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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

(DEVELOPMENT DEPARTMENT)

DIRECTORATE OF AGRICULTURAL MARKETING

49, ALIPUR ROAD, OLD SECTT., DELHI – 110054

No. F.8/12/2000/DAM/MR(II)/4897

Dated the 13-12-2000

## **NOTIFICATION**

No. F.8/12/2000/DAM/MR(II)/ - In exercise of the powers conferred by clause (c) of sub-section (2) of section 116 read with other enabling relevant provisions of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 (Delhi Act No. 7 of 1999), the Government of National Capital Territory of Delhi hereby makes the following rules, namely:-

### **THE DELHI AGRICULTURAL PRODUCE MARKETING (ELECTION) RULES, 2000**

#### **PART I General**

**1. Short Title and Commencement.** – (1) These rules may be called the Delhi Agricultural Produce Marketing (Election) Rules, 2000.

(2) They shall come into force at once.

**2. Definitions.** – In these rules unless the context otherwise requires :-

(a) ‘Act’ means the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 (7 of 1999);

(b) ‘ballot box’ includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

(c) ‘constituency’ means traders and commission agents constituency, and weighmen and measures constituency and each shall be treated as a constituency of a different class;

- (d) **'counting agent'** means a person appointed by the candidate to be his counting agent, with the previous approval of the returning officer of the constituency;
- (e) **'Director'** means a person appointed by the Government by notification as the Director of agricultural marketing for Delhi;
- (f) **'election agent'** means a person appointed by a candidate to be his election agent with the previous approval of the returning officer of the constituency;
- (g) **'elector list'** means list of electors prepared under these rules;
- (h) **'elector'** in relation to a constituency means a person whose name is entered in the electors list of the constituency, for the time being in force;
- (i) **'electoral registration officer'** means an officer appointed under rule 4 as an electoral registration officer of a constituency and would include asstt. electoral registration officer also;
- (j) **'Form'** means a form appended to these rules;
- (k) **'licensed'** means licensed to operate as a market functionary in any market or market area under the Act;
- (l) **'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;
- (m) **'polling station'** means the place fixed for the poll for election;
- (n) **'polling officer'** means a polling officer appointed by the Director for the purpose of these rules;
- (o) **'polling agent'** means a person appointed as a polling agent by a candidate at a polling station on the day of poll under these rules;
- (p) **'public holiday'** means any holiday which is a public holiday for the purpose of Section 25 of the Negotiable Instruments Act, 1881 (26 of 1881);
- (q) **'presiding officer'** means a presiding officer appointed by the Director for the purpose of these rules;

- (r) **‘qualifying date’** in relation to the preparation or revision of every electoral roll means the date as may be specified by the Director;
- (s) **‘returning officer’** means a returning officer appointed by the Director for the purposes of these rules and would include asstt. Returning officer also;
- (t) **‘section’** means section of the Act;
- (u) **‘voter’** means an elector who has voted;

**3. Constituencies.** – (1) For the purpose of election of one member for the Delhi Agricultural Marketing Board from the traders and commission agents licensed under section 80 of the Act as provided under clause (b) (iii) of sub-section (1) of section 5 and three members from licensed traders and commission agents for marketing committee of national importance as provided under clause (b) of section 27 of the Act, licensed traders and commission agents of all the marketing committees in Delhi established under the provisions of the Act, shall constitute one constituency each for Board and marketing committee of national importance respectively.

(2) For the purposes of election of two members by traders and commission agents and one member by weighmen and measures, for a market committee as provided by clause (b) and (e) of sub-section 1 of section 36 of the Act, every market area shall consist of :-

- (a) Traders and commission agent constituency; and
- (b) Weighmen and measurers constituency,

(3) The traders and commission agents constituency and weighmen and measurers constituency shall consist of the whole of the market area.

**4. Electors List.** – (1) The Director shall appoint electoral registration officer for each constituency who shall be an officer of the Government of National Capital Territory of Delhi.

Provided that nothing in the sub rule shall prevent the Director from appointing the same person to be the electoral registration officer for more than one constituency.

(2) (a) The electoral registration officer shall cause to be prepared lists of electors separately for each of the constituencies specified in rule 3 in a market area in Hindi. For this purpose a central place in the constituency shall be declared by the Director as the office of the electoral registration officer for the registration of electors and may issue a notice specifying the names of the constituency, area of the constituencies and the qualification of electors and requiring them if necessary, to get themselves registered with the electoral registration officer for this purpose within such time as may be specified in the said notice.

Provided that, where a person qualified to vote in a trader constituency is a firm or body corporate (including a cooperative society) such firm or body may nominate a person (being a person who is either a

partner of the firm or a member of the managing committee in the case of a cooperative society or a person duly authorized by any other body corporate) to vote on its behalf and intimate the name of that person to the electoral registration officer within such time as may be specified in that behalf for being included in the list of electors representing that firm or society.

Provided further that if such firm or society is holding more than one licence, nevertheless, it shall not nominate more than one person as aforesaid.

(b) As soon as the electors' lists are ready, the same shall be published by making a copy thereof available for inspection at a specified place in or near the area to whom it relates and displaying a notice in Form '1'

- (3) No person shall be entitled to have his name entered in the list of electors for more than one constituency.
- (4) The list of electors shall remain in force and continue in operation as the list of electors for the purpose of Election or any subsequent by-election, until it is revised as provided by these rules.
- (5) Every such list shall be revised before each election, at least three months before the date on which the term of the marketing committee is due to expire:

Provided that the Director may, direct the revision of such list or lists also at any other time before any general election is due.

**5. Preparation of list of electors of constituency.** – (1) The Director shall cause to be prepared list of electors of each constituency.

(2) Every list of electors shall show:-

- (a) Full Name  
 (b) Father's Name  
 (c) Age on .....

- (d) Residence  
 (e) Licence number and date  
 (f) Date of issue of licence and its expiry  
 (g) Operational area/Marketing committee

**6. Electors' list to be conclusive.** – Subject to any disqualification incurred by a person, the electors list published finally shall be conclusive evidence for the purpose of determining whether any person is qualified to be elector at any election.

- 7. Person qualified to be elected.** – Every person whose name is entered in the list of electors of any constituency shall, unless disqualified under the Act and these rules, be qualified to be elected.
- 8. Right to vote.** – Except as expressly provided by these rules, every person who is for the time being, entered in the list of electors of any constituency shall be entitled to vote in that constituency.
- 9. Number of votes for each elector.** – Subject to the provisions of the Act, every elector of respective constituency shall have right to elect:-
- (a) one person as the member of the Board from the traders and commission agents of all marketing committees.
  - (b)
    - (i) two persons as members of marketing committee of national importance from the traders and commission agents of marketing committees of national importance.
    - (ii) one person as member of marketing committee of national importance from the traders and commission agents of all marketing committees.
  - (c) two persons as the member of marketing committee from traders and commission agents constituency of concerned marketing committee.
  - (d) One person as the member of marketing committee from weighmen and measurers constituency of concerned marketing committee.

