stations to which they belonged. Since all the boxes of 120 polling stations could not be accommodated on the counting tables, they were brought out in batches of 40 polling stations.
  - 6.2. The Ballot Boxes were arranged in a row on the tables in the order of the polling stations to which they belonged. On request, the candidates and their agents went round the rows of the boxes to verify that the seals of the ballot boxes were intact. These 40 were kept aside and the next batch of 40 followed and followed the same procedure.

Note: It is important that all the polled ballot boxes should first be inspected to see that seals are intact and no tampering is suspected. If any of the boxes is found to be tampered with or suspected to have been tampered with, THE COUNTING CANNOT PROCEED FURTHER until all the facts are reported to CEO and ECI and orders are received. If repoll is ordered, the counting will resume or commence only after completion of that repoll. THEREFORE INSPECTION OF ALL BOXES IS A MUST BEFORE ANY BOX IS OPENED.

  - 6.3. After the candidates expressed satisfaction with the last batch of boxes, the ARO arranged the first batch of boxes on the counting tables, had the seals opened and took out the ballot papers. The ballot papers were kept in Trays, polling station-wise (face down) and were counted for their total number. The ballots of each polling station were made into bundles of 25 or 50 as convenient and kept in the Tray with a slip on top indicating the total number. That number was tallied with the

figures given by the presiding officer of the polling station in Form-16. In this example, the number of ballot papers as per Form 16 tallied with the number of ballot papers taken out of the ballot boxes. Where there is a difference, this must be satisfactorily reconciled before proceeding further.

6.4 After completing the counting of ballot papers of each polling station, that figure was entered in a "POLLING STATION-WISE STATEMENT OF TOTAL VOTES POLLED" as shown below:

### Name of the Council Constituency: MALGUDI TEACHERS' CONSTITUENCY POLLING STATION-WISE STATEMENT OF TOTAL VOTES POLLED

#### No. of Ballot Papers taken out of Ballot Boxes :

Sl. No. of Polling Station	No. of ballot papers as per Form-16	No. of ballot papers taken out of the ballot box(es)	Sl. No. of Polling Station	No. of ballot papers as per Form-16	No. of ballot papers taken out of the ballot box(es)	Sl. No. of Polling Station	No. of ballot papers as per Form-16	No. of ballot papers taken out of the ballot box(es)	Sl. No. of Polling Station	No. of ballot papers as per Form-16	No. of ballot papers taken out of the ballot box(es)
1	675	675	31	285	285	61	542	542	91	222	222
2	850	850	32	110	110	62	125	125	92	675	675
3	326	326	33	675	675	63	326	326	93	833	833
4	450	450	34	602	602	64	393	393	94	675	675
5	110	110	35	326	326	65	326	326	95	326	326
6	178	178	36	326	326	66	675	675	96	758	758
7	326	326	37	254	254	67	127	127	97	675	675
8	850	850	38	675	675	68	410	410	98	326	326
9	201	201	39	897	897	69	365	365	99	658	658
10	302	302	40	587	587	70	326	326	100	675	675
11	675	675	41	326	326	71	421	421	101	326	326
12	344	344	42	256	256	72	675	675	102	742	742
13	326	326	43	675	675	73	165	165	103	850	850
14	256	256	44	326	326	74	326	326	104	659	659
15	287	287	45	625	625	75	145	145	105	321	321
16	298	298	46	326	326	76	850	850	106	675	675
17	850	850	47	179	179	77	326	326	107	326	326
18	144	144	48	850	850	78	135	135	108	452	452
19	675	675	49	129	129	79	675	675	109	216	216
20	167	167	50	326	326	80	521	521	110	326	326
21	326	326	51	675	675	81	326	326	111	675	675
22	185	185	52	124	124	82	366	366	112	675	675
23	166	166	53	850	850	83	178	178	113	788	788
24	850	850	54	211	211	84	326	326	114	326	326
25	321	321	55	326	326	85	156	156	115	765	765
26	675	675	56	222	222	86	675	675	116	850	850
27	326	326	57	850	850	87	124	124	117	825	825
28	256	256	58	450	450	88	326	326	118	326	326
29	326	326	59	326	326	89	850	850	119	675	675
30	850	850	60	675	675	90	326	326	120	835	835
sub-total	12571	12571	sub-total	13464	13464	sub-total	11507	11507	sub-total	17456	17456

Total Votes = 54998

II	No. of Postal Ballot Papers taken out of Covers under rule 54A(7) :5	
		GRAND TOTAL : 54998 + 5 = 55003
III	No. of Ballot Papers Rejected:	1238
IV	No. of Valid Ballot Papers	53,765

**7. Mixing of votes**

7.1. After filling up the votes polled statement as above, the RO ordered that the empty ballot boxes should be removed to a corner. The ballot papers polled (54,998) at all polling stations were placed at one place and after adding the 5 postal ballots also to this lot, all were mixed.

Note: Council votes are NOT counted polling-station-wise. Further they should be counted at only one place and table.

7.2 All the bundles of ballot papers were kept on RO's table (This table from where further proceedings take place shall be big enough for the RO to count, for the distribution of votes to various candidates, for seating the Counting Supervisors, Assistants etc. ). The RO scrutinise each paper and sort out the invalid votes. The RO followed the following method:

**8. Grounds for Rejection of Ballot Paper**

A ballot paper shall be invalid on which

- (a) the figure '1' is not marked; or
- (b) the figure '1' is set opposite the name of more than one candidate; or
- (c) the figure '1' is so placed as to render it doubtful to which candidate it is intended to apply; or
- (d) the figure '1' and some other figure like 2, 3, etc., are set opposite the name of the same candidate; or
- (e) there is any mark or writing by which the elector can be identified; or
- (f) there is any figure marked on the ballot paper otherwise than with the article (i.e., sketch pen of violet Colour ink) supplied to him for the purpose.
- (g) Blank Paper without any preference marked

**9. Preference Indicated in Words**

9.1. Under the Rules, the electors are required to indicate their preferences by marking the figures 1, 2, etc., and such preferences cannot be indicated in words. Therefore, if the first preference on any ballot paper has been indicated by writing the word or worlds 'one' or 'first preference' instead of figure '1' or such words have been written in addition to the figure '1', such ballot paper shall be rejected.

**10. Ballot Paper Marked Partly in Figures and Partly in Words**

10.1. Under the rules, it is obligatory for an elector only to mark figure '1' in the in the ballot paper. The placing of figure '2' or subsequent preferences is only optional. For the above reasons, a ballot paper should be treated as valid if the first preference has been indicated correctly thereon by marking it with figure 1. If the other preferences are not indicated at all or, are indicated not in figures but in words, then those preferences should be treated as having been not made at all. The correct indication of the first preference is enough to make it a valid vote and such a ballot paper should not be rejected in toto.

**11. Mark or Writing by which Elector can be Identified**

11.1. Under Rule 73(2) (d), a ballot paper shall be rejected if it bears any mark or writing by which an elector can be identified. The Supreme Court has held in Shradha Devi Vs. Krishna Chandra pant (AIR 1982 SC 1592) that the mark or writing which would invalidate the ballot paper must be such as to itself unerringly point in the direction of or reasonably give indication of the identity of the voter. There must be some causal connection between the mark and the identity of the voter that looking at one, the other becomes revealed. In the absence of such suggested mark or writing, the ballot paper cannot be rejected



merely because there is some mark or writing. Any mark or writing of an innocuous nature cannot be raised to the level of such suggestive mark or writing as to reveal the identity of the voter.

**12. Other Grounds on which ballot Paper NOT to be Rejected :**

- 12.1. A ballot paper should also not be rejected simply because
- (a) the figure '1' has been marked more than once in the column of the same candidate;
  - (b) the figure '1' has been marked not in the column meant for marking the order of preferences but at some other place in the panel of candidate;
  - (c) the original mark is patently in the column of one candidate but an impression or smudge thereof appears against the name of some other candidate due to wrong folding;
  - (d) the mark indicating the vote is indistinct or made more than once, if the intention that the vote is for a particular candidate clearly appears from the way the paper is marked; or
  - (e) there is a faint undecipherable thumb impression or smudge impression left inadvertently by the elector on the ballot paper while handling it because of the presence of some ink on his thumb which was put thereon for the purpose of obtaining his thumb impression on the counterfoil of the ballot paper.
- 12.2. While allowing the candidates or their agents to inspect the ballot papers proposed to be rejected by you, do not allow them to handle any ballot paper physically.

**13. Arrangement of Counting Trays:**

- 13.1. The RO decided that out of total 55,003 votes polled, 1,238 are invalid. After rejecting the invalid ballot papers and sealing them, the RO bundled and kept the 53,765 VALID ballot papers at one place. He directed the Counting Assistants to arrange the trays candidate wise on the Table. One Tray for one candidate and the name of the candidate pasted on both outer and inner sides of the Tray. RO Entered the numbers of valid and invalid votes in the polling station-wise statement of Total Valid Votes Polled indicated in Para 11 above.

**Counting Process for Single Seat Constituency**

(continued From Para 13.1 Above)

**14. Candidate-wise distribution of valid votes:**

- 14.1. There were 10 candidates and 10 Trays were arranged on the Table opposite to the RO. Each Tray was kept in charge of a CA. Seats were provided to the candidates and their agents in such a way that they can closely watch the proceedings and keep an eye on the Trays.

**Note:** At no time the candidates or agents are allowed to handle any ballot paper.

**Further Note:** Ensure that the Counting staff handling the ballot papers do not have or use any pen during the counting. They should use only PENCILS.

- 14.2. To keep the tradition of transparency in the conduct of elections and counting, the RO briefed the candidates and their agents that the valid votes will be distributed according to the 1st preference marked to them and since only one seat is to be filled, the value of each vote is "1".
- 14.3. If the number of valid votes is not large (say 1000 or less), to instill full confidence, the RO may announce to whom the first preference is marked on each ballot paper. In the present case, the RO opted to distribute the votes without announcement as the number of valid votes to be counted was very large 53,765.
- 14.4. Valid votes were distributed according to 1st preference marked. After completing the distribution of 53,765 votes, the RO directed the C.As to check again and again, if necessary, and ensure that the 1st preference was marked to only that candidate in whose tray the vote was kept.
- 14.5. C.As thoroughly checked and counted the votes secured by each candidate, made bundles of 25 and kept the bundles in each Tray with a slip on top indicating the total votes in the Tray.

14.6. The RO got the No. of votes of each candidate entered in the Status Report statement as follows:

**STATUS REPORT OF EACH CANDIDATE AFTER THE LATEST ROUND**  
(To be kept with the R.O)

Seats to be Filled : ONE

QUOTA = -----

**STATUS AFTER ROUND No. 1**

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	9,985	
Krishna Rao	902	
Koteswara Rao	902	
Ramesh Naidu	246	
Wesley	2,627	
Sarat Babu	5,526	
Robinson	24,122	
Swarajyam	251	
Lakshmi Kumari	126	
Seetha Ramaiah	9,078	
TOTAL :	53,765	

(Cut out the names of the candidates elected / eliminated whenever a round of counting is complete)

14.7. The above is a very handy statement to the RO. This will show the latest position to the RO. He should have one special officer to constantly update this statement. After entering the votes of each candidate, they were totaled. The RO is satisfied that every valid vote was accounted for. He asked the C.As to fill the relevant column of the Account of Votes Received of each candidate as follows: (Given below is the Sheet of candidate No. 1)

**Name of the Council Constituency: MALGUDI TEACHERS' CONSTITUENCY****ACCOUNT OF VOTES RECEIVED**

(This Statement should be kept by the side of the Tray of each candidate and should be filled in by the Counting Assistant during the counting)

NAME OF THE CANDIDATE: Shri Mohd. Kaif (xyz party)

Quota for election: \_\_\_\_\_

Main Parcel/ Sub Parcels	Name of the candidate from whom transferred	No.of Ballot Papers	Value of of each Ballot Paper	Total Value
1	2	3	4	5
Main Parcel (Original Votes)	Original votes	9985	1 (one)	9985
Sub-parcel (1)				
Sub-parcel (2)				
Sub-parcel (3)				
Sub-parcel (4)				
Sub-parcel (5)				
Sub-parcel (6)				
Sub-parcel (7) etc... ..				
	<b>TOTAL:</b>			

After filling above statements in respect of each candidate, they were kept by the side of the relevant Tray of the candidate. The main purpose of this statement is to keep a close watch on each candidate's progress. For example, if during a round of counting and transfer of votes, if the candidate is nearing the QUOTA for election, the CA should caution the RO as soon as the candidate gets the required quota, so that the RO stops further counting.

- 14.8. The RO ordered that the original votes of each candidate shall be placed in separate Envelopes known as main parcel. After keeping votes in the cover, the C.As write on the cover the particulars of the candidate whose votes were kept inside. For example the Main Parcel of the first candidate Shri Mohd. Kaif was as follows:

<b>ELECTION TO THE LEGISLATIVE COUNCIL, 2007</b>	
Name of Constituency: Malgudi Teachers'	Date: .....
<b>MAIN PARCEL (ORIGINAL VOTES)</b>	
Name of the Candidate: Shri Mohd. Kaif	
No. of Ballot Papers 9985 @ 1 (Value of each Ballot) = 9985 (Total Value)	
(Envelope size - depending upon number of votes to be kept inside)	

The envelop for the main parcel will have to be large enough to accommodate all the first round votes a candidate may receive.

