



The
Government of Phaltan Act,
1942

[With the Legislative Council Electoral Rules and Regulations, 1942]



PHALTAN

Published by : Rao Saheb K. V. Godbole, B. A., LL. B., Dewan, Phaltan State.

Printed by : The Manager, Rajamudranalaya, Phaltan.

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[Act No. X of 1942]

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A. D. 1942.

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Government of Phaltan Act, 1942.

[Act No. X of 1942.]

An Act to make further provision for
the government of the Phaltan State.

*Promulgated by the Ruler of Phaltan
on the 14th day of September, 1942.*

WHEREAS the Ruler of Phaltan was pleased to declare his intention of granting certain further constitutional reforms to the people of the Phaltan State by a Proclamation issued on the 12th day of November 1939:

And whereas it is expedient to make a fresh enactment to give effect to the transfer of power far exceeding that which was originally contemplated under the aforesaid Proclamation:

Be it, therefore, enacted by the Ruler of Phaltan and under his authority as follows:—

PART I.

INTRODUCTORY.

1. This Act may be cited as the Government of Phaltan Act, 1942. Short title.

2. (1) This Act shall extend to the whole of the Phaltan State. Extent and commencement.

(2) This Act shall come into force on such date as the Ruler may appoint in this behalf by notification in the Gazette.

(3) If it appears to the Ruler that it will not be practicable or convenient that all the provisions of this Act should come into operation simultaneously on the aforesaid date, the Ruler may, notwithstanding anything in this section, fix an earlier or a later date for the coming into operation, either generally or for particular purposes, of any particular provisions of this Act.

Definitions.

3. In this Act and, unless the context otherwise requires, in any other Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

- (a) "The Government of the Ruler of Phaltan" or "the Government of the Phaltan State" or "the Government of Phaltan" or "the Government" means the Ruler exercising the executive authority of the Phaltan State in accordance with the provisions of this Act or otherwise.
- (b) "The Phaltan State Legislative Council" or "The Legislative Council" means the Legislative Council established under this Act.
- (c) "The Phaltan Government Gazette" or "the Gazette" means the official gazette of the Phaltan State published by or under the authority of the Government of Phaltan.

Government of
the State by
the Ruler of
Phaltan.

4. The territory for the time being vested in the Ruler of Phaltan is governed by and in the name of the Ruler, and all rights, authority and jurisdiction which appertain or are incidental to the government of such territory is exercisable by the Ruler, except in so far as may be otherwise provided by or under this Act, or as may be otherwise directed by the Ruler of Phaltan.

PART II.

THE RULER'S INHERENT AND
RESERVED POWERS.

5. Notwithstanding anything contained in this or in any other Act, all powers legislative, executive and judicial, in relation to the Phaltan State and its government are hereby declared to be and to have always been inherent in and possessed and retained by the Ruler of Phaltan and nothing contained in this or any other Act, shall affect or be deemed to have affected, the right and prerogative of the Ruler of Phaltan to make laws, and issue ordinances, proclamations and orders by virtue of his inherent authority.
- Inherent powers of the Ruler.
6. The Ruler alone shall have power to make amendments to this Act.
- Power to make amendments to this Act.
7. The political relations of the Government of the Ruler of Phaltan with the British Government and all questions relating to external affairs shall be in the exclusive power of the Ruler.
- Political relations and external affairs.
8. The executive and administrative authority in respect of all subjects excluded from the purview of the Legislative Council under section thirty-six of this Act shall be exercisable by the Ruler alone.
- Executive authority in respect of excluded subjects.
9. In respect of all subjects excluded from the purview of the Legislative Council under section thirty-six of this Act the Ruler may frame any legislative measures that may be necessary and every such measure shall have the force of law on receiving the signature of the Ruler.
- Power to legislate in regard to excluded subjects.
10. The Ruler may, in cases of emergency, make and promulgate ordinances for the peace and good government of the Phaltan State and any ordinance so made shall, for such period not exceeding one year as may be specified therein, have the like force of law as an Act passed by the Phaltan State Legislature.
- Power to make ordinances in cases of emergency.