Explanation:- For the purpose of election of members of the Board, and the national importance committee all the licensed traders and commission agent of all the marketing committee shall constitute one constituency respectively.

- 10. Disqualification for voting.** – (1) No person shall be allowed to vote at any election in any constituency, if he is subjected to any disqualification under these rules.
- (2) No person shall vote in more than one constituency.
  - (3) No person shall at any election, vote in the same constituency more than once, notwithstanding that his name may have been entered in the list of election for the constituency more than once; and if he does so, all his votes in that constituency shall be void.
  - (4) No person shall vote at any election, if he is confined in a prison whether under a sentence or otherwise, or is in lawful custody of the police.
- 11. President/Chairman of Co-operative Societies.** - If, there are more than one co-operative societies doing the business of marketing of notified agricultural produce or operating as processor in the market area, the Director shall call upon such societies, if they so desire, to communicate the names of their President / Chairman by a specified date for being nominated to the marketing committee. On receipt of

the names of the Chairman or the representatives of the societies, as the case may be, the Director shall prepare a panel/list and submit the same to the Government for consideration and nomination of any one of them as member of the marketing committee of that area in terms of clause (c) of sub-section (1) of section 36 of the Act.

**12. Disqualification of membership.** – (1) A person shall be disqualified for being chosen as or for being a member of a marketing committee:

- (a) If he has been convicted by a court in India of any offence and sentenced to imprisonment for a term exceeding six months unless such disqualification has been removed by an order of the Government;
- (b) If he has not attained the age of 21 years on the “qualifying date”; or
- (c) If he is an undischarged insolvent; or
- (d) If he is of unsound mind and stands so declared by a competent court; or
- (e) If he is deaf-mute; or
- (f) If he has failed to pay any fees or charges due to marketing committee; or
- (g) If he is a Government servant or a servant of the Board or any marketing committee or local authority of public undertaking or holds a licence from such committee other than that of a trader or commission agent or measurer and weighman; or
- (h) If he has committed breach of the Act or the rule or by laws made thereunder more than once and has been convicted under this Act by a competent court; or
- (i) If he has failed to make payments to sellers,

- (2) A person shall not be chosen as a member representing the traders’ constituency and weighmen and measurers constituency if he does not ordinarily reside in the market area or if the licence issued to him, is cancelled or suspended or not renewed.

Explanation : For the purpose of this sub-rule, person shall be deemed to be ordinarily residing in the market area, if he resides in such area for not less than one hundred eighty days in a calendar year.

- (3) As a representative of weighmen and a measurer, if he has ceased to be a weighmen or measurer or if his licence has been cancelled or suspended or not renewed.
- (4) A person shall be disqualified for being a member of the marketing committee as a representative of any institution, if he or a firm of which he is a partner or body cooperate (other than the cooperative societies) in which he is a Director, or a joint family of which he is a member does business as a trader, commission agent, weighman or measurer.

- 13. Appointment of returning officer.** – For every constituency for every election to fill seat or seats in the marketing committees, the Director shall designate or nominate a returning officer who shall be an officer of the government.

Provided that nothing in this rule shall prevent the Director from designating or nominating the same person to be returning officer for more than one constituency.
- 14. Appointment of presiding officers for polling stations.** – The returning officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election.

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person, who is present at the polling station to be the polling officer during the absence of the former officer and inform the returning officer, accordingly.

Provided further that nothing in this rule shall prevent the returning officer from appointing the same person to be the presiding officer for more than one polling station in the same premises.
- 15. General duties of the presiding officer.** – It shall be the general duty of the presiding officer at a polling station to keep order there and to see that the poll is fairly conducted.
- 16. Duties of a polling officer.** – It shall be the duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.
- 17. Election agents.** – A candidate at an election may appoint in Form ‘2’ any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given by forwarding the same in duplicate to the returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.
- 18. Disqualification for being an election agent.** – Any person, who is for the time being disqualified under these rules for being a member of the committee or for voting at election shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.
- 19. Function of election agents.** – An election agent may perform such functions in connection with the election as are authorized by the candidate to be performed by an election agent and as provided in these rules.
- 20. Appointment of polling agents.** – (1) A contesting candidate or his election agent may appoint one agent and to relief agents to act as polling agents of such candidate at each polling station.

(2) Every such appointment shall be made in Form '3' and shall be made over to the polling agent for production at the polling station.

**21. Appointment of counting agents.** – (1) A contesting candidate or his election agent may appoint one counting agent at each polling station and not more than two persons as his counting agents with the returning officer in Form '4' in duplicate, one copy of each shall be forwarded to the returning officer, while the other copy shall be made over to the counting agent for production before the presiding officer not later than one hour before the time fixed for counting under Rule 50 (1).

(2) A person acting as a polling agent for a candidate at a polling station can also be appointed as counting agent at that polling station by the same candidate or his election agent.

**22. Order for election of marketing committee.** – (1) Election shall be held for the purpose of constituting a new marketing committee on the expiration of the duration of the marketing committee or the superseded marketing committee.

(2) For the said purpose, the Director shall by an order call upon all the constituencies in the market area to elect members in accordance with the provisions of these rules before the date specified by him in the order.

**23. Appointment of dates for nomination etc.** – (1) As soon as the order calling upon a constituency to elect a member or members is issued, the Director shall, by notification in the official Gazette, appoint:

(a) the last date for making nominations, which shall be the seventh day after the date of issue of the said order or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nomination or if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last day for withdrawal of candidatures which shall be the second day after the date for scrutiny on nominations or if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the date or dates and time and hour during which a poll shall, if necessary, be taken which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidature and the hours of poll;

(e) the date before which the election shall be completed.

- (2) The director shall, not less than thirty five days before the date fixed for the poll, publish in Hindi the dates so appointed by means of notice in newspaper circulated in the market area and put copies of such notice on the notice board of the marketing committee.

**24. Nomination of candidate.** – (1) Any person may be nominated as a candidate for election to fill a seat, if he is qualified to be chosen to fill seat under the provisions of these rules.

- (2) Every nomination paper presented under rule 25 shall be completed in Form '5'.
- (3) A nomination paper shall be supplied by the returning officer or an officer authorized by him, in this behalf to an elector on demand.

**25. Presentation of nomination paper and requirements for valid nomination.** –(1) On or before the date specified under clause (a) of sub-rule (1) of rule 23 each candidate either in person or by his proposer, shall deliver between the hours of 11.00 AM and 3.00 PM to the returning officer during the period and at the place specified in the order made under rule 23, a nomination paper completed as provided by rule 24 and signed by the candidate and by an elector of the constituency as proposer.

- (2) Any person who is not subject to any disqualification as an elector under these rules and whose name is entered in the list of electors for the constituency for which the candidate is nominated, may subscribe as proposer, but shall not subscribe as proposer for more than one candidate.

- (3) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the list of electors:

Provided that the returning officer shall permit any clerical and technical error in nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the list of electors and where necessary any clerical or printing error in the said entries shall be overlooked.

