

**ODISHA MUNICIPAL CORPORATION (DIVISION OF CITY INTO WARDS,  
RESERVATION OF SEATS AND CONDUCT  
OF ELECTION) RULES, 2003**

**CHAPTER I**

**Preliminary**

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| Short Title | 1. (1) These rules may be called the Odisha Municipal Corporation (Division of City into Wards, Reservation of Seats, and Conduct of Election) Rules, 2003.<br><br>(2) They shall come into force on the date of their publication in the Odisha Gazette.  |
| Definitions | 2. (1) In these rules, unless the context otherwise requires,-<br><br>(a) “Ordinance” means the Odisha Municipal Corporation Ordinance, 2003 (Odisha Ordinance No. 1 of 2003);<br><br>(b) “Ballot Box “ includes any box, bag or any other receptacle used for emersion of ballot paper by voters in course of polling in polling station;<br><br>(c) “Backward Class of citizens” means the backward classes of citizens other than the Schedule Castes and Scheduled Tribes as may be specified by the State Government from time to time in the list under the Odisha State Commission for Backward Classes Act, 1993;<br><br>(d) “Counterfoil” means the counterfoil attached to a ballot paper printed under the provision of these rules;<br><br>(e) “City” means the Municipal Corporation defined in the Ordinance;<br><br>(f) “Election” means an election to fill a seat' or seats in a corporation;<br><br>(g) “Election Commission” means the State Election Commission consisting of a State Election Commissioner appointed by the Governor under Article 243-K of the Constitution of India.<br><br>(h) “Election Officer” means any officer of the State Government, appointed as Election Officer by the Election Commission;<br><br>(i) “Electronic Voting Machine” means a machine or apparatus operated electronically or otherwise used for giving or recording of votes and any reference to any ballot box or ballot papers in these rules save as otherwise provided being construed as including a reference to such voting machine whenever such voting machine is used at any election; |

- (j) “Form” means a Form appended to these rules ;
- (k) “Marked Copy of Electoral Roll” means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;
- (l) “Polling Agent” means a person duly authorized by a contesting candidate for whom votes are polled during the election in respect of one or more polling stations, places specified for counting of votes;
- (m) “Polling Officer” means the person appointed by the Election Officer to assist him or the Presiding Officer for conducting the elections at one or more polling stations within ward;
- (n) “Polling Station” means the place fixed by the Election Officer for conduct of the poll in respect of election of Councillors of the Corporation.
- (o) “Presiding Officer” means the person appointed as such by the Election Officer to preside over and conduct election under these rules at one or more Polling Stations and to count the votes;
- (o-1) “Returning Officer” means an officer as defined under section 78 of the Act.
- (p) “Roll” means the electoral roll for a ward of a Municipal Corporation;
- (q) “Section” means a section of the Ordinance;
- (r) “Ward” means the area notified as such under clause (a) of sub- section(i) of section 60.

(2) All other words and expressions used in these rules but not otherwise defined herein, shall have the same meaning as respectively assigned to them in the Ordinance. ....

## **CHAPTER II**

### **Division of Municipal Corporation area into wards, Reservation of seats and preparation electoral roll.**

Procedure for publication of notification for division of city into wards and reservation of seats.

3. (1) The Government in consultation with the Corporation shall formulate proposal indicating equitable distribution of population among various wards proposed to constitute, taking into account the compactness and geographical conditions of the area of the Corporation as required under clause (b) of sub-section( 1) of section 60 of the Ordinance in Form I and II. On the basis of said data the Government shall prepare a draft of the notification as required under sub-section(1) in Form III containing statement showing the division of area of Corporation into wards and reservation of seats and

publish the same in the Odisha Gazette and copy of such notification shall be sent to the concerned District Magistrate and Authority of Municipal Corporation for publication in their notice boards inviting objections and suggestions from all persons interested within a period of 10 days from the date of such publication.

(2) Any person may submit his objection or suggestion in writing, within the period specified in sub-rule (1) either in person or by special messenger to the Government.

(3) Objections or suggestions received after expiry of the period prescribed under sub-rule (1) shall be rejected summarily.

(4) Objections and suggestions received under sub rule (2) shall be consolidated ward-wise and after considering the same and making such further enquiry, as. may be necessary, the Government shall pass such orders as deem appropriate.

(5) the government after considering all such objections and suggestions as required under sub-rule (4) shall publish the final notification making alternation, if any, in form IV showing the division of the area of the Corporation into wards and reservation of seats therein as required under sub-section (1) of section 60 and shall forward forthwith a copy of such notification to the Election Commission, to the concerned District Magistrate and to the Corporation.

Assignment and  
reservation of  
wards by rotation.

4. (1) Reservation of seats for Scheduled Castes, Scheduled Tribes and their women shall be made in accordance with provisions of section 7 of the Ordinance in descending order of numerical strength of their respective population for the purpose of election to the Corporations.

(2) Reservation of seats for the Backward Class of citizens and their women shall be made in a Corporation in accordance with the provision of section 7 of the Ordinance.

(3) Reservation of seats for women shall be made in accordance with the provisions of section 7 of the Ordinance in descending order of numerical strength of the women population for the purpose of election to Corporation.

(4) Subject to the directions, if any, issued by the Governor of Odisha under sub-paragraph (1) of Paragraph 5 of the Fifth Schedule to the Constitution of India, out of the wards of a Corporation left after reservation of seats for Scheduled Castes and Scheduled Tribes, the reservation of seats for the Backward Class of citizens as provided

under sub-sections (3) and (4) of section 7 shall be made in respect of the wards where concentration of such class of citizens is found to the satisfaction of the Government.

(5) The reservation of seats shall be made for Scheduled Castes at the first instance then for Scheduled Tribes, then for Backward Class of Citizens and for women from out of the seats so assigned under sub-rule (1), (2), (3) and (4) to the respective communities.

(6) The Government shall reserve the required number of wards in the Municipal Corporation for women in the following manner namely

- (i) in computing the total number of wards for reservation of women, required under sub-section (5) of section 7 of the Ordinance, and while doing so the wards reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Class of citizens shall be taken into account;
- (ii) out of the wards computed for reservation for Scheduled Castes and Scheduled Tribes under sub-rule(1), the reservation of wards for women belonging to Scheduled Castes shall be made at the first instance and then for the Scheduled Tribes in accordance with the descending order of numerical strength of their respective women population.
- (iii) out of the wards reserved for the Backward Class of citizens, the reservation of required number of seats for their women shall be made in respect of the wards where women population is more, in descending order; and
- (iv) out of the wards left after reservation for the Scheduled Castes, Scheduled Tribes and Backward Class of citizens including their women, reservation of wards for women shall be made according to the descending order of the numerical strength of their population until the required quota is completed; and

Explanation: - (i) For the purpose of this rule, the numerical strength of population in respect of Scheduled Castes, Scheduled Tribes and their women shall mean the strength of such population as nearly as can be ascertained from the last preceding census of which the relevant figures have been published.

(ii) For the purpose of this rule, the women population shall mean the strength of such population including women belonging to Scheduled Castes, Scheduled Tribes and Backward Class of Citizens as nearly as can be ascertained from the last preceding census of which the relevant figures have been published.

(7) In subsequent elections, reservation of wards for the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women shall be made on the principle laid down under sub-rules (1), (2) and (3) by rotation taking into account the previous reservations, if any, made under the Odisha Municipal Act, 1950.

### **CHAPTER III**

#### **Electoral Roll and Registration of Electors**

Preliminary  
Electoral Roll for  
the Municipal  
Corporation.

5. For each ward, the Election Officer shall prepare in Form - V, an Electoral roll comprising of the names of voters included in the electoral roll of the Assembly Constituency relatable to the area of that wards.

The Unit for  
registering  
votes.

6. The unit for registration of electors shall be the wards. Every person whose name appears in the electoral roll of the Assembly Constituency representing the area covered by the ward shall be registered in that ward. No person shall be entitled to be registered in the electoral roll for more than one ward of any Municipal Corporation.

Language of  
the electoral  
roll.

7. The electoral roll shall be kept in Odia.  
Provided that the Election Officer may direct that the electoral roll of any portion of it shall also be kept in any other language or languages spoken in a particular Municipal Corporation.

Preliminary  
electoral roll and  
its publication.

8. (1) The preliminary electoral roll of the wards of the Corporation shall be published by the Election Officer by affixing it to the notice board of his office. Copies of the complete preliminary electoral roll together with the notice referred to in sub-rule (2) of this rule shall also be published in the Corporation Office. The electoral roll of each electoral ward together with the notice referred to in sub-rule (2) be pasted at a conspicuous place in the ward.

(2) With the preliminary electoral roll or extract therefrom; as the case may be, the Election Officer shall publish a notice in Form VI specifying the mode in which and the time within which claims and objections are to be preferred and date on which the place at which he will begin to sit for their disposal. The date fixed for the sitting shall not be less than ten days from the date of publication of the notice.

(3) Copies of the preliminary electoral roll or of the portion thereof, as the case may be relating to each ward shall be opened to inspection by the public for a period of seven days from the date of publication of the roll.

