

भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 479]

नई दिल्ली, शुकवार, दिसम्बर 20, 1968/अग्रहायण 29, 1890

No. 497]

NEW DELHI, FRIDAY, DECEMBER 20, 1968/AGRAHAYANA 29, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

NOTIFICATION

New Delhi, the 20th December 1968

S.O. 4542.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Conduct of Elections (Third Amendment) Rules, 1968.

(2) They shall come into force on the 1st January, 1969.

2. **Amendment of rule 11.**—For rule 11 of the Conduct of Elections Rules, 1961 (hereinafter referred to as the said Rules), the following rule shall be substituted, namely:—

“11. **Publication of list of contesting candidates and declaration of result in uncontested election.**—(1) The returning officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and where the number of contesting candidates is equal to, or less than, the number of seats to be filled, he shall, immediately after such affixation, declare under sub-section (2) or, as the case may be, sub-section (3) of section 53 the result of the election in such one of the Forms 21 to 21B as may be appropriate and send signed copies of the declaration to the appropriate authority, the Election Commission and the chief electoral officer.

(2) If a poll becomes necessary under sub-section (1) of section 53, the returning officer shall supply a copy of the list of contesting candidates to each such candidate or his election agent, and then shall also publish the list in the Official Gazette.”

3. **Amendment of rule 38.**—In rule 38 of the said Rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Every ballot paper shall, before issue to an elector, be—

(a) stamped with such distinguishing mark as the Election Commission may direct; and

(b) signed in full on its back by the presiding officer.”

4. **Amendment of rule 46.**—In rule 46 of the said Rules,—

(i) in sub-rule (1), for clauses (b) and (c), the following clauses shall be substituted, namely:—

“(b) the ballot papers signed in full by the presiding officer under sub-rule (1) of rule 38 but not issued to the voters;

(bb) any other ballot papers not issued to the voters;

(c) the ballot papers cancelled for violation of voting procedure under rule 39;

(cc) any other cancelled ballot papers;”;

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) Each such packet shall be sealed with the seals of the presiding officer and with the seals either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon.”

5. **Amendment of rule 53.**—In rule 53 of the said Rules, in clause (a) of sub-rule (1), for the words “such persons”, the words and brackets “such persons (to be known as counting supervisors and counting assistants)” shall be substituted.

6. **Amendment of rule 56.**—In rule 56 of the said Rules,—

(i) in clause (h) of sub-rule (2), for the words “the mark”, the words “both the mark and the signature” shall be substituted;

(ii) for sub-rule (7), the following sub-rule shall be substituted, namely:—

“(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed,—

(a) the counting supervisor shall fill in and sign Part II—Result of counting in Form 16 which shall also be signed by the returning officer; and

(b) the returning officer shall make the entries in a result sheet in Form 20 and announce the particulars.”

7. **Amendment of rule 59.**—In rule 59 of the said Rules, in rule 56A applicable in relation to notified polling stations in lieu of rule 56,—

(i) in clause (e) of sub-rule (2), for the words “the mark”, the words “both the mark and the signature” shall be substituted;

(ii) for sub-rule (7), the following sub-rule shall be substituted, namely:—

“(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed,—

(a) the counting supervisor shall fill in and sign Part II—Result of counting, in Form 16 which shall also be signed by the returning officer; and

(b) the returning officer shall make the entries in a result sheet in Form 20 and announce the particulars.”

8. **Amendment of rule 64.**—For rule 64 of the said Rules, the following rule shall be substituted, namely:—

“64. *Declaration of result of election and return of election.*—The returning officer shall, subject to the provisions of section 65, if and so far as they apply to any particular case, then—

(a) declare in Form 21C or Form 21D, as may be appropriate, the candidate to whom the largest number of valid votes has been given, to

be elected under section 66 and send signed copies thereof to the appropriate authority, the Election Commission and the chief electoral officer; and

- (b) complete and certify the return of election in Form 21E and send signed copies thereof to the Election Commission and the chief electoral officer."

9. Amendment of rule 70.—In rule 70 of the said Rules, for sub-rule (1) of rule 38A applicable in relation to elections by Assembly Members and in Council constituencies in lieu of rule 38, the following sub-rule shall be substituted, namely:—

"(1) Every ballot paper shall, before issue to an elector, be—

- (a) stamped with such distinguishing mark as the Election Commission may direct; and

- (b) signed in full on its back by the presiding officer."