Power to suspend constitution in case of maladministration, etc.

11. If at any time the Ruler is satisfied that there is serious maladministration or that a serious emergency exists or that the safety, tranquility and interests of the Phaltan State, or of any part thereof, are or may be seriously affected, or that a situation has arisen in which the government of Phaltan State cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

- (a) declare that his authority shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion ;
- (b) assume to himself all or any of the powers vested in or exercisable by the council of ministers or by the Legislative Council ;

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act for a definite or indefinite period.

Special responsibilities of the Ruler.

12. (1) In the governance of the State, the following matters shall constitute the special responsibilities of the Ruler, that is to say—

- (a) the safeguarding of the legitimate interests of the minorities ;
- (b) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests ; and
- (c) the safeguarding of the financial stability and credit of the Phaltan State.

(2) If and in so far as any special responsibility of the Ruler is involved, he alone shall have power to determine the appropriate action to be taken in that behalf.

PART III.

THE EXECUTIVE.

The Dewan.

13. (1) The Dewan of the State shall be appointed by the Ruler and shall hold office for such period and subject to such terms and conditions as the Ruler may prescribe. Appointment
of the Dewan.

(2) The Dewan shall be the chief executive officer of the Ruler. He shall be under the general control of and comply with such particular directions as may be given to him by the Ruler in the exercise of his powers and the discharge of his duties which are conferred or imposed upon him by or under this Act or by the Ruler and the validity of anything done by the Dewan shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

Administration of State Affairs.

14. (1) There shall be a council of ministers consisting of the Dewan and such number of ministers, not being less than two, as the Ruler may determine, to aid and advise the Ruler in the exercise of the executive authority of the State, except in so far as it is retained by him by or under this Act in his exclusive power : Council of
ministers.

Provided that two at least of the ministers shall be chosen from among the elected members of the Legislative Council.

(2) If any question arises whether any matter is or is not a matter in the exclusive power of the Ruler under this Act, it shall be decided by the Ruler.

(3) The council of ministers shall not be disqualified for the transaction of business by reason of any vacancy or vacancies among the members thereof.

(4) In the matter of the appointment of ministers from among the elected members of the Legislative Council, the Ruler may, notwithstanding anything contained in subsection (1) of this section, by notification in the Gazette appoint as minister a person who is not an elected member of the Legislative Council; but such minister Provision for
appointment of
non-elected
minister in
place of elect-
ed minister.

shall not hold office for a longer period than six months unless in the meantime he becomes an elected member of the Legislative Council.

Provision in case requisite number of elected ministers qualified for appointment is not available.

(5) If the Ruler is satisfied that the requisite number of members who could be appointed as ministers from amongst the elected members of the Legislative Council is not available, through lack of adequate educational qualifications or for any other reason, he may appoint one or more officials of the State or nominated members of the Legislative Council as ministers, as may be necessary and may suspend the operation of subsection (1) of this section *pro tanto* until the next election of the Legislative Council or until such time as would enable him to take action under it.

Oath and tenure of office of ministers.

(6) Before taking office, all the ministers shall be sworn as members of the council of ministers and shall hold office during the pleasure of the Ruler.

Vacation of office by elected minister.

(7) A minister chosen from among the elected members of the Legislative Council shall vacate office if he ceases to be a member thereof.

(8) A minister chosen from among the elected members of the Legislative Council shall not vacate office owing to the dissolution thereof, until a minister is appointed in accordance with the provisions of subsection (1) of this section from among the elected members of the reconstituted Legislative Council.

Minister's resignation.

(9) Any member of the council of ministers may, by writing signed by him and submitted to the Ruler, resign his office. The instrument of resignation shall be recorded in the minutes of the council of ministers.

