

Madras Municipal Election Rules.

(As modified up to June 1926)

COMPILED BY

E. S. SUNDA, B.A., B.L.,

Author of 'Law of Municipal Elections'

Vakil, Madura.

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PREFACE.

The necessity for this booklet is obvious. Since the publication of my first book *The Law of Municipal Elections*, the rules have undergone a radical change. A compilation of the new rules was indeed a difficult task and to embody the changes in the appropriate places really meant considerable strain. In this I had the help of Messrs. N. Ramayya Sastriar, M. Dwarakana han, Assistant Secretary and Superintendent respectively of the Local Self Government Department, Madras, and I gladly thank them for their prompt supply of information.

Attention may be drawn to some changes—the powers and duration of the work of the Revising Authority, presentation of nomination papers, polling hours, declaration of the result of election in uncontested cases, questions that may be addressed to a voter when he applies for a ballot paper, Challenged votes, Reference in cases of doubt to Local Self Government, arrangement for election in cases of Chairman or vice-chairman being candidates, tie in the case of candidates for the election of Chairman or vice-chairman.

‘ KALYAN LEELA ’

E. S. SUNDA.

Madura, 18—8—1926,

CONTENTS.

	PAGE.
1. Rules—Electoral Roll	1
2 Do. Conduct of Election of Municipal Councillors	12
3. Do. Election of Chairman and Vice- Chairman	35
4. Do. Election Disputes	39

I

RULES FOR THE PREPARATION OF ELECTORAL ROLLS IN MUNICIPALITIES.

The following have been embodied in these rules :—

- | | | | | | |
|-----|------------------|-----|--------------|------------|-----------------|
| (1) | Notification No. | 953 | | 12-10-1920 | I Set of Rules. |
| (2) | G.O. | „ | 2334 L. & M. | 30-11-1921 | Amendment. |
| (3) | „ | „ | 1773 „ | 11- 8-1923 | „ |
| (4) | „ | „ | 2715 „ | 4-12-1923 | „ |
| (5) | „ | „ | 320 „ | 3- 2-1924 | „ |
| (6) | „ | „ | 1876 „ | 8- 7-1924 | „ |

PREPARATION.

1.—(a) The *Electoral roll* for each municipality shall be maintained in Form I annexed and shall be divided into parts for each ward in cases where the municipality is divided into wards. Each ward shall be separately numbered and the electors therein shall be numbered in a separate series. In each ward the streets and the names in each street shall be arranged alphabetically provided that, where such an arrangement is not convenient, the names alone may be arranged alphabetically for each ward.

(b) The roll shall be kept in the chief vernacular of the town, provided that the municipal council may direct that any roll or part of a roll may be kept in any language.

[N.B.—The Chairman is informed that before a person's name can be included in the electoral roll he must have paid all the taxes and that before the 31st March of the

year in which the roll is prepared. *Taxes include the tax on carriages and animals and the tax on carts but not licence fees.*

Fort St. George, December 4, 1923, G.O. No. 2715 L. and M.]

2. (a) A person may be registered in the Electoral roll either in his personal capacity or in the capacity of a representative of a company, firm, association, body of two or more guardians or trustees, joint family or other body possessing joint rights but not in both capacities.

(b) No person shall be registered as representative of a body unless he has been authorized in writing by a majority of such body.

Provided that in a case of a Hindu joint family the person qualified to be registered shall be either a member of the family so authorized by a majority of the family or the manager thereof.

(c) No person shall be registered as an elector whether in his personal or in a representative capacity in more than one ward.

3. (a) It shall be the duty of the chairman to cause inquiry to be made and to prepare, or cause to be prepared, lists of all persons appearing to be entitled to be registered as elector in the roll for the municipality or for each of the wards comprised therein. The lists shall be prepared in form prescribed for the roll and shall also contain such other particulars as the council may require.

(b) The preliminary roll shall be prepared from these lists and published in the municipal office not later than the 30th April.

If it be convenient a printed copy of the roll in force or of a roll previously in force with printed lists of additions and corrections may be published as the preliminary roll.

(Fort St. George, July 8, 1924, G.O. No. 1876 L. and M.)

(c) The chairman shall also simultaneously publish a notice in Form II specifying the mode in which, and the time within which, claims and objections are to be preferred and the date on and the place at which the revising authority will begin to sit for their disposal. The notice shall state that the preliminary roll will be open to inspection at the municipal office daily between 11 A.M. and 4 P.M. up to the 15th May. Copies of the notice should be affixed in the municipal office and in one conspicuous place in each ward or where there are no wards in not less than three conspicuous places in the municipality.

CLAIMS AND OBJECTIONS.

4. (a) Any person who claims to be entitled to be registered as an elector and whose name is not entered or entered in an incorrect place or manner or with incorrect particulars, on the preliminary roll and who objects to the inclusion of the name of any other person whose name is on the roll may prefer a claim or an objection to the revising authority. Such claim or objection shall be sent in Form III or Form IV to the chairman as to reach him on or before 15th May.