10. Amendment of rule 84.—In rule 84 of the said Rules,—

- (i) for the heading "Return by returning officers", the heading "Declaration of result and return by returning officers" shall be substituted;

- (ii) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) Upon the completion of counting, the returning officer shall, subject to the provisions of sub-rule (3) of rule 81,—

- (a) declare the result under section 66 in Form 23 or Form 23A, as may be appropriate, and send signed copies thereof to the appropriate authority, the Election Commission and the chief electoral officer;

- (b) prepare and certify a return of the election in Form 23B and after reporting the result of the election under section 67, send signed copies of the said Form to the Election Commission and the chief electoral officer; and

- (c) permit any candidate or his election agent or counting agent to take a copy of, or extract from, such return in Form 23B."

- (iii) sub-rule (3) shall be omitted.

11. Amendment of Form 16.—In Form 16 of the Forms appended to the said Rules,—

- (i) for the brackets, words and figures "(See rule 45)", the brackets, words, figures and letter "[See rules 45, 56(7) and 56A(7)]" shall be substituted;

- (ii) for item 2, the following item shall be substituted, namely:—

"(2) Ballot papers unused—

- (a) with the signature of the presiding officer, if any; and

- (b) without the signature of the presiding officer."

- (iii) for item 4, the following item shall be substituted, namely:—

"(4) Ballot papers cancelled—

- (a) for violation of voting procedure under rule 39; and

- (b) for any other reason."

- (iv) for the item "Total No. of ballot papers found in the ballot box(es)", the following item shall be substituted, namely:—

"Total No. of ballot papers found in the ballot box(es) and whether this number tallies with the total No. of ballot papers issued to voters as shown in item 3 of Part I minus the No. of ballot papers cancelled as shown in item 4 and No. of ballot papers used as tendered ballot papers as shown in item 5 of that Part or any discrepancy noticed between these two totals."

12. **Amendment of Form 21.**—Form 21 of the Forms appended to the said Rules shall be renumbered as Form 21E, and before Form 21E as so renumbered, the following Forms shall be inserted, namely:—

“FORM 21

(For use in General Election when seat is uncontested)

[See rule 11(1)]

Declaration of the result of Election under $\frac{\text{sub-section (2)*}}{\text{sub-section (3)*}}$ of section 53 of the Representation of the People Act, 1951.

Election to the @.....

In pursuance of the provisions contained in $\frac{\text{sub-section (2)**}}{\text{sub-section (3)**}}$ of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

..... (Name)

..... (Address)

has been duly elected to fill the seat in that House from the above constituency.

Place

Signature

Date

Returning Officer.

*Score out, if inappropriate.

@Here insert one of the following alternatives as may be appropriate:—

(1) House of the People from the Parliamentary constituency
in the $\frac{\text{State}}{\text{Union territory}}$ of

(2) Legislative Assembly of the $\frac{\text{State}}{\text{Union territory}}$ of from
the Assembly constituency.

(3) Metropolitan Council of the Union territory of Delhi from the
Metropolitan Council constituency.

**Score out, if inappropriate.

FORM 21A

(For use in Biennial Election when seat is uncontested)

[See rule 11(1)]

Declaration of the result of Election under sub-section (2)[†] of section 53 of the Representation of the People Act, 1951 sub-section (3)[‡]

Election to the

In pursuance of the provisions contained in sub-section (2)** of section 53 of the Representation of the People Act, 1951, read with sub-section (3)** sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

. (Name)

. (Address)

. (Name)

. (Address)

has been duly elected to fill the seat(s) in that House of
have been

④ member(s) retiring on (date, month and year) on the expiration of their term of office.

Place

Signature

Date

Returning Officer.

[†]Score out, if inappropriate.

[‡]Here insert one of the following alternatives as may be appropriate—

- (1) Council of States by the elected members of the Legislative Assembly of (State).
- (2) Council of States by the members of the electoral college of (Union territory).
- (3) Legislative Council of (State) by the members of the Legislative Assembly
- (4) Legislative Council of (State) from the (Local Authorities'/Graduates'/Teachers') constituency.

**Score out, if inappropriate.

④ Fill up the number of members retiring.

FORM 21B

(For use in election to fill a casual vacancy when seat is uncontested).