Elected minister's resignation on a vote of no-confidence.

(10) A minister or ministers chosen from among the elected members of the Legislative Council shall resign office if a vote of no-confidence is passed by the Legislative Council against him or them in conformity with the rules made under this Act.

Period within which vacancy in the council of ministers must be filled up.

(11) A vacancy in the council of ministers caused by dismissal, resignation or death of any member or by any other cause shall be filled up by the Ruler within two months from the date of any such vacancy and in the

interim period, the Ruler may entrust the portfolios of the vacating member to the Dewan or may make such other arrangement as he deems fit.

(12) The salaries and allowances of the ministers and their staff shall be determined by the Ruler. But in the case of ministers chosen from among the elected members of the Legislative Council these matters shall from time to time be determined by the Legislative Council, subject to the provision that the maximum salary and allowances of any such minister shall not exceed three hundred rupees a month. But as long as these matters are not determined by the Legislative Council, they shall be determined by the Ruler in his discretion.

Salaries of ministers.

(13) The question whether any, and if so what, advice was tendered by ministers to the Ruler shall not be inquired into in any court.

Courts not to enquire in the matter of advice tendered by ministers.

15. (1) The Dewan of the State shall be the President of the council of ministers with power to vote.

President and Vice-president.

(2) The Ruler shall appoint a person to be the Vice-president of the council of ministers with power to vote. Such person may or may not be a member of the council of ministers and shall have power to act only in the absence of the President.

16. (1) The Ruler may appoint a person to be his political adviser.

Political adviser to Ruler.

(2) It shall be the duty of the political adviser to assist by his advice the Ruler in the discharge of his exclusive responsibilities in respect of the relations of the State with the British Government, and also in respect of all external affairs; and it shall also be his duty to advise the council of ministers and other officers of the State in relation to all such matters.

(3) The political adviser shall hold office during the pleasure of the Ruler and the salary and allowances of the political adviser and the number of his staff and their conditions of service shall be such as the Ruler may determine.

17. (1) The Ruler may appoint a person to be his financial adviser.

Financial adviser to Ruler.

(2) It shall be the duty of the financial adviser to assist by his advice the Ruler in the discharge of his special responsibility for safeguarding the financial stability and credit of the Phaltan State and also to give advice to the council of ministers upon any matter relating to finance.

(3) The financial adviser shall hold office during the pleasure of the Ruler and the salary and allowances of the financial adviser and the number of his staff and their conditions of service shall be such as the Ruler may determine.

Conduct of
business of the
Government of
the Ruler.

18. (1) All executive action shall be expressed to be taken in the name of the Government of the Ruler of Phaltan.

(2) Orders and other instruments made and executed in the name of the Government of the Ruler of Phaltan shall be authenticated in such manner as may be prescribed by rules made in that behalf by the Ruler under this section, and the validity of any order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Government.

(3) The distribution of portfolios among the members of the council of ministers shall be in the discretion of the Ruler and he may include a member in the council of ministers without any portfolio ;

Provided that all departments concerning the internal administration of the State shall, except those falling under subjects reserved to himself for administration by the Ruler by or under this Act, be ordinarily entrusted to ministers chosen from among the elected members of the Legislative Council.

(4) The Ruler may make rules for the more convenient transaction of the business of the Government.

Appointment of
a secretary to
the council of
ministers.

19. There shall be a secretary to the council of ministers who will be appointed by the Ruler and who will be under the general control of the President or Vice-president of the council of ministers as the case may be. The secretary shall ordinarily be present at the meetings

of the council of ministers unless his withdrawal is directed by the President or the Vice-president as the case may be.

20. The Ruler may ask the council of ministers to reconsider the advice tendered by it under the provisions of this Act on any specific matter.

Reconsideration of its advice by the council of ministers when required by the Ruler.