**CALCULATION OF QUOTA:**

14.9. Quota is the number of minimum votes a candidate has to secure for getting elected.

The principle to calculate the quota is as follows:

$$\text{Quota} = \frac{\text{Total value of valid votes}}{\text{No. of seats to be filled} + 1} + 1$$

a) Total Value of Valid Votes = 53765

b) Seats to be filled = 1

quota = 53,765

$$\frac{53765}{1 + 1} + 1 = 26,882.50 + 1 = 26,882 + 1 = 26,883$$

- 14.10. In single elections, the seats to be filled are 1. Therefore, total valid votes are divided by 2 (Seats to be filled = 1 + 1). If there is any fraction by this division, it is IGNORED. ( In the instant case RO ignored .50)
- 14.11. In the present case, the quota required for election was 26,883 votes. The highest number of votes a candidate got were by Shri Robinson with 24,122 votes. No candidate got the quota after the initial round. If any one got the quota, the counting would have come to a close after the first round.
- 14.12. After calculating the quota, the RO ordered that the result of the 1st round be posted in the RESULT SHEET.
- 14.13. Since no candidate secured the quota in the first round, the next step was to “Eliminate” or “Exclude” from the contest, a candidate with the lowest number of votes and distribution of his votes to the other “continuing candidates”. If more than one candidate got “equal” number of lowest votes, then the RO has to decide by draw of lots as to who should be eliminated first. [Write each name on a separate slip of paper, fold each concealing the name on it, place them on the table and pick up one slip. Whose so ever’s name is picked up, he will be eliminated first. Announce the procedure prior to doing so].
- 14.14. When a candidate is excluded from the poll in the manner indicated above, all his ballot papers shall be distributed among the remaining continuing candidates according to the next available preferences recorded thereon.

**2nd ROUND ELIMINATION OF LAKSHMI KUMAR (LK)**

14.15. In the present count, since no candidate secured the quota, the RO decided to exclude the candidate with lowest votes.

**Lakshmi Kumari (LK) :**

- 14.16. LK secured 126 votes and was found to be the candidate with the lowest votes. The Tray of the excluded candidate (LK) was removed from the table. She had only original votes in Main Parcel. They shall be distributed to the continuing candidates at the same value of “1” according to the valid 2nd preference marked on each paper.
- 14.17. First of all, the RO reexamined all 126 ballot papers in LK’s Main parcel. Out of 126 papers, 75 were found to have been exhausted due to one of the following reasons:



**14.18. Exhausted Ballot Papers are**

- the papers on which only first preference is marked and no other preference given.
  - Papers on which 2nd preference is NOT marked, even though there may be other preferences like 3, 4, .....
  - Papers on which 2nd preference is marked for more than one candidate
  - Papers on which along with 2nd preference, another preference is also marked for the same candidate; or
  - Paper on which 2nd preference is marked in words like “Two”, etc.
- 14.19. No action was taken on these 75 Exhausted Papers and they were sealed back in the same envelope marked “Main Parcel” of the candidate (LK) and on the cover it was written “EXHAUSTED PAPERS”.
- 14.20. All the 51 unexhausted ballot papers were divided among the remaining continuing candidates according to the next available preference recorded on each such ballot paper. The distribution of 51 votes of LK was noted in Transfer Sheet No. 1 as follows:

**TRANSFER SHEET NO. 1**

Transfer of votes of EXCLUDED candidate(NAME) LAKSHMI KUMARI  
TOTAL VALUE OF VOTES: 126

Sl.No.	Name of Item	MAIN PARCEL	SUB PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7...	
1	No. of Ballot Papers to be Transferred	126								126
2	Value of each ballot paper	1								1
3	Value of votes to be transferred	126								126
4	No. of ballot papers actually transferred	51								51
5	Value of transferred votes	51								51
6	No. of exhausted ballot papers	75								75
7	Value of Exhausted ballot papers	75								75

**Distribution of votes among continuing candidates**

Name of CONTINUING Candidate	VALUE OF VOTES OBTAINED BY TRANSFER OF BALLOT PAPERS FROM								
	Main Parcel	Sub Parcels Numbers							TOTAL
		1	2	3	4	5	6	7....	
Mohd.Kaif	12								12
Koteswara Rao	14								14
Ramesh Naidu	5								5
Robinson	8								8
Seetha Ramaiah	12								12
<b>TOTAL</b>	<b>51</b>								<b>51</b>



## STATUS REPORT OF EACH CANDIDATE AFTER THE SECOND ROUND

(To be kept with the R.O)

Seats to be Filled : ONE

QUOTA = 26,883

### STATUS AFTER ROUND No. 2

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	9,997	
Krishna Rao	902	
Koteswara Rao	916	
Ramesh Naidu	251	
Wesley	2,627	
Sarat Babu	5,526	
Robinson	24,130	
Swarajyam	251	
Lakshmi Kumari	0	Eliminated-1
Seetha Ramaiah	9,090	
Loss of Value / exhausted papers	75	
TOTAL :	53,765	

(Cut out the names of the candidates elected / eliminated whenever a round of counting is complete)

- 14.21. The RO got the result of 2nd round posted in the RESULT SHEET. After the second round also, no candidate secured the quota. Therefore, the RO decided to eliminate another candidate with lowest votes.

Posting in the candidate's sheet.

### 3rd ROUND ELIMINATION OF RAMESH NAIDU (RN)

- 14.22. There were two candidates with equal lowest votes after the second round of counting. They are Ramesh Naidu (RN) and Swarajyam (SW) with equal lowest votes of 251 each. In such cases, before drawing any lot, the RO is required to compare their votes in earlier round. In the First Round, RN secured 246 votes whereas SW got 251. In the 2nd round RN secured 5 more votes from LK. Therefore, since RN was much lower than SW in first round, he was to be eliminated now without any draw of lots.
- 14.23. RN's has a Main Parcel with 246 votes and a sub-parcel with 5 votes. The RO first examined the 246 votes in the Main Parcel. Out of 246, 207 papers had next preference properly marked and 39 papers were found to have been exhausted. One of the reasons for exhausted papers was that on some of them 2nd preference was marked to L.kumari who was already eliminated and there was no 3rd preference marked on them.
- 14.24. RO distributed the 207 papers and noted the result in Transfer Sheet-2. Still no body got the quota. Then the RO took up the 5 ballots in sub-parcel-1 of RNaidu. On scrutiny, the RO found that all 5 are exhausted as there was no further preference. This was also noted in Transfer Sheet No. 2 and the result was posted in the Result Sheet.

**TRANSFER SHEET NO. 2**

Name of the Council Constituency: **MALGUDI TEACHERS'**  
(To be used for distribution of VOTES of EXCLUDED candidate)

Transfer of votes of EXCLUDED candidate(NAME) **RAMESH NAIDU**

TOTAL VALUE OF VOTES: 251

Sl.No.	Name of Item	MAIN PARCEL	SUB PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7..	
1	No. of Ballot Papers to be Transferred	246	5							251
2	Value of each ballot paper	1	1							
3	Value of votes to be transferred	246								
4	No. of ballot papers actually transferred	207	0							207
5	Value of transferred votes	207	0							207
6	No. of exhausted ballot papers	39	5							44
7	Value of Exhausted ballot papers	39	5							44

**Distribution of votes among continuing candidates**

Name of CONTINUING Candidate	VALUE OF VOTES OBTAINED BY TRANSFER OF BALLOT PAPERS FROM								
	Main Parcel	Sub Parcels Numbers							TOTAL
		1	2	3	4	5	6	7....	
Mohd.Kaif	24	0							24
Krishna Rao	3	0							3
Koteswara Rao	4								4
Robinson	90								90
Swarajyam	86								86
<b>TOTAL</b>	<b>207</b>								<b>207</b>

**STATUS REPORT OF EACH CANDIDATE AFTER THE THIRD ROUND**

(To be kept with the R.O)

Seats to be Filled : ONE

QUOTA = 26,883

**STATUS AFTER ROUND No. 3**

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	10,021	
Krishna Rao	905	
Koteswara Rao	920	
<del>Ramesh Naidu</del>	0	Eliminated-2
Wesley	2,627	
Sarat Babu	5,526	
Robinson	24,220	
Swarajyam	337	
<del>Lakshmi Kumari</del>	0	Eliminated-1
Seetha Ramaiah	9,090	
Loss of value / exhausted papers	119	
<b>TOTAL :</b>	<b>53,765</b>	

#### 4th ROUND ELIMINATION OF SWARAJYAM (SW)

14.25 After 3<sup>rd</sup> Round also no body secured the quota. Swarajyam with a total votes of 337 was found to be the candidate with lowest votes. RO took out her Tray. The details of the votes in her parcels are as follows:

Main Parcel	251
Sub-Parcel-1	86

14.26 RO first examined the 251 votes in the Main Parcel. 25 were found to have been exhausted. 226 were distributed to the remaining 7 continuing candidates as shown in Transfer Sheet-3. After this transfer, the RO took up the sub-parcel with 86 votes. Out of these 80 were found to be exhausted and only 6 were distributed (see Transfer Sheet-3):

#### TRANSFER SHEET NO. 3

Name of the Council Constituency: MALGUDI TEACHERS'  
(To be used for distribution of VOTES of EXCLUDED candidate)

Transfer of votes of EXCLUDED candidate(NAME) SWARAJYAM  
TOTAL VALUE OF VOTES: 337

Sl.No.	Name of Item	MAIN PARCEL	SUB PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7...	
1	No. of Ballot Papers to be Transferred	251	86							337
2	Value of each ballot paper	1	1							
3	Value of votes to be transferred	251	86							337
4	No. of ballot papers actually transferred	226	6							232
5	Value of transferred votes	226	6							232
6	No. of exhausted ballot papers	25	80							105
7	Value of Exhausted ballot papers	25	80							105

#### Distribution of votes among continuing candidates

Name of CONTINUING Candidate	VALUE OF VOTES OBTAINED BY TRANSFER OF BALLOT PAPERS FROM								
	Main Parcel	Sub Parcels Numbers							TOTAL
		1	2	3	4	5	6	7....	
Mohd.Kaif	5	0							5
Krishna Rao	15	0							15
Robinson	206	6							212
<b>TOTAL</b>	<b>226</b>	<b>6</b>							<b>232</b>

- 14.27. The RO enter the result of transfer sheet after 3rd round into the result sheet of 4th round.
- 14.28. Out of 10 candidates, 3 have been excluded. Still no one got the quota. The RO reviewed the position of the remaining 7 candidates :

### STATUS REPORT OF EACH CANDIDATE AFTER THE FOURTH ROUND

(To be kept with the R.O)

Seats to be Filled : ONE

QUOTA = 26,883

#### STATUS AFTER ROUND No. 4

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	10,026	
Krishna Rao	920	
Koteswara Rao	920	
Ramesh Naidu	0	Eliminated-2
Wesley	2,627	
Sarat Babu	5,526	
Robinson	24,432	
<del>Swarajyam</del>	0	Eliminated-3
<del>Lakshmi Kumari</del>	0	Eliminated-1
Seetha Ramaiah	9,090	
Loss of value / exhausted papers	224	
TOTAL :	53,765	

(Cut out the names of the candidates elected / eliminated whenever a round of counting is complete)

#### 5th ROUND ELIMINATION OF KRISHNA RAO

- 14.29. No body got the quota after 4th round. Both Krishna Rao (KR) and Koteswara Rao (KTR) got equal lowest votes of 920. However, after completion of the 3rd Round, Koteswara Rao had more votes than Krishna Rao. Therefore, RO selected

14.31. So far 4 were eliminated and 6 remained. No body got the quota. Shri Koteswara Rao with 920 votes was the lowest and

TRANSFER SHEET NO. 4

Name of the Council Constituency: MALGUDI TEACHERS'  
(To be used for distribution of VOTES of EXCLUDED candidate)

Transfer of votes of EXCLUDED candidate (NAME) KRISHNA RAO  
TOTAL VALUE OF VOTES: 920

Sl.No.	Name of Item	MAIN PARCEL	SUB PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7...	
1	No. of Ballot Papers to be Transferred	902	3	15						920
2	Value of each ballot paper	1	1	1						
3	Value of votes to be transferred	902	3	15						920
4	No. of ballot papers actually transferred	738	0	0						738
5	Value of transferred votes	738	0	0						738
6	No. of exhausted ballot papers	164	3	15						182
7	Value of Exhausted ballot papers	164	3	15						182

Distribution of votes among continuing candidates

Name of CONTINUING Candidate	VALUE OF VOTES OBTAINED BY TRANSFER OF BALLOT PAPERS FROM								
	Main Parcel	Sub Parcels Numbers							TOTAL
		1	2	3	4	5	6	7....	
Mohd. Kaif	13	0	0						13
Robinson	725	0	0						725
TOTAL	738	0	0						738

The results were posted in the Result Sheet in the appropriate column.

the RO took his Tray to eliminate him. His votes were:

Seats to be Filled : ONE

QUOTA = 26,883

**STATUS AFTER ROUND No. 5**

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	10,039	
<del>Krishna Rao</del>	0	Eliminated-4
Koteswara Rao	920	
<del>Ramesh Naidu</del>	0	Eliminated-2
Wesley	2,627	
Sarat Babu	5,526	
Robinson	25,157	
<del>Swarajyam</del>	0	Eliminated-3
<del>Lakshmi Kumari</del>	0	Eliminated-1
Seetha Ramaiah	9,090	
Loss of value / exhausted papers	406	
<b>TOTAL :</b>	<b>53,765</b>	

(Cut out the names of the candidates elected / eliminated whenever a round of counting is complete)

Main Parcel	902
Sub-parcel-1	14
Sub-Parcel-2	4

14.32. From Main Parcel out of 902 votes, 720 were distributed and 182 were exhausted. In the sub-parcel 1 and 2, all 18 were exhausted.

**STATUS REPORT OF EACH CANDIDATE AFTER THE SIXTH ROUND**

(To be kept with the R.O)

Seats to be Filled : ONE

QUOTA = 26,883

TRANSFER SHEET NO. 5

Name of the Council Constituency: MALGUDI TEACHERS'  
(To be used for distribution of VOTES of EXCLUDED candidate)

Transfer of votes of EXCLUDED candidate (NAME) KOTESWARA RAO  
TOTAL VALUE OF VOTES: 920

Sl.No.	Name of Item	MAIN PARCEL	SUB PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7..	
1	No. of Ballot Papers to be Transferred	902	14	4						920
2	Value of each ballot paper	1	1	1						3
3	Value of votes to be transferred	902	14	4						920
4	No. of ballot papers actually transferred	720	0	0						720
5	Value of transferred votes	720	0	0						720
6	No. of exhausted ballot papers	182	14	4						200
7	Value of Exhausted ballot papers	182	14	4						200

Distribution of votes among continuing candidates

Name of CONTINUING Candidate	VALUE OF VOTES OBTAINED BY TRANSFER OF BALLOT PAPERS FROM								
	Main Parcel	Sub Parcels Numbers							TOTAL
		1	2	3	4	5	6	7....	
Mohd. Kaif	5	0	0						5
Wesley	205	0	0						205
Robinson	510	0	0						510
TOTAL	720	0	0						720

These results were posted in the Result Sheet in the appropriate column.