- (4) A nomination paper received after the date and the time specified under sub-rule (1) of rule 23 and sub-rule (1) of rule 25 respectively shall be rejected.
- (5) Where the candidate is an elector of a different constituency, a certified copy of the relevant entries in such list of electors shall, unless it has been filed along with a nomination paper, be produced before returning officer at the time of scrutiny.

- (6) Nothing in this rule shall prevent a candidate from being nominated by more than one nomination paper for election in the same constituency subject to the maximum of four nomination papers.

**26. Symbol of election.** – (1) The Director shall by order, paste on the notice board of the marketing committee and specify the symbols that may be chosen by candidates at an election in any constituency and the restrictions to which their choice shall be subject.

- (2) Where at any such election more nomination papers than one are delivered on behalf of a candidate the declarations as to symbols made in the nomination papers first delivered and no other declaration as to symbol shall be taken into consideration even if that nomination has been rejected.

**27. Deposits.** - A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited with the returning officer, a sum of rupees one hundred in cash at the time of nomination.

Provided that, here a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this rule.

**28. Notice of nomination and time and place for the scrutiny.** - The returning officer shall on receiving the nomination paper under sub-rule (1) of rule 25 inform the person or persons delivering the same, of the day, time and place fixed for the scrutiny of nomination, and shall enter on the nominations paper its serial number and shall sign thereon a certificate stating the date on which and the hours at which the nomination paper has been delivered to him and shall as soon as may be thereafter cause to be fixed in some conspicuous place in his office a notice of the nomination in Form '6' containing descriptions similar to those contained in the nomination paper both of the candidate and of the proposer.

**29. Scrutiny of nominations.** – (1) On the date specified for the scrutiny of nominations under rule 23 (b) the candidates, one proposer of each candidate and one other person duly authorized, in writing, by each candidate may attend at the time and place specified in this behalf, under rule 28 and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by sub-rule (1) of rule 25.

- (2) The returning officer shall then examine the nomination papers and shall decide all objections which maybe made to any nomination, and may, either on such objection or on his own motion, after such summary enquiry if any, as he thinks necessary, reject any nomination on any of the following grounds:

- (a) that the candidate is disqualified for being chosen to fill the seat under these rules;

- (b) that the proposer is disqualified from subscribing a nomination paper under these rules;
  - (c) that there has been a failure to comply with any of the provision of rule 25 or 27;
  - (d) that the signature of the candidate or the proposer on the nomination paper is not genuine.
- (3) Nothing contained in clause (c) or (d) of sub-rule (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.
- (4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial nature.
- (5) The returning officer shall hold the scrutiny on the date specified, in this behalf, under rule 28 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or any causes beyond his control;  
Provided that in case objection is raised before the returning officer by any person at any time of scrutiny, the candidate concerned may be allowed time to rebut it not later than the next day, and the returning officer shall record his decision on the date to which the proceedings has been adjourned.
- (6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record, in writing, a brief statement of his reasons for such rejection.
- (7) For purposes of this rule, the production of a certified copy of any entry made in the list of electors of the relevant constituency by a candidate/proposer shall be conclusive evidence of the right of any elector named in that entry to stand for elector unless it is proved that the candidate is otherwise disqualified.
- (8) Immediately, after all the nomination papers have been scrutinized and decision accepting or rejecting the same have been recorded, the returning officer shall, subject to the provisions of rule 31 prepare a list of validly nominated candidates whose nomination have been found valid in Form '7' and cause it to be affixed on the notice board and shall also record the date on which, and the time at which, the list was so affixed.

- 30. Withdrawal of candidature.** – (1) Any candidate may withdraw his candidature by notice in Form ‘8’ subscribed by him and delivered to the returning officer.
- (2) The notice shall be delivered to the returning officer before 3 o’clock in the afternoon on the last day fixed for withdrawal of candidature.
  - (3) The notice may be delivered either by the candidate in person or by his proposer who has been authorized, in this behalf, in writing by the candidate.
  - (4) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.
  - (5) The returning officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1) cause notice to be affixed on the notice board, in his office in Form ‘9’.
- 31. Preparation of list of contesting candidate.** – (1) Immediately after expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 30, the returning officer shall prepare and publish in Form ‘10’ a list of contesting candidate, that is to say candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the specified period.
- (2) The said list shall, subject to the provisions of sub-rule (1) contain the names addresses of the contesting candidates in Hindi as given in the nomination papers and the symbol allotted to each one of them. The names shall be arranged in the said list in the order of the receipt of the nomination papers.
  - (3) Where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and subject to any general or special directions issued in this behalf by the Director:
    - (a) allot different symbols to each contesting candidate as far as practicable, of his choice; and
    - (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which candidates the symbol will be allotted.
  - (4) The allotment by the returning officer of any symbol to a candidate shall be final.

(5) Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen thereof by the returning officer.

**32. List of contesting candidate to be fixed on notice board.** – The returning officer shall, immediately after its preparation, cause a copy of the list of candidates to be affixed on the notice board in his office and shall also supply a copy to each of the contesting candidates and to the marketing committee and the Director the same day.

**33. Death of candidate before poll.** – If a contesting candidate dies and a report of his death is received by the returning officer before the commencement of the poll, the returning officer shall, upon being satisfied of the fact of the death, countermand the poll and the returning officer shall report the fact to the Director and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that :

- (a) no further nomination shall be necessary in the case of a person who was contesting candidate at the time of the countermanding of the poll; and
- (b) no person, who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 30 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

**34. Uncontested election.** - In any constituency, if there is only one candidate whose nomination has been accepted, the returning officer shall forthwith declare him or them to be duly elected to fill in the seat or seats as the case may be.

**35. Contested elections.** - In cases other than those covered by rule 34, a poll shall be taken.

**36. Manner of voting at election.** – (1) At every election, where a poll is to be taken votes shall be given by ballot in the manner hereinafter provided and no votes shall be received by proxy.

- (2) Every elector for a traders' constituency shall have as many votes as there are members to be elected in the constituency but he shall not have more than one vote per candidate. Every elector in weighman and measurer constituencies shall have only one vote.

**37. Ballot box.** - Every ballot box shall be of such design as maybe approved by the Director.

**38. Form of ballot paper.** – (1) Every ballot paper shall be in Form '11'.

- (2) The names of the candidates shall be arranged on the ballot paper in the same order and in the same language in which they appear in the list of contesting candidates.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of the occupation or residence or in some other manner as maybe decided upon by the returning officer.

**39. Supply of material to the polling station.** - The returning officer shall provide for each polling station necessary number of ballot boxes, sufficient number of ballot paper, three copies of the list of electors, a list of contesting candidates and such other papers, stationery and forms as may be necessary.

**40. Identification of voters.** – (1) As each elector enters the polling station, the presiding officer or the polling officer authorized by him in this behalf shall check the electors name and other particulars with the relevant entry in the list of electors and then call out the serial number, name and other particulars of the elector.

- (2) In deciding the right of a person to obtain a ballot paper the presiding officer or the polling officer shall overlook merely clerical or printing errors in an entry in the list of electors, if he is satisfied that such person is identical with the elector to whom such entry relates.