21. Subject to the provisions of section nineteen of this Act, no person other than the Ruler shall have the right to be present at a meeting of the council of ministers.

Right to be present at a meeting of the council of ministers.

PART IV.

THE LEGISLATURE.

General.

22. (1) The Phaltan State Legislature shall consist of the Ruler and the Phaltan State Legislative Council.

Constitution of Phaltan State Legislature.

(2) The Legislative Council shall consist ordinarily of eighteen members of whom six shall be nominated by the Ruler and the remainder elected in accordance with rules made under this Act:

Provided that the Ruler may, for the purpose of any Bill introduced or proposed to be introduced in the Legislative Council, nominate not more than two persons having special knowledge or experience of the subject-matter of that Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all rights of members of the Legislative Council, and shall be in addition to the number above referred to.

23. Of the twelve seats of the Legislative Council open to be filled by election, two seats shall be filled by representatives of the Scheduled Castes, and of the six seats open to be filled by nomination, one seat shall be filled by a woman nominated under the rules

Reservation of seats.

made under this Act by the Ruler to represent the women of the Phaltan State.

Sessions of the
Legislative
Council,
prorogation
and dissolution.

24. (1) The Legislative Council shall continue for three years from its first meeting:

Provided that—

- (a) the Legislative Council may be sooner dissolved by the Ruler;
- (b) the said period may be extended by the Ruler from time to time by notification in the Gazette, if in special circumstances (to be specified in the notification) he so thinks fit, subject, however, to the condition that the aggregate period of such extensions shall not exceed one year; and
- (c) after the dissolution of the Legislative Council the Ruler shall appoint a date not more than eight months from the date of dissolution for the next session of the Legislative Council.

(2) The Legislative Council shall be summoned to meet twice at least in every year and not more than eight months shall intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(3) Subject to the provisions of this section, the Ruler may in his discretion from time to time—

- (a) summon the Legislative Council to meet at such time and place as he thinks fit;
- (b) prorogue the Legislative Council;
- (c) dissolve the Legislative Council.

Address and
messages by
the Ruler to the
Legislative
Council.

25. If the Ruler desires to address the Legislative Council, attendance of its members shall be required for that purpose. The Ruler may also send messages to the Legislative Council and such messages shall be considered by the Legislative Council with all convenient dispatch.

Right of the
Dewan to
address and
participate in
the Legislative
Council.

26. The Dewan may attend the meetings of the Legislative Council and may address the Legislative Council and for that purpose require the attendance of its members. He may also participate in the proceedings of

the Legislative Council, and any committee thereof of which he may be named a member, but he shall not be entitled to vote.

27. The political and financial advisers shall have the right to speak in, and otherwise to take part in the proceedings of the Legislative Council, and any committee thereof of which they may be named members, but shall not by virtue of this section, be entitled to vote.

Right of political and financial advisers as respects the Legislative Council.

28. (1) There shall be a President of the Legislative Council, who shall be a person appointed by the Ruler from among the members of the Legislative Council.

Officers of the Legislative Council.

(2) The Legislative Council shall as soon as may be choose one of its members to be the Deputy President thereof, and so often as that office becomes vacant, the Legislative Council shall choose another member to be the Deputy President; but every such choice shall require the approval of the Ruler.

(3) The President of the Legislative Council shall hold office during the life of the Legislative Council, but he may resign office by writing signed by him and submitted to the Ruler and may be removed from office by order of the Ruler and any vacancy occurring before the expiration of the life of the Legislative Council shall be filled by a similar appointment for the remaining period.

(4) The President shall vacate his office if he ceases to be a member of the Legislative Council; but whenever the Legislative Council is dissolved he shall not vacate his office until immediately before the first meeting of the Legislative Council after the dissolution.

(5) The Deputy President shall cease to hold office on ceasing to be a member of the Legislative Council but he may resign office by writing signed by him and submitted to the Ruler and may be removed from his office by a resolution of the Legislative Council, passed by a majority of all the then members of the Legislative Council and approved by the Ruler; but no resolution for the purpose of this subsection shall be moved unless at least one day's notice has been given of the intention to move the resolution.