(b) Claims and objections may be preferred in person or sent by post.

(c) Claims and objections received after the prescribed date shall be rejected.

(d) The chairman shall supply forms of claims and of notices of objection free on the application of any person.

5. (a) The chairman shall, not later than 20th May.

(i) publish lists of all claims and objections received in the time in Form V in the municipal office, and

(ii) send a copy of every notice of objection to the person to whose registration objection has been taken.

(b) In the lists referred to in clause (a) (i) and in the copy sent under clause (a) (ii), the chairman shall give notice that the claims and objections will be taken into consideration by the revising authority at a place and on a date to be specified not later than 1st June.

6. The chairman shall have necessary inquiries relating to claims and objections made before the date fixed for the sitting of the revising authority and may also of his own motion remove from the lists the names of persons whom he has reason to believe to be dead, and may make such other corrections as may be necessary, provided that he shall publish a list of all such corrections with the list of claims and objections as provided in rule 5.

REVISING AUTHORITY.

7. (a) For each electoral roll in a municipality, there shall be constituted a revising authority consisting of the

chairman and two non-official gentlemen to be nominated by the Collector of the district. The chairman shall act as president. *The function of the revising authority shall cease as soon as it passes orders on the electoral roll for which it was constituted.* (G.O. No. 2334 L and M., dated 30—11—21).

(b) The revising authority shall sit in open court on the day fixed and from day to day until all the claims and objections are disposed of. Orders shall be passed in writing on each claim or objection, with reasons if a claim is rejected or an objection contested. The revising authority shall also pass orders on the lists of corrections made by the chairman of his own motion. The orders passed by the revising authority shall be final.

[N.B.—Fort St. George, August 11, 1923, G.O. No. 1773 L. and M.]

No. 693. The Chairman is informed that the Revising authority should not sit unless all the three members are present and if any member is unable to attend the meetings for any length of time he should be asked to resign his membership.

The meetings of the Revising Authority should be convened only by the Chairman].

FINAL PUBLICATION.

8. (a) The chairman shall correct the rolls in accordance with the orders of the revising authority and the rolls or parts of rolls so corrected shall be printed and copies made available not later than the 1st July.

(b) The rolls shall also be published as required by section 44 of the Act and shall come into force from the date of such publication and remain in force till the publication of a fresh electoral roll.

(c) Two copies of the roll shall be signed by the chairman. One of them shall be kept in his office and the other forwarded to the Collector of the district for record in his office.

(d) The chairman shall not alter the roll while it continues in force, except in order to correct clerical errors.

(e) No failure to observe the dates prescribed in these rules or to observe other directions regarding the preparation of the electoral roll shall entitle any one to question the validity and conclusiveness of the registers in election proceedings.

(f) Notwithstanding anything contained in these rules, where the limits of a ward are materially changed or where a new ward is created, the preparation, revision and publication of the electoral roll may take place on or before such dates as the council may prescribe in that behalf and such electoral roll when so revised and finally published shall come into force from the date of final publication and remain valid until the publication of the next final electoral roll.

(g) None of the officers entrusted with the preparation of the rolls shall be held legally liable for their completeness or accuracy; neither shall they be held liable to any action for damages by reason only of any omission or inaccuracy in respect of such rolls or any non-compliance with the dates prescribed in these rules.

GENERAL.

9. The Chairman shall keep printed copies of the rolls for inspection and sale in his office and for supply to the presiding officers at the polls.

10. Any notice which is required to be sent by the chairman under these rules to any person shall be sufficiently sent if sent by post to the address of that person as given by him for the purpose, or as appearing on the roll, or if there is no such address, to his last known place of abode.

11. On the consideration of any claim or objection or other matter by the revising authority any person appearing to be interested therein may appear and be heard either in person or by duly authorized agent.

12. The revising authority may in its discretion, or at the request of any person interested require that the evidence tendered by any person should be on oath and may administer an oath for the purpose.

13. Notwithstanding anything contained in these rules the Local Government may fix such dates as they may deem fit for the preparation, revision and publication of the electoral rolls in 1920.

FORM I.

Electoral roll for
Part

Municipality
Ward No.

Serial number	Name	Father's Karna- van's or hus- band's name	Address (ward or street and door No.)	Head of qualifica- tion
1	2	3	4	5

CERTIFICATE

I hereby certify that I have verified the entries in the rolls with the demand and other registers and that every person whose name is entered in the roll has paid all the taxes due by him for the preceding year 192 —192 .

Signature.

Secretary or Manager or Revenue Officer.

Re Certificate—refer

[*Fort St. George, February 3, 1924, G.O. No. 320 L and M.*]

FORM II.

The preliminary electoral roll of voters for the Municipality is open to inspection at the Municipal Office daily between 11 A.M. and 4 P.M. up to the 15th May.

Any person who claims to be entered in this roll and who is not entered in it or is entered in an incorrect place or manner or with incorrect particulars may put in a claim addressed to the chairman to have his name entered, or the registry corrected.