**41. Challenging of identity.** – (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of twenty five rupees in cash with the presiding officer. For each such challenge the presiding officer shall issue a receipt thereof to the challenger.

- (2) on such deposit being made the presiding officer shall:-

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the electors list in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form '12';
- (d) require him to affix his signature in the said list.

- (3) The presiding officer shall thereafter hold a summary enquiry into the challenge and may for that purpose:-

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

(c) administer and oath to the person challenged and any other person offering to give evidence.

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

(5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the marketing committee concerned and in any other case, he shall return it to the challenger at the conclusion of the enquiry.

**42. Issue of ballot paper.** – (1) No ballot paper shall be issued to any elector before the hour fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any elector after the hour fixed for the closing of the poll except those who are present inside the polling station at the time of the closing of the poll. Such electors shall be allowed to record their votes even after the poll closes.

(3) As soon as the identity of the elector is established, his left hand forefinger shall be marked with indelible ink on the root of the nail or if the left hand is missing, on the forefinger of the right hand and if such mark already exists, the elector shall not be allowed to vote.

(4) Every ballot paper shall, before issue to an elector, be stamped on the top-right corner with distinguishing mark as the Director may direct.

(5) The presiding officer shall sign on the reverse of all the ballot papers to be issued to electors at the polling stations. At the time of issuing a ballot paper to an elector the polling officer concerned shall record the serial number thereof against the entry relating to the elector in the copy of the list of electors 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 a particular elector.

**43. Voting procedure.** – (1) The elector on receiving the ballot paper shall forthwith:-

(a) proceed to the polling compartments;

(b) there mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

- (d) if required, show the presiding officer the distinguishing mark on the ballot paper;
  - (e) insert the folded ballot paper into the ballot box; and
  - (f) quit the polling station.
- (2) Every elector shall vote without undue delay.
  - (3) No elector shall be allowed to enter a polling compartment when another elector is inside it.
- 44. Recording of vote by blind or infirm voter.** – (1) If owing to blindness or other physical infirmity an elector is unable to recognize the symbols on the ballot paper or to make a mark thereon, the presiding officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box.
- (2) While acting under this rule, the presiding officer shall observe as much secrecy as is feasible. He shall keep a brief record of each such instance in Form ‘13’, but shall not indicate therein the manner in which any vote has been given.
- 45. Tendered votes.** – (1) If a person representing himself to be an elector asks for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering questions relating to his identity as the presiding officer may ask, be entitled, subject to the following provisions, to cast a ballot (hereinafter referred to as a “tendered ballot paper” in the same manner as any other elector.
- (2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in the tendered votes list in Form ‘14’.
  - (3) A tendered ballot paper shall be the same as the other ballot papers used at the polling station except that it shall be:
    - (a) of the last serial in the bundles of ballot paper issued for use at the polling station; and
    - (b) endorsed on the back with the words “tendered ballot paper” by the presiding officer in his hand and signed by him and affixed with a distinguishing mark.
  - (4) The elector, after making a tendered ballot paper in the polling compartment and folding it, shall instead of putting it into the ballot box give it to the presiding officer, who shall place it in a cover specially kept for the purpose.

- 46. Closing of poll.** – (1) The presiding officer shall close a polling station at the hour fixed on that behalf under rule 23 (1)(d) and shall not thereafter admit any elector into the polling station,  
 Provided that, all electors present inside the polling station before it was closed shall be allowed to cast their vote.
- (2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the presiding officer and his decision shall be final.
- 47. Adjournment of poll in emergencies.** – (1) If, at election the proceedings at any polling station are interrupted or obstructed by an riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the returning officer shall inform the candidates or their agents in writing about the station and announce adjournment of the poll to a date to be notified later, and where the poll is adjourned by a presiding officer, he shall forthwith inform the returning officer concerned.
- (2) where a poll is adjourned under sub-rule (1) the returning officer, shall immediately report in writing the circumstances to the Director and the candidates concerned and shall as soon as may be, appoint the date on which the poll shall recommence and fix the polling station at which and the hour during which poll will be taken and shall not count the votes cast at such election until such adjournment poll shall have been completed.
- (3) In every such case as aforesaid, the returning officer in such manner as he may deem fit shall notify the date, place and hours of polling fixed under sub-rule (2).
- 48. Procedure on adjournment of poll.** – (1) If the poll at any polling station is adjourned under rule 47 provisions of rule 52 to 54 shall as far as practicable apply as if the poll as closed at the hour fixed in that behalf under rule 23 (1)(d).
- (2) When an adjournment poll is recommended under sub-rule (2) of rule 47 the voters who have already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The returning officer shall provide the presiding officer at the polling station at which such adjournment poll is held, with the sealed packet containing the marked copy of the list of the electors and a new ballot box.
- (4) The presiding officer shall open the sealed packet in the presence of the polling agents and use the marked copy of the list of electors for recording the serial number of the ballot papers to voters at the adjourned poll.

- (5) The provisions of the Act and these rules shall apply to every such recommended poll as they apply to the original poll.

**49. Fresh poll in case of destruction, etc. of ballot boxes.** – (1) If at any election:-

- (a) any ballot box used at a polling station unless fully taken out of the custody of the presiding officer is accidentally destroyed or lost, or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained;
- (b) any such error or irregularity as is likely to vitiate the poll is committed at the polling station, the presiding officer shall forthwith report the matter to the returning officer.
- (2) The returning officer thereupon shall after taking all material circumstances into account, either:-
- (a) declare the poll at that polling station to be void, appoint a day, fix the hours for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as may deem fit, or
- (b) if satisfied that the result of a fresh poll at that polling station will not, in any way affect the result of the election or the error or irregularity in procedure is not material, issue such directions to the presiding officer under intimation to the candidates or their agents as he may deem proper for the further conducting and completion of the election.
- (3) The provisions of the Act and these rules shall apply to every such fresh poll as they to the original poll.

## **PART II**

### **Counting of Votes**

- 50. Scrutiny and rejection of ballot papers.** – (1) The counting of votes will be taken up soon after the poll is over at the respective polling stations.
- (2) The ballot box or boxes used at the polling station shall be shown by the presiding officer to such of the polling agents as are present at that time, that the seals and boxes are intact.
- (3) Thereafter, the boxes shall be opened and the ballot papers taken out of such ballot box shall be arranged in convenient bundles and scrutinized.

- (4) The presiding officer shall reject a ballot paper:-
- (a) if it bears any mark or writing by which the voter can be identified; or
  - (b) if no vote is record thereon; or
  - (c) if votes are given on it in favour of more candidates than there are vacancies to be filled in; or
  - (d) 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; or
  - (e) it is spurious ballot paper; or
  - (f) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
  - (g) it bears a serial number or is of a design, different from the serial number, or design of the ballot papers authorized for use at the polling station; or
  - (h) it does not bear the mark which it should have borne under the provisions of sub-rule (4) of rule 42.