(4) The Election Officer shall also notify the fact of publication of the electoral roll as required under sub-rule (1) in one or more Odia news paper circulating in the district.

Claims and  
Objections.

9. (1) Any person who is qualified under the provisions of the Representation of the People Act, 1950 and the Odisha Municipal Corporation Ordinance, 2003 to be enlisted as voter, shall be eligible to be registered in the electoral roll of the Corporation and the name of any person who is disqualified under the provisions of the said Ordinance to be so enlisted shall be liable for removal from the electoral roll of the Corporation. The name of a voter shall be registered in the electoral roll of the ward to which he belongs.

(2) Any person who claims to be entitled to be registered as an elector and whose name is not entered or is entered in an incorrect place or manner or with incorrect particulars on the preliminary electoral roll and any person whose name is on the roll, and who objects to the inclusion of his own name or the name of any other person, whose name is on the electoral roll, may prefer a claim or an objection to the Election Officer. Such claims or objections shall be sent in Form VII or Form VIII as the case may be, to the Election Officer so as to reach him within ten days from the date of publication of the preliminary electoral roll at the Municipal Corporation Office.

(3) Claims and objections may be presented in person or sent by post or by messenger.

(4) Claims and objections received after the stipulated period shall be rejected.

(5) The Election Officer or any other Officer whom he may authorize on his behalf shall on the application of any person, supply him forms free of cost for preferring claims and objections.

Inquiries and  
correction  
before hearing  
under rule 11.

10. Before the date fixed for the hearing of claims and objections, the Election Officer shall make all necessary inquiries relating to such claims and objections or cause such inquiries to be made and may of his own motion remove from the list the names of persons whom he knows or has reason to believe to be dead and may also correct purely clerical or accidental errors.

Preparation to  
hear claims and  
objections.

11. The Election Officer shall, not less than three days before the date of commencement of hearing the claims and objections,-

(a) post in his own office and in the office of the Municipal Corporation, lists in Form IX of all claims and objections received in time and of all corrections made by him of his own motion; and

(b) send a copy of every notice of objection to the person to whose registration objection has been taken and wherever possible give intimation to the person concerned of the correction made by him on his own motion.

**Explanation** In the lists referred to in clause (a) and in the copy and intimation sent under clause (b), the Election officer shall give notice that the claims, objections and corrections will be taken into considerations by him at a place and on a date to be specified therein.

Hearing of  
claims and  
objections.

12. The Election Officer shall sit in open office at the place and on the day fixed and shall hold a summary enquiry from day to day until all the claims and objections are disposed of. He shall have power to adjourn the proceedings at any stage to such other date and place as he may fix. Notice of the adjourned date shall also be given to each of the parties whose claims and objections have not been disposed of. The Election Officer shall make such further inquiry as he thinks fit in regard to each claim of an objection contested. He shall also pass final orders in writing on the list of corrections made of his own motion. The Election Officer shall complete all work under this rule and under rule 14 by a period not exceeding seven days. The orders passed by the Election officer shall be final and shall not be liable to be questioned in any legal proceeding.

12A. Appeal: Any person aggrieved by the orders passed by the Election Officer under rule 12 shall prefer an appeal before the District Magistrate or the officer appointed by the Commission as Appellate Authority within five days from the date of completion of all works by the Election Officer under rule 12 and 14. The District Magistrate or the officer appointed by the State Election Commission as Appellate Authority shall within seven days from the last date of receipt of appeal, dispose of the appeal by conducting a summary enquiry. The orders passed by the District Magistrate or the officer appointed by the Commission as Appellate Authority shall be final and shall not liable to be questioned in any legal proceeding.

Presumption  
about sending  
notice.

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

Appearance during hearing.	14. On the consideration of any claim or objection or other matter by the Election Officer any person interested therein may appear and be heard either in person or by an agent duly authorized in writing.
Evidence on oath.	15. The Election Officer may, in his discretion or at the request of any , person interested, require that the evidence tendered by any person shall be on oath and may administer oath for the purposes.
Final Electoral Roll.	16. (1) The Election Officer shall correct the roll in accordance with his order under rule 12. The roll as thus corrected shall be the final electoral roll for the ward and shall be signed by the Election Officer. It shall be published for not less than three days by posting it in his office in the office of the Municipal Corporation and at a conspicuous place in the ward. If it is more convenient, the preliminary roll together with lists of additions and corrections maybe published as the final roll.  (2) Notwithstanding anything contained in these rules any person may apply to the Election Officer for correction of an existing entry in the final electoral roll and if the Election Officer is satisfied that the entry relates to the applicant and is erroneous or defective in any particular, he may correct the roll accordingly and publish such correction in the same manner as the final roll.  (3) at any given time the final roll as published by the Election Officer along with addition and corrections published as aforesaid up to such time shall be conclusive proof of the title of every person included thereinto vote.
Preservation of electoral roll.	17. Two copies of the final electoral roll for each ward and any additions hereto or corrections thereof shall be signed by the Election Officer. Of these, one copy shall be kept in his office and the other copy shall be sent to the Mayor of the Municipal Corporation.
Conclusiveness of electoral roll.	18. On failure to observe the date prescribed by these rules or to observe other directions regarding the preparation or publication of any electoral roll, shall entitle any one to question the validity and conclusiveness of the roll in election proceedings.
Final Electoral Rolls of Municipal Corporation.	19. The final electoral rolls of all the wards in a Municipal Corporation shall together form the complete electoral roll of Municipal Corporation. The final electoral roll of each ward shall be divided in two parts for each polling areas before the date of poll.



Exemption  
from damages.

20. None of the officers entrusted with the preparation or publication of any electoral roll shall be held legally liable for damages by the reason only of any omission or inaccuracy in respect of such roll or any non-compliance with the dates prescribed by or with the other directions regarding the preparation thereof as well as of the lists of additions and corrections, if any.

Inspection, sale  
and supply of  
electoral roll.

21. For the purpose of inspection, buying and selling to the public and for supplying to Presiding Officer, the election Officer shall keep copies of the electoral rolls or of the relevant portions thereof as well as the lists of additions and corrections, if any.

## **CHAPTER IV**

### **Nomination of Candidates for Election of Corporators.**

Date of  
presentation and  
withdrawal of  
nomination and  
date of poll.

22. (1) As soon as, notification by the State Government under Section 64 is published the Election Commission shall, by notification in the Official Gazette, appoint-

- (a) the last date for making nominations;
- (b) the date for the scrutiny of the nominations, which shall be the second day after the last date for making nominations or, if that day is public holiday, the next succeeding day which is not a public holiday;
- (c) the last date for the withdrawal of nomination which shall be like third day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date or dates on which and the hours during which a poll shall , if necessary, be taken which or the first of which shall be a date not earlier than the tenth day after the last date appointed for withdrawal of candidature.

Explanation:- In this rule “Public Holiday” means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881, or any day which has been notified by the State Government to be a holiday for the Government offices in the State.

(2) Notwithstanding anything contained in sub-rule (1), the Election Commission shall, by notification appoint the dates for the stages of the election proceeding as contained in clauses (a) to (d) of sub-rule (1) for the purpose of Election to fill up the vacancy in the office of the Corporator due to death, resignation removal or otherwise, soon after the occurrence of the vacancy so caused.

23. (1) On the issue of a notification under rule 22 by the Election Commission, the Election Officer appointed for the Municipal Corporation shall, in accordance with the said notification give public notice as prescribed in the Appendix II, stating-

- (a) the offices in respect of which the election is to be held;
- (b) the wards for which the Corporators to be elected;
- (c) number of wards reserved for Scheduled Tribes or Scheduled Castes or Backward Class of citizens of women;
- (d) the place at which, the date on which and the hours between which nomination paper shall be presented;
- (e) the dates on which, the place at Which and the hours between which nomination paper shall be presented;

Explanation: - The dates shall be the dates as notified by the Election Commission under rule 22;

- (f) the date on which the nomination papers will be taken up for scrutiny;

Explanation:-This date shall be the date as notified by the Election Commission under rule 22;

- (g) the date by which a candidate may withdraw his candidature

Explanation: This date shall be the date as notified by the Election Commission. The hour of such withdrawal shall be before 3 'O' clock in the afternoon on date appointed for withdrawal of candidature;

- (h) the date on which and the place or places at which the votes of the electors will be taken should there be a poll and the hours during which the poll will be opened;

Explanation: This date and hours shall be the date and hours as notified by the Election Commission under rule 22; and

- (i) the date on which and place and hour at which the Returning Officer will commence the counting of the votes.

(2) The notice shall be published by affixing it at the office of the Municipal Corporation concerned, office of the Election Officer and at a conspicuous place in the ward for which an election is to be held.

(3) The Election Officer shall, after publication of the notice forward a copy of the same to the office of the Election Commission.

Presentation of nomination paper.

24. (1) The nomination of every candidate for the office of a Corporator shall be made by means of a nomination paper in Form X, which shall, on application be supplied free of cost by the Deputy Commissioner of the Corporation concerned, if he is so authorized by the Election Officer to any elector whose name is registered in the electoral roll of any ward:

Provided that (a) any elector registered in any ward of the Municipal Corporation shall be eligible to stand as a candidature for the office of a Corporator from any ward of the Municipal Corporation,

(b) no elector who is less than twenty one years of age as on the date of publication of the preliminary electoral roll referred to in rule 8 shall be eligible to stand as a candidate for the offices of a Corporator.