(6) While the office of President is vacant, or during his absence, the duties of the office shall be performed by the Deputy President, or, if the office of Deputy President is also vacant or during his absence, by such member of the Legislative Council as the Ruler may in his discretion appoint for the purpose.

Voting in the Legislative Council, power of the Legislative Council to act notwithstanding vacancies, and quorum.

29. (1) Save as otherwise expressly provided in this Act, all questions at any sitting of the Legislative Council shall be determined by a majority of votes of the members present and voting, other than the President or person acting as such.

The President or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) The Legislative Council shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Council shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of the Legislative Council less than one-half of the total number of members of the Legislative Council are present, it shall be the duty of the President or person acting as such either to adjourn the Legislative Council, or to suspend the meeting until at least one-half of the members are present.

Provisions as to Members of the Legislative Council.

Oath of Members.

30. Every member of the Legislative Council shall before taking his seat make and subscribe before the Ruler, or some person appointed by him, an oath according to the form set out in the First Schedule to this Act.

Vacation of seats.

31. (1) If a member of the Legislative Council—

(a) becomes subject to any of the disqualifications mentioned in subsection (1) of the next succeeding section ; or

(b) by writing under his hand addressed to the Ruler resigns his seat,

his seat shall thereupon become vacant.

(2) If for a period of two consecutive sessions a member of the Legislative Council is without permission of the Legislative Council absent from all meetings thereof, the Legislative Council may declare his seat vacant.

32. (1) A person shall be disqualified for being chosen as, and for being, a member of the Phaltan State Legislative Council—

Disqualifications for membership.

- (a) (i) if he holds or has previously held any office of profit under the Government of the Ruler of Phaltan or under any British Indian or Indian State's Government, other than an office declared by rules made under this Act not to disqualify its holder ;
- (ii) if he holds any office of profit under any municipality or local board in the Phaltan State :

Provided that a person who holds or has previously held office as a minister chosen by the Ruler from among the elected or nominated non-official members of the Legislative Council shall not be disqualified under paragraph (a) of this subsection :

Provided further that if any question arises whether any person holds or has previously held an office of profit under paragraph (a) of this subsection it shall be decided by the Ruler.

- (b) if he is under 25 years of age;
- (c) if he is not a subject of the Phaltan State or a British subject or if and so far as the Ruler of Phaltan may direct a subject of any other Indian State ;
- (d) if he is of unsound mind and stands so declared by a competent court ;
- (e) if he is an undischarged insolvent ;
- (f) if, whether before or after the promulgation of this Act, he has been convicted, or has, in proceedings for questioning the validity

or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by any Act or by rules made under this Act to be an offence or practice entailing disqualification for membership of the Legislative Council, unless such period has elapsed as may be specified in that behalf by the provisions of that Act or those rules;

- (g) if, whether before or after the promulgation of this Act, he has been convicted of any other offence and sentenced to imprisonment for not less than six months by a court in the Phaltan State or elsewhere, unless a period of five years or such less period as the Ruler may allow in any particular case, has elapsed since his release;
- (h) if, having been a legal practitioner, he has been debarred or is under suspension from practising as such by order of a competent court, the disqualification in the latter case being operative during the period of such suspension or the term of the Legislative Council, whichever is longer;
- (i) if, having been nominated as a candidate for the Legislative Council or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by any rules made under this Act, unless five years have elapsed from the date by which the return ought to have been lodged, or the Ruler has removed the disqualification:

Provided that the disqualification under paragraph (i) of this subsection shall not take effect until the expiration of one month from the date by which the return ought

to have been lodged or of such longer period as the Ruler may in any particular case allow;

(j) if, having been elected or nominated, he refuses to take oath or affirmation as prescribed.