Provided that :-

- (i) where a presiding officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or failure on the part of the polling officer the ballot paper shall not be rejected merely on the ground of such defect;
  - (ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.
- (5) Before rejecting any ballot paper under sub-rule (4) the presiding officer shall allow such counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.
- (6) The presiding officer shall record on every ball paper which he rejected the letter "R" and the grounds of rejection in abbreviated form either in his own hand or means of a rubber stamp.
- (7) All ballot paper rejected under this rule shall be bundled together.

**51. Counting of votes.** – (1) Every ballot paper which is not rejected under rule 50 shall be counted as one valid vote for all such candidates as there are marks subject to the number of vacancies.

Provided that no cover containing tendered ballot shall be opened and no such paper shall be counted.

- (2) After the counting of ballot papers contained in all the ballot boxes used at a polling station has been completed the presiding officer shall make the entries in a result sheet in Form '16' and announce the particulars.
- (3) The valid ballot papers thereafter shall be bundled together and kept along with the bundle of rejected papers in the separate packet which shall be sealed and on which shall be recorded the following particulars namely:-
  - (a) the name of the constituency;
  - (b) the particulars of the polling station where the ballot papers have been used; and
  - (c) the date of counting.

**52. Account of ballot papers.** – The presiding officer shall, at the close of the poll, prepare a ballot paper account in Form '15' and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

**53. Sealing of other packets.** – (1) The presiding officer shall then make into separate packets:-

- (a) marked copy of the list of electors;
- (b) unused ballot papers;
- (c) used ballot papers;
- (d) cancelled ballot papers;
- (e) cover containing the tendered ballot papers and the list of tendered ballot papers;
- (f) list of challenged voters; and
- (g) keys and locks used on the ballot boxes;
- (h) receipt book for challenged votes;
- (i) cash received on account of challenged votes (to be handed over to returning officer);
- (j) spoilt ballot papers;
- (k) ballot papers returned by electors without use.

- (2) Each such packet shall be sealed with the seals of the presiding officer and of those candidates or their agents, if any present, who may desire to affix their seals thereon.

**54. Transmission of board boxes, packets etc.** – (1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct :-

- (a) the ballot paper account;
- (b) the sealed packets referred to in rule 53; and
- (c) all other papers used at the poll.

- (2) The returning officer shall make adequate arrangements for the safe transport of all packets and other papers for their safe custody till they are deposited with the Director.
- (3) The returning officer after receiving the result in Form '16' in respect of all the polling stations of the constituency under his charge, shall compile the result and declare the candidate securing the majority of votes as elected. He shall also prepare a return of election in Form '17' and send copies thereof to the Director.
- 55. Counting to be continuous.** - The presiding officer shall, as far as practicable provide continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, let the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or their agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.
- 56. Re-commencing of counting after fresh poll.** – (1) If a fresh poll is held under rule 49 the presiding officer shall after completing of that poll commence the counting of votes immediately.
- (2) The provisions of rules 51 and 55 shall apply so far as may be to such further counting.
- 57. Recount of votes.** – (1) After the completion of the counting the returning officer shall record in the result sheet in Form '16' the Total number of votes polled by each candidate and announce the same.
- (2) After such announcement has been made a candidate or, in his absence his election agent may apply in writing to the returning officer for recount of all or any ballot papers already counted stating the grounds on which he demands such recount.
- (3) On such an application being made the returning officer shall decide that matter and allow the application in whole or in part or any reject it in total, if it appears to him to be frivolous or unreasonable.
- (4) Every decision of the returning officer under sub-rule (3) shall be in writing and contain the reasons therefore.
- (5) If the returning officer declares under sub-rule (3) to allow the application either in whole or in part, he shall:-
- (a) count the ballot papers again in accordance with his decision;
  - (b) amend the result sheet in Form '16' to the extent necessary after such recount; and
  - (c) announce the amendments so made by him.

- (6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the returning officer shall complete and sign the result sheet in Form '16' and no application for a recount shall be entertained therefore.

Provided that no step under this sub-rule shall be taken on the completion in the counting until the candidates and their agents present at the completion thereof have been given a reasonable opportunity to exercise the right referred by sub-rule (2).

- 58. Power to declare persons elected in certain contingencies.** – If at any election after counting of votes is completed an equality of votes is found to exist between any candidates and addition of one vote entitle any of these candidate to be declared elected the returning officer shall draw lot of one vote and decide between those candidate on whom the lot falls to have received an additional vote.
- 59. Declaration of result.** - The returning officer shall then, subject to the provisions of rule 5 if an so far they apply to the particular case, and if he has been so empowered by the Director declare to be elected the candidate to whom the highest number of valid votes have been given, complete and certify the return of election in Form '17' and send signed copies thereof to the Director as soon as possible.
- 60. Publication of names of members.** – (1) On receipt of election return under rule 59 the Director shall publish the name of all elected members by causing a list of such names (together with their permanent address and the name of the constituencies from which they are elected) to be pasted on the notice board or at any prominent place in the office. He shall also get the same list published in the official Gazette.
- (2) The Director shall also publish the names of members falling under clauses (a), (c) of section 27 and clauses (a), (c), (d), (f) and (g) of sub-section 1 of section 36 by causing a list of such names (together with their permanent addresses) to be pasted on the notice board or at any prominent place in his office.
- 61. Return or forfeiture of candidate's deposit.** – (1) The deposit made under rule 27, shall either be returned to the person making it or his legal representative or be forfeited to the marketing committee in accordance with the provisions of this rule.
- (2) Except in cases hereafter mentioned in this rule, deposit shall be returned as soon as practicable after the result of the election is declared.
- (3) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the, the poll deposit shall be returned as

soon as practicable after the publication of the list, or after his death to his legal heir.

- (4) Subject to the provisions of sub-rule (3), the deposit shall be forfeited if at an election where a poll has been taken the candidate is not elected and the number of valid votes polled by him does not exceed one-tenth of the total number of valid votes polled by all the candidates in the constituency.

**62. Production, inspection and disposal of election papers.** – (1) While in the custody of the Director :-

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers whether valid, tendered or rejected; and
- (c) the packet of marked copies of the list of electors shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the order of the Director or the Lt. Governor.

(2) All other papers relating to the election shall be open to public inspection.

(3) The packets referred to in sub-rule (1) shall be retained for a period of six months and shall thereafter be destroyed subject to any directions to the contrary given by the Director.

(4) All other papers relating to the election shall be retained until such time as is fixed by the Director, in this behalf, and shall thereafter be destroyed subject to any direction to the contrary given by the Director.

**63. Casual vacancies in marketing committee.** - When the seat of a member elected to a marketing committee becomes vacant or is declared vacant or his election including bye-election to the marketing committee is set aside, the Director shall fix the date to fill the seat and the provisions of these rules shall thereupon mutatis-mutandis apply accordingly.

**64. Determination of election disputes.** – (1) If the validity of any election including bye-election of a member of marketing committee is brought into question by a person qualified either to be elected or vote at the election to which such question refers such person may, within seven days after the date of the declaration of the result of the election file a petition in the form of the memorandum in writing to the Director along with a fee of five hundred rupees to be deposited in cash.