(2) Every nomination paper shall be signed by two electors of the ward concerned for the offices of Corporators as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for election for the office proposed.

(3) An elector shall sign one nomination paper.

(4) Every nomination paper shall be presented by the candidate in person or by his proposer and seconder together on the date, at the place and during the hours appointed by the Election Officer or by such other person as may be authorized by him on his behalf and the Election Officer or any other Officer authorized on his behalf shall give acknowledgement receipt to the person presenting the nomination paper.

(5) The Election Officer or such other authorized person shall forthwith number the nomination papers serially in the order in which they are presented to in respect of each office of the Corporator and enter on each nomination paper the time at which and the person or persons by whom it is presented.

(6) Where a person has signed whether as proposer or seconder, more than one nomination paper, the paper received first only shall be deemed to be valid nomination paper.

(7) The nomination paper submitted by every candidate Shall contain the name of the party symbol, if any, allotted by the Election Commission of India to the political party by which the candidate has been sponsored.

(8) (i) The nomination paper submitted by an independent candidate shall contain the name of the symbol, which such candidate proposes to adopt from among the symbols specified in Appendix:

Provided that the Election Commission may issue directions to the Election Officers of the Municipal Corporation sufficient time before the date of presentation of nomination papers in the matters of giving preference of allotment of symbols out of those specified in Appendix I or any other symbol to a candidate set up by a political party which is a State Party or a candidate of the registered unrecognized political parties in accordance with the provisions contained in the Election Symbols (Reservation and Allotment) Order, 1968;

(ii) where more than one contesting independent candidate have indicated their choice for the same symbol, the Election Officer shall, with due regard to the order of nomination papers received by him, allot the symbol and any such candidate who does not get the symbol of his choice, shall be allotted with another symbol specified in the said Appendix as may be decided by the Election Officer with due consideration of the choice of the candidate;

(iii) the decision of the Election Officer in allotment of symbols under this sub-rule subject to directions of Election Commission shall be final.

(9) For the purposes of election contested on political party basis, a candidate shall be deemed to have been duly sponsored by a political party, if-

(i) the candidate has made a declaration in his nomination paper to that effect; and

(ii) a notice in Form XI has been delivered to the Election Officer by the time and date indicated in the said Form.

**Note-I-** The notice in Form XI is to be signed by the President or the Secretary of the State level organization of the political party or any other office bearer authorized in Form XII by the political party to send such notice; and

**Note- II -** The name and specimen signature of such authorized persons are to be communicated to the Election Officer at least two days before the date fixed for scrutiny of nomination papers.

(10) The rejection of 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.

(11) The nomination papers received after the date and time appointed shall be rejected.

Correcting  
nomination  
papers.

25. On the presentation of a nomination paper, the Election Officer or other authorized person referred to in sub-rule (4) of rule 24, 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 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 the former be amended so as to be in accordance with the later.

Candidate  
depositing  
money.

26. (1) On or before the date appointed for the presentation of nomination papers, each candidate wishing to stand for election to a Corporation shall deposit or cause to be deposited with the election officer in cash a sum of rupees two hundred fifty. No candidate shall be deemed to be duly nominated for any ward in respect of which such deposit has not been made. A candidate is required to deposit separately in respect of each ward he wishes to stand.

**Explanation:-**The delivery to the Election Officer of a receipt from a Government treasury in the district evidencing the payment by or on behalf of a candidate to the credit of the Municipal Corporation of the amount required to be deposited under this sub-rule shall be deemed to be a deposit of such amount within the meaning of this sub-rule made by or on behalf of such Candidates at the time of such delivery.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, withdraws his candidature in the manner and within the time specified in sub-rule(1) of rule 30 or if the nomination of any such candidate is rejected, the deposit shall be returned to the person by whom it was made and if any candidate dies before the commencement of the poll, any such deposit if made by him, shall be returned to his legal representative or if not made by the candidate, shall be returned to the person by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him is less than ten percent of the votes polled, the deposit shall be forfeited to the Corporation.

**Explanation** For the purpose of this sub-rule (3) the number of votes polled shall be deemed to be the number of ballot paper other than spoiled ballot papers, counted.

(4) The deposit made in respect of a candidate who is elected shall be so returned as soon as may be after the candidate has taken his seat in the Corporation or in pursuance of a direction by the State Government for the return of the deposit for the reason that the seat has not been so taken by the candidate.

(5) Notwithstanding anything contained in sub-rules (2) and (4) where a candidate is duly nominated in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation.

Explanation A candidate is said to be duly nominated, within the meaning of this sub-rule, in any ward if his nomination therefore is not rejected under sub-rule (2) of rule 28 notwithstanding the fact that he withdraws his candidature for such ward within the time specified in sub-rule (1) of rule 30 or dies before the commencement of the poll therein.

(6) A deposit required to be returned to any person under sub-rule (2) and sub-rule (4), shall, if such person is dead, be returned to his legal representative.

(7) Notwithstanding anything contained in this rule, a deposit made under sub-rule (1) shall not be returned unless a claim therefor is preferred by the person who made the deposit or by his legal representative as the case may be, within six months of the date of the declaration of the results of the election by the Election Officer or where such declaration is made on two different dates within six months of the latter of such dates.

List of received  
nomination  
papers.

27. On the day appointed for the receipt of nomination papers and immediately after the hour for their receipt is past, the Election Officer or other authorized person referred to in sub-rule (4) of rule 24 shall publish at his office in Oriya a list in Form XIII of all nominations received with a notice that the nomination paper will be taken up by the Election Officer for scrutiny at his office or other specified place on the date, appointed and at the hour specified under rule 23.

Scrutiny of  
nomination  
paper

28. (1) On the date appointed for the scrutiny of nomination, the candidates, one proposer and one seconder of each candidate and any other person duly authorized in writing by each candidate, and except for the purpose of assisting the Election Officer, no other person, may attend at such time and place as may be specified under rule 27 and the Election officer shall give such person all reasonable facilities to examine the nomination papers of all candidates which have been received as aforesaid.

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

(i) that the candidate is ineligible for contesting election under sections 66 and 70 of the Ordinance;

(ii) that the candidate is unable to produce an affidavit from the Competent Authority to the effect that he has not more than one spouse living, and not more than two children;

(iii) that the proposer or seconder is a person whose name is not registered on the electoral roll for the ward of the Corporation;

(iv) 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 24 or 26; or

(v) that in case the election is solely for a seat reserved for the Scheduled Tribes or Scheduled Castes or for women or for the backward class of citizens, the candidate does not belong to the Scheduled Tribes, Scheduled Castes or women or to the backward class of citizens, as the case may be. In the case of a member of the Scheduled Castes or Scheduled Tribes or backward class of citizens, the candidate is to prove himself to be a member of such Caste/Tribe/Backward class of citizens by producing a certificate to that effect from the competent authority before the Election Officer.

(3) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the date appointed on this behalf under rule 23 and no adjournment of the proceedings shall be allowed.

(4) The decision of the Election Officer shall be final.

Publication of  
valid nomination  
papers.

29. (1) (a) On completion of scrutiny of nominations the Election Officer shall prepare a list of nominated candidates in Form '3 No. XIV for each ward, arrange them in alphabetical order in Odia and publish it on the notice board of his office.

(b) After expiry of period within which candidature may be withdrawn under sub-rule (1) of rule 30, the Election Officer shall in Odia prepare a final list of contesting candidates for each ward in Form No. XIVA 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 two days after the expiry of the period within which candidature may be withdrawn and at least four days before the date fixed for the polling.

(2) The list shall contain the names of the candidates in alphabetical order and shall describe them in their nomination papers and also specify the symbols assigned to them under sub-rules (7) and (8) of rule 24.

(3) Copies of the list shall forthwith be sent to be posted in the offices of the Municipal Corporation and the concerned sub-collector. A copy of the list relating to a ward shall also be pasted at a conspicuous place at each ward.

Withdrawal of  
candidature.

30. (1) Any candidate may withdraw his candidature by giving notice in writing signed by him and delivered to the Election Officer before, 3 o'clock in the afternoon on the date appointed by the Election Officer under rule 23. Unless the notice is delivered by the candidate himself to the Election Officer, the candidate's signature on the notice shall be attested by a person empowered to attest vakalat. 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.

(2) The Election officer 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.

Procedure after  
nomination.

31. (1) The following provisions shall apply in respect of candidates who have been duly nominated and have not withdrawn their candidature in the manner and within the time specified in sub-rule (1) of rule 30.