(2) A person shall not be capable of being chosen a member of the Legislative Council while he is serving a sentence of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by virtue of paragraph (f) or paragraph (g) of subsection (1) of this section, is at the date of the disqualification a member of the Legislative Council, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which his membership is preserved by this subsection he shall not sit or vote.

33. If a person sits or votes as a member of the Legislative Council when he is not qualified, or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of subsection (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the Government.

Penalty for sitting or voting when not qualified or when disqualified.

34. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Council, there shall be freedom of speech in the Legislative Council, and no member of the Legislative Council shall be liable to any proceedings in any court in the Phaltan State in respect of anything said or any vote given by him in the Legislative Council or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the

Privileges, etc. of members.

Legislative Council of any report, paper, votes or proceedings.

(2) No member of the Legislative Council shall be liable to arrest or detention in prison under a civil process during the continuance of any meeting of the Legislative Council.

(3) A person released from detention under subsection (2) of this section shall, subject to the provisions of the said subsection, be liable to rearrest and to the further detention to which he would have been liable if he had not been released under the provisions of the said subsection.

(4) In other respects, the privileges of members and other persons entitled to take part in the proceedings of the Legislative Council shall be such as may from time to time be defined by Act of the Phaltan State Legislature.

(5) Nothing in this Act shall be construed as conferring, or empowering the Legislative Council to confer on itself, or any committee or officer thereof, the status of a court, or any punitive or disciplinary powers other than a power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.

(6) Provision may be made by an Act of the Phaltan State Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of the Legislative Council when duly required by the chairman of the committee so to do:

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such committees of persons who are, or have been, in the service of the Phaltan State, and safeguarding confidential matter from disclosure, as may be made by the Ruler.

(7) The provisions of subsections (1) to (4) of this section shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise take part in the proceedings of, the Legislative Council as they apply in relation to members of the Phaltan State Legislature.

Legislative Powers and Procedure.

35. Subject to the provisions of this Act, the Phaltan State Legislative Council may make laws for the whole or any part of the Phaltan State, and for subjects of the Ruler of Phaltan wherever they may be.

Powers of
Phaltan State
Legislature.

36. Notwithstanding anything contained in this Act, there shall not be introduced into or moved in the Legislative Council any Bill or amendment or motion or resolution or interpellation or discussion or voting or other proceedings relating to or affecting the following subjects:

Excluded
subjects.

- (a) the Ruling family of Phaltan; or
- (b) the Palace, including the staff and the household of the Ruler; or
- (c) the relations of the Ruler with the British Government and all questions relating to external affairs; or
- (d) matters governed by treaties or conventions or agreements now in force or hereafter to be made on behalf of the Phaltan State with the Crown Representative or any British Indian Government or any Indian State or its Ruler; or
- (e) previous commitments made on behalf of the Phaltan State; or
- (f) the provisions of this Act; or
- (g) laws enacted by the Ruler in exercise of his inherent and reserved powers; or
- (h) the conduct of any judge or judges of the High Court in the discharge of their duties; or
- (i) *devasthan* and *devasthan* property belonging to or under the control of the Ruler; or
- (j) *deshmukhi*, *isafat*, *inam* and *saranjam* rights of the Ruler; or
- (k) *nemnuk* payable to the Ruler up to 15% of the gross revenues of the State as may be sanctioned by him and calculated on the principles laid down in the Phaltan Durbar Resolution No. 275, dated the 30th April 1931 and followed in the subsequent budgets of the State; or

- (l) proceeds from the Sugar Excise Duty for any particular year and savings therefrom after the introduction of this Act :

Provided that yearly proceeds from the said Duty shall cease to be an excluded subject under paragraph (l) of this section after it becomes a defined item of the State's revenues by settlement with the British Government; or

- (m) savings at the credit of the State at the introduction of this Act in the form of cash balances, securities, shares, etc. :

Provided that the President may with the previous permission of the Ruler allow representations to be made by the Legislative Council regarding the subjects coming under paragraphs (c), (d), (e), (f), (g) and (h) of this section.