(2) On receipt of an application under sub-rule (1) the Director shall, after giving opportunity to the applicant to be heard and after making such enquiry as he deems pass an order confirming or amending the declared result of election or setting election aside. If the Director sets aside the

election of that member he shall as early as possible arrange for holding a fresh election for the concerned constituency.

- (3) Any person aggrieved by the decision of the Director may, within seven days from the date on which the decision is communicated to him, appeal to Lt. Governor against such decision, and the decision of the Lt. Governor on appeal shall be final.

**65. Election papers to be forwarded to the Director.** – (1) The returning officer shall in separate sealed packets forward to the Director all papers relating to election including:

- (a) the ballot papers counted as valid;
- (b) the ballot papers rejected as invalid;
- (c) the unused ballot papers;
- (d) the spoilt ballot papers;
- (e) tendered ballot papers;
- (f) ballot paper returned by the electors without use;
- (g) list of tendered votes;
- (h) account of ballot papers;
- (i) list of challenged votes;
- (j) the marked copy of the electoral roll;
- (k) receipt book for challenged votes;
- (l) result of election for each polling station in Form '16';
- (m) result of each constituency in Form '16' (by returning officer; and
- (n) return of election in Form '17'.

- (2) Each packet shall bear a note as to its contents and name of constituency election.

**66. Declaration of disqualification.** – (1) If at any time, the Director, after such enquiry as he considers necessary after giving an opportunity to the members concerned to be heard is satisfied that member of a marketing committee elected under these rules or nominated under the :

- (a) was subject to any of the disqualification mentioned in rule 12 on the date of election or nomination; or
- (b) has incurred any of the disqualification mentioned in rule 12 after his election or nomination; or
- (c) has ceased to be a member representing a co-operative marketing and processing society of which he is representative, the Director shall declare the nomination of such member invalid or such member shall cease to be member of the marketing committee.

- (2) Any person aggrieved by the decision of the Director may within seven days from the date on which such decision is communicated to him, appeal to the Lt. Governor against such decision.

**67. Expenditure in connection with incidental to elections.** - All expenditure incurred by the Director or returning officer in connection with incidental to an election of members of a marketing committee shall be defrayed in accordance with the provisions of section 42 of the Act by the Director.

**68. Election of the representatives of institutions.** - (1) The members of the local authorities within whose jurisdiction the market area is situated shall choose one representative to serve on the marketing committee from amongst members of the local authority as the case may be before the date fixed by the Director in this behalf.

Provided that a person to whom a licence has been granted under section 80 of the Act shall not be eligible for being chosen under this clause.

- (2) One members of the Legislative Assembly of Delhi shall be nominated by the Speaker to represent the interest of the consumers before the date fixed by the Director, in this behalf.
- (3) The Board shall recommend a panel of six names to the Government for nomination of tow members as provided under sub-section (1)(g) of section 36 of the Act, before the date fixed by the Director, in this behalf.
- (4) The representatives to be nominated under sub-section (1)(c),(d) and (f) of section 36 of the Act shall be elected before the date or dates fixed by the Director, in this behalf.

**69. Inspection of election record and fees thereof.** - All the election records/papers except the following shall be open to inspection and copies thereof can be obtained on such fees as may be fixed by the Director:

- (a) used ballot papers;
- (b) unused ballot papers; and
- (c) working copy of electoral roll used at the polling station.

**70. Electoral offences promoting enmity among public in connection with election.** - Any person who in connection with an election under these rules promotes or attempts to promote on grounds of caste and community, feelings of enmity or hatred among electors of a market area shall be punishable with a fine which may extend to five hundred rupees.

**71. Prohibition of public meeting on the day preceding the election day and on the election day.** - (1) No person shall convene, hold or attend any public meeting

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for election in that polling area.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

**72. Restriction on the printing of pamphlets, posters etc.** – (1) No person shall print or publish, or cause to be printed or published, any election pamphlet – poster which does not bear on its face the names and address of the printer and the publisher thereof.

(2) For the purpose of this rule:-

(a) Any process for multiplying copies of a document, other than copying it by hand shall be deemed to be printing and the expression 'Printer' shall be construed accordingly and

(b) election pamphlet or poster means any printed pamphlet, hand bill or other document distributed for the purpose of promoting or prejudicing the election of candidate or group of candidates or any placard or poster having reference to an election but does not include any hand bill, placard or poster merely announcing the date, time place and other particulars of an election meeting or routine instructions to election agents or workers.

(3) Any person who contravenes provision of sub-rule (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

**73. Maintenance of secrecy of voting.** – (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain the secrecy of voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

**74. Officers etc., at election not Act for candidates or to influence voting.** – (1) No person who is returning officer or a presiding or polling officer at an election or an officer or clerk appointed by the returning officer, or the presiding officer to perform any duty in connection with elections shall in the conduct of arrangement of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour:

- (a) To persuade any person to give his vote at an election; or
- (b) To dissuade any person from giving his vote at an election; or
- (c) To influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-rule (1) or sub-rule (2) shall be punishable with fine which may extend to two hundred and fifty rupees.

**75. Prohibition of canvassing in or near polling station.** – (1) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meter of the polling station namely:-

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

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

**76. Penalty for disorderly conduct in or near polling station.** – (1) No person shall, on the date or dates on which a poll is taken at any polling station:

- (a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice such as megaphone or a loudspeaker;
- (b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll or as to interfere with the work of the officers & other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aids or abets the contravention, or the provisions of sub-rule (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him.

- (4) Any police officer may take such steps and may use such force, as may be reasonably necessary for preventing and contravention of the provisions of sub-rule (1) and may seize any apparatus used for such contravention.
- 77. Penalty for misconduct at the polling station.** – (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding office.
- (2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station for having an opportunity of voting at that station.
- (3) If any person who has been removed from a polling station re-enters the polling station without permission of the presiding officer he shall be punishable with fine which may extend to two hundred and fifty rupees.
- 78. Penalty for failure to observe procedure for voting.** - If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation. The person committing such act shall be punishable with fine which may extend to two hundred and fifty rupees.
- 79. Breaches of official duty in connection election.** – (1) If any person to whom this rule applies is without reasonable cause guilty of any act or omission in breach of his official duty he shall be punishable with fine which may extend to two hundred rupees.
- (2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.
- (3) The persons to whom this rule applies are the returning officer, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election and the expression “official duty” shall for the purpose of this rule be construed accordingly but shall not include duties imposed otherwise than by or under these rules.
- 80. Penalty for government servants for acting as election agent, polling agent or counting agent.** - If any person in the service of the Government acts as an election agent or a polling agent or counting agent of a candidate at an election he shall be punishable with fine which may extend to two hundred and fifty rupees.
- 81. Removal of ballot papers from polling to be an offence.** – (1) Any person who at any election fraudulently takes or attempts to take, ballot papers, out of a polling

station or willfully aids or abets the doing of any such acts shall be punishable with fine which may extend to two hundred and fifty rupees.

- (2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1) such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to do so.