(a) If there is only one candidate duly nominated for the office of Corporator for any ward of the Municipal Corporation, the Election Officer shall declare such candidate to be duly elected;

(b) If there is no candidate duly nominated, election proceedings shall be started afresh for filling up the vacancy, in all respects as if for a new election:

Provided that if in respect of a particular ward reserved for the candidate belonging to the Scheduled Castes or to the Scheduled Tribes or for woman or for backward class of citizens no nomination is filled by any such candidate to contest the election in respect of that ward the Election Officer shall forthwith report the fact through the Election Commission to the State Government for appropriate action under sub-section (7) of section 7 of the Ordinance;



(c) If the number of candidate duly nominated exceeds that of the vacancy, a poll shall be taken.

(2) The Election officer shall forthwith report the names of all candidates declared to be elected under sub-rule (1) to the Election Commission.

Death of  
candidate

32. Omitted<sup>1</sup>

33. If before the poll is taken, candidate who has been duly nominated, dies and the Election Officer shall upon being satisfied of the fact of death of the candidate, countermand the polls and report the fact to the election Commission and the election proceeding shall be started afresh in all respects as if for a new election:

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.

## **CHAPTER V**

### **Polling**

Appointment of  
Presiding  
Officer, Polling  
Officer and  
Agents.

34. (1) If a poll has to be taken, the Election Officer shall appoint forthwith one Presiding Officer and one or more Polling Officers for each polling station.

(2) The Election Officer shall provide for each Presiding Officer such number of Polling Officers as may be necessary and may, if necessary, appoint one or more persons to assist the Presiding Officer in identifying the electors and such person shall neither be councillor nor employee of the Municipal Corporation concerned.

(3) The Presiding Officer shall keep order at the polling stations, shall ensure that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall not allow any other persons except:-

(a) the candidates and at each booth one agent of each candidate at a time (hereinafter referred to as the polling agent) appointed in writing by the candidate with the prior approval of the Election Officer;

(b) the police or other public servants on duty; and

(c) his own clerk and such persons as the polling officer may from time to time admit for the purpose of identifying electors.

Provision  
of polling  
station.

35. The Election Officer of every Municipal Corporation shall, with the previous approval of the Election Commission, provide sufficient number of polling stations for each ward and shall publish in such manner and the Election Commission may direct, a list showing the polling stations so provided and the polling areas for which they have been provided :

Provided that if there is any inconvenience to have polling station in the particular ward, the Election commission may direct to establish the polling station in the neighbouring ward, but no polling station of any ward of any corporation shall be located outside the limits of that Corporation :

Provided further that, for good and sufficient reason, the Election Commission may allow the Election Officer to change the location of the polling station at any time before the commencement of poll and it shall be the duty of the Election Officer to give wide publicity of such change in the polling area.

Polling Booth 36. Each polling station and at a polling station having more than one polling booth each such booth shall contain a separate compartment in which electors can record their votes screened from observation except in so far as it may necessary to ensure that the ballot papers are duly placed in boxes. As far as possible separate compartments and separate entrances and exits shall, where action is not taken under rule 37 be provided for women electors.

Polling Booth for women electors 37. Notwithstanding anything hereinbefore contained the Election Officer may, at his discretion, if required number of women willing to act as Polling Officers are available, provide a separate polling station for taking the votes of the women electors for any polling area or make such other arrangements as may be necessary to ensure the privacy of such electors. In such case only women shall be appointed to act as Polling Officers in respect of the votes of the women electors concerned. Except the police or other public servants on-duty, no candidate, agent of candidate or other persons who is not a women shall be admitted into or be present at such polling station or the place where the votes of such women electors are taken as the case may be.

Ballot Box 38. (1) The Election Officer shall provide at each polling station sufficient number of ballot boxes according to the requirement. Every ballot box shall be of such design as may be approved by the Election Commission. The ballot boxes shall be so made as to contain a slit for insertion of ballot paper and shall bear labels both inside and outside marked with (a) the name of number of the ward, (b) the name of the polling stations, (c) the serial number of the ballot box used in that polling station (to be filled in at the end of the poll on the lable outside the ballot box only) and (d) the date of poll.

(2) Every ballot box shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked.

Arrangements  
at Polling  
Station

39. (1) Outside each polling station there shall be displayed prominently
- (a) a notice specifying the polling area, the electors who are entitled to cast their votes at the polling station\* and, when the polling area has more than one polling station the particulars of the electors so entitled; and
  - (b) copies of the lists in Form XIV of the contesting candidates.
- (2) At each polling station there shall be set up one or more voting compartments in which electors can record their votes screened from observation.
- (3) The Presiding Officer shall keep at each polling station sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for elector to mark the ballot papers.

Prohibition of  
public meetings  
and canvassing.

40. (1) No person shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours preceding the hour fixed for the closure of the poll for any election in that polling area.

(2) No person shall, on the date or dates on which a poll is taken, commit any of the following acts within the polling station, or in any public or private place within a distance of one hundred meters of the polling station, namely:-

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

(3) Any person who contravenes the provisions of sub-rules (1) and (2) shall be punished with fine which may extend to one hundred rupees.

(4) An offence under this rule shall be cognizable.

Placing of ballot  
boxes.

41. (1) The Presiding Officer at any polling station, immediately before commencement of the poll, shall demonstrate to the polling agents and other persons present at such station that the ballot box is empty and bears the labels referred to in sub-rule (1) of rule 38 and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal and allow such polling agents, as may be present and willing to give their seals in the box and thereupon shall place the box so locked and sealed on a table in full view of all present..

(2) Before the polling station is opened for the recording of votes, the Presiding Officer shall read before such persons as may be present the provisions of section 128 of the Representation of the People Act, 1951 and shall explain the substance thereof.

Ballot papers 42. (1) Every ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in Form XV and shall be serially numbered.

(2) Every ballot paper shall be in such size as the Election Commission may direct and the particulars therein shall be written in Odia.

(3) The names of the candidates shall be arranged on the respective ballot papers in the order in which they appear in the list for each ward in Form XIV.

(4) The ballot paper shall bear the symbols assigned by the Election Commission to each contesting candidate.

(5) At the time of issuing a ballot paper to an elector, the Polling Officer shall mark the name of the elector against the entry relating to the elector in the copy of electoral roll set apart for the purpose.

(6) Save as provided in sub-rule (5), no person in the polling station shall note down the serial number of the ballot paper, issued to particular electors.

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

Issue of ballot papers to electors. 43. Immediately before any ballot paper is delivered to an elector the number, name and description of the elector as stated in the electoral roll shall be called out. The Presiding Officer shall stamp the ballot paper with such distinguishing mark as the Election Commission may direct and deliver the same to the elector.

Casting of vote by the elector. 44. (1) The elector on receiving the ballot paper shall forthwith proceed into the polling compartment, make a mark on the ballot paper with the instrument supplied for the purpose on or against the symbol of the candidate for whom he intends to vote, fold the ballot paper so as to conceal his mark and insert the same into the ballot box and then quit the polling station,

(2) Every elector shall vote without undue delay.

(3) No elector shall be allowed to enter a voting compartment when another elector is present inside it.

(4) The Presiding Officer shall ensure that the ballot paper is duly and properly inserted by the elector in the ballot box.

Recording of  
vote of blind or  
infirm elector  
with ballot paper.

45. (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities, an elector is unable to recognize the symbol on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes who would also then fold the said ballot paper so as to conceal the vote and insert it into the ballot box:

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

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

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

Special facility  
to women voter.  
Questioning  
Voters.

46. Special facilities in accordance with instruction, if any, issued by the Election Commission in that behalf, may be accorded to women electors.

Questioning  
Voters.

47. (1) Except as otherwise directed by the Election Commission under section 63 of the Ordinance, when a person presents himself to cast his vote and at any time before a ballot paper is supplied to him, the Presiding Officer may of his own accord and shall, if so required by a candidate or polling agents put such person either or both, of the following questions

(i) Are you the person enrolled as follows? (reading the whole entry from the roll).

(ii) Have you already voted for the present election at this polling station or at any other polling station?

(2) The person shall not be supplied with a ballot paper unless he gives an unqualified answer to the question or questions put to him and unless his answer to the first question is in the affirmative and the second in the negative.

Safeguards  
against  
personation.

48. (1) Every elector about whose answer to the questions put under rule 47, the Presiding Officer is satisfied shall allow his left forefinger to be inspected by the Presiding Officer and an indelible ink mark to be put on it.

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

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

Tendered ballot  
paper.

49, (1) If a person representing himself to be a particular elector named on the electoral roll applied for a ballot paper after another person has voted as such elector, the applicant shall, after satisfactorily answering such questions as the Presiding Officer may ask, be entitled to receive a ballot paper in the same manner as any other elector.

(2) The Presiding Officer shall write the word “Tendered” in bold characters on the back of the ballot paper before it is handed over to such person. On receipt of such ballot paper (hereinafter referred to as tendered ballot paper) the elector shall proceed into the compartment for recording his vote and after recording his vote place it in an envelope, specially meant for tendered ballot papers. Thereafter the same shall be handed over by the elector to the Presiding Officer. The Presiding Officer shall make an endorsement containing the name of the elector and his number on the electoral roll and the name or number of the Ward for which the election is held, and shall set aside the envelope in a separate packet, along with the ballot papers which shall not be counted by the Returning Officer. The name of the elector 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 XVII which shall bear the heading, “tendered votes list”. The person tendering such ballot paper or papers shall sign his name and address on that list or affix his thumb impression thereto.