Any person whose name is on this roll and who objects to the correctness of the entry or to the inclusion of the name of any other person whose name is on the roll may prefer an objection addressed to the chairman.

Claims shall be preferred in Form III and objections in Form IV appended to this notice. Copies of the forms will be supplied free by the chairman on application.

Claims and objections may be presented to the chairman at any time during office hours or sent by post, but must reach him on or before the 15th May.

Claims and objections which are not preferred in proper form or are not received by the date prescribed will be rejected.

All claims and objections received in time and in proper form will be heard by the revising authority at on

..... *Chairman.*

FORM III.

Notice of claim for correction of registry
registration

To

The Chairman of Municipality

Sir,

I hereby give you notice that I claim to have the registry of
my name
my name corrected in the roll of electors for the.....
entered
Municipality as follows:—

Name in full of claimant and father's, karnavan's or husband's name.	Address (ward, or street and door number.)	Head of qualification.	Kind and amount of tax paid.
1	2	3	4

I declare that I am a British subject and that I attained the age of 21 years on—(date).....

Signature of claimant.

FORM IV.

Notice of objection to registration.

To

The Chairman of

Municipality.

Sir,

I hereby give you notice that I object to the name of the person mentioned and described below retained in the elector's roll for the ward in the Municipality:—

Name of person.	Objected to number in preliminary roll.	Nature of objection.
1	2	3

Signature of Objector.

Date

Address

Ward and number in preliminary roll.

FORM V

List and claims and objections.

(a) The following persons have put in claims to be registered as electors (or to have the registry of their names

(c) The following corrections have been made by the Chairman of his own motion in the roll for the Municipality :—

Ward.	Number on roll.	Nature of Correction.
1	2	3

The above claims and objections will be heard and corrections finally considered by the revising authority on at

Chairman.

II

RULES FOR THE CONDUCT OF ELECTIONS OF MUNICIPAL COUNCILLORS

The following have been embodied in the rules :—

- | | | | | |
|-----|--------------|----------|----------|----------------|
| (1) | Notification | No. 1120 | 23—11—20 | I Set of Rules |
| (2) | „ | „ 882 | 12—12—22 | Amendment |
| (3) | G.O. | „ 1472 | 30— 4—25 | „ |
| (4) | G.O. | „ 2387 | 3— 6—26 | „ |

[N.B.—G.O. No. 2387 (3—6—26) is responsible for very many changes = No. 593—15—6—26].

1. (1) Not less than twenty days before the date fixed for the holding of an election, the chairman shall prepare and publish a notice in English and in the vernacular of the locality stating—

- (a) the number of persons to be elected;
- (b) the wards for which they are to be elected;
- (c) the date on which, and the hours between which, nomination papers should be presented to him; an interval of at least seven days being allowed between the date of publication of the notice and the date of presentations of nomination papers.

- (d) the date on which the nomination papers will be taken up for scrutiny, not being less than seven days before the date of the election;

- (e) the day on which, and the place or places where, the votes of the electors will be taken, should there be a poll; and the hours during which the poll will be open, not being less than ten hours between 7 a.m. and 6 p.m.; and

- (f) the day on which, and the place and hour at which, the chairman will commence the counting of the votes.

(2) The notice shall be published by being affixed at the municipal office and in three conspicuous places in each ward for which an election is to be held, and, where the municipality is not divided into wards, in not less than three conspicuous places in the town.

NOMINATION OF CANDIDATES.

2. (1) The nomination of every candidate shall be made by means of a nomination paper in Form No. I, which

shall, on application, be supplied free by the chairman to any elector whose name is on the electoral roll for the ward.

(2) Every nomination paper shall be subscribed by two such electors as proposer and seconder and the candidate shall subscribe a declaration on it expressing his willingness to stand for election.

(3) (a) The same elector may subscribe as many nomination papers as there are vacancies to be filled, but no more. Each candidate shall be nominated by a separate nomination paper.

(b) where a person has subscribed whether as proposer or seconder, a larger number of nomination papers than there are vacancies to be filled those of the papers so subscribed which have been first received up to the number of vacancies to be filled, shall be deemed to be valid.

(c) the rejection of a nomination paper of any candidate on the ground of any irregularity in respect thereof shall not affect the validity of the nomination of the candidate if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) Every nomination paper shall be presented by the candidate in person or by his proposer and seconder

together on the date and during the hours appointed, to the chairman at the municipal office.

(5) Nomination papers received after the date and time so appointed shall be rejected.

2-A. On the presentation of a nomination paper, the Chairman may require the person or persons presenting the same to produce a copy of the electoral roll on which the candidate and his proposer and seconder are registered or of the necessary entries therein and shall satisfy himself that the name and number on the electoral roll of the candidate and his proposer and seconder as entered in the nomination paper are the same as those entered in the electoral roll. Where necessary he shall direct that the former be amended so as to be in accordance with the latter.