[See rule 11 (1)]

Declaration of the result of Election under

sub-section (2)* of section 53 of the Representation of the People Act, 1951.
 sub-section (3)*

Election to the

In pursuance of the provisions contained in sub-section (2)** of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Elections Rules, 1961, I declare that—

..... (Name)

..... (Address).

has been duly elected to fill the vacancy caused in that House by the

*** resignation of

*** death of

*** election of having been declared void.

*** seat of

**** having become vacant.

**** having been declared.

Place Signature

Date Returning Officer.

* Score out, if inappropriate.

† Here insert one of the following alternatives as may be appropriate:—

(1) House of the People from the Parliamentary constituency in the State of Union territory

(2) Legislative Assembly of the State of Union territory from the Assembly constituency.

(3) Metropolitan Council of Delhi from the Metropolitan Council constituency.

(4) Council of States by the elected members of the Legislative Assembly (State).

(5) Council of States by the members of the electoral college of (Union territory).

(6) Legislative Council of (State) by the members of the Legislative Assembly.

(7) Legislative Council of (State) from the (Local Authorities'/Graduates'/ Teachers') constituency.

** Score out, if inappropriate.

*** Score out, if inappropriate.

**** Score out, if inappropriate.

FORM 21C

(For use in General Election when seat is contested)

(See rule 64)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the
Parliamentary constituency in (State/Union territory).

*Election to the Legislative Assembly of
(State/Union territory) from Assembly constituency.

*Election to the Metropolitan Council of Delhi from
Metropolitan Council constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

(Name)

(Address)

has been duly elected to fill the seat in that House from the above constituency.

Place Signature

Date Returning Officer

* Score out, if inappropriate.

FORM 21D

(For use in election to fill a casual vacancy when seat is contested)

(See rule 64)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the
Parliamentary constituency in (State/Union territory).

*Election to the Legislative Assembly of
(State/Union territory) from Assembly constituency

*Election to the Metropolitan Council of Delhi from
Metropolitan Council constituency.

(Name)

(Address).

has been duly elected to fill the vacancy caused in that House by the

** resignation of

** death of

** election of having been declared void.

** seat of *** having become
having been declared vacant.

Place Signature

Date Returning Officer."

* Score out, if inappropriate.

** Score out, if inappropriate.

*** Score out, if inappropriate.

13. Amendment of Form 23.—Form 23 of the Forms appended to the said Rules shall be renumbered as Form 23B, and—

(i) in Form 23B as so renumbered, for the brackets words, figures and letter "[See rule 84(1)(a)]", the brackets, words, figures and letter "[See rule 84(1)(b)]" shall be substituted;

(ii) before Form 23B as so renumbered, the following Forms shall be inserted, namely:—

"FORM 23

(For use in biennial election when seat is contested)

[See rule 84(1)(a)]

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

Election to the

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with clause (a) of sub-rule (1) of rule 84 of the Conduct of Elections Rules, 1961, I declare that—

..... (Name)

..... (Address)

..... (Name)

..... (Address)

*has been duly elected to fill the seat (s) in that House of@.....
*have been
 member(s) retiring on (date, month and year) on the expiration of their term of office.

Place Signature

Date Returning Officer.

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

(1) Council of States by the elected members of the Legislative Assembly of (State).

(2) Council of States by the members of the electoral college of (Union territory).

(3) Legislative Council of (State) by the members of the Legislative Assembly.

(4) Legislative Council of (State) from the (Local Authorities'/Graduates'/Teachers') constituency.

* Score out, if inappropriate.

@Fill up the number of members retiring

FORM 23A

(For use in election to fill a casual vacancy when seat is contested)

[See rule 84(1)(a)]

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951,

Election to the @.....

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with clause (a) of sub-rule (1) of rule 84 of the Conduct of Elections Rules, 1961, I declare that

..... (Name)

..... (Address)

has been duly elected to fill the vacancy caused in that House by the
*resignation of

*death of

*election of having been declared void.

*seat of **having become
*having been declared vacant.

Place Signature

Date Returning Officer."

@Here insert one of the following alternatives as may be appropriate:—

(1) Council of States by the elected members of the Legislative Assembly
of (States).(2) Council of States by the members of the electoral college of
..... (Union territory).(3) Legislative Council of (State) by the members of the
Legislative Assembly.(4) Legislative Council of (State) from the
(Local authorities'/Graduates'/Teachers') constituency.

*Score out, if inappropriate.

**Score out, if inappropriate.

[No. F. 7(3)/68-Leg. II]

V. N. BHATIA, Secy.