Explanation: In cases falling under this rule to which rule 50 is also applicable the provisions of this rule as well as rule 50 shall be followed:

50. (1) 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 Presiding Officer shall call upon the candidate or agent bringing forward the charge of personation to deposit with him a sum of rupees twenty in cash. A separate deposit shall be required for proceeding with each charge or personation. If such deposit is not made, the Presiding Officer shall ignore the challenge. Such deposits shall be credited to such funds as may be directed by the Election Commission.

(2) Immediately after the deposit required by sub-rule (1) has been made the Presiding Officer shall obtain a written statement in Form XVIII which shall be signed by the candidate or agent, as the case may be, and attested by two credible witness, in presence of the Presiding Officer.

(3) The Presiding Officer shall then require the applicant for the ballot paper to write in the list of challenged votes (which shall be in Form XIX) his name and address or if he is unable to write affix his thumb impression thereto and may further require such person to produce evidence of identification.

(4) If the applicant for the ballot paper on being questioned in the manner provided in rule 47 gives unqualified answer to the first question in the affirmative and to the second in the negative he shall be allowed to cast his vote after he has been informed of the penalty for personation. The Presiding Officer shall make a note of the circumstances and of his decision on the list of challenged votes.

(5) The Presiding Officer shall at the close of the poll forward to the Election Officer the statement mentioned in sub-rule (2) enclosed in the packet containing the list of challenged votes, if any.

(6) The Election Officer, after instituting such inquiries as may be necessary, shall take steps to prosecute the persons or person whom he believes to be guilty of the offence of personation. If it is found, as a result of the judicial proceedings that the offence of personation has not been proved, the Election Officer shall decide whether the whole or part of the deposit shall be declared forfeited and the amount so forfeited shall be credited to such funds as may be directed by the Election Commission. In coming to a decision on this point the Election Officer shall be guided by the fact and conclusions recorded at the proceeding. The deposit or such portion thereof as has not been declared forfeited shall be returned to the person who made the deposit.

50A. Manner of voting at meeting of no-confidence motion-(1) Every Political Party, whose member as an elected Corporator cast a vote in a meeting of no-confidence motion against the Mayor or the Deputy Mayor, as the case may be, may appoint an authorized agent and the President, General Secretary or any person authorized by the State Level Political Party or State Unit of the National Polity Party shall, in writing, inform the same to the Presiding Officer with full details of the authorized agent, proposed to be engaged for the said meeting prior to the scheduled date of the meeting.

(2) The Presiding Officer shall issue the ballot papers to all elected Corporators mentioning the serial number thereon as reflected in a register specifically prepared for the purpose with proper acknowledgement to cast his vote.

(3) The Presiding Officer shall, when an elected Corporator being a member of a political party record his vote on the ballot paper and before such Corporators inserts that ballot paper into the ballot box, allow the authorized agent of that political party to verify as to whom such Corporator has caste his vote.

Voting by a voter  
on duty at another  
polling station.

51, (1) The Presiding Officer, Polling Officer, Public Servant or Polling Agent who being entitled to cast his vote in the ward is duly appointed or authorized for duty at a polling station at which he is not ordinarily entitled to record his vote may apply to the Election Officer concerned for a certificate entitled him to record his vote at the polling station where he is employed. The said certificate shall be in Form XX:

Provided that if a Presiding Officer, Polling Officer, Public Servant or Polling Agent is on duty at a polling station which is not in the ward in which he is entitled to record his vote, the Election officer shall in addition to the certificate mentioned above, furnish the Presiding Officer concerned with the particulars regarding name, serial number and the symbol assigned to the candidate standing for election in that ward and also with ballot paper relating thereto.

(2) A person in possession of a certificate in the Form provided under sub-rule (1) shall deliver the certificate to the Presiding Officer; who shall be thereupon issue ballot paper to the person. Such ballot paper shall be dealt with in the following manner.



- (i) if the polling station at which person is on duty be in the same ward or as the one in which he is entitled to vote then the provisions contained in rule 44 shall apply. The Presiding Officer, shall, at the end of the poll, send the certificate to the Election Officer along with the statement mentioned in rule 56;
- (ii) if the polling station at which the person is on duty is not in the ward in which he is entitled to vote, the Presiding Officer shall issue the ballot paper and allow the elector to record his vote in accordance with the certificate issued by the Election Officer. The ballot paper shall then be kept in an envelope meant for that purpose and handed over to the Presiding Officer;
- (iii) the Presiding Officer shall make separate packets for each ward putting inside it the envelope containing the ballot papers in which votes have been so recorded, the connected certificates being fastened to the envelopes, seals up each such packet in the manner specified in rule 55 and forward the same to the Election Officer.

Closing of  
Poll

52. (1) The Presiding Officer shall so regulate the entry of voters, that the polling proceeds in an orderly manner. All registered voters who appear between the hours fixed for the poll within the polling station shall be allowed to cast his vote. No voter shall be admitted inside the polling station beyond the time fixed for the closure of the poll.

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

(3) A poll stopped under rule 53 shall also be held in the manner specified in sub-rules (1) and (2) above.

Procedure  
where voting, is  
obstructed and  
subsequent  
voting.

53. (1) Where the proceedings at any polling station are seriously interrupted or obstructed by any riot or even violence or otherwise or where a large number of electors are unable to attend the poll at a polling station by reason of any act of God such as flood or fire, the Presiding Officer shall stop the poll pending the receipt of the orders of the Election Commission. The fact that the poll has been so stopped shall immediately be announced by the Presiding Officer to the persons present at the polling station.

(2) Where a Presiding Officer stops a poll under sub-rule (1), he shall observe the procedures laid down in rules 55 and 56 and forthwith make a full report of the circumstances to the Election Officer who shall forward the same expeditiously with his remarks thereon, if any, to the Election Commission.

(3) The Election Commission shall thereupon order -

(a) that the poll be continued at the polling station for the number of hours for which it was not held on the previous occasion; or

(b) that the proceedings at the poll held at the polling station on the previous occasion be ignored and that a fresh poll be held at such polling station for the full number of hours for which it should have been held on the previous occasion.

(4) Any order passed by the Election Commission under this sub-rule shall be final.

(5) any order passed under sub-rule (3) shall state –

(a) (i) the date on which and hours between which the continuation poll or the fresh poll as the case may be, shall be held; and

(ii) the date on which and the place and hours at which the Returning Officer will commence the counting of the votes under rule 68; and

(b) shall be published in the manner as laid down in sub-rule (2) of rule 23.

(6) (a) Where an order is passed under clause (a) of sub-rule (3) for the continuation of the poll, the Election Officer shall proceed afresh under sub-rule (1) of rule 34 and return to the Presiding Officer appointed under that sub-rule all the packets received by him under sub-rule (2) of this rule,

(b) The Presiding Officer shall open the packets just before the commencement of the continuation poll in the presence of such person as may be present at the polling station and commence such poll precisely at the hour fixed therefore in the order passed by the Election Commission under clause (b) of sub-rule (3),

(c) At the continuation poll, the Presiding Officer shall allow only such elector to cast his vote who did not cast his vote on the previous occasion.

(7) Where an order is passed under clause (b) of sub-rule (3) for holding a fresh poll, the Election Officer shall proceed afresh under sub-rule (1) of rule 34 and fresh poll shall be held at the polling station concerned in accordance with the provisions of these rules in all respects as if it were being held at such polling station for the first time.

Explanation: - There shall be no fresh nomination in cases falling under this sub-rule.

(8) Notwithstanding anything contained in this rule, if a candidate dies at any time before orders are passed by the Election Commission under sub-rule (3) or at any time after the passing of such order but before the commencement of the continuation poll or of the fresh poll as the case may be, the Election Officer shall upon being satisfied

of the fact of death of the candidate intimate such fact to the Election Commission, stop all further proceedings in connection with the election, and start election proceedings a fresh in all respects as if for a new election :

Provided that no fresh nomination shall be necessary in the case of the remaining candidate who stood nominated at the time when the poll was stopped.

Spoilt and  
returned ballot  
papers.

54. (1) An elector, who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the Presiding Officer, and after satisfying him of the inadvertence, be given another ballot paper and the ballot paper returned by the elector shall be marked "Spoilt Cancelled" by the Presiding Officer.

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

(3) If any ballot paper which has been issued to an elector has not been inserted by him into the ballot box but is found anywhere in or near the polling station, whether within or outside the voting compartment it shall be deemed to have been returned to the Presiding Officer under sub-rule (2) and shall be dealt with accordingly.

Sealing ballot  
boxes keys  
ballot paper, etc.

55. (1) Subject to rule 52, the Presiding Officer shall close the polling station at the hour appointed for closing under rule 23 or sub-rule(4) of rule 53 as the case may be, so as to prevent the admission thereto any elector after that hour.

(2) The Presiding Officer of each polling station as soon as practicable after the close of the poll shall in the presence of any candidate or polling agents who may be present make separate packets and seal with his own seal and the seals of such candidates or agents as he may decide to affix their seals.