- (3) Any ballot paper found upon the person arrested in search shall be made over for safe custody to a police officer by the presiding officer, or when search is made by a police officer, shall be kept by such officer in safe custody.

**82. Offences and penalties thereof.** – (1) A person shall be guilty of a electoral offence if at any election, he:

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under authority of a returning officer; or
- (c) fraudulently defaces or fraudulently destroys any paper or the official work or any ballot paper or any declaration of identity or official envelopes used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person or is in possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (f) without the authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper other than in use for the purpose of election; or
- (g) fraudulently or without the authority as the case may be attempts to do any of the foregoing acts or willfully abets the doing of any such acts.

- (2) Any person guilty of an electoral offence under this rule shall be punished with a fine upto two hundred and fifty rupees.

- (3) For the purpose of this rule, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election in doing the counting of votes or to be responsible at an election for the used ballot papers and other documents in connection with such election, but the expression, 'official duty' shall not include any duty imposed otherwise than by or under these rules.

**83. Repeal.** - The Delhi Agricultural Produce Marketing (Election) Rules, 1978 is hereby repealed.

By order and in the name of  
the Lieutenant Governor of the  
National Capital Territory of  
Delhi,

**(Y.D. BANKATA)**  
Special Secretary (Development)  
Government of National Capital  
Territory of Delhi.

Form – 1  
[(See Rule 4 (2) (b))]  
**Notice of Publication of Draft Electors' List**

The electors of the \_\_\_\_\_ Delhi \_\_\_\_\_ constituency.

Notice is hereby given that the electors' list has been prepared in accordance with the Delhi Agricultural Produce Marketing (Election) Rules, 2000 and a copy thereof is available for inspection at my office, and at \_\_\_\_\_ during office hours.

If there be any claim for the inclusion of a name in the electors' list or any objection to the inclusion of a name or any objection to particulars in any entry it should be lodged on or before the \_\_\_\_\_ 20 \_\_\_\_\_ in Form 2,3 or 4 as may be appropriate.

Every such claim or objection should either be presented in my office or sent by post to the address given below so as to reach me not later than the aforesaid date.

Electoral Registration Officer

(Address) \_\_\_\_\_

\_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

Form – 2  
(See Rule 17)

**Appointment of Election Agent**

Election on the ..... from ..... Constituency.

To

The Returning Officer,

I, ..... of ..... a candidate at the above election do hereby appoint  
..... of ..... as my election agent from this day at the above  
election.

.....  
Signature of Candidate

Place .....

Date .....

I accept the above appointment

Form – 3  
[See Rule 20 (2)]  
**Appointment of Polling Agent**

Election to the Agricultural Produce Marketing Committee from .....  
Constituency.

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

.....  
Signature of candidate/election agent

Place .....

Date .....

I agree to act as such polling agent.

.....  
Signature of Polling Agent

Place .....

Date .....

**( DECLARATION OF POLLING AGENT TO BE SIGNED BEFORE PRESIDING OFFICER )**

I hereby declare that at the above election, I will maintain and aid in  
maintaining the secrecy of the voting and shall not communicate to any person any  
information calculated to violate such secrecy.

.....  
Signature of Polling Agent

Date .....

Signed before me

.....  
Presiding Officer

Date .....

Form – 4  
(See Rule 21)

**Appointment of Counting Agents**

To

The Returning Officer,

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

Name of the Counting Agents Address of the Counting Agents

- 1.
- 2.

Signature of candidate/election agent

We agree to act as such counting agents.

- 1.
- 2.

Signature of Counting Agents

Place .....

Date .....

- 1.
- 2.
- 3.

**DECLARATION OF COUNTING AGENTS**

(To be signed before the Returning Officer)

We hereby declare that at the above election we shall maintain and aid in  
maintaining the secrecy of the counting of votes and will not communicate to any  
person any information calculated to violate such secrecy.

Signature of Counting Agents

Date .....

Signed before me

Date .....

Returning Officer

Form – 5  
[See Rule 24 (2)]  
**Nomination Paper**

Election to the \_\_\_\_\_ Agricultural Produce Marketing Committee  
(To be filled by the proposer)

\_\_\_\_\_

I hereby nominate \_\_\_\_\_ as a candidate for election from the  
\_\_\_\_\_ Traders and Commission Agents/Weighmen and Measurers  
Constituency.

Name of Constituency:  
Name of Candidate:  
Father's/Husband's name:  
Age:  
Full postal address of the Candidate:  
The name of the Constituency in which  
the name of the candidate is entered as  
an elector in the electors' list:  
Serial number of the candidate in the electors'  
list of constituency aforementioned in which  
his name is entered as an elector :  
Name of proposer:  
Serial number of the Proposer in the electors'  
list of the Constituency :

\_\_\_\_\_  
Signature of the Proposer

Declaration of Candidate

I, the above-mentioned candidate assent to this nomination.

\_\_\_\_\_  
Signature of candidate

**Declaration as to Choice of Symbol**

I do hereby declare that the symbols which I have chosen for my election are shown below in the order of my preference :-

- 1.
- 2.
- 3.

\_\_\_\_\_  
Signature of candidate

Serial No. of nomination paper \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Returning Officer

Date \_\_\_\_\_

\_\_\_\_\_  
Decision of Returning Officer accepting or rejecting the Nomination paper

I have examined this nomination paper in accordance with Rule 25 of the Delhi Agricultural Produce Marketing (Election) Rules, 2000, and decide as follows:

\_\_\_\_\_  
Signature of Returning Officer

Date \_\_\_\_\_

\_\_\_\_\_  
Receipt for Nomination Paper and Notice of Scrutiny

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

Serial No. of Nomination Paper .....

The nomination paper of ..... a candidate, for election from the ..... constituency of ..... the ..... Agricultural Produce Marketing Committee was delivered to me at my office at ..... (hour) on ..... (date) by the \*candidate/proposer of the candidate.

All nomination papers will be taken up for scrutiny at ..... (hour) on ..... (date) at ..... (place).

.....  
Signature of Returning Officer

Date .....

\_\_\_\_\_  
\*Strikeout whichever is not applicable.

Form – 6  
 (See Rule 28)  
**Notice of Nomination**

List of nominations received for \*Traders/Weighmen and measurers.  
 Constituency of Agricultural Produce Marketing Committee .....

Sl.No.	Name of Candidate	Name of Father/ Husband	Serial No. in electors' list	Address	Name of Proposer	Serial no. in Electors' list
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Note: The nomination papers shall be taken up for scrutiny at .....AM/PM the  
 ..... day of ..... 20 ..... at ..... (place).

.....  
 Signature of Returning Officer

Place .....

Date .....

\*Strike out whichever is not applicable.

Form – 7  
[See Rule 29(8)]

Election to the Agricultural Produce Marketing Committee .....  
from Constituency .....

List of validly nominated candidates

Sl.No.	Name of the Candidate	Father's/Husband's name	Address	Choice of symbol in order of preference
1.				
2.				
3.				
4.				
5.				
6.				