Powers of the Ruler in certain cases.

37. Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Ruler may certify that the Bill or any clause of it, or the amendment affects the safety or tranquility of the Phaltan State, and may direct that no proceedings or no further proceedings shall be taken by the Legislative Council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

Measures requiring previous sanction.

38. There shall not be introduced into or moved in the Legislative Council without the previous sanction of the Ruler any Bill or amendment—

- (a) affecting the religion or religious rights and usages of any class or community of the Ruler's subjects; or
(b) affecting the privileges of members of the Legislative Council.

Assent to Bills.

39. (1) When a Bill has been passed by the Phaltan State Legislative Council and has not been returned to it by the Ruler for reconsideration under the next following section, it shall be submitted for the assent of the Ruler who may declare that he assents to or withholds his assent from the Bill.

(2) If the Ruler withholds his assent from any such Bill, the Bill shall not become an Act.

(3) A Bill which is assented to under subsection (1) of this section shall become an Act and have the force of law.

40. When a Bill has been passed by the Phaltan State Legislative Council, the Ruler may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Legislative Council for reconsideration, either in whole or in part, together with any amendments which he may recommend, and the Legislative Council shall reconsider the Bill accordingly. Return of Bills.

41. When the Legislative Council has refused leave to introduce, or has failed to pass in a form recommended under the last preceding section by the Ruler, any Bill, he may certify that the passage of the Bill is essential in the interests of the public, and thereupon, notwithstanding that the Legislative Council has not consented thereto, the Bill shall be deemed to have been passed, and shall, on signature by the Ruler, become an Act of the Legislature in the form of the Bill as originally introduced or proposed to be introduced in the Legislative Council or (as the case may be) in the form recommended to the Legislative Council by the Ruler. Provision for
case of failure
to pass legisla-
tion.

Procedure in Financial matters.

42. (1) In respect of every financial year a statement of the estimated receipts and expenditure of the State for that year, hereinafter referred to as "the annual financial statement," shall be laid by the Government before the Legislative Council. Annual finan-
cial statement.

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

- (a) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the State; and
- (b) the sums required to meet other expenditure proposed to be made from the revenues of the State.

Expenditure
charged on the
revenues of
the State.

43. (1) The following expenditure shall be expenditure charged on the revenues of the State—

- (a) expenditure on matters excluded from the cognizance of the Legislative Council under section thirty-six of this Act;
- (b) contributions payable to the British Government;
- (c) the salaries, allowances and pensions of the Dewan and of ministers other than ministers chosen from among the elected members of the Legislative Council;
- (d) the salaries and allowances of ministers chosen from the elected members of the Legislative Council;
- (e) expenditure obligatory under any law;
- (f) debt charges for which the Government of Phaltan is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
- (g) expenditure classed by the Ruler as political;
- (h) the pensions and gratuities granted by the Ruler or with his sanction or under the rules sanctioned by the Ruler;
- (i) the salaries, allowances, and pensions payable to the officers of the State and sanctioned or approved as such by the orders of the Ruler;
- (j) the salaries, allowances and pensions payable to or in respect of the judges of the Phaltan High Court;
- (k) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal.

(2) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the State shall be decided by the Ruler.

44. (1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of the State shall not be submitted to the vote of the Legislative Council, but nothing in this subsection shall be construed as preventing the discussion in the Legislative Council of any of those estimates other than estimates relating to expenditure referred to in paragraph (c) or paragraph (g) of subsection (1) of the last preceding section.

Procedure in the Legislative Council with respect to estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted to the Legislative Council in the form of demands for grants. The Legislative Council shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

45. (1) The demands for grants as voted by the Legislative Council shall be submitted to the Ruler, and if he finds that the Legislative Council has not assented to any demand for a grant or has assented subject to a reduction of the amount specified therein, the Ruler may, if in his opinion the refusal or reduction would affect the due discharge of any of his responsibilities as Ruler, cause to be included in the schedule prescribed under the next succeeding section, such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility.