(i) each ballot box in use at such station unopened;

(ii) the tendered ballot papers;

(iii) the unused ballot papers ;

(iv) the cancelled ballot papers;

(v) the copy of the electoral roll referred to in sub-rule (4) of rule 42;

(vi) the tendered votes list;

(vii) the list of challenged votes with the statement or statements mentioned in sub-rule (2) and (5) of rule'50; and

(viii) the envelopes referred to clause (ii) of sub-rule (2) of rule 51 and shall forward such packets to the Election Officer.

(3) Each packet shall be numbered and shall bear a note as to its contents the name of the polling station and the name or number of the ward. Where no vote has been recorded in any polling station the Presiding Officer shall submit a nil report together with the statement in Form XXI referred to in rule 56.

Forwarding  
packets to  
Election officer.

56. The packets shall be accompanied by a statement in a separate cover in Form XXI and made by the Presiding Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused spoilt and tendered ballot papers

## **CHAPTER VI**

### **Polling by Voting Machine**

Voting by  
Electronic Voting  
Machines.

57. (1) Notwithstanding anything contained in these rules, the giving and recording of votes by voting machines in the manner specified hereunder may be accepted in such ward or wards as the Election Commission may having regard to the circumstances of each case, specify.

Explanation For the purpose of these rules “Voting Machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to any ballot box or ballot paper in these rules save as otherwise provided being construed as including a reference to such voting machine whenever such voting machine is used at any election.

(2) Every Electronic Voting Machine (hereinafter referred to as the voting machine) shall have control unit and balloting unit and shall be of such design as may be approved by the Election Commission.

Preparation of  
Voting Machine  
by the Election  
Officer.

58. (1) The balloting unit of the voting machine shall contain such particulars and in such language or languages as the Election Commission may specify.

(2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of valid nomination for each ward in Form XIV.

(3) If two or more candidates bear the same name they shall be distinguished by the addition of their fathers name or residence.

(4) Subject to the foregoing provisions of this rule, the Presiding Officer shall-

(a) fix the label containing the names and symbols of the contesting candidates

in the balloting unit and secure that unit with his seal and seals of such of the contesting candidates or their polling agents present as are desirous of affixing the same.

(b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and seals of such of the contesting candidates or their polling agents present as are desirous of affixing the same.

Voting by  
Electronic  
Voting  
Machines.

59. (1) The control unit and the balloting unit of every voting machine used at polling station shall bear a label marked with -

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

(2) Immediately before the commencement of the poll the Presiding Officer shall demonstrate to the Polling Agents and other persons present that no vote has been recorded in the voting machine and it bears the level referred to in the foregoing sub-rule.

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

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

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

(6) The control unit shall be closed and secured and placed in full view of the Presiding Officer and the Polling Agents and the balloting unit placed in the voting compartment.

Procedure for  
voting by  
Voting  
Machine.

60. (1) Before permitting an elector to vote, the Presiding Officer shall-

- (a) record the electoral roll number of the elector as per the entry made in the copy of the electoral roll set apart for the purpose in a register of voters in Form XXII;
- (b) obtain the signature or the thumb impression of the elector on the said register of voters; and

- (c) mark the name of the elector in the copy of the electoral roll set apart for the purpose to indicate that he has been allowed to vote:

Provided that no elector shall be allowed to vote unless he puts his signature or thumb impression on the register of voters.

(2) It shall be necessary for any Presiding Officer or any other officer to attest the thumb impression of the elector on the register of voters.

(3) Every elector shall vote without undue delay.

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

61. (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognize the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on his behalf which shall be in accordance with his wishes:

Recording of  
Votes of Blind or.  
Infirm Electors by  
voting machine.

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

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

(2) The Presiding Officer shall keep a record of all such cases in Form XVI as prescribed under rule 45.

Tendered  
Vote's.

62. (1) If a person representing himself to be a particular elector named on the electoral roll seeks to vote after another person has voted as such elector, the elector shall, after satisfactorily answering such questions as the Presiding Officer may ask, instead of being allowed to vote through balloting unit be supplied with tendered ballot paper which shall be of such design and the particulars of which shall be in such language or languages as the Election Commission may specify.

(2) Every such elector shall, before being supplied with tendered ballot paper writes his name against the entry relating to him in Form XXIII.

(3) On receipt of such ballot papers (hereinafter referred to as tendered ballot paper the elector shall proceed into the compartment for recording his vote and after recording his vote place it in an envelope, specially meant for tendered ballot papers. Thereafter the same shall be handed over by the elector to the Presiding Officer. The Presiding Officer shall make an endorsement containing the name of the elector and his number on the electoral roll and the name or number of the ward for which the election is held, and shall set aside the envelope in a separate packet along with the ballot paper which shall not be counted by the Returning Officer.

Voting by a voter  
on duty at another  
Polling Station.

63. (1) A Presiding Officer/ Polling Officer/ Polling Agent who being entitled to cast his vote in the ward is duly appointed or authorized for duty at a polling station at which he is not ordinarily entitled to record his vote may apply to the Election Officer concerned for a certificate entitling him to record his vote at the polling station where he is employed. The said certificate shall be in Form XX as prescribed under rule 51.

Provided that if a Presiding Officer, Polling Officer or Polling Agent is on duty at a polling station which is not in the ward in which he is entitled to record his vote, the Election Officer shall in addition to the certificate mentioned above, furnish the Presiding Officer concerned with the particulars regarding name, serial number and symbol assigned to the candidate standing for election in that ward and also with a ballot paper which shall be of such design and the particulars of which shall be in such language or languages as the Election Commission may specify.

(2) A person in possession of a certificate in the form provided under sub-rule (1) shall deliver the same to the Presiding Officer, who shall -

- (i) If the polling station at which person is on duty be in the same ward or as the one in which he is entitled to vote permit him to . record his vote in the same manner as for an elector entitled to vote at the polling station;
- (ii) If the polling station at which the person is on duty is not in the ward in which he is entitled to vote, the Presiding Officer shall issue the ballot paper and allow the elector to record his vote in accordance with the certificate issued by the Election Officer.
- (iii) The Presiding Officer shall make separate packets for each ward putting inside it the envelope containing the ballot papers in which votes have been so recorded, the connected certificates being fastened to the

envelopes seal each such packet in the manner specified in the rule 68 and forward the same to the Election Officer.

Account of  
Votes  
Recorded.

64. (1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Part-I of Form XXIV and enclose it in a separate cover with the words “Accounts of Votes Recorded” superscribed thereon.

(2) the Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Part-1 of Form XXIV after obtaining a receipt from the said polling agent and shall attest it as a true copy.

Sealing of  
Voting machine  
after the poll.

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

(2) The control unit and the balloting unit shall, therefore, be sealed and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the unit without breaking the seals.

(3) The Polling Agents present at the polling station who desire to affix their seal may also be permitted to do so.

Sealing of other  
packets.

66. (1) The Presiding Officer shall then make into separate packet of the following

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

packet; and

(f) the envelopes referred to in clause (iii) of sub-rule (2) of rule 63 and shall forward such packets to the Election Commission.

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

(3) Each packet shall be numbered and shall bear a note as to its contents, the name of the polling station and the name of the number of the ward where no vote has been recorded at any polling station, the Presiding Officer shall submit a nil report.



Transmission of  
Voting Machines,  
etc. to the  
Election Officer.

67. (1) The Presiding Officer shall then deliver or cause to be delivered to the Election officer the following at such place as the Election Officer may direct-

- (a) the voting machine ;
- (b) the account of votes recorded in Part-I of .Form XXIV;
- (c) the sealed packets referred to in rule 66; and
- (d) all other papers used at the poll.

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

(3) The provisions of rule 34 to 36,39,40,46 to 48,50,52 and 53 shall, so far as may be, apply in relation to voting by voting machine and any reference in these rules to -  
“ballot box” or “ballot paper” shall be construed as including a reference to such voting machine.

## **CHAPTER VII**

### **Counting of Votes and declaration of result**

Counting of  
ballot papers.

68. (1) the counting of votes shall commence on the day and at the place and hour fixed under rule 23, votes shall be counted by or under the supervision of the Returning Officer and the Election Agent of each candidate and one representative of each candidate, authorized in writing by the candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such persons as the Election officer may appoint to assist the Returning Officer in counting votes and no person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(2) the Returning Officer shall, before he commences to count the votes read the provisions of section 128 of Representation of the people Act, 1951 to such person as may be present, and shall then proceed as follows

(a) Before any ballot box is opened at a counting table, the counting agents present at the table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is in tact. The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with;

(b) the ballot box or boxes and all envelopes which may have been received under rule 51 for a particular ward shall be opened one after smother. The Returning

Officer shall take out the ballot papers therefrom and count them in order of the serial number of names of candidates appearing in the ballot paper;

(c) If the Election Agent of any candidate, before decision of the result of election, requests in writing to the Returning Officer to re-examine and recount the votes, the Returning Officer shall upon such request re-examine and recount the same without delay. The Returning Officer may, however, re-examine and recount the votes suo motu either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing in this clause shall make it obligatory on the part of the Returning Officer to re-examine or recount the same votes more than once.