3. On the day appointed for the receipt of nomination papers and immediately after the hour for their receipt is past, the chairman shall publish in the municipal office a list in Form No. II of the nominations received by him with a notice that the nomination papers will be taken up by him for scrutiny at the municipal office on the date fixed in rule I. at the hour specified by him.

SCRUTINY OF NOMINATION PAPERS.

4. (1) On the date and at the time appointed for the scrutiny of nominations, the candidates, one election agent, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, and except for the purpose of assisting the Chairman, no other person may attend at such time and place as the

Chairman may appoint, and the Chairman shall give such persons all reasonable facilities to examine the nomination papers of all candidates which have been received by him as aforesaid.

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

(i) that the candidate is ineligible for election under section 48 or 49 of the Madras District Municipalities Act, 1920.

(ii) that the proposer or seconder is a person whose name is not registered on the electoral roll;

(iii) that there has been any failure on the part of the candidate or his proposer or seconder to comply with any of the provisions of rule 2.

(3) The Chairman shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day appointed on this behalf under rule 1 and no adjournment of the proceedings shall be allowed.

5. (a) On completion of the scrutiny of nominations and after expiry of the period within which candidatures may be withdrawn under rule 6 (1) (a), the Chairman shall

prepare a list in Form III of persons whose nominations have not been rejected and who have not withdrawn their candidature and publish it on the notice board of his office not later than four days before the date fixed for election.

(b) The list shall describe the candidates as in their nomination papers and exhibit their names in alphabetical order.

6. (1) (a) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Chairman at or before 3 o'clock in the afternoon on the date succeeding that appointed by the Chairman for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

(b) The Chairman on receiving a notice of withdrawal shall, as soon as may be, cause a notice of the withdrawal to be published on the notice board of his office.

(2) The Chairman shall remove from the ballot papers the name of any candidate who dies at any time before the poll is taken.

7. (1) If the number of candidates who have been validly nominated and have not withdrawn their candidature is equal to the number of vacancies, the Chairman shall declare all such candidates to be duly elected.

(2) If the number of such candidates is less than the number of vacancies the Chairman shall declare all such candidates to be duly elected and he shall start election proceedings afresh for filling up the remaining vacancy or vacancies and repeat the procedure prescribed in rules 1 to 5.

8. (1) If, owing to there being more candidates than there are vacancies, a poll has to be taken, the chairman shall appoint forthwith one or more polling officers for each polling station and may pay them reasonable remuneration for their services. The chairman may also, if necessary, appoint one or more identifying officers to assist the polling officer in identifying the voters. Polling officers shall neither be councillors for the wards for which the poll is to be taken nor registered voters therein.

(2) If, after the taking of a poll has become necessary under sub-rule (1), the number of validly nominated candidates becomes, owing to the death of a candidate before the poll is taken, equal to or less than the number of vacancies, the chairman shall countermand the poll and election proceedings shall be started afresh and the procedure prescribed in rules 1 to 5 repeated, provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermanding of the poll."

VOTING.

9. (1) The polling officer shall keep order at the station, shall see that the election is fairly conducted, shall

regulate the number of electors to be admitted at one time, and shall exclude all persons except his own clerks, the candidates or agents whom the candidates may have appointed in writing to appear in their stead at the polling station, the Police on duty, and such persons as may be admitted for the purpose of identifying the electors.

(2) The letter of a candidate appointing an agent to represent him at the polling station shall be sent so as to reach the polling officer before the voting commences.

10. The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. Just before the commencement of the poll the polling officer shall show the ballot box empty to such persons as may be present at the polling station and shall then lock it up and place a seal upon it in such manner as to prevent its being opened without breaking such seal and place it in his view for the receipt of ballot papers and shall keep it so locked and sealed. The key of the ballot box shall also be placed under seal.

11. The chairman shall provide for each polling officer such number of clerks as he may consider desirable and shall supply him with a copy of the electoral roll, a list of the nominations, ballot papers and boxes, and such other papers, stationery and forms as may be necessary.

12. Ballot papers shall be printed in Form V. They shall be serially numbered, the number being printed on the face of the counterfoil and on the back of the outer foil. They may be printed either in English or in the vernacular

of the place of election or both and the names of the candidates shall be entered on them in the order of the alphabet of the language in which the names are first printed. If there are two candidates of the same name, they shall be distinguished by the addition of their occupation or in some other suitable way.

13. Immediately before a ballot paper—that is the counterfoil of Form No. V—is handed over to the voter, the polling officer shall

- (i) initial it on the back;
- (ii) enter the voter's name and number in the electoral roll on the corresponding counterfoil of Form No. V; and
- (iii) affix his initials against the voter's name in the electoral roll.

The polling officer shall then tell the voter how many votes may be given and shall give him the ballot paper.

14. The voter on receiving the ballot paper shall forthwith proceed to the place set apart for the purpose and there mark a cross against the name of the candidate or candidates for whom he intends to vote. He shall then fold up the ballot paper so as to conceal his vote and after showing to the polling officer his (polling officer's) initials thereon put it into the ballot box.