## 7th ROUND ELIMINATION OF WESLEY

14.33. After 6th Round also, the quota remained unfilled. RO again reviewed the position and decided to eliminate Shri Wesley

### STATUS AFTER ROUND No. 6

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	10,044	
<del>Krishna Rao</del>	0	Eliminated-4
<del>Koteswara Rao</del>	0	Eliminated-5
<del>Ramesh Naidu</del>	0	Eliminated-2
Wesley	2,832	
Sarat Babu	5,526	
Robinson	25,667	
<del>Swarajyam</del>	0	Eliminated-3
<del>Lakshmi Kumari</del>	0	Eliminated-1
Seetha Ramaiah	9,090	
Loss of value / exhausted papers	606	
TOTAL :	53,765	

(Cut out the names of the candidates elected / eliminated whenever a round of counting is complete)



TRANSFER SHEET NO. 6  
Name of the Council Constituency: MALGUDI TEACHERS'  
(To be used for distribution of VOTES of EXCLUDED candidate)  
Transfer of votes of EXCLUDED candidate (NAME) SHRI WESLEY  
TOTAL VALUE OF VOTES: 2832

Sl.No.	Name of Item	MAIN PARCEL	SUB PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7...	
1	No. of Ballot Papers to be Transferred	2627	205							2832
2	Value of each ballot paper	1	1							
3	Value of votes to be transferred	2627	205							2832
4	No. of ballot papers actually transferred	2420	Not Transferred as the candidate got elected							
5	Value of transferred votes	2420								
6	No. of exhausted ballot papers	207								
7	Value of Exhausted ballot papers	207								

Distribution of votes among continuing candidates

Name of CONTINUING Candidate	VALUE OF VOTES OBTAINED BY TRANSFER OF BALLOT PAPERS FROM								
	Main Parcel	Sub Parcels Numbers							TOTAL
		1	2	3	4	5	6	7....	
Mohd. Kaif	995	0							995
Robinson	1425	0							1425
TOTAL	2420	0							2420

STATUS REPORT OF EACH CANDIDATE AFTER THE SEVENTH ROUND  
(To be kept with the R.O)

Seats to be Filled : ONE

QUOTA = 26,883

**STATUS AFTER ROUND No. 7**

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	11,039	
<del>Krishna Rao</del>	0	Eliminated-4
<del>Koteswara Rao</del>	0	Eliminated-5
<del>Ramesh Naidu</del>	0	Eliminated-2
<del>Wesley</del>	0	Eliminated-6
Sarat Babu	5,526	
Robinson	27,092	ELECTED
<del>Swarajyam</del>	0	Eliminated-3
<del>Lakshmi Kumari</del>	0	Eliminated-1
Seetha Ramaiah	9,090	
Loss of value / exhausted papers	1018	
TOTAL :	53,765	

(Cut out the names of the candidates elected / eliminated whenever a round of counting is complete)

## ELECTION TO FILL ONE SEAT - COUNTING RESULT

<b>RESULT SHEET</b> QUOTA = 53765/(1+1) + 1 = 26882.50 + 1 = 26882+1 = 26883 Quota for election 26,883														
Seats to be filled 1 (one) Total Votes polled 55,000 Invalid votes 1,235 Valid Votes 53,765 Value of each Vote 1 (one) Total Valid of valid votes 53765 x 1 = 53,76,5														
Name of Candidate	(Initial Count) 1st Round	2nd Round Elimination of Lakshmi Kumari	Result of 2nd Round	3rd Round Elimination of Ramesh Naidu	Result of 3rd Round	4th Round Elimination of Swarjyam	Result of 4th Round	5th Round Elimination of Krishna Rao	Result 5th Round	6th Round Elimination of Koteswara Rao	Result of 6th Round	7th Round Elimination of Wesley	Result of 7th Round	Remarks
Mohd. Kaif	9,985	12	9,997	24	10,021	5	10,026	13	10,039	5	10,044	995	11,039	
Krishna Rao	902	0	902	3	905	15	920	(-) 920	0	0	0	0	0	Eliminated-4
Koteswara Rao	902	14	916	4	920	0	920	0	920	(-) 920	0	0	0	Eliminated-5
Ramesh Naidu	246	5	251	(-) 251	0	0	0	0	0	0	0	0	0	Eliminated-2
Wesley	2,627	0	2,627	2,627	2,627	2,627	2,627	0	2,627	205	2,832	(-) 2832	0	Eliminated-6
Sarat Babu	5,526	0	5,526	5,526	5,526	5,526	5,526	0	5,526	510	5,526	5,526	5,526	
Robinson	24,122	8	24,130	90	24,220	212	24,432	725	25,157	510	25,667	1425	27,092	ELECTED
Swarajyam	251	0	251	86	337	(-) 337	0	0	0	0	0	0	0	Eliminated-3
Lakshmi Kumari	126	(-) 126	0	0	0	0	0	0	0	0	0	0	0	Eliminated-1
Seetha Ramaiah	9,078	12	9,090	9,090	9,090	9,090	9,090	0	9,090	9,090	9,090	0	9,090	
<b>Loss of Value / Exhausted papers</b>	<b>0</b>	<b>75</b>	<b>75</b>	<b>44</b>	<b>119</b>	<b>105</b>	<b>224</b>	<b>182</b>	<b>406</b>	<b>200</b>	<b>606</b>	<b>412</b>	<b>1,018</b>	
<b>TOTAL:</b>	<b>53,765</b>	<b>126</b>	<b>53,765</b>	<b>251</b>	<b>53,765</b>	<b>337</b>	<b>53,765</b>	<b>920</b>	<b>53,765</b>	<b>920</b>	<b>53,765</b>	<b>2832</b>	<b>53,765</b>	

**Counting Process for Double Seat Constituency**  
(continued From Para 13.1 Above)

**15.1 Candidate-wise distribution of valid votes:**

There were 10 candidates and 10 Trays were arranged on the Table in opposite direction to the RO. Each Tray was kept in charge of a CA. Seats were provided to the candidates and their agents in such a way that they can closely watch the proceedings and keep an eye on the Trays.

**Note:** At no time the candidates or agents are allowed to handle any ballot paper.

**Further Note :** Ensure that the Counting staff handling the ballot papers do not have or use any pen during the counting. They should use only PENCILS.

- 15.2. To keep the tradition of transparency in the conduct of elections and counting, the RO briefed the candidates and their agents that the valid votes will be distributed according to the 1st preference marked to them and since TWO SEATS are to be filled, the value of each vote will be "100" (One Hundred).
- 15.3. One more point is if the number of votes is small (say 1.000 or less), to instill full confidence, the RO may announce to whom the first preference is marked on each ballot paper. However, in the present case, the RO opted to distribute the votes without announcement as there are 53765 votes and this will take time and energy.
- 15.4. Valid votes were distributed according to 1st preference marked. After completing the distribution of 53,765 votes, the RO directed the C.As to check again and again, if necessary, to ensure that the 1st preference was marked to that candidate only.
- 15.5. C.As thoroughly checked and counted the votes secured by each candidate, made bundles of 25 and kept the bundles in each Tray with a slip on top indicating the total votes in the Tray.
- 15.6. The RO got the Number of votes of each candidate entered in the Status Report statement as follows:

**STATUS REPORT OF EACH CANDIDATE AFTER THE ROUND 1**

(To be kept with the R.O)

Seats to be Filled : TWO

QUOTA = 17,92,167

**STATUS AFTER ROUND No. 1**

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	11,98,500	
Krishna Rao	90,200	
Koteswara Rao	90,200	
Ramesh Naidu	24,600	
Wesley	2,62,700	
Sarat Babu	4,52,600	
<del>Robinson</del>	<del>24,12,200</del>	<b>Elected-1</b>
Swarajyam	25,100	
Lakshmi Kumari	12,600	
Seetha Ramaiah	8,07,800	
<b>TOTAL :</b>	<b>53,76,500</b>	

(Cut out the names of the candidates elected / eliminated whenever a round of counting is complete)

CALCULATION OF QUOTA:

15.7. Quota is the number of minimum votes a candidate has to secure for getting elected.

The principle to calculate the quota is as follows:

$$\text{Quota} = \frac{\text{Total value of valid votes}}{\text{No. of seats to be filled} + 1} + 1$$

In the present case, the quota is calculated as follows:

a) Total Value of Valid Votes = 53,765 x 100 = 53,76,500

b) Seats to be filled = TWO

quota = 53,76,500

$$\frac{53,76,500}{2 + 1} + 1 = 17,92,166.67 + 1 = 17,92,166 + 1 = 17,92,167$$

15.8. In a double-member constituency elections, the seats to be filled are 2. Therefore, total valid votes are divided by 3 (Seats to be filled = 2 + 1). If there is any fraction by this division, it is IGNORED. (In the instant case RO ignored .67)

15.9 Candidate with Quota Elected:

15.9.1. In the present case, the quota required for election was 17,92,167 votes. Shri Robinson secured a total votes of 24,12,200 which was more than the quota fixed. There was no other candidate who secured the quota in the first round. Therefore, the RO declared Shri Robinson as ELECTED-1. If another candidate also got the quota, the counting would have come to a close after the first round since both the seats were filled.

15.10. The above is a very handy statement to the RO. This will show the latest position to the RO. He should have one special officer to constantly update this statement. After entering the votes of each candidate, they were totaled. The RO is satisfied that every valid vote was accounted for. He asked the C.As to fill the relevant column of the Account of Votes Received of each candidate as follows: (Given below is the Sheet of candidate No. 1)



Date: 12-10-2005

**Name of the Council Constituency:  
MALGUDI LOCAL AUTHORITIES' CONSTITUENCY**

**ACCOUNT OF VOTES RECEIVED**

(This Statement should be kept by the side of the Tray of each candidate  
and  
should be filled in by the Counting Assistant during the counting)

Main Parcel / Sub-parcels	Name of the candidate from whom transferred	No. of Ballot Papers	Value of each Ballot Paper	Total Value
1	2	3	4	5
Main Parcel (Original Votes)	Original votes	11,985	100	11,98,500
Sub-parcel (1)				
Sub-parcel (2)				
Sub-parcel (3)				
Sub-parcel (4)				
etc... ..				
<b>TOTAL:</b>				

- 15.11. After filling above statements in respect of each candidate, they were kept by the side of the relevant Tray of the candidate. The main purpose of this statement is to keep a close watch on each candidate's progress. For example, if during a round of counting and transfer of votes, if the candidate is nearing the QUOTA for election, the CA should caution the RO as soon as the candidate gets the required quota, so that the RO stops further counting.
- 15.12. The RO ordered that the original votes of each candidate shall be placed in separate Envelopes known as main parcel. After keeping votes in the cover, the C.As write on the cover the particulars of the candidate whose votes were kept inside. For example the Main Parcel of the first candidate Shri Mohd. Kaif was as follows:

<p style="text-align: center;"><b>ELECTION TO THE LEGISLATIVE COUNCIL, 2007</b></p> <p style="text-align: center;">Name of Constituency: Malgudi LOCAL AUTHORITIES'</p> <p style="text-align: right;">Date: 12-10-2005</p> <p style="text-align: center;"><b>MAIN PARCEL (ORIGINAL VOTES)</b></p> <p><b>Name of the Candidate: Shri Mohd. Kaif</b></p> <p>No. of Ballot Papers 11,985 @ 100 (Value of each Ballot) = 11,98,500 (Total Value) (Envelope size depending on the number of votes to be put)</p>
---

**NEXT ROUND / STEP:**

- 15.13. In this kind of election (by means of Single Transferable Voting), there will be some surplus votes for a candidate who gets the quota. SURPLUS means the votes secured by a candidate more than the QUOTA. If there are still more vacancies to be filled, the RO has to DISTRIBUTE THE SURPLUS of the elected candidate before taking any further step.
- 15.14. In the present case, Shri Robinson's surplus votes were  $24,12,200 - 17,92,167 = 6,20,033$ . The next round of counting was the distribution of surplus to remaining continuing candidates.

**2 SECOND ROUND DISTRIBUTION OF SURPLUS OF ROBINSON**

15.15. The R.O. got the Tray of Robinson removed from the Table. He got elected from the original votes. Therefore, he had only Main Parcel with original votes. Since the candidate got elected by getting the original votes, all the ballot papers (24,122) in the Main parcel have to be re-examined by the RO to determine whether they are "EXHAUSTED" or "UNEXHAUSTED". Exhausted ballot papers are those that cannot be transferred to another candidate due to any of the following reasons:

**15.16 Exhausted Ballot Papers are**

- the papers on which only first preference is marked and no other preference given.
  - Papers on which 2nd preference is NOT marked, even though there may be other preferences
  - Papers on which 2nd preference is marked for more than one candidate
  - Papers on which along with 2nd preference, another preference is also marked for the same candidate; or
  - Paper on which 2nd preference is marked in words like "Two", etc.
- 15.17. On scrutiny, the RO found that out of total 24,122 ballot papers, 15,855 were EXHAUSTED and only 8,267 ballot papers were unexhausted and were to be transferred to others. No action was taken on these 15,855 Exhausted Papers and they were sealed back in the same envelope marked "Main Parcel" of the candidate and on the cover it was written "EXHAUSTED PAPERS".
- 15.18. The remaining 8267 ballot papers were distributed to the other candidates according to the 2nd preference marked thereon. Note one important point. When the surplus of any candidate is distributed, the value of the ballot papers MAY NOT BE THE SAME as original. A new value has to be calculated.