(3)(a) The Returning officer shall allow the candidates and their agents to inspect without handling all ballot papers which is rejected. If any candidate or agent present questions the correctness of the rejection he shall also record on the ballot paper the grounds for the rejection.

(b) Each ballot paper not rejected under rule 72 shall be deemed as a valid vote and shall be counted as one valid vote.

(c) The votes polled by each candidate shall be registered in Form XXV and any candidate or his agent after the result of election has been declared by the Returning Officer under rule 73, shall on application be permitted to take a copy of the return.

(d) The valid ballot papers found in each ballot box shall thereafter be bundled together and kept along with the bundle of rejected ballot papers, if any found in that box, in a separate packet which shall be sealed and on which shall be recorded the name of Municipal Corporation, ward number and the date of counting.

Procedure adopted for opening Electronic Voting Machine before counting. 69. (1) The Returning Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously

(2) Before the votes recorded in the control unit of a voting machine are counted the election agent of the candidate or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and satisfy themselves that the seals are in tact.

(3) The Returning Officer shall satisfy himself that none of the voting machines has been tampered with.

Counting of  
Votes

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

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

(a) the number of such votes recorded separately in respect of each candidate in part II of Form XXIV;

(b) Part II of Form XXIV completed in other respects and signed by the counting supervisor and also by the candidates or their election agents present; and

(c) corresponding entries made in a result sheet in Form XXV.

Sealing of  
Voting  
Machine.

71. (1) After the result of voting recorded in control unit has been ascertained candidate wise and entered in part II of Form XXIV and Form XXV under rule 70, the Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon ensuring that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in a specially prepared box on which the Returning Officer shall record the following particulars, namely:-

(a) the name and number of the ward ;

(b) the particulars of the polling station where the control unit has been used;

(c) serial number of the control unit;

(d) the date of poll; and

(e) the date of counting.

(3) The provision of sub-rules (1), (2) and (3) except clauses (a), (b) of sub-rule(2) of rule 68 and rule 73, 74, 76 and 79 shall, so far as may be, apply in relation to voting by voting machines and any reference in those rules to,-

(a) ballot paper shall be construed as including a reference to such voting machine;

(b) and rule shall be construed as a reference to the corresponding rules 57 to 67 or as the case may be to rule 69 to 71.

Rejection of  
ballot papers.

72. (1) A ballot paper shall be rejected, if it :-
- (a) bears any mark by which the elector can be identified; or
  - (b) does not bear the official stamp prescribed in rule 43; or
  - (c) bears the mark belonging to a ward different from that of the ballot box which it is found; or
  - (d) if no vote is recorded there on; or
  - (e) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given
  - (f) is so a spurious ballot paper; or
  - (g) is so damaged or mutilated that its identity as a genuine ballot paper cannot be established :

Provided that a ballot paper dealt with under clause (ii) of sub-rule (2) of rule 51 shall not be rejected merely on the ground that it bears the mark of a ward different from the one in which the elector is entitled to vote:

Provided further that where the Returning Officer is satisfied that any such defect as is mentioned in clause (b) or clause (c) has been caused by any mistake or failure on the part of a polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided also that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is in distinct or made more than once, if the intention that the vote shall be for a particular candidate, clearly appears from the way the appear is marked.

(2) Except on the grounds mentioned in sub-rule (1), a ballot paper shall not be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

Declaration of the  
result of election.

73. After the Returning Officer has completed scrutiny and counting of votes, he shall, subject to the provisions of rule 77, declare in Form XXVI, the candidates to whom most valid votes have been given to have been duly elected.

Not to open  
electoral roll.

74. The Returning Officer shall not open the sealed packets containing tendered ballot papers and the marked copy of the electoral roll. He shall verify the statement submitted by the Presiding Officer under rule 56 by comparing it with the number of accepted ballot papers and of rejected ballot papers and the unused ballot papers in his possession, and shall then reclose and reseal each packet which has been opened by him and record on

each packet a description of its contents and the date of the election to which it refers.

Disposal of  
ballot papers

75. (1) The Election Officer shall, after counting of votes and declaration of result to the Election Commission shall retain in his custody the packets of ballot papers whether counted, rejected or tendered. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of an Election Tribunal or other competent court.

(2) The Election Officer shall keep the packets for a period of two<sup>1</sup> months after the completion of the election in the concerned Treasury or Sub-Treasury as the case may be, where after these shall be destroyed by burning in presence of District Magistrate or any other officer not below the rank of Sub-Collector as may be authorized by the District Magistrate, and these packets shall not be opened or their contents inspected or produced except under the orders of the State Election Commission or of an Election Tribunal or other competent court:

Provided that where there has been a litigation, these papers shall be destroyed after three months from the date of disposal of the litigation or three months after the appeal period is over, whichever later.

Choice when  
elected in more  
than one ward.

76. (1) If any candidate has been elected from more than one wards, he shall, by notice in writing signed by him, intimate the Election Officer within twenty four hours at the latest of the declaration of the results of election of the wards to which ward he shall represent.

(2) On receipt of the intimation, the Election Officer shall declare the said candidate to have been elected for the ward he opted. In default of such intimation the Election Officer shall declare the said candidate to have been elected as, a Corporator in any one of the wards where he has been elected for more wards than one. In either case election proceedings shall be started fresh for filling up the vacancy / vacancies in the other ward or wards, as the case may be, for which the candidate has vacated.

Equality of  
Votes and  
drawing

77. If there is an equality of vote between any two or more candidates the Returning officer shall after notice to the candidates concerned decide by drawing lots which candidate shall be declared to have been elected.

Reporting of the  
result to  
Election  
Commission.

78. (1) The Returning Officer shall, without delay, report the result of the election to the Election Commission and shall prepare and certify a return setting forth -

- (a) the result of the verification referred to in rule 74;
- (b) the names of the candidates for whom valid votes have been given;

- (c) the number of valid votes given for each candidate;
- (d) the name of the candidate elected;
- (e) the number of votes declared invalid ; and
- (f) the number of tendered votes given and shall forward a certified copy thereof to the Election Commission.

(3) The Returning Officer shall permit any candidate or any representative duly authorized in writing the candidate to take a copy or an extract from such return.

Publication of  
the result.

79. The Election Commission shall forthwith cause the names of all the Corporators elected in the Municipal Corporation reported to him under sub-rule (2) of rule 31 and under rule 78 to be published in the Odisha Gazette and shall communicate copy of the list of the names so published to the State Government for information.

## **CHAPTER VIII**

### **Election of Mayor, Deputy Mayor of Municipal Corporation**

Reservation of  
offices of the  
Mayor of the  
Municipal  
Corporation.

80. (1) For the purpose of election to the Municipal Corporation for the first time after the Odisha Municipal Corporation Ordinance, 2003 (Odisha Ordinance No.1 of 2003) comes into force, the number of offices of Mayors of Municipal Corporation in the state to be reserved for Scheduled Castes Scheduled Tribes, Backward Class of citizens and women shall be determined in accordance with sub-section (3) of section 14 of the Ordinance. After determining the total number for reservation of officers of the Mayor of Municipal Corporation in the state for Scheduled Castes, Scheduled Tribes, Backward Class of citizen and women, the reservation of offices of the Mayor for the Scheduled Castes, Scheduled Tribes and for their women shall be assigned to different Municipal Corporation in descending order of the percentage of the respective population to the total population in each Municipal Corporation. If a Municipal Corporation qualifies at a particular general election for reservation of both Scheduled Castes and Scheduled Tribes for the office of the Mayor on the basis of the said principle, the office of the Mayor shall be reserved for Scheduled Castes or Scheduled Tribes, as the case may be, whose population in term of percentage of population is higher.

(2) Subject to the direction, if any, issued by the Governor under sub- paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, out of the Municipal Corporation left after reservation of offices of the Mayors for the Scheduled Castes, Scheduled Tribes and their women, the reservation of required number of offices of the

Mayors for the members of the Backward Class of citizens including their women in the Municipal Corporation shall be made until the required quota is completed. The reservation of offices of Mayors for women belonging to Backward Class of citizens shall be made from out of the Municipal Corporation reserved for such class of citizens in descending order of the percentage of women population to the total population of the Municipal Corporation.

(3) The reservation of offices of Mayors of the Municipal corporation for the women shall be assigned to different Municipal Corporation in descending order of the percentage of their population to the total population in each Municipal Corporation. .

(4) The reservation of the offices of the Mayor of the Municipal Corporations shall be made for Scheduled Castes at the first instance, then for Scheduled Tribes, then for Backward Class of Citizens and then for Women from out of the No. of the offices of Mayors so assigned under sub-rule (1), (2) and (3) to the respective communities.

(5) The reservation and assignment of offices of Mayor of Municipal Corporation for Scheduled Castes, Scheduled Tribes, Backward Class of citizen and women in subsequent election shall be made by rotation taking into account the previous reservation, if any, made under the Odisha Municipal Act, 1950.

(6) Reservation of offices of the Mayors of the Municipal Corporation for the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women shall be made and assigned to the category to which the particular Municipal Corporation would have been entitled by taking all Municipal Corporation into consideration in accordance with sub-rule (1), (2) and (3) of this rule.