15. (1) If the voter is unable to read the ballot paper or to make a cross thereon, and applies for assistance in doing so, the polling officer shall read it for him and, if so required, mark the ballot paper according to the directions of the voter and give it to him to put in the ballot box.

(2) In the case of every voter whose ballot paper is marked in this manner by the polling officer, a note shall be made on the corresponding counterfoil of Form No. V by the polling officer of the reason why it was so marked.

(3) The marking of a ballot paper by the polling officer under sub-rule (1) shall not be questioned subsequently on the ground that it was not in accordance with the voter's directions.

15-A. Special facilities in accordance with regulations framed by the council in that behalf shall be accorded to women voters who observe the gosha system.

16. (1) Any ballot paper which is not duly marked or on which votes are given to more candidates than there are members to be elected or on which any mark is made by which the voters may afterwards be identified, shall be invalid.

(2) If more than one cross is placed against any candidate's name, they shall count only as one vote in his favour, provided that the voter has not placed crosses against more candidates than there are members to be elected.

(3) If the cross or any one of the crosses is so placed as to render it doubtful for which candidate such mark is intended to apply, the vote concerned, but not the whole ballot paper in the cases where more than one vote can be given on the same ballot paper, shall be invalid, provided again that the voter has not placed crosses against more candidates than there are members to be elected

16-A. When a person presents himself to vote and at any time before a ballot paper is supplied to him the polling officer may of his own accord and shall if so required by a candidate or his agent put to such person any or all of the following questions :

- (i) are you the person enrolled as follows (reading the whole entry from the roll) ;
- (ii) have you already voted at the present election in this polling station or in any other polling station ;

and the person shall not be supplied with a ballot paper unless if questioned he answers the first question in the affirmative and the second in the negative. Except as mentioned herein every person whose name is found on the electoral roll shall be entitled to be supplied with a ballot paper.

17. If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the polling officer may ask, be entitled to mark the ballot paper in the same manner as any other voter. The ballot paper (called in these rules a tendered ballot paper) shall, instead of being put into the ballot box, be given to the polling officer, and endorsed by him with the name of the voter and his number on the electoral roll and set aside in a separate packet and is not to be counted by the chairman. The name of the voter and his number in the electoral roll and the name or distinctive number of the polling station to

which the roll relates shall be entered in a list in Form IV which shall bear the heading 'tendered votes list.' The person tendering such ballot paper shall sign his name and address on the list or affix his thumb impression thereto.

17-A. If any candidate or polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the polling officer may require such person to enter in the list of challenged votes which shall be in Form IV-A his name and address and if he is unable to write to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned in the manner prescribed in rule 16-A answers the first question in the affirmative and the second in the negative, he shall be allowed to vote after he had been informed of the penalty for personation. The polling officer shall make a note of the circumstances and of his decision in the list of challenged votes,

18. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the polling officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt one, the latter one together with its counterfoil being marked as cancelled.

19. Immediately after the close of the poll, the polling officer shall, in the presence of the candidates or their agents, make up into separate packets and seal with his own seal and the seal of such candidates or their agents as may desire to affix their seal—

- (1) each ballot box in use at his station unopened;
- (2) the keys of such boxes;
- (3) the unused and spoilt ballot papers, both ordinary and tendered, with their counterfoils;
- (4) the tendered ballot papers;
- (5) the marked copies of the electoral roll and the counterfoils of the ballot papers;
- (6) the tendered votes list
- (7) the list of challenged votes.

20. The packets shall be forwarded at once by the polling officer to the chairman accompanied by a statement in Form No. VI. Each packet shall be numbered and shall bear a note as to its contents.

21. On the day and at the hour appointed for the counting of votes, and in the presence of such candidates or their agents as may be in attendance the chairman shall proceed as follows:—

(a) The ballot box or boxes relating to each polling station shall be opened one after another; the chairman shall take out the papers therefrom, count them or cause them to be counted and record the number thereof in a statement in Form No. VII.

(b) The chairman shall then mix together the whole of the ballot papers of all the ballot boxes. The examination and counting of the votes shall then commence. The chairman shall, on every ballot paper which is wholly or partially rejected, endorse the word 'rejected'. If any

candidate or agent present questions the correctness of his rejection order, he shall also record on the ballot paper the grounds of rejection briefly.

(c) The chairman shall, as far as practicable, proceed continuously with the counting of the votes; and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of candidates or their agents as may desire to affix them; and adequate precautions shall be taken for their custody.

22. (a) After the chairman has completed the scrutiny and counting he shall prepare a return of the results of the polling in Form No. VIII and, after verifying the totals of the votes with the figures in Forms Nos. VI and VII shall, subject to the provisions of rule 28, declare the election of the candidate or candidates to whom most valid votes have been given.

(b) Any candidate or his agent shall, on application, be permitted to take a copy or an extract from the return in Form No. VIII.