.....  
Returning Officer

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

Form – 8  
[See Rule 30(1)]  
**Notice of Withdrawal**

Election to the Agricultural Produce Marketing Committee ..... from  
Constituency .....

To

The Returning Officer,

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

.....  
Signature of candidate

Place .....

Date .....

This notice as delivered to me at my office at ..... (hour) on .....  
(date) by ..... (Name), the .....

.....  
Returning Officer

Date .....

Receipt for Notice of Withdrawal  
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ..... a candidate at the  
election to the ..... was delivered to me by the ..... At my  
office ..... (hour) on ..... (date)

.....  
Returning Officer

Form – 9  
[See Rule 30 (5)]

**List of Withdrawal of Candidatures**

Election to the Agricultural Produce Marketing Committee\* ..... from  
Constituency .....

Notice is hereby given that the following \*\*candidate/candidates at the  
above election withdraw his candidature/their candidature today.

Sl.No.	Name of Candidate	Address of candidate	Remarks
1.			
2.			
3.			
etc.			

.....  
Returning Officer  
Date .....

\*Appropriate particulars of the election to be inserted here.  
\*\*Strike off the inappropriate alternative.

Form - 10  
[See Rule 31(1)]

**List of Contesting Candidates**

Election to the ..... Agricultural Produce Marketing Committee from  
..... \*Traders/Weighmen & Measurers.

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Sl.No. Name of Candidate Address of Candidate Symbol allotted to the candidate

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- 1.
  - 2.
  - 3.
  - 4.
  - etc.
- 

.....  
Signature of Returning Officer

Place .....

Date .....

\*Strike out whichever is not applicable.

Form – 11  
(See Rule 38)

Election to ..... Agricultural Produce Marketing Committee,  
Delhi, 20 .....

from

Constituency

Traders  
Weighmen and Measurers

Serial No. of Elector .....

Form – 12  
 [See Rule 41 (2) (c)]  
**List of Challenged Votes**

Election to the ..... Agricultural Produce Marketing Committee from  
 the ..... Constituency.

No. and Name of Polling Station .....

Sl. No. of entry in electors' list	Sl.No. of part of elect- ors' list	Elector's name in that part	Signature or thumb impression of the person	Address of the person challenged	Name of identifier, if any	Name & address of Challen- ger	Order of Presiding Officer	Signature of Challenger
------------------------------------------------	------------------------------------------------	-----------------------------------	---------------------------------------------------------	-------------------------------------------	----------------------------------	--------------------------------------------	----------------------------------	-------------------------------

Place .....

Date .....

Signature of the Presiding Officer

Form – 13  
[See Rule 44 (2)]  
**List of Blind and Infirm Voters**

Election to the ..... from the Traders and Commission Agents/Weighmen and Measurers Constituencies.

No. & Name of the Polling Station/Name or Place of Poll .....

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Part No. & Serial No. of elector	Full name of Elector	Signature or Thumb impression of elector
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Date .....

Signature of Presiding Officer

Form – 14  
 [See Rule 45 (2)]  
**Tendered Vote List**

Election to the ..... Agricultural Produce Markets Committee  
 ..... Constituency.

Polling station .....

No. of Polling Station  
 if any .....

Sl.No.of the entry	Name of the elector	Sl.No. of the elector in the electors list	Address of the elector	Sl.No. of tendered ballot	Sl.No. of ballot paper issued	Signature or thumb impression of the elector
1.	2.	3.	4.	5.	6.	7.

Date .....

Signature of the Presiding Officer

Form – 15  
[See Rule 52]  
**Ballot Paper Account**

Election to the ..... Agricultural Produce  
Marketing Committee from ..... Constituency.

No. & Name of Polling Station .....

	Serial No.	Total
1.	Number of ballot papers received by the Presiding Officer at the Poling Station or if the Polling Station has more than one booth at each booth.	
2.	Number of ballot papers issued, to voters	
3.	Number of unused ballot papers returned	
4.	Number of ballot papers used	
5.	Number of tendered ballot papers used	
6.	Number of ballot papers in ballot boxes	

Signature of the Presiding Officer

Date .....

Note - If a polling station has more than one polling booth separate account in this form shall be attached to this account in respect of each polling booth.

Signature of the Presiding Officer

Date .....

Form – 16  
[See Rule 57 (6)]  
**Result Sheet**

Election of the ..... Agricultural Produce Marketing  
Committee ..... Constituency.

Serial No.	Polling Station Name	Number of valid votes cast in favour of ABC Etc. valid votes	Number of rejected total votes for Polling Stations	Number of tendered votes	Remarks
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Total Number of votes recorded at Polling Station

Place .....

Date .....

Returning Officer

Form -17  
[See Rule 59]  
**Form of Return of Election**

..... Agricultural Produce Marketing Committee Election  
for ..... Constituency.  
.....20

Name of Candidate	Number of valid votes given for the candidate
1.	
2.	
3.	
4.	
5.	
etc.	

Total No. of valid votes:  
Total No. of invalid votes:  
Total No. of tendered votes:

I declare that –

Name .....  
Address .....

has been duly elected.

Signature of Returning Officer

Place .....

Date .....

Copy to:-

1. The Secretary, Minister of Home Affairs, Govt. of India, North Block, New Delhi.
2. The Secretary, Minister of Agriculture, Government of India Krishi Bhawan, New Delhi.
3. The Agricultural Marketing Advisor to the Government of India, Dte. of Marketing & Inspection, NH-IV, Faridabad.
4. The Secretary to Lt. Governor, Government of NCT of Delhi.
5. The Development Commissioner, 5/9 Under Hill Road, Delhi.
6. The Director, Agricultural marketing, Government of NCT of Delhi.
7. The Chairman, Delhi Agricultural Marketing Board, Delhi
8. The Vice Chairman, Delhi Agricultural Marketing Board, Delhi
9. The O.S.D. to Chief Minister of Delhi, Old Secretariat, Delhi.
10. The Secretary to Minister (Development), Government of NCT of Delhi, Old Secretariat, Delhi.
11. The O.S.D. to Chief Secretary, Government of NCT of Delhi.
12. The Deputy Secretary (GAD), General Administration Deptt. Government of NCT of Delhi (in duplicate alongwith Hindi version) with the request that the notification may be published in the Delhi Gazette (Extra-ordinary, Part-IV)
13. The Administrator/Secretary, Agricultural Produce Market Committee, Azadpur, Narela, Tikri Kalan, Najafgarh and Shahdara Delhi/New Delhi and Fish Poultry and Egg Market Committee, Jama Masjid, Delhi, Chairman/Secretary Khoya/Mawa Market Committee, Delhi and Flower Market Committee, Delhi.
14. Law Department, Government of NCT of Delhi.
15. All the members of Delhi Agricultural Marketing Board, through Vice-Chairman, Delhi Agricultural Marketing Board.
16. The Director, Dte. of Information Publicity, Government of NCT of Delhi.
17. Personal/Guard File.

**(Y.D. BANKATA)**

SPECIAL SECRETARY (DEVELOPMENT)  
GOVERNMENT OF NATIONAL CAPITAL  
TERRITORY OF DELHI.