(7) The required number of officers of Mayors in the Municipal Corporations in the state shall be reserved for women in the following manner, namely :-

- (a) in computing total number of offices of Mayors for reservation for women as required under sub-section (3) of section 14 of the Ordinance, the offices of Chairpersons reserved for women belonging to Scheduled Castes, Scheduled Tribes and Backward Class of citizens shall be taken into account.
- (b) reservation of offices of Mayors for women belonging to Scheduled Castes shall be made at the first instance then for the Scheduled Tribes and then for the Backward Class of citizens; and

- (c) out of the Municipal Corporation left after reservation for the offices of the Mayors for the Scheduled Castes, Scheduled Tribes and Backward Class of citizens including their women, the offices of Mayors in the Municipal Corporation shall be reserved for women in descending order of the percentage of the women population to the total population in each Municipal Corporation.

(8) For reservation of the offices of Mayors under sub-section (3) of section 14, the State Government shall cause to be published a notification in the official gazette showing reservation of the offices of the Mayors of the Municipal Corporation for Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women after inviting objections and suggestions from all persons interested to file before the State Government within a period of fifteen days from the date of such notification. Copy of such notification inviting objections and suggestions shall be sent to the District Magistrate for wide circulation by publishing it in the Notice Board (s) of his office and office of the Municipal Corporation.

(9) The State Government after considering the objections and suggestions received within the specified period in respect of the notification issued under sub-rule (8), shall publish the reservation of offices of Mayor as under sub-section (4) of section 14 of the Ordinance.

(10) The reservation of the offices of the Mayors of the Municipal Corporation shall be communicated to the Election Commission.

Election of  
Mayor.

81 (1) The election of the Mayor of Municipal Corporation shall be held in the office of the Municipal Corporation or at any other place as may be decided by the Election Commission by the corporators specified in clause (a) of section 6 of the Ordinance from among themselves at a meeting specially convened for the purpose.

(2) Such meeting shall be convened at the instance of the Election Commission soon after the publication of the names of elected corporators in the Odisha Gazette.

(3) In the case of vacancy in the office of the Mayor of a Municipal Corporation due to any cause other than the expiry of the term of office of the Chairperson, such meeting shall be convened at the instance of the Election Commission as soon as possible.



(4) The meeting to elect the Mayor shall be presided over by an officer authorized by the Election Commission.

Election of  
Deputy Mayor.

82. (1) The Election of Deputy Mayor of a Municipal Corporation shall be held within thirty days from the date of publication of the names of the Mayor and Corporators under section 14 in the office of the Municipal Corporation or at any other place as may be decided by the Election Commission by the corporators specified in clause (a) of section 6 of the Ordinance from among themselves at a meeting which shall be specially convened for the purpose subsequent to and soon after the first meeting referred to in sub-section (2) of section 14 of the Ordinance as may be decided by the Election Commission.

(2) In the case of vacancy in the Office of the Deputy Mayor of a Municipal Corporation due to any cause other than the expiry of the term of office of the Deputy Mayor, such meeting shall be convened at the instance of the Election Commission as soon as possible.

(3) Such meeting to elect Deputy Mayor shall be convened by the Mayor and shall be presided over by an Officer authorized by the Election Commission.

Nomination for  
the office of the  
Mayor or Deputy  
Mayor.

83. A candidate for the office of the Mayor and Deputy Mayor of Municipal Corporation shall be proposed by one Corporator and seconded by another. The names of the candidates proposed and seconded shall be read out by the President of the meeting.

Procedure after  
nomination.

84. If there is only one duly nominated candidate, there shall be no vote and he shall be declared to have been elected.

Voting and result  
of election

85. (1) Every Corporator wishing to cast his vote shall be supplied a voting paper on which the names of all the candidates shall be printed, typed, cydostyled or legibly written in the following Form, both in English and Odia.

**FORM**  
**VOTING PAPERS**

Name of the Candidate	Column for placing the cross mark against the candidate for whom the vote is given
(1)	(2)
Shri	
Shri	

(2) the voter shall then proceed to the place set apart for the purpose and there he shall place cross mark in column (2) against the name of the candidate for whom he wishes to vote. He shall then fold the voting paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the President of the meeting.

(3) The ballot box shall be so constructed that the paper may be placed therein but not extracted therefrom without the box being opened.

(4) President of the meeting shall then open the box and count the votes in the presence of the Corporators and declare the result of the election in accordance with following manners, namely :-

(i) If there are only two candidates, the one who secures the larger number of votes shall be declared to have been elected. In the event of there being an equality of votes between the two candidates, the President of the meeting shall draw lots in the presence of the Corporators and person whose name is first drawn shall be declared to have been duly elected,

(ii) If there are more than two candidates, the one who obtains the smallest number of vote 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 President of the meeting shall ascertain by casting lots in the presence of the Corporators which of such candidates 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 highest number of votes shall be declared to have been duly elected. In the event of there being an equality of votes at the final stage between two remaining candidates, the President of the meeting shall draw lots in the presence of the Corporators and the person whose name is first drawn shall be declared to have been duly elected.

Withdrawal of  
Candidature.

86. Candidate may withdraw his candidature at any stage of the election.

Invalidity of  
the voting  
paper.

87. Any voting paper which contains the signature of any of the Corporators taking part in the vote or on which the mark is placed against more than one name shall be invalid.

Publication of  
the election  
result.

88. Immediately after the meeting, the President of the meeting shall-

(a) Prepare a record of the proceedings at the meeting and sign it attesting with his initials every correction made therein and also permit any Corporator present at the meeting to affix his signature to such record, if he expresses his desire to do so;

(b) Publish on the notice board of the Municipal Corporation concerned notification signed by him stating the name of the person elected as Mayor and Deputy Mayor, as the case may be;

(c) Forward a copy of such notification to the Election Commission for publication in the Odisha Gazette.

Sealing of  
voting papers.

89. (1) The President of the meeting shall then seal up the voting papers whether counted or rejected and note on each packet the number of papers it contains and the election to which it relates.

(2) These packets shall not be opened and their contents shall not be inspected or produced except under the orders of an election tribunal constituted under the Ordinance, or of other competent court.

(3) The Election Officer shall keep the packets for a period of three months after the completion of the election in the concerned Treasury or Sub- Treasury, as the case may be, where after these shall be destroyed by burning in presence of District Magistrate or any other officer not below the rank of Sub-Collector as may be authorized by the District Magistrate and these packets shall not be opened or their contents inspected or produced except under the orders of the State Election Commission or of an Election Tribunal or other competent court.

Provided that where there has been a litigation, these papers shall be destroyed after three months from the date of disposal of the litigation or three months after the appeal period is over, whichever is later.

## **CHAPTER IX**

### **Miscellaneous**

Vacancy to be  
intimated to the  
Election  
Commission.

90. (1) where a vacancy occurs in the office of Corporator, Mayor or Deputy Mayor of a Municipal Corporation by reason of death, resignation, removal or otherwise, the same shall be reported by the Commissioner concerned Municipal, Corporation to the Election Commission forthwith under intimation to the District Magistrate concerned and to Government.

(2) the Election Commission shall take steps to hold by-elections to fill up such vacancy.

Interpretation of  
rules.

91. (1) If any question arises as to the interpretation of these rules otherwise than in connection with an inquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Election Commission for decision.

(2) Pending the decision of the Election Commission on any such reference made to them or the issue of final orders on any inquiry which the Election Commission may institute upon receipt of information that an election so far it relates to the election of Corporator of a Municipal Corporation is being or about to be held in contravention of the rules, it shall be lawful for the Election Commission to direct the stay of the proceedings of the said election at any stage thereof prior to the declaration of the result. Any such election held or continued in contravention of the orders of the Election Commission under this rule shall be void and of no effect whatsoever.

(3) Unless it is otherwise ordered by the Election Commission, election proceedings stayed under this rule shall on cancellation of the stay order, proceed from the stage at which they were stayed on fresh date to be fixed.

Powers to alter  
dates and periods.

92. Notwithstanding anything contained in the foregoing rules the Election Commission may, for special reasons empower the Election Officer to fix dates and periods other than those specified or fixed by or under these rules, formal! or any of the stages of the election proceedings connected therewith so far they relate to the election of Corporator of a Municipal Corporation.

Prohibition of  
the employees of  
Corporation  
from taking part  
in election.

93. (1) No person in the employment or pay of a Corporation shall directly or indirectly engage in the canvassing for votes or otherwise assist in the election of any candidate to the Corporation except by giving his own vote.

(2) Any breach of this rule shall render the persons liable to disciplinary proceeding as provided in Odisha Municipal Corporation Ordinance, 2003.

Cost of  
Election.

94. All cost incurred in the preparation of the electoral rolls, the publication of notices, the holding of elections or taking any other necessary action under these rules shall be met from the source as may be determined by the State Government,

Issue of  
general or  
Special  
directiont.

95. The State Government may issue such general or special directions, not inconsistent with the provisions of the Ordinance or these rules as may, in its opinion, be necessary for the purpose of giving effect to these rules.