23. The chairman shall not open the sealed packets containing the tendered ballot papers or the marked copies of the electoral roll or the counterfoils of the ballot papers.

24. Upon the completion of the counting and the declaration of the results, the chairman shall seal up in separate packets:

(1) the ballot paper, all or some of the votes on which have been counted, and

(2) the ballot papers, all the votes on which have been rejected, and shall mark on each packet the number of papers it contains. A note shall be made giving a description of the contents of each packet and the election to which it relates.

Disposal of ballot papers.

25. (1) The chairman shall, after declaring the result, forward a copy of the return to the District Collector and shall retain in his custody the packets of ballot papers, whether counted, rejected or tendered, and of the counter-foils thereof. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of an election or other competent court.

(2) The chairman shall retain the packets for a year and shall then, unless otherwise directed by the orders of an election or other competent court, cause them to be destroyed. The marked copies of the electoral roll shall be preserved for three years.

26. (1) If any person has been elected for more wards than one, he shall intimate to the Chairman so as to reach him within 24 hours from the hour of the publication of the name of the candidate elected at the last of the elections at which he stood as a candidate, the ward for which he chooses to serve. (G.O. 238, L.M., 3—5—26.)

(2) On receipt of intimation, the Chairman shall declare the said person to have been elected for the ward chosen by him. In default of such intimation, the Chairman

shall declare him to have been elected for one of the wards. Thereupon the voters of the other ward or wards for which such person has been elected shall proceed to elect a councillor in the manner hereinbefore provided. (G.O. 1472, L.M., 30—4—25).

27. If there is an equality of votes between any two or more candidates, the chairman, shall, after notice to the candidates concerned, decide by drawing lots which candidate or candidates he shall declare to have been elected.

28. The name of the candidate or candidates duly elected shall be forwarded without delay by the chairman to the Superintendent, Government Press, for publication in the *Fort St. George Gazette*.

29. A candidate who has been duly elected may submit his withdrawal in writing to the chairman at any time before his election is gazetted. In such cases the chairman shall declare the candidate who has obtained the next highest number of votes to have been elected. No candidate who has submitted his withdrawal may subsequently cancel it.

30. (1) If any question arises as to the interpretation of these rules otherwise than in connection with an election enquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Local Government whose decision shall be final.

Pending the decision of the Local Government on any such reference made to them or the issue of final orders on any enquiry which the Local Government may institute

upon receipt of information that an election is being or about to be held in contravention of the rules, it shall be lawful for the Local Government to direct the stay of the election proceedings at any stage thereof prior to the declaration of the result. Any election held or continued in contravention of the orders of the Local Government under this rule shall be void and of no effect whatsoever.

(2) Unless it is otherwise ordered by the Local Government election proceedings stayed under this rule, shall, on cancellation of the stay order, proceed from the stage at which they were stayed on fresh dates to be fixed. (G.O. 1472, 30—4—25).

31. If there is no Chairman or where the Chairman is himself a candidate for election in any Ward his functions under these rules in respect of that Ward shall be discharged by the Vice-Chairman; if there is no Vice-Chairman or where the Vice-Chairman is also a candidate for the Ward the Council shall appoint a Councillor who does not propose to stand as a candidate at the election in question to discharge the functions of the Chairman under these rules.

32. If in the opinion of the Collector of the District the Chairman, Vice-Chairman or Councillor appointed under Rule 31 to exercise in respect of any election the functions of the Chairman under these rules willfully defaults in the discharge of these functions or is for any other reason not available for discharging those functions, the Collector may direct the Revenue Divisional Officer or any other person to perform the functions of the Chairman under these Rules.

(Rules 31, 32 as per No. 882. Part I-A Dec. 12, 1922, page 581. *Fort St. George Gazette*).

[*N.B.*—Old Rule No. 13 is now omitted. So the numbers of the following rules get altered.]

FORM 1.

NOMINATION PAPER.

1. Name or number of the ward.
2. Full name of candidate.
3. Number of candidate in the electoral roll.
4. Father's karnavan's or husband's name.
5. Age.
6. Address and occupation.
7. Full name of proposer.
8. Number of proposer in the electoral roll.
9. Signature of the proposer.
10. Full name of the seconder.
11. Number of the seconder in the electoral roll.
12. Signature of the seconder.

Candidate's declaration.

I declare that I am a British subject and am willing to stand for election.

Signature of candidate.

Chairman's endorsement.

Serial number. This nomination paper was presented
to me by (person) at
(date and hour)

Signature of Chairman.

Instruction.

Nomination papers which are not presented to the Chairman before (hour) on the day of 192 shall not be received.

FORM II.

List of Nominations received on (date) for (Ward)

1. Serial number.
2. Name of candidate.
3. Father's karnavan's or husband's name.
4. Occupation and address.
5. Name of proposer.
6. Name of seconder.

NOTE.

The nomination papers will be taken up for scrutiny at

a.m. on the
p.m.
 day of at (place).