Restoration of demands and sanction of emergent expenditure.

(2) The Ruler may in case of emergency sanction such expenditure as may be in his opinion necessary for the safety or tranquility of the State or for the carrying on of any department.

46. (1) The President of the Legislative Council shall authenticate by his signature a schedule specifying—

Authentication of schedule of authorized expenditure.

- (a) the grants made by the Legislative Council under subsection (2) of section forty-four of this Act, as they emerge after restoration or sanction under the last preceding section by the Ruler; and

- (b) the several sums required to meet the expenditure on excluded heads under section thirty-six of this Act, and the sums required to meet the expenditure charged on the revenues of the State under subsection (1) of section forty-four of this Act, but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Legislative Council.

(2) The schedule so authenticated shall be laid before the Legislative Council, but shall not be open to discussion or vote thereon.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the State shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

Supplementary
statement of
expenditure.

47. If in respect of any financial year further expenditure from the revenues of the State becomes necessary over and above the expenditure theretofore authorized for that year, a supplementary statement showing the estimated amount of that expenditure shall be laid by the Government before the Legislative Council at its next following session, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure, as they have effect in relation to the annual financial statement and the expenditure mentioned therein. But in case of urgency, such further expenditure shall be sanctioned by the Government and a supplementary statement in respect of it shall be laid for confirmation only.

Special
provisions as
to financial
proposals.

48. (1) A Bill or amendment making provision—

- (a) for imposing or increasing any tax; or
(b) for regulating the borrowing of money or the giving of any guarantee by the Government of Phaltan, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Government of Phaltan; or

- (c) for declaring any expenditure to be expenditure charged on the revenues of the State, or for increasing the amount of any such expenditure,

shall not be introduced or moved except on the recommendation of the Government of Phaltan.

(2) A Bill or amendment shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of the State shall not be passed by the Legislative Council unless the Government has recommended to the Legislative Council the consideration of the Bill.

Procedure generally.

49. Subject to such conditions and restrictions as to subject and other matters as may be imposed by rules made under this Act, any member of the Legislative Council may, at a meeting of the Legislative Council—

Resolutions
and questions.

(1) ask questions; and

(2) move resolutions;

on any matter of public interest or importance relating to the administration of the State:

Provided that any resolution or resolutions passed by the Legislative Council shall be of a recommendatory character only.

50. Provision may be made by rules under this Act for the purpose of carrying into effect the provisions of this Part and for regulating the course of business in the Legislative Council, and the preservation of order at meetings, and the rules may provide for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

Provision for
making rules.

51. Standing orders may be made providing for the conduct of business and the procedure to be followed in

Standing
orders.

the Legislative Council, in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Ruler but may, subject to the assent of the Ruler, be altered by the Legislative Council. Any standing order made as aforesaid, which is repugnant to the provisions of any rules made under this Act, shall, to the extent of that repugnancy but not otherwise, be void.

Marathi language to be used ordinarily in the Legislative Council,

52. All proceedings in the Legislative Council shall ordinarily be conducted in the Marathi language, but English shall be used whenever and wherever necessary:

Provided that persons unacquainted or not sufficiently acquainted with the Marathi language may be permitted by the President or person acting as such to use another language.

Courts not to inquire into proceedings of the Legislature.

53. (1) The validity of any proceedings in the Phaltan State Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of the Legislative Council in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislative Council shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART V.

AUDIT AND ACCOUNTS.

Auditor-General of Phaltan State.

54. (1) There shall be an Auditor-General of the Phaltan State, who shall be appointed by the Ruler. The Auditor-General shall hold office during the pleasure of the Ruler and the salary and allowances of