**NEW VALUE OF SURPLUS VOTES**

15.19. The principle to calculate the new value of surplus votes is to divide the total surplus by the number of UNEXHAUSTED ballot papers actually distributed. In the case of Robinson, the new value was calculated as follows:

Total Surplus	6,20,033	
Unexhausted Ballots	= 8267	
<b>The new value of 8267</b>	<b>= 6,20,033</b>	
	-----	<b>= 75.01 (Ignore .01) New Value = 75</b>
	<b>8267</b>	

Now the new value was 75 for the 8267 ballots distributed. Here kindly note one important point: : While calculating the new value, the number of UNEXHAUSTED papers may be so low, that the NEW VALUE may come more than 100. In such cases, the value will be RESTRICTED to only 100 and the rest goes to "Loss of Value".

15.20. The distribution of the surplus of Shri Robinson was posted in TRANSFER SHEET No. 1 (Surplus Transfer) as follows:

## ELECTION TO THE ANDHRA PRADESH LEGISLATIVE COUNCIL

Date: \_\_\_\_\_

### TRANSFER SHEET NO. 1

[ To be used at elections where MORE THAN ONE SEAT is to be filled)  
**Name of the Council Constituency: MALGUDI LOCAL AUTHORITIES'**  
**(To be used for distribution of surplus votes of elected candidate)**

Transfer of Surplus votes of SHRI ROBINSON (Name of elected candidate)

Sl.No.	Name of Item		Data
I.	(a)	Total Value of Votes	24,12,200
	(b)	Quota	17,92,167
	(c)	Value of surplus votes (a-b)	6,20,033
II	(a)	Total No. of ballot papers in the main parcel / last sub-parcel to be further transferred	24,122
	(b)	Value of each such ballot paper in that parcel / sub-parcel :	100
	(c)	No. of exhausted ballot papers	15,855
	(d)	No. of <b>unexhausted</b> ballot papers actually transferred to other continuing candidates <b>(a - c)</b>	8267
	(e)	New transfer value of each such transferred ballot paper [i.e. I(c) / II(d)]	75
	(f)	Total value of transferred ballot papers [ II(d) x II(e)	6,20,025
	(g)	Loss of value due to neglect of fraction / exhausted ballot papers [ I(c) - II(f)]	8

### III. Distribution of votes among continuing candidates:

Name of Candidate	Ballot Papers (Votes) Obtained x Value	Total value
Mohd. Kaif	7569 x 75	567675
Sarat Babu	639 x 75	47925
Seetha Ramaiah	59 x 75	4425
<b>Loss of value due to neglect of fraction / exhausted ballot papers</b>		<b>8</b>
<b>TOTAL :</b>		<b>620033</b>

- 15.21. After dealing with the surplus of Shri Robinson, the result as shown in Transfer Sheet No. 1 was posted in the RESULT SHEET. None of the remaining 9 candidates secured the quota to fill the second seat. The next step was “elimination” or Exclusion of a candidate with the lowest number of votes from contest and distribution of his votes to the remaining continuing candidates.

### STATUS AFTER ROUND No.2

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	17,66,175	
Krishna Rao	90,200	
Koteswara Rao	90,200	
Ramesh Naidu	24,600	
Wesley	2,62,700	
Sarat Babu	500,525	
Robinson	<del>17,92,167</del>	<b>Elected-1</b>
Swarajyam	25,100	
<del>Lakshmi Kumari</del>	<del>12,600</del>	<b>Eliminated-1</b>
Seetha Ramaiah	8,12,225	
Loss due to fraction /exhausted votes		<b>8</b>
<b>Total</b>	<b>53,76,500</b>	

- 15.22. RO found that Lakshmi Kumari (LK) with 12,600 votes was the lowest and she was eliminated. RO got her Tray removed from the Table and examined her votes for further distribution. Here make a note that when a candidate is eliminated, his votes are distributed at the same value at which he received them.
- 15.23. She had only Main Parcel with 126 ballot papers and each paper was of the value of 100. The votes were to be distributed as per 2nd preference marked thereon. If the 2nd preference is marked to an ALREADY ELECTED OR ELIMINATED CANDIDATE, then the RO should credit that vote to the 3rd preference and so on.
- 15.24. Out of 126 ballots, 83 ballots did not have any valid 2nd preference marked. Therefore, the RO declared them as “EXHAUSTED” votes and sealed them back in the Main Parcel with an endorsement on the cover. The remaining 43 papers of 100 value each were distributed to the continuing candidates as in the Transfer Sheet No. 2:



## TRANSFER SHEET NO. 2

**Name of the Council Constituency: MALGUDI LOCAL AUTHORITIES'**

(To be used for distribution of VOTES of EXCLUDED candidate)

**Transfer of votes of EXCLUDED candidate(NAME) LAKSHMI KUMARI**

**TOTAL VALUE OF VOTES: 12,600**

Sl. No.	Name of Item	MAIN PARCEL	SUB – PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7	
1	No. of Ballot Papers to be Transferred	126								126
2	Value of each ballot paper	100								
3	Value of votes to be transferred	12600								12600
4	No. of ballot papers <b>actually</b> transferred	43								43
5	Value of transferred votes	4300								4300
6	No. of exhausted ballot papers	83								83
7	Value of <b>Exhausted</b> ballot papers	8300								8300

### Distribution of votes among continuing candidates

Name of CONTINUING Candidate	VALUE OF VOTES OBTAINED BY TRANSFER OF BALLOT PAPERS FROM								
	Main Parcel	Sub – Parcels Numbers							TOTAL
		1	2	3	4	5	6	7	
Mohd. Kaif	1,200								1,200
Koteswara Rao	1,400								1,400
Ramesh Naidu	500								500
Seetha Ramaiah	1,200								1,200
<b>TOTAL</b>	<b>4,300</b>								<b>4,300</b>

15.25. The RO got the result of 3rd round posted in the Result sheet. He reviewed the position of the remaining 8 candidates after 3rd round:

**STATUS AFTER ROUND No. 3**

<b>Name of candidate</b>	<b>Total Value of Votes</b>	<b>Remarks (Elected/ Eliminated)</b>
Mohd. Kaif	17,67,375	
Krishna Rao	90,200	
Koteswara Rao	91,600	
Ramesh Naidu	25,100	
Wesley	2,62,700	
Sarat Babu	5,00,525	
<del>Robinson</del>	<del>17,92,167</del>	<b>Elected-1</b>
Swarajyam	25,100	
<del>Lakshmi Kumar</del>	<del>0</del>	<b>Eliminated-1</b>
Seetha Ramaiah	8,13,425	
Loss due to fraction/exhausted votes	8309	
<b>TOTAL</b>	<b>53,76,500</b>	

- 15.26. After 3rd round also, the second seat remained unfilled. The RO announced that another candidate with the lowest number of votes would be eliminated. He observed that Shri Ramesh Naidu (RN) and Smt. Swarajyam had equal number of lowest votes of 25,100 each. It was not necessary to draw any lots in this case, because even though in the 3rd round also, both of them had equal votes, in the 2nd round, Smt. Rajyam had more votes than RN. Therefore, the RO decided to eliminate Shri RN and distribute his votes.

#### 4TH ROUND ELIMINATION OF SHRI RAMESH NAIDU (RN)

- 15.27. Shri RN got total 25,100 votes. He had a Main Parcel of 24,600 votes and a sub-parcel-1 with 500 votes.
- 15.28. The RO first examined the 246 votes in the Main parcel. 129 ballots were found to be "EXHAUSTED" and only 117 were distributed at the value of 100 each. The sub-parcel had 5 votes and all the 5 were exhausted. The distribution was posted in Transfer Sheet No. 3:

#### TRANSFER SHEET NO. 3

#### Name of the Council Constituency: MALGUDI LOCAL AUTHORITIES'

(To be used for distribution of VOTES of EXCLUDED candidate)

Transfer of votes of EXCLUDED candidate(NAME) RAMESH NAIDU

TOTAL VALUE OF VOTES : 25,100

Sl. No.	Name of Item	MAIN PARCEL	SUB - PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7	
1	No. of Ballot Papers to be Transferred	246	5							251
2	Value of each ballot paper	100	100							
3	Value of votes to be transferred	24600	500							25,100
4	No. of ballot papers <b>actually</b> transferred	117	0							117
5	Value of transferred votes	11700	0							
6	No. of exhausted ballot papers	129	5							134
7	Value of <b>Exhausted</b> ballot papers	12900	500							13400

- 15.29. The RO had the situation reviewed after the result of the 4th Round was posted in the Result sheet. He reviewed the Status Report as follows:

#### STATUS AFTER ROUND No. 4 QUOTA FOR ELECTION: 17,92,167

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
Mohd. Kaif	17,69,775	
Krishna Rao	90,500	
Koteswara Rao	92,000	
<del>Ramesh Naidu</del>	0	<b>Eliminated-2</b>
Wesley	2,62,700	
Sarat Babu	5,00,525	
<del>Robinson</del>	17,92,167	<b>Elected-1</b>
<b>Swarajyam</b>	<b>33,700</b>	
<del>Lakshmi Kumari</del>	0	<b>Eliminated-1</b>
Seetha Ramaiah	8,13,425	
Loss due to fraction/ exhausted votes	21,708	
<b>Total</b>	<b>53,76,500</b>	

## 5<sup>TH</sup> ROUND - ELIMINATION OF SMT. SWARAJYAM

15.30. She had a total of 33,700 votes. Details of her parcels were :

Main Parcel	25100
Sub-parcel-1	8600

15.31. On scrutiny of the 251 ballot papers in the main parcel, the RO found that all 251 were UNEXHAUSTED and on each of these papers, 2<sup>nd</sup> preference was marked to Shri Mohd. Kaif. He credited the 251 papers at the value of 100 each to Shri Mohd. Kaif. After the completion of the distribution of the Main parcel of Smt. Swarajyam, the Counting Assistant attending to Shri Mohd. Kaif's Tray informed the RO that the candidate (Shri Mohd. Kaif) got the quota. The RO stopped the counting after dealing with the Main Parcel and did not open the Sub-Parcel-1 with 86 votes, since the last seat was also filled up. The result of this final round was as follows:

### TRANSFER SHEET NO. 4

#### Name of the Council Constituency: MALGUDI LOCAL AUTHORITIES'

(To be used for distribution of VOTES of EXCLUDED candidate)

Transfer of votes of EXCLUDED candidate(NAME) SWARAJYAM

TOTAL VALUE OF VOTES: 33,700

Sl. No.	Name of Item	MAIN PARCEL	SUB – PARCELS NUMBERS							TOTAL
			1	2	3	4	5	6	7	
1	No. of Ballot Papers to be Transferred	251	86							33700
2	Value of each ballot paper	100	100							
3	Value of votes to be transferred	25100	8600							33700
4	No. of ballot papers <b>actually</b> transferred	251	Counting came to an end							251
5	Value of transferred votes	25100	0							25100
6	No. of exhausted ballot papers	0	86							86
7	Value of <b>Exhausted</b> ballot papers	0	8600							8600

Distribution of votes among continuing candidates:

Name of CONTINUING Candidate	VALUE OF VOTES OBTAINED BY TRANSFER OF BALLOT PAPERS FROM								
	Main Parcel	Sub – Parcels Numbers							TOTAL
		1	2	3	4	5	6	7	
Mohd. Kaif	25100	0							25100
Krishna Rao	0	0							
Koteswara Rao	0	0							
<b>TOTAL</b>	<b>25100</b>	<b>0</b>							<b>25100</b>

**STATUS AFTER ROUND No. 5 (Final Round)**  
**QUOTA FOR ELECTION: 17,92,167**

Name of candidate	Total Value of Votes	Remarks (Elected / Eliminated)
<del>Mohd. Kaif</del>	<del>17,94,875</del>	<del>Elected-2</del>
Krishna Rao	90,500	
Koteswara Rao	92,000	
<del>Ramesh Naidu</del>	0	<b>Eliminated-2</b>
Wesley	2,62,700	
Sarat Babu	5,00,525	
<del>Robinson</del>	<del>17,92,167</del>	<b>Elected-1</b>
<del>Swarajyam</del>	0	<b>Eliminated-3</b>
<del>Lakshmi Kumari</del>	0	<b>Eliminated-1</b>
Seetha Ramaiah	8,13,425	
Loss due to fraction/ exhausted votes	30,308	
<b>Total</b>	<b>53,76,500</b>	

- 15.32. THE RO ANNOUNCED THE RESULT AND INFORMED THAT SINCE THE SECOND SEAT WAS ALSO FILLED-UP, THE COUNTING CAME TO AN END. He thanked all for their co-operation for the smooth conduct of counting. The result of the final round of counting was posted in the RESULT SHEET below and the RO filled the names of the two elected candidates and their party affiliation in the result sheet.
- 15.33. The RO also initialed each of the Transfer Sheets and the Result Sheet and they were pinned together for safe custody. Both the elected candidates were awarded certificates of election duly signed and stamped by the RO.
- 15.34. After every round the R.O. obtained signatures of the all the contesting candidates / agents in both of the transfer sheet as well as result sheet in token of agreement as to the correctness of the counting in the result sheet / transfer sheet.

**ELECTION TO FILL TWO SEATS - COUNTING RESULT**

Seats to be filled  
Total Votes polled  
Invalid votes  
Valid Votes

2 (Two)  
55,000  
1,235  
53,765

QUOTA = 53,76,500 / (2+1) + 1 = 17,92,166 + 1 = 17,92,167

Value of each Vote  
Total Valid of valid votes

100  
53765 x 100 = 53,76,500

Name of Candidate	(Initial Count) 1st Round	2nd Round - Distribution of Surplus of Robinson	Result of 2nd Round	3rd Round - Elimination of Lakshmi Kumari	Result of 3rd Round	4th Round - Elimination of Ramesh Naidu	Result of 4th Round	5th Round - Elimination of Swarajyam	Result of 5th Round	REMARKS
Mohd. Kaif	1,188,500	567,675	17,66,175	1,200	17,67,375	2400	17,69,775	25100	17,94,875	ELECTED-2
Krishna Rao	90,200		90,200	0	90,200	300	90,500		90,500	
Koteswara Rao	90,200		90,200	1,400	91,600	400	92,000		92,000	
Ramesh Naidu	24,600		24,600	500	25,100	(-) 25100	0		0	Eliminated-2
Wesley	262,700		2,62,700	0	2,62,700		2,62,700		2,62,700	
Sarat Babu	452,600	47,925	5,00,525	0	5,00,525	5,00,525	5,00,525			
Robinson	2,412,200	(-) 6,20,033	17,92,167	0	17,92,167	0	17,92,167		17,92,167	ELECTED-1
Swarajyam	25,100		25,100	0	25,100	8600	33,700	(-) 33700	0	Eliminated-3
Lakshmi Kumari	12,600		12,600	(-) 12600	0		0		0	Eliminated-1
Seetha Ramaiah	807,800	4,425	8,12,225	1,200	8,13,425		8,13,425		8,13,425	
Non-Transferable Papers	0	15855		83		134		86		
Loss due to fraction / exhausted votes		8	8	8300	8,308	13400	21,708		8600	30,308
<b>TOTAL:</b>	<b>5,376,500</b>		<b>53,76,500</b>		<b>53,76,500</b>		<b>53,76,500</b>			<b>53,76,500</b>

**GOVERNMENT OF INDIA**

Ministry of Law and Justice (Legislative Department)  
New Delhi, the 26<sup>th</sup> September, 2006 Asvina 4, 1928 Saka

**NOTIFICATION**

S.O. : The following Order made by the President is published for general information:-

**THE DELIMITATION OF COUNCIL CONSTITUENCIES (ANDHRA PRADESH) ORDER, 2006**

In pursuance of sub-section (3) of section 3 of the Andhra Pradesh Legislative Council Act, 2005 (1 of 2006), the President is pleased to make the following Order, namely:-

1. This Order may be called the Delimitation of Council Constituencies (Andhra Pradesh) Order, 2006.
2. The constituencies into which the State of Andhra Pradesh shall be divided for the purpose of elections to the Legislative Council of the State from (a) the graduates' constituencies, (b) the teachers' constituencies, and (c) the local authorities' constituencies in the said State, the extent of each such constituency and the number of seats allotted to each such constituency shall be as shown in the following Table:-

**Local Authorities Constituencies**

<b>Name of the Constituency</b>	<b>Extent of the Constituency</b>	<b>Number of Seats</b>
1	2	3
Srikakulam Local Authorities	Srikakulam	1
Vizianagaram Local Authorities	Vizianagaram	1
Visakhapatnam Local Authorities	Visakhapatnam	2
East Godavari Local Authorities	East Godavari	2
West Godavari Local Authorities	West Godavari	2
Krishna Local Authorities	Krishna	2
Guntur Local Authorities	Guntur	2
Prakasam Local Authorities	Prakasam	1
Nellore Local Authorities	Nellore	1
Chittoor Local Authorities	Chittoor	2
Kadapa Local Authorities	Kadapa	1
Anantapur Local Authorities	Anantapur	2
Kurnool Local Authorities	Kurnool	1
Mahbubnagar Local Authorities	Mahbubnagar	1
Ranga Reddy Local Authorities	Ranga Reddy	1
Hyderabad Local Authorities	Hyderabad	2
Medak Local Authorities	Medak	1
Nizamabad Local Authorities	Nizamabad	1
Adilabad Local Authorities	Adilabad	1
Karimnagar Local Authorities	Karimnagar	1
Warangal Local Authorities	Warangal	1
Khammam Local Authorities	Khammam	1
Nalgonda Local Authorities	Nalgonda	1

### Graduates' Constituencies

Name of the Constituency	Extent of the Constituency	Number of Seats
1	2	3
Srikakulam-Vizianagaram-Visakhapatnam Graduates	Srikakulam, Vizianagaram-Visakhapatnam	1
East-West Godvari Graduates	East Godavari, West Godvari	1
Krishna-Guntur Graduates	Krishna, Guntur	1
Prakasam-Nellore-Chittoor Graduates	Prakasam, Nellore, Chittoor	1
Kadapa-Anantapur-Kurnool Graduates	Kadapa, Anantapur, Kurnool	1
Mahabubnagar-Ranga Reddy-Hyderabad Graduates	Mahabubnagar, Ranga Reddy, Hyderabad	1
Medak-Nizamabad-Adilabad-Karimnagar Graduates	Medak, Nizamabad, Adilabad, Karimnagar	1
Warangal, Khammam, Nalgonda Graduates	Warangal, Khammam, Nalgonda	1

### Teachers' Constituencies

Name of the Constituency	Extent of the Constituency	Number of Seats
1	2	3
Srikakulam-Vizianagaram-Visakhapatnam Teachers	Srikakulam, Vizianagaram, Visakhapatnam	1
East-West Godvari Teachers	East Godavari, West Godvari	1
Krishna-Guntur Teachers	Krishna, Guntur	1
Prakasam-Nellore-Chittoor Teachers	Prakasam, Nellore, Chittoor	1
Kadapa-Anantapur-Kurnool Teachers	Kadapa, Anantapur, Kurnool	1
Mahabubnagar-Ranga Reddy- Hyderabad Teachers	Mahabubnagar, Ranga Reddy, Hyderabad	1
Medak-Nizamabad-Adilabad-Karimnagar Teachers	Medak, Nizamabad, Adilabad, Karimnagar	1
Warangal, Khammam, Nalgonda Teachers	Warangal, Khammam, Nalgonda	1

3. Any reference in this order to a district shall be construed as a reference to the area comprised within that district on the 1st day of August, 2006.

**A.P.J.ABDUL KALAM,**  
President  
[No.H.11019(7)/2004-Leg.II]

(K.N. CHATURVEDI)  
SECRETARY TO GOVERNMENT OF INDIA



APPENDIX 2

FORM OF OATH OR AFFIRMATION

[Article 173 (a) of the constitution of India]
(To be made by a candidate for election to the Legislature of a State)

I ..... having been nominated as a candidate to fill a seat in the Andhra Pradesh Legislative Council do swear in the name of the God

Solemnly affirm

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

(Signature and name in block letters of the candidate)

Sworn in the name of God/Solemnly affirmed by Shri/Shrimati ..... at ..... (Place) at .....(hour) this the..... day of .....2007 before me.

(Signature of authorised person) (Name, Designation and Seal)

(Certificate for receipt of Oath)

(To be handed over to the candidate by the authorised person)

Certified that ..... (name) a candidate for election to the Andhra Pradesh Legislative Council has made and subscribed the oath / affirmation as required by the Constitution of India before me at my office at .....(hour) on ....., 2007 (date).

(Signature of authorised person)

Date .....

Name, Designation and Seal.

N.B: This Form should be supplied to the candidates both in English and in Telugu, the Official Language of the State of Andhra Pradesh.

## ELECTION COMMISSION OF INDIA

Dated the 18th March 1968

### Notification

No. 3/6/68 (1). - In pursuance of clause (a) of Article 84 and clause (a) of Article 84 and clause (a) of Article 173 of the Constitution of India and in supersession of its Notification No. 3/3/666 dated the 25th April 1967 The Election Commission hereby authorises (i) the Returning Officer concerned and all the Assistant Returning Officers subordinate to him (ii) all stipendiary Presidency Magistrates and all stipendiary Magistrates of the first class and (iii) all District Judges and all persons belonging to the judicial service of a State other than District Judges as the persons before any one of whom a person having been nominated as a candidate (hereinafter referred to as the candidate) for election to fill a seat in the Council of States or in the House of the People or in the Legislative Assembly of a State (other than Jammu and Kashmir) or in the Legislative Council of a State (other than Jammu and Kashmir) having a Legislative Council shall make and subscribe the oath of affirmation in the form set out for the purpose in the Third Schedule to the said Constitution.

2. Notwithstanding anything contained in Paragraph 1 in pursuance of clause (a) of the said Article 84 and clause (a) of the said Article 173 the Election Commission hereby also authorises as the person before whom the candidate may make and subscribe the said oath or affirmation.
- (a) where the candidate is confined in a prison, the superintendent of the prison
  - (b) where the candidate is under preventive detention, the commandant of the detention camp.
  - (c) where the candidate is confined to bed in a hospital or elsewhere owing to illness or any other cause the Medical superintendent in charge of the hospital or the medical practitioner attending on him
  - (d) where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorised by such diplomatic or consular representative.

(Castes e) where the candidate is for any other reason unable to appear or prevented from appearing before the Returning Officer concerned or any Assistant Returning Officer as aforesaid any other person nominated by the Election Commission on applications made to it in this behalf.

#### **Explanation. - In this notification**

(1) the expression "the Returning Officer concerned" means

- (a) where a person has been nominated as a candidate for election to fill a seat in the House of the People from a parliamentary constituency or a seat in the Legislative Assembly of a State from an assembly constituency or a seat in the Legislative Council of a State from a council constituency the Returning Officer for that constituency.
- (b) where a person has been nominated as a candidate for election to fill a seat in the Council of State by the elected members of the legislative Assembly of a State the Returning Officer for that election.
- (c) where a person has been nominated as a candidate for election to fill a seat in the Legislative Council of a State by the members of the Legislative Assembly of a State the Returning Officer for that election;

(1A) The expression "District Judge" and "Judicial service" shall have the meanings respectively assigned to them in Article 236 of the Constitution of India.

- (2) The expression "Parliamentary Constituency", "Assembly Constituency" and "Council constituency" shall have the meanings respectively assigned to them in the Representation of the People Act, 1950 (43 of 1950).

By Order  
Secretary to the  
Election Commission of India

APPENDIX 4A

**FORM 2D**  
(SEE RULE 4)  
**NOMINATION PAPERS**

Election to the Legislative Council of Andhra Pradesh by the Members of the Legislative Assembly.

Part I

We hereby nominate as a candidate for the above election -

Candidate's name..... father's / mother's /

husband's name.....

His postal address .....

.....

His name is entered at Sl. No.....in part no.....of the electoral roll for the  
..... assembly constituency.

We declare that we are members of Legislative Assembly of Andhra Pradesh and our names are entered as indicated below in the list maintained under section 152 and we append our signatures below in token of subscribing to this nomination:-

Particulars of the proposers and their signatures

Sl. No.	Sl.No. as indicated in the list maintained under sec. 152	Full Name	Signature	Date
1	2	3	4	5

1

2

3

4

5

6

7

8

9

10\*

-----  
There should be ten percent of the members of the Legislative Assembly or ten members concerned, whichever is less, as proposers..

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 my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language); and
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Council of Andhra Pradesh by the members of the Legislative Assembly..

Date.....

(Signature of candidate)

## PART II (To be filled by the candidate)

Whether the Candidate

- (i) has been convicted
  - (a) of any offence(s) under sub-section (1); or YES/NO
  - (b) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or
- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information:

- (i) Case/First information report No./Nos. ....
- (ii) Police station (s) .....District(s) .....State(s) .....
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted .....
- (iv) Date(s) of conviction(s).....
- (v) Court(s) which convicted the candidate .....
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)] .....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)... Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed .....
- (x) Name of the court(s) before which the appeal(s) /application (s) for revision filed .....
- (xi) Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending .....
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of -
  - (a) Date(s) of disposal .....
  - (b) Nature of order(s) passed .....

Place .....

Date .....

(Signature of the candidate)

**PART III**  
**(To be filled by the Returning Officer)**

Serial No. of nomination paper.....

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

Date.....

Returning Officer

**PART IV**  
**Decision of Returning Officer accepting or rejecting the Nomination Paper**

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

Date.....

Returning Officer

..... (Perforation).....

**PART V**  
**Receipt For Nomination Paper And Notice Of Scrutiny**

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election to the Legislative Council of Andhra Pradesh by the Members of the Legislative Assembly was delivered to me at my office at .....(hour) on.....(date) by the candidate/proposer .....(Name). All nomination papers will be taken up for scrutiny at.....(hour) on .....(date) at .....(Place.)

Date.....

Returning Officer

Note- Wherever alternative is provided score out the word(s) not applicable.



**FORM 2E  
(SEE RULE 4)  
NOMINATION PAPERS**

Election to the Legislative Council of Andhra Pradesh from a Council Constituency.....

**Part I**

We hereby nominate as a candidate for election to the Legislative Council of Andhra Pradesh (State) from the constituency.

Candidate's name..... father's / mother's /

husband's name.....

His postal address .....

His name is entered at Sl. No.....in part No.....of the electoral roll for the ..... assembly constituency.

We declare that we are electors and our names are entered in the electoral for .....(Council) Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:-

**Particulars of the proposers and their signatures**

Sl. No.	Electoral Roll No. of Proposer		Full Name	Signature	Date
	Part No. of electoral roll constituency	Sl.No. in that part			
1	2		3	4	5

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10\*

-----

There should be ten percent of the members of the Legislative Assembly or ten members concerned, whichever is less, as proposers..

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 my name and my father's/mother's/husband's name have been correctly spelt out above in..... (name of the language); and
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Council of Andhra Pradesh from .....Council Constituency.

I also declare that I have not been and shall not be, nominated as a candidate at the present biennial election to the Legislative Council of Andhra Pradesh from more than two Council constituencies in the State.

Date.....

(Signature of candidate)

## PART II (To be filled by the candidate)

### Whether the Candidate

- (i) has been convicted
  - (a) of any offence(s) under sub-section (1); or YES/NO
  - (b) for contravention of any law specified in sub-section (2), of section 8 of the Representation of the People Act, 1951 (43 of 1951); or
- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more. If the answer is "Yes", the candidate shall furnish the following information:
  - (i) Case/First information report No./Nos. ....
  - (ii) Police station (s) .....District(s) .....State(s) .....
  - (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted .....
  - (iv) Date(s) of conviction(s).....
  - (v) Court(s) which convicted the candidate .....
  - (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)].....
  - (vii) Date(s) of release from prison.....
  - (viii) Was/were any appeal(s)/revision(s) filed against above on conviction(s)... Yes/No
  - (ix) Date and particulars of appeal(s)/application(s) for revision filed .....
  - (x) Name of the court(s) before which the appeal(s) /application (s) for revision filed .....
  - (xi) Whether the said appeal(s) / application (s) for revision has/have been disposed of or is/are pending .....
  - (xii) If the said appeal(s)/application(s) for revision has/have been disposed of -
    - (a)Date(s) of disposal .....
    - (b)Nature of order(s) passed .....

Place :.....

Date :.....

(Signature of the candidate)



**PART III**

(To be filled by the Returning Officer)

Serial No. of nomination paper.....

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

Date.....

Returning Officer

**PART IV**

**Decision of Returning Officer accepting or rejecting the Nomination Paper**

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

Date.....

Returning Officer

..... (Perforation).....

**PART V**

**Receipt For Nomination Paper And Notice Of Scrutiny**

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election to the Legislative Council of Andhra Pradesh from the ..... (Graduates' / Teachers' / Local Authorities') Constituency was delivered to me at my office at .....(hour) on..... (date) by the candidate/proposer .....(Name). All nomination papers will be taken up for scrutiny at..... (hour) on .....(date) at .....(Place.)

Date .....

Returning Officer

Note- Wherever alternative is provided score out the word(s) not applicable.





APPENDIX 4C

FORM 26  
(SEE RULE 4A)

Affidavit to be furnished by the candidate before the returning officer for election to the Andhra Pradesh Legislative Council (name of the House)

from .....Constituency (name of the constituency)

I, ....., son/daughter/wife of ..... aged about..... years, resident of .....

candidate at the above election, do hereby solemnly affirm/state on oath as under:-

1. I am/am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case(s) in which a charge(s) has/have been framed by the court(s) of competent jurisdiction.

If the deponent is accused of any such offence(s) he shall furnish the following information:

- (i) Case/First information report No./Nos.....
(ii) Police station(s)..... District(s)..... State(s).....
(iii) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged.....
(iv) Court(s) which framed the charge(s).....
(v) Date(s) on which the charge(s).....
(vi) Whether all or any of the proceeding(s) have been stayed by any court(s) of competent jurisdiction.....
2. I have been/have not been convicted of an offence(s) [other than any offences] referred to in sub-section(1) or sub-section(2), or covered in sub-section(3), of section 8 of the Representation of the People Act, 1951 (43 of 1951) and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information:

- (i) Case/First information report No./Nos.....
(ii) Court(s) which punished.....
(iii) Police station(s)..... District(s)..... State(s).....
(iv) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged.....
(vi) Date(s) on which the sentence(s) was/were pronounced.....
(vii) Whether the sentence(s) has/have been stayed by any court(s) of competent jurisdiction.....

Place .....

Date .....

Signature of Deponent

VERIFICATION

I, the above-named deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therein.

Verified at ..... this ..... day of ....., 200.....

Signature of deponent

Note: The columns in this Form which are not applicable to the deponent may be struck off.

**ELECTION COMMISSION OF INDIA**

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI 110 001

No.3/ER/2003/JS-II

Dated the 27th March 2003

**ORDER**

1. Whereas, the superintendence, direction and control, inter alia, of all elections to Parliament and to the Legislature of every State are vested in the Election Commission by Article 324 (1) of the Constitution of India;
2. And whereas, the Hon'ble Supreme Court of India had, by its order dated 2nd May, 2002, in Civil Appeal No. 7178 of 2001 - Union of India Vs Association for Democratic Reforms and another, held as follows: - "(1) The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word 'elections' is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps.  
(2) The limitation on plenary character of power is when the Parliament or state legislature has made a valid law relating to or in connection with elections, the Commission is required to act in conformity with the said provisions. In case where law is silent, art 324 is a reservoir of power to act for the avowed purpose of having free and fair election. Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions Commission can fill the vacuum till there is legislation on the subject. In Kanhiya Lal Omar's case (AIR 1986 SC 111), the court construed the expressions 'superintendence, direction and control' in art 324(1) and held that a direction may mean an order issued to a particular individual or a precept which may have to follow and it may be a specific or a general order and such phrase should be construed liberally empowering the Election Commission to issue such orders.  
(3) The word 'elections' includes the entire process of election which consists of several stages and it embraces many steps, some of which have an important bearing on the process of choosing a candidate. Fair election contemplates disclosure by the candidate of his past including the assets held by him so as to give a proper choice to the candidate (sic) (elector) according to his thinking and opinion. As stated earlier, in Common Cause case [(1996) 2 SCC 752], the court dealt with a contention that elections in the country are fought with the help of money power which is gathered from black sources and once elected to power, it becomes easy to collect tons of black money, which is used for retaining power and for re-election. If on affidavit a candidate is required to disclose the assets held by him at the time of election, voter can decide whether he could be re-elected even in case where he has collected tons of money.

XXXXXX

- (4) To maintain the purity of elections and in particular to bring transparency in the process of election, the Commission can ask the candidates about the expenditure incurred by the political parties and this transparency in the process of election would include transparency of a candidate who seeks election or re-election. In a democracy, the electoral process has a strategic role. The little man of this country would have basic elementary right to know full particulars of a candidate who is to represent him in Parliament where laws to bind his liberty and property may be enacted.
- (5) The right to get information in democracy is recognized all throughout and it is natural right flowing from the concept of democracy. At this stage, we would refer to art 19(1) and (2) of the International Covenant of Civil and Political Rights which is as under:-
  - (1) Everyone shall have the right to hold opinions without interference.
  - (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

- (6) Cumulative reading of plethora of decisions of this court as referred to, it is clear that if the field meant for legislature and executive is left unoccupied detrimental to the public interest, this court would have ample jurisdiction under art 32 read with arts 141 and 142 of the Constitution to issue necessary directions to the executive to subserve public interest.
- (7) Under our Constitution, Art 19(1)(a) provides for freedom of speech and expression.  
Voters' speech or expression in case of election would include casting of votes that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is must. Voter's (little man-citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. The little man may think over before making his choice of electing law breakers as law makers.”;
3. And whereas, the Hon'ble Supreme Court, by its aforesaid order dated 2nd May, 2002, had directed as follows: - “The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under art 324 of the Constitution of India from each candidate seeking election to Parliament or a state legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature:-
- (1) Whether the candidate is convicted/acquitted/ discharged of any criminal offence in the past-if any, whether he is punished with imprisonment or fine?
  - (2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.
  - (3) The assets (immovable, movable, bank balances etc) of a candidate and of his/her spouse and that of dependants.
  - (4) Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues.
  - (5) The educational qualifications of the candidate.”
4. And whereas, the Hon'ble Supreme Court, in its aforesaid order dated 2nd May, 2002, further observed that 'the Election Commission has from time to time issued instructions in order to meet with the situation where the field is unoccupied by the legislation' and had further directed that 'the norms and modalities to carry out and give effect to the aforesaid directions should be drawn up properly by the Election Commission as early as possible and in any case within two months';
5. And whereas, the Election Commission had, in pursuance of the above referred Judgment and Order dated 2nd May, 2002 of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, directed by an Order dated 28th June, 2002, inter alia, in Para 14 of the said Order as follows:-“(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to all the five matters, specified by the Hon'ble Supreme Court and quoted in Para 5 above (reproduced in Para 3 herein), in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.
- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
  - (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non- furnishing of the affidavit.
  - (4) Furnishing of any wrong or incomplete information or suppression of any material information by any candidate in or from the said affidavit may also result in the rejection of his nomination paper where such wrong or incomplete information or suppression of material information is considered by the returning officer to be a defect of substantial character, apart from inviting penal consequences under the Indian Penal Code for furnishing wrong information to a public servant or suppression of material facts before him:

Provided that only such information shall be considered to be wrong or incomplete or amounting to suppression of material information as is capable of easy verification by the returning officer by reference to documentary proof adduced before him in the summary inquiry conducted by him at the time of scrutiny of nominations under section 36 (2) of the Representation of the People Act 1951, and only the information so verified shall be taken into account by him for further consideration of the question whether the same is a defect of substantial character.

- (5) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
- (6) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.”;
6. And whereas, the President of India promulgated the Representation of People (Amendment) Ordinance, 2002 (No.4 of 2002) on the 24th August, 2002 further to amend the Representation of the People Act, 1951 inserting Sections 33A and 33B and 125A and amending Section 169 of the Representation of the People Act, 1951;
7. And whereas, by virtue of Section 33B of the said Ordinance, the Order of the Election Commission dated the 28th June, 2002, was rendered ineffective and the said Section 33B read as under:–“Section 33B.- Notwithstanding anything contained in any judgment, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made there under.”;
8. And whereas, the Government of India by notification dated 3rd September, 2002 amended the Conduct of the Elections Rules, 1961 to give effect to the said Ordinance;
9. And whereas, the Association for Democratic Reforms, People's Union for Civil Liberties, and Lok Satta, filed three separate writ petitions before the Hon'ble Supreme Court of India challenging the constitutional validity of the Presidential Ordinance dated 24th August, 2002;
10. And whereas, the by Notification dated the 28th December, 2002, the Representation of the People Act, 1951 was amended by the Representation of the People (Third Amendment) Act, 2002 which substituted the aforesaid Ordinance dated 24th August, 2002;
11. And whereas, the said petitioners filed applications to treat the said writ petitions as challenging the constitutional validity of the Representation of the People (Third Amendment) Act, 2002;
12. And whereas, the Hon'ble Supreme Court in its order/judgment, dated the 13th March, 2003 declared Section 33B of the Amended Act as illegal, null and void;
13. And whereas, the following directions were issued in the Judgment of Hon'ble Mr. Justice RV. Reddi, which was concurred by Mr. Justice D.M. Dharmadhikari:-

“XXXXXXXXXXXX

“The right to information provided for by the Parliament under Section 33A in regard to the pending criminal cases and past involvement in such cases is reasonably adequate to safeguard the right to information vested in the voter/citizen. However, there is no good reason for excluding the pending cases in which cognizance has been taken by Court from the ambit of disclosure.”

XXXXXXXXXXXXX

“The Election Commission has to issue revised instructions to ensure implementation of Section 33A subject to what is laid down in this judgment regarding the cases in which cognizance has been taken. The Election Commission's orders related to disclosure of assets and liabilities will still hold good and continue to be operative. However, direction No.4 of Para 14 insofar as verification of assets and liabilities by means of summary enquiry and rejection of

nomination paper on the ground of furnishing wrong information or suppressing material information should not be enforced.”;

14. And whereas, the Judgment of Hon'ble Mr. Justice M.B. Shah, also held that Section 33B was illegal, null and void and further that the Election Commission would be required to revise its instructions in the light of the directions therein as under:-“It is true that the aforesaid directions issued by the Election Commission is not under challenge but at the same time Prima facie it appears that the Election Commission is required to revise its instructions in the light of directions issued in Association for Democratic Reforms case (supra) and as provided under the Representation of the People Act and its 3rd Amendment.”;
15. And whereas, by virtue of the Judgment dated the 13th March, 2003 of the Supreme Court declaring Section 33B of the Representation of the People Act, 1951 to be illegal, null and void, the earlier instructions of the Election Commission dated 28th June, 2002 would continue to be operative subject to the aforementioned directions of the Supreme Court, and are therefore required to be revised and reissued;
16. Now, therefore, the Election Commission, in pursuance of the above referred order dated 13th March, 2003, of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, of superintendence, direction and control, inter alia, of conduct of elections to Parliament and State Legislatures, hereby issues, in supersession of its earlier order dated 28th June, 2002, its revised directions as follows: -
  - (1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.
  - (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
  - (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such nonfurnishing of the affidavit.
  - (4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.
  - (5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.
17. For the removal of doubt, it is hereby clarified that the earlier direction contained in Para 14 (4) of the earlier order dated 28th June, 2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in Annexure-1 hereto referred to in Para 16(1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Elections Rules, 1961, as amended by the Conduct of Elections (Amendment) Rules, 2002.
18. In so far as elections to the Legislative Assembly and Legislative Council of the State of Jammu and Kashmir are concerned, the directions of the Election Commission contained in the preceding Para 16 shall be deemed to have been issued under the provisions of section 138 of the Constitution of Jammu and Kashmir which are akin to Article 324 (1) of the Constitution of India and vest the superintendence, direction and control of the conduct of all elections to either House of the Legislature of that State in the Election Commission.

19. All Returning Officers shall ensure that the copies of affidavit prescribed herein by the Commission shall be delivered to the candidates along with the forms of nomination papers as part of the nomination paper.

By order,  
(A.K. MAJUMDAR)  
SECRETARY  
ELECTION COMMISSION OF INDIA

## APPENDIX 5B

### Annexure-1 AFFIDAVIT TO BE FURNISHED BY CANDIDATE ALONG WITH NOMINATION PAPER

#### Before the Returning Officer

for election to Andhra Pradesh Legislative Council (name of the House)

from.....constituency (name of the constituency)

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

aged.....years, resident of....., candidate at the above election, do

hereby solemnly affirm and state on oath as under:-

(Strike out whichever not applicable)

(1) The following case(s) is/are pending against me in which cognizance has been taken by the court:-

(i)Section of the Act and description of the offence for which cognizance taken :

(ii)The Court which has taken cognizance:

(iii)Case No. :

(iv)Date of order of the Court taking cognizance:

(V)Details of appeal(s) / application(s) for revision, etc., if any, filed against above order taking cognizance:

(2) That I give herein below the details of the assets (immovable, movable, bank balance, etc.) of myself, my spouse and dependents\*:

#### A. DETAILS OF MOVABLE ASSETS

(Assets in joint name indicating the extent of joint ownership will also have to be given)

S. No	Description	Self	Spouse(s) Name(s)	Dependent 1 Name	Dependent 2 Name	Dependent 3 etc. Name
(i)	Cash					
(ii)	Deposits in Banks, Financial Institutions and Non-Banking Financial Companies					
(iii)	Bonds, Debentures and Shares in /companies					
(iv)	Other financial institutions, NSS, Postal Savings, LIC Policies, etc					
(v)	Motor Vehicles (details of make, etc.)					
(vi)	Jewellery (give details of weight and value)					
(vii)	Other assets, such as values of claims / interests					

Note: Value of Bonds / Shares / Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non listed companies should be given.

Dependent here means a person substantially dependent on the income of the candidate.

B. Details of Immovable assets

[Note: Properties in joint ownership indicating the extent of joint ownership will also have to be indicated]

S. No.	Description	Self	Spouse(s) Name(s)	Dependent 1 Name	Dependent 2 Name	Dependent 3 etc. Name
(i)	Agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -Current market value					
(ii)	Non-Agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -Current market value					
(iii)	Buildings (Commercial and Residential) -Location(s) -Survey number(s) -Extent (Total measurement) -Current market value					
(iv)	Houses / Apartments, etc. -Location(s) -Survey/door number(s) -Extent (Total measurement) -Current market value					
(v)	Others (Such as Interest in Property)					



(3) I give herein below the details of my liabilities / over dues to public financial institutions and government dues: - [Note: Please give separate details for each item]

S. No.	Description	Self	Name and address of Bank / Financial Institution(s) / Department(s)	Amount outstanding as on .....
(a)	(i) Loans from Banks			
	(ii) Loans from financial institutions			
	(iii) Government Dues:			
	(a) dues to departments dealing with government accommodation			
	(b) dues to departments dealing with supply of water			
	(c) dues to departments dealing with supply of electricity			
	d) dues to departments dealing with telephones			
	(e) dues to departments dealing with government transport (including aircrafts and helicopters)			
	(f) Other dues, if any			
	(b)	(i) Income Tax including surcharge [Also indicate the assessment year up to which income Tax Return filed. Give also Permanent Account Number 9PAN]]		
(ii) Wealth Tax [Also indicate the assessment year up to which Wealth Tax return filed.]				
(iii) Sales Tax [Only in case of proprietary business]				
(iv) Property Tax				

(4) **My educational qualifications are as under :-**  
 (GIVE DETAILS OF SCHOOL AND UNIVERSITY EDUCATION)  
 (Name of School / University and the year in which the course was completed should also be given.)

DEPONENT

### VERIFICATION

I, the deponent above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief; no part of it is false and nothing material has been concealed there from.

Verified at ..... this the ..... day of....., 200.....

DEPONENT

APPENDIX 6A

**FORM 'AA'**  
**COMMUNICATION WITH REGARD TO AUTHORISED PERSONS TO**  
**INTIMATE NAME OF CANDIDATES SET UP BY THE POLITICAL PARTY.**

To

1. The Chief Electoral Officer, Andhra Pradesh, Hyderabad.
- \*2. The Returning Officer for the Biennial election to the Legislative Council by MLAs

or

\*The Returning Officer for the Biennial election to the Legislative Council from \*\*..... Graduates'/teachers'/Local Authorities' Constituency

Sub:- Biennial Election to Legislative Council from Andhra Pradesh Authorisation of person(s) to intimate name(s) of candidate(s).

Sir,

I hereby communicate that the following person(s) has/have been authorised by ..... party, which is A National party/State party in the State of ...../Registered Unrecognised party in the State of ..... to intimate the name(s) of the candidate(s) proposed to be set up by the party at the election cited above.

Name of person authorised to send notice	Name of Office held in the Party	Districts(s) Area(s) Constituency/Constituencies in respect of which he has been authorised
1	2	3
1		
2		
3		

2. The specimen signatures of the above mentioned person(s) so authorised are given below:-

1. Specimen signatures of Shri.....  
 (i)..... (ii)..... (iii).....
2. Specimen signatures of Shri.....  
 (i)..... (ii)..... (iii).....
3. Specimen signatures of Shri.....  
 (i)..... (ii)..... (iii).....

Yours faithfully

(Name in Capital Letters)  
 President/Secretary  
 Name of the party

Place.....

Date.....

(Seal of the Party)

NB. (1) This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3 p.m. on the last date for making nominations.

- (2) Form must be signed in ink by the office: bearer (s) mentioned above. No facsimile signature by means of rubber stamp, etc., of any office: bearer shall be accepted.
- (3) No Form transmitted by fax shall be accepted.

APPENDIX 6B

**FORM 'BB'**  
**NOTICE AS TO NAMES OF CANDIDATES SET UP BY THE**  
**POLITICAL PARTY**

**For Use at Elections to the State Legislative Council**

To

1. The Chief Electoral Officer, Andhra Pradesh, Hyderabad.
2. The Returning Officer for the Biennial election to the Legislative Council by MLAs or  
 \*The Returning Officer for the Biennial election to the Legislative Council from\*\* ..... Graduates'/teachers'/Local Authorities' Constituency

Sub:- Election to Legislative Council from.....(State / Union Territory) - Setting up of candidates.

Sir

I hereby give notice on behalf of.....(Party)

- (i) That the person(s) whose particulars are furnished in columns (2) to (4) below is / are the approved candidates (s) of the party above named and
- (ii) the person(s) whose particulars are mentioned in columns (5) to (7) below is / are the substitute candidates(s) of the party, who will step in on the approved candidates nomination being rejected on scrutiny or on his / their withdrawing from the contest, if the substitute candidates(s) is/are still a contesting candidates(s). at the ensuing election to the State Legislative Council:

Name of Constituency ***	Name of Candidate approved candidate	Name of the Father's/ Mother's Husband's Name of the approved candidate	Postal address of approved candidate	Name of the substitute candidate who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest if substitute candidate is still a contesting candidate	Father's/ Mother's/ Husband's Name of Substitute candidate	Postal Address of substitute candidate
1	2	3	4	5	6	7
	\$1.					
	2.					
	3.					
	4. etc....					

\*2. The notice in Form 'BB' given earlier in favour of Shri/Smt./Sushri.....as party's approved candidate and Shri/Smt/Sushri.....as party's substitute candidate is hereby rescinded.

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

Yours faithfully,  
(Name in Capital Letters)  
President / Secretary  
(NAME OF THE PARTY)  
Seal of the Party

Place.....  
Date.....

\*Strike out whichever is not applicable.

\*\*Mention names of Graduates'/Teachers'/Local Authorities Constituency, as the case may be.

\*\*\*Under this column mention name of the constituency, as

1. By Assembly Member
2. Graduates constituency,
3. Teachers constituency,
- 4 Local Authorities constituency, as the case may be.  
\$if more than one candidate is to be elected from the constituency.

- NB
1. This must be delivered to the Returning Officer and Chief Electoral Officer not later than 3.00 p.m. on the last date for making nominations.
  2. Form must be signed in ink by the office bearer (s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc., of any office bearer shall be accepted.
  3. No form transmitted by fax shall be accepted.
  4. Para 2 of the Form must be scored off, if not applicable or must be properly filled, if applicable.

# DO'S AND DON'TS FOR GUIDANCE OF CANDIDATES

## DO'S

1. Do familiarise yourself with the constitutional and legal provisions relating to elections.
2. Do check up with the latest Delimitation Order relating to your constituency.
3. Do make it a point to obtain the electoral roll of your constituency and have it checked up.
4. Do check up your name and the particulars in the current electoral roll well before deciding to stand for election.
5. Do check up that you are qualified to stand for election.
6. Do check up that you are not disqualified from standing for election.
7. Do check up the nomination form to ensure that it is in the prescribed form (Forms 2-A or 2-B).
8. Do present the nomination form personally or send it through your proposer.
9. Do check up that the proposer(s) is a voter in the constituency from which you are seeking election.
10. Do file a certified copy of the electoral roll containing your name, if you are a candidate from a different constituency.
11. Do collect the receipt for the nomination paper.
12. Do make it a point to attend the scrutiny of nominations personally.
13. Do check up that your name appears in the list of valid nominations, if your nomination has been accepted.
14. Do check up that your name is correctly entered in the list of validly nominated candidates.
15. Do check up that your name and other particulars in the list of contesting candidates, if you have not withdrawn your candidature.
16. Do find out the hours of poll as notified.
17. Do appoint the election agent in proper form and well in time.
18. Do check up that your election agent is not disqualified for voting at elections or for being a Member of Parliament or any State Legislature.
19. Do get a copy of the list of polling stations and check it up.
20. Do appoint polling agents in proper form for each and every polling station well in time.
21. Do provide copies of electoral roll to your polling agents.
22. Do appoint counting agents in proper form for each and every counting table and one extra agent well in time.
23. Do make it a point to attend counting personally.
24. Do report immediately to above authorities or the Returning Officer the instances which have come to your knowledge about the publication of election pamphlets or posters in contravention of the above requirements of law.

25. Do attend the meetings of the Constituency Committee constituted by the Returning Officer for ensuring the observance of Model Code of Conduct for guidance of political parties and candidates as devised by the Election Commission.
26. Do report the instances of violation of the above said Model Code of Conduct that have come to your notice for necessary remedial or punitive action.
27. Do maintain proper accounts about election expenses from the date of your nomination as a candidate to the date of election in the Register specifically provided to you by the Returning officer for the purpose.
28. Do attend with your agents the training rehearsals arranged by the Returning Officer.

## **DON'TS**

1. Don't present the nomination paper through any person other than yourself or any one of your proposers.
2. Don't present nomination paper on a public holiday.
3. Don't present the nomination paper before or after the specified hours fixed for the purpose.
4. Don't present more than four nomination papers.
5. Don't present the nomination paper to any person other than the Returning Officer or the Assistant Returning Officer (so authorised in this behalf).
6. Don't forget to make the required deposit in cash in the Reserve Bank of India or in a Government Treasury or with the Returning Officer.
7. Don't forget to make and subscribe the oath or affirmation by the last date for the receipt of nominations and get a receipt in token of having made and subscribed the oath or affirmation.
8. Do not issue identity slips bearing your name or your symbol or the name of your party or containing any exhortation to voters to vote for you or your party.
9. Don't make any gift or offer or promise of gratification to any person to induce another to stand or not to stand as a candidate or to withdraw or not to withdraw his candidature or to vote or refrain from voting at the election or for having so stood or not having stood or for having withdrawn or for not having withdrawn his candidature or for having votes or refrained from voting.
10. Don't interfere directly or indirectly or attempt to interfere with the free exercise of the electoral right of any person.
11. Don't appeal to voters to vote or refrain from voting on grounds of religion, race, caste or community or language.
12. Don't make use of, or appeal to, religious symbols or National symbols.
13. Don't promote or attempt to promote feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language.
14. Don't publish false statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate.
15. Don't hire or procure vehicles for the conveyance of voters to and from the polling stations.
16. Don't incur or authorise expenditure in connection with elections beyond the maximum prescribed for your election.
17. Don't procure the support of Government servants.
18. Don't indulge in misconduct at polling stations.
19. Don't induce disorderly conduct in or near the polling stations.
20. Don't hold public meetings in the polling area any time during 48 hours before the time fixed for the conclusion of the poll.
21. Don't create disturbances at election meetings.

22. Don't canvass in or near polling stations on the date or dates of poll.
23. Don't print or publish election pamphlets or poster without giving on their face details of the printer and publisher and without declaring the identity of the printer and publisher and sending copies of the declaration to the Chief Electoral Officer if printing is in the capital of the State, and to the District Magistrate in case the printing is elsewhere.
24. Don't destroy fraudulently any nomination paper or any list, notice or documents affixed by or under the authority of the Returning Officer.
25. Don't destroy any ballot paper or any official remark on the ballot paper or any declaration of identity; don't put into the ballot box anything other than your ballot paper.
26. Don't destroy, take out or otherwise interfere with any ballot box or ballot paper.
27. Don't publish any statement or have it published with your consent or the consent of your election agent which is false or which you believe to be false or do not believe to be true in relation to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospect of that candidate in the election.
28. Don't threaten any candidate or any elector or any person with any kind of act including social ostracism and ex-communication or expulsion from any caste or community.
29. Don't induce or attempt to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered the object of divine displeasure or spiritual censure.
30. Don't abet the offence of personation at an election.
31. Don't forget to lodge the election account with the District Election Officer within 30 days of the election, regardless of the fact whether you are elected or not or you contested the election seriously or not.

## APPENDIX - 7B

### DO'S AND DON'TS FOR THE GUIDANCE OF THE CANDIDATES AND POLITICAL PARTIES TO BE OBSERVED FROM THE ANNOUNCEMENT OF AN ELECTION AND UNTIL THE COMPLETION OF THE PROCESS OF ELECTION

#### DO'S

1. Ongoing programmes may continue.
2. The clarification/approval of the Election Commission of India/Chief Electoral Officer of your State should be obtained in case of doubt.
3. Relief and rehabilitation measures to the people in areas affected by floods, drought, pestilence, and other natural calamities, should commence and continue.
4. Grant of cash or medical facilities to terminally or critically ill persons can continue with appropriate approvals.
5. Public places like maidans must be available impartially to all parties/contesting candidates for holding election meetings. So also use of helipads must be available impartially to all parties/contesting candidates.
6. Rest houses, dak bungalows and other Government accommodation should be available to all political parties and contesting candidates on an equitable basis.
7. Criticism of other political parties and candidates should relate to their policies, programmes, past record and work.
8. The right of every individual for peaceful and undisturbed home life should be fully safeguarded.
9. No obstructions shall be created against meetings and processions organised by other parties.
10. The local police authorities should be fully informed of the venue and time of the proposed meetings well in time and all necessary permissions taken.
11. If there are any restrictive or prohibitory orders in force in the place of the proposed meeting, they shall be fully respected. Exemption, if necessary, must be applied for and obtained well in time.
12. Permission must be obtained for the use of loudspeakers or any other such facilities for the proposed meeting.
13. The assistance of the police should be obtained in dealing with persons disturbing meetings or otherwise creating disorder.
14. The time and place of the starting of any procession, the route to be followed and the time and place at which the procession will terminate should be settled in advance and advance permissions obtained from the police authorities.
15. The existence of any restrictive orders in force in the localities through which the procession has to pass should be ascertained and fully complied with. So also all traffic regulations and other restrictions.
16. The passage of the procession must be without hindrance to traffic.
17. Processionists shall not carry any articles which are capable of being misused as missiles or weapons.
18. Cooperation should be extended to all election officials at all times to ensure peaceful and orderly poll.
19. Badges or identity cards must be displaced by workers.
20. Identity slips issued to voters shall be on plain (white) paper and not contain any symbol, name of the candidate or name of the party.
21. Restrictions on plying of vehicles on poll day shall be fully obeyed.