Chairman.

FORM III.

LIST OF VALID NOMINATIONS.

1. Serial number.
2. Name of candidate.
3. Address.

NOTE.

The poll will be taken between and at
the polling stations already notified.

Chairman.

FORM IV.

TENDERED VOTES LIST.

Number on electoral roll	Name.	Signature of voter if literate; or thumb im- pression of voter if illiterate, with signature of witness.

FORM IV-A.

LIST OF CHALLENGED VOTES.

Number in electoral roll.	Name.	Address.	Signature of voter if literate; or thumb im- pression of voter if illiterate with signature of witness.

FORM V.

*Counterfoil.**Ballot paper.**Outerfoil.*

Serial No.

Serial
number.Name and
description of
candidate.Mark show-
ing the elec-
tor's choice.

(1)

(2)

(3)

1

Municipality.

2

Ward.

3

Date of election.

4

Name and number
of elector on the
electoral roll.

5

6

FORM OF BACK OF BALLOT PAPER.

No.

INSTRUCTIONS FOR PRINTING BALLOT PAPER.

The names of the candidates should be printed in bold type. The form should be printed in books of 100 forms each. The forms should be serially numbered for each ward and shall be bound into books of 100 forms each. On

the wrapper of each book the name of the book, and the first and last number of the forms in the book shall be printed. The serial number printed in the counterfoil of the ballot paper should be the same as that printed at the back of the outerfoil.

FORM VI.

Statement sent by Polling officer at _____ in the
municipality of _____ after the polling on
192 ____ for the _____ ward.

Description.	Number received.	Number used.	Number spoilt.	Balance.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
I. Ballot papers—					
(a) Ordinary					
(b) Tendered ..					
(c) Challenged ...					

Particulars of packets sent to the Chairman.

Signature of Polling Officer.

FORM VII.

Name of polling station.	Number of ballot box.	Number of ballot papers in box.
(1)	(2)	(3)
Total

FORM VIII.

Return showing results of the election for
seats for ward in the municipality.

Name of candidate.	Number of valid votes.
(1)	(2)
A	
B	
C	
D	
E	
F	
Total number of valid votes.	
Total number of invalid votes.	

I do hereby declare that the following candidates

A

B

C

have been duly elected under rule (s) 7

23 and 26 for ward.

23 and 27

Chairman.

Chairman.

(Corrected Form as per G.O. 1472, 30—4—25.)

III

RULES FOR THE CONDUCT OF THE ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF MUNICIPAL COUNCILS.

The following have been incorporated into these rules :—

- (1) Notification No 1156 7—12—20 Part I-A 631— p.
First set of Rules.
- (2) Notification No. 881 12—12—22 „ 581— „
Amendment.
- (3) Notification No. 186 20 - 2—23 „ 112— „
Amendment.

(4) Notification No. 465 28— 4—25 Part I-A 192— p.
Amendment.

(5) Notification No. 193 2— 3—26 „ • 63— „
Amendment.

I. (i) The election of Chairman or Vice-Chairman shall be held by the councillors at a meeting specially convened for the purpose.

(ii) Such meeting shall be convened by the chairman on the date of occurrence of the vacancy or on a date within seven days of such occurrence. Notice of the hour and day of the meeting shall be given at least three days previous to the day of meeting.

II. A candidate for the office of the chairman or vice-chairman must be proposed by one councillor and seconded by another. The names of all the candidates proposed and seconded shall be read by the chairman or the presiding councillor.

III. (i) If there is only one duly nominated candidate there shall be no ballot and he shall be deemed to have been elected.

(ii) If there are two or more candidates the votes of the councillors present at the meeting shall be taken.

IV. Every councillor wishing to vote shall be supplied with a voting paper on which the names of all the candidates shall be printed or typed in the following form:—

	<i>Name</i>	<i>Vote</i>
1.		
2.		
3.		
4.		

The voter shall then proceed to the place set apart for the purpose and there place a mark (x) against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the chairman or the presiding councillor and so constructed that the paper may be placed therein but not extracted therefrom without the box being opened. The chairman or the presiding councillor shall then open the box and count the votes in the presence of the councillors and declare the result of the election in accordance with the following instructions.

(i) If there are only two candidates, the one who secures the larger number of votes shall be considered to have been elected. In the event of there being an equality of votes between the two candidates, the chairman or the presiding councillor shall draw lots in the presence of the councillors and the person whose name is first drawn shall be considered to have been elected.

(ii) If there are more than two candidates the one who obtains the fewest number of votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates lowest on the list have obtained an equal number of votes,

the chairman or the presiding councillor shall ascertain by casting lots in the presence of councillors which of them shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considered to have been elected. In the event of there being an equality of votes at the final stage between the two remaining candidates, the chairman or the presiding councillor shall draw lots in the presence of the councillors and the person whose name is first drawn shall be considered to have been elected.

