

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

**Extracts
of
Delhi Agricultural Produce Marketing (Election) Rules, 2000
_for
Election Procedure**

**DIRECTORATE OF AGRICULTURAL MARKETING
(ELECTION CELL)**

49, SHAM NATH MARG, DELHI – 110054

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- 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 an 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 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).