22. No one without a specific valid authority letter from the Election Commission can enter any polling booth at any time. No functionary however highly placed (e.g. Chief Minister, Minister, MP or MLA, etc.,) is exempt from this.
23. Complaint or problem regarding the conduct of elections shall be brought to the notice of the observer appointed by the Commission/Returning Officer/Zonal/Sector Magistrate/Election Commission of India.
24. Directions/orders/instructions of the Election Commission, the Returning Officer, the District Election Officer shall be obeyed in all matters relate to various aspects of election.

## **DON'TS**

- (1) Please do not make use of official vehicles or personnel or machinery for electioneering work. Official 'vehicles' include (a) trucks, (b) lorries, (c) tempos, (d) jeeps, (e) cars, (f) auto-rickshaws, (g) buses, (h) aircrafts (i) helicopters, (j) ships, (k) boats, (l) hovercraft and all other vehicles belonging to the (1) Central Government, (2) State Government, (3) Public Undertakings of the Central and State Government, (4) Joint Sector Undertakings of Central Government and State Government, (5) Local Bodies, (6) Municipal Corporations, (7) Municipalities, (8) Marketing Boards, (by whatever name known) (9) Cooperative Societies, (10) Autonomous District Councils or (11) any other body in which public funds, howsoever small a portion of the total, are invested and also (12) those belonging to the Ministry of Defence and the Central Police Organisations under the Ministry of Home Affairs and State Governments.
- (2) Please do not issue any advertisement at the cost of the public exchequer regarding achievements of the party/Government in power.
- (3) Announcements of any financial grants, laying of foundation stones, making promise of construction of new roads, etc., shall not be made.
- (4) No ad hoc appointments in Government/Public Undertakings shall be made.
- (5) No Minister shall enter any polling station or the place of counting unless he is a candidate or an authorised agent; or as a voter only for voting.
- (6) Official work should not at all be mixed with campaigning/electioneering.
- (7) No inducement, financial or otherwise, shall be offered to a voter.
- (8) Caste/communal feelings of the electors shall not be appealed to.
- (9) No activity which may aggravate existing differences or create mutual hatred or causes tension between different castes, communities or religious or linguistic groups shall be attempted.
- (10) No aspect of the private life, not connected with the public activities, of the leaders or workers of other parties shall be permitted to be criticized.
- (11) Other parties or their workers shall not be criticised based on unverified allegations or on distortions.
- (12) Temples, mosques, churches, gurudwaras or any place of worship shall not be used as places for election propaganda, including speeches, posters, music, etc., on electioneering.
- (13) Activities which are corrupt practices or electoral offences such as bribery, undue influence, intimidation of voters, personation, canvassing within 100 meters of a polling station, holding of public meetings during the period of 48 hours ending with the hour fixed for the close of the poll and conveyance of voters to and from polling stations are prohibited.
- (14) Demonstrations or picketing before the houses of individuals by way of protesting against their opinion or activities shall not be resorted to.
- (15) No one can make use of any individual's land, building, compound wall etc. without his permission for erecting flag staffs, putting up banners, pasting notices or writing slogans, etc.. This includes private and public premises.
- (16) No disturbances shall be created in public meetings organised by other political parties or candidates.

- (17) Processions along places at which meetings are being held by another party shall not be undertaken.
- (18) Posters issued by other parties and candidates shall not be disturbed.
- (19) Posters, flags, symbols or any other propaganda material shall not be displayed in the place being used on the day of poll for distribution of identity slips or near polling booths.
- (20) Loudspeakers whether static or mounted on moving vehicles shall not be used either before 6 a.m. or after 10 p.m. and without the prior written permission of the authorities concerned.
- (21) Loudspeakers shall also not be used at public meetings and processions without the prior written permission of the authorities concerned. Normally, such meetings/processions will not be allowed to continue beyond 10.00 p.m. in the night and will be further subject to the local laws, local perceptions of the security requirements of the area and other relevant considerations like weather conditions, festival season, examination period, etc.
- (22) No liquor should be distributed during elections.

Note : The above list of 'Dos' and 'Don'ts' is only illustrative and not exhaustive and is not intended to substitute any other detailed orders, directions/instructions on the above subjects, which must be strictly observed and followed.

**FORM 5**  
**NOTICE OF WITHDRAWAL**  
**Election to the Legislative Council\*.....**

To  
The Returning Officer

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

Place.....

Date.....

Signature of validly nominated candidate

notice was delivered to me at my office at ..... (hour) on  
.....(date) by.....(name), the \*\*

Place: .....

Date.....

Returning Officer

Receipt For Notice Of Withdrawal  
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by.....a validly nominated candidate at the election to the Legislative Council\* ..... was delivered to me by the\*\* ..... at my office at ..... (hour) on .....(date).

Returning Officer

\* Here insert one of the following alternatives as may be appropriate :

(1) By the Members of the Legislative Assembly.

(2) from the ..... Constituency

\*\* Here insert one of the following alternatives as may be appropriate:-

(1) Candidate

(2) Candidate's proposer who has been authorised in writing by the candidate to deliver it

(3) Candidate's election agent who has been authorised in writing by the candidate to deliver it

## APPENDIX - 9

# FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES AND THEIR ELECTION AGENTS

Biennial Election, March, 2007

Legislative Council Constituency: .....

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letters of appointment of Polling Agents at the time of poll:-

Name of the Contesting Candidate	Specimen signature	Name of his / her Election Agent	Specimen signature
1. Shri/Smt./Ms. (Candidate No. 1)		Shri/Smt.Ms.	
2. Shri/Smt./Ms. (Candidate No. 2)		Shri/Smt.Ms.	
3. Shri/Smt./Ms. (Candidate No. 3)		Shri/Smt.Ms.	
4. Shri/Smt./Ms. (Candidate No. 4) etc.....		Shri/Smt.Ms.	

Place: .....

Signature  
Returning Officer  
Seal

## APPENDIX - 10

# GENERAL INSTRUCTIONS FOR RECORDING OF VOTES AT ELECTIONS TO THE STATE LEGISLATIVE COUNCILS

### Method of Voting:

1. At the polling station the voter should vote with a violet sketch pen, which will be handed over to you along with the ballot paper. He should not use any other pen, pencil, ballpoint pen or any other marking instrument, as that will invalidate your ballot paper.
2. The voter should vote by placing the figure "1" in the column marked 'order of preference' provided opposite the name of the candidate whom he chooses as your first preference. This figure "1" shall be placed opposite the name of only one candidate.

Elections to the Andhra Pradesh Legislative Council	
1001	
అభ్యర్థి పేరు Name of Candidate	Mark order or preference
మహ్మద్ హాఫిజ్ Mohammad Hafiz	
నర్సింగ్ యాదవ్ Narsing Yadav	
రఘుపతి రావు Raghupathi Rao	1
కె. రామకృష్ణ K. Ramakrishna	
ఎస్. రామరాజు S. Ramaraju	
టి. లక్ష్మీనారాయణ T. Laxmi Narayan	
శ్రీధర్ Sreedhar	
పాయి గాయత్రి Sai Gayatri	
సీతా లక్ష్మి Sita Lakshmi	

3. Even if the number of candidates to be elected is more than one, the figure "1" shall be put opposite the name of only one candidate.
4. The voter have as many preference as there are contesting candidates irrespective of the number of candidates to be elected. For example, if there are five contesting candidates and only two are to be elected, you can mark preferences from 1 to 5 against the candidates of your choice in order of your preference.
5. The voter should indicate his further preferences for the remaining candidates by placing in the column 'mark order of preference' provided opposite the names of such candidates the subsequent figures 2,3,4 etc., in the order of his preference.

6. The voter should make sure that he puts only one figure opposite the name of any candidate and also make sure that the same figure is not put opposite the names of more than one candidate.
7. Preference shall be indicated in figures only, i.e. 1,2,3, etc., and shall not be indicated in words, one, two, three, etc.
8. Figures may be marked in the international form of Indian numerals like 1,2,3, etc., or in the Roman form I, II, III, etc., or in the form used in any Indian Language, recognized in the Eighth Schedule to the Constitution.
9. The voter should NOT write his name or any words and do not put your signature or initials on the ballot paper. Also, he should not put his thumb impression. These will make the ballot paper invalid.
10. It is not sufficient to put a mark “” or “” against the candidates of your choice to indicate your preferences. Such ballot paper will be rejected. The voter should Indicate his preferences only in figures 1,2,3, etc., as explained above.
11. To make the ballot paper valid, it is necessary that the voter should indicate his first preference by placing figure “ 1 ” against one of the candidates. The other preferences are optional, i.e., he may or may not indicate the second and subsequent preferences.

### **B. Invalid Ballot Papers**

A ballot paper shall be invalid on which-

1. the figure 1 is not marked;
2. the figure 1 is marked to more than one candidate;
3. the figure 1 is so placed as to render it doubtful to which candidate it is intended to apply;
4. the figure 1 and some other figure like 2, 3 etc., are also marked for the same candidate;
5. the preferences are indicated in words instead of in figures;
6. there is any mark or writing by which the elector can be identified; and
7. there is any figure marked otherwise than with the violet sketch pen supplied by the Returning Officer for the purpose of marking such figures.

## Invalid Ballot Papers - Examples

అభ్యర్థి పేరు Name of Candidate	Mark order of preference
మహ్మద్ హఫీజ్ Mohammad Hafiz	<del>Two</del>
నర్సింగ్ యాదవ్ Narsing Yadav	<del>One</del>
రఘుపతి రావు Raghupathi Rao	<del>Three</del>

అభ్యర్థి పేరు Name of Candidate	Mark order of preference
మహ్మద్ హఫీజ్ Mohammad Hafiz	×
నర్సింగ్ యాదవ్ Narsing Yadav	
రఘుపతి రావు Raghupathi Rao	

అభ్యర్థి పేరు Name of Candidate	Mark order of preference
మహ్మద్ హఫీజ్ Mohammad Hafiz	<del></del>
నర్సింగ్ యాదవ్ Narsing Yadav	<del>1</del>
రఘుపతి రావు Raghupathi Rao	<del>తఘుపతి</del>

అభ్యర్థి పేరు Name of Candidate	Mark order of preference
మహ్మద్ హఫీజ్ Mohammad Hafiz	
నర్సింగ్ యాదవ్ Narsing Yadav	✓
రఘుపతి రావు Raghupathi Rao	

## ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

No. 322/AP-LC/1/2011-CC&BE

Dated: 8 February, 2011

To

1. The Cabinet Secretary,  
Government of India,  
Rashtrapati Bhawan, New Delhi.
  
2. The Chief Secretary to the Government of  
Andhra Pradesh, Hyderabad.
3. The Chief Electoral Officer,  
Andhra Pradesh, Hyderabad.

Subject: Biennial elections to the Andhra Pradesh Legislative Council from 3-Graduates' & 3Teachers' Constituencies - Applicability of Model Code of Conduct - regarding.

Sir,

I am directed to state that the Commission has announced the biennial elections to the Andhra Pradesh Legislative Council from the following Constituencies vide its Press Note No.ECI/PNI12/2011-MCPS dated 8th February, 2011.

1. Srikakulam- Vizianagaram- Visakhapatnam Graduates' Constituency
2. Prakasam-Nellore-Chittoor Graduates' Constituency
3. Kadapa-Anantapur-Kurnool Graduates' Constituency
4. Prakasam-Nellore-Chittoor Teachers' Constituency



5. Kadapa-Anantapur-Kurnool Teachers' Constituency

6. Mahabubnagar-Ranga Reddy-Hyderabad Teachers' Constituency

2. With this announcement, the following provisions of the Model Code of Conduct for the guidance of the Political Parties and Candidates have come into force with immediate effect in the district(s) comprised in the above mentioned Constituencies, which is going to poll. This may be brought to the notice of the Government, all Ministries/Departments and all other offices of the Union Government and the concerned State Governments :

- i) Ministers, whether Central or State, shall not make any official visit in any district in which the said Biennial elections are being held. If for any special reason, an official visit becomes unavoidable, they shall return to their headquarters on completion of their official tours before going on any private tour/visit to the Constituency.
- ii) No official of any rank of the district dealing with election related work where the said biennial election is being held, shall be called to attend any meeting by any Minister at any place; that is to say, even in the other districts where election is not being held.
- iii) Any official who meets the Minister on his private visit to the Constituency where the said election is being held shall be deemed to be guilty of misconduct under the relevant service rules; and if he happens to be an officer mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that section and liable to penal action provided thereunder.
- iv) No pilot car(s) or car(s) with beacon lights of any colour or car(s) affixed with sirens of any kind making his presence conspicuous shall be used by any Minister during his private visit to the constituencies, even if the State administration has granted him a security cover requiring presence of armed guards accompanying him on tour.
- v) No policy announcement or programme would be initiated in the Government Departments related to the constituents of the election under reference. For example, if the election is from a Local Authorities' Constituency, no programme or policy could be initiated by Urban or Rural Local Bodies Department. Likewise, for Teachers' Constituencies, no new policy or programme will be initiated/ announced by the Education Department dealing with the teachers. In the case of elections from Graduates' Constituencies, no programme/ policy likely to influence the graduates shall be announced, such as Un-Employment Allowance, new Employment Schemes, etc.
- vi) The Commission has directed that a special video team shall be put in place for every Tehsil. Every political meeting shall be video graphed. Ministers and other important

political functionaries visiting the District shall be video-trailed. Copy of the video recording shall be given to the Observers by the evening of the same day. The Observers will go through it and report any violation to the Commission. The Observers will submit reports as per the seven formats prescribed for Assembly/ Parliament Elections.

3. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-  
**(K. AJAY KUMAR)**

Secretary