V. No candidate whose name has been proposed and seconded shall take part in a ballot, but a candidate may withdraw at any stage, and after so withdrawing he may take part in any ballot. Similarly a candidate who has been eliminated at any stage under Rule IV (ii) may take part in any ballot at subsequent stages.

VI. Any voting paper which contains the signature of any of the voting councillor on which the mark (X) is placed against more than one name shall be invalid.

VII. Immediately after the meeting, the chairman or presiding councillor shall forward the name of the person elected as chairman or vice chairman to the Superintendent, Government Press through the Collector of the District, for publication in the *Fort St. George Gazette*.

VIII. An elected chairman or vice-chairman shall enter on his office from the date of his election.

IX. (i) The chairman or presiding councillor shall then seal up the ballot papers whether counted or rejected.

and note on each packet the number of papers it contains and the election to which it relates.

(ii) These packets shall not be opened and their contents shall not be inspected or produced except under the orders of competent court.

(ii) The packets shall be retained in safe custody in the municipal office for a year and shall then unless otherwise directed by the orders of an election or other competent court be destroyed.

IV

RULES FOR THE DECISION OF DISPUTES AS TO THE VALIDITY OF AN ELECTION HELD UNDER THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

The following have been incorporated into the rules.

(1) Notification No. 1134 Nov. 20, 1920.

(2) „ No. 482 May 5, 1925.

(= G.O. No. 576, L. L. M. 18—2—25).

1. Save as otherwise provided, no election held under the Madras District Municipalities Act, whether of a councillor, chairman or vice-chairman, shall be called in question except by an election petition presented in accordance with these rules, to the district or subordinate judge having jurisdiction, by any candidate or elector against the candidate (hereinafter called the returned candidate) who has been declared by the chairman to have been duly elected.

2. The petition shall be presented within seven days of the date of the declaration of the result of the election and shall contain a statement, in concise form, of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall, where necessary be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

3 The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in such case he shall join as respondents to his petition all other candidates who were nominated for the election but had not withdrawn before the polling.

4. (1) At the time of the presentation of the petition the petitioner shall deposit with it, as security for the costs of the same, a sum of two hundred rupees in cash.

(2) If the provisions of the sub-rule (1) are not complied with, the district or subordinate judge shall dismiss the petition.

(3) Upon compliance with the provisions of sub-rule (1) the district or subordinate judge shall proceed to inquire into the petition.

5. The judge shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the chairman of the municipal council. Copies shall also be

affixed to the notice board of his court and of the municipal office. He may also call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing similarly such security as may be demanded by the judge.

6. Every election petition shall be enquired into by the judge as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits provided that it shall be only necessary for the judge to make a memorandum of the substance of the evidence of any witness examined by him.

7. (1) No election petition shall be withdrawn without the leave of the judge.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published as in rule 5 *supra*.

(4) No application for withdrawal shall be granted if the judge is of opinion that such application has been induced by any bargain or consideration which he considers ought not to be allowed.

(5) If the application is granted,

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the judge may think fit, and

(b) such withdrawal shall be communicated to the chairman of the municipal council by the judge.

8. An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners, and such abatement shall be communicated to the chairman of the municipal council by the Judge.

9. Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself the returned candidate, or any other party to the proceeding may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

10. At an inquiry into an election petition the municipal council may appoint a legal practitioner or other person to attend and take such part therein as the judge may allow.

11. If in the opinion of the judge—

(a) the returned candidate his agent, or any other person with connivance of such candidate or agent, has committed or abetted the commission of, any one of the offences described in sections 52 to 58 of the Madras District Municipalities Act, or

(b) the election of the returned candidate has been procured or induced, or the result of the election has been materially affected, by any of the following corrupt practices:—

- (i) any election offence falling under sections 52—58 of the Madras District Municipalities Act when committed by a person who is not a candidate, or his agent, or a person acting with the connivance of a candidate, or his agent,
- (ii) any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote;
- (iii) the hiring, employment, borrowing or using for the purposes of election of any boat, vehicle or animal usually kept for letting, on hire or for the conveyance of passengers by hire :

Provided that any elector may hire any boat, vehicle or animal or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded,

- (iv) the hiring, using or letting as a committee-room or for the purpose of any meeting to which electors are admitted of any building, room or other place where intoxicating liquor is sold to the public :—or,

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules

made thereunder, the election of the returned candidate shall be void

12. (1) At the conclusion of the inquiry the judge shall declare whether the election of the returned candidate is void under R. 11.

(2) If he declares the election of the returned candidate void, he shall further pass an order either.

(a) declaring any other party to the petition who has under these rules claimed the seat has been duly elected; or

(b) ordering a fresh election.

(3) The judge's order under sub-rules (1) and (2) shall be final.

13. When an election is declared void under rule 12 (1) and a fresh election is ordered under Rule 12 (2) (b), the seat of the returned candidate shall be deemed to be vacant from the date of the judge's order and the Chairman shall forthwith take necessary steps for holding fresh election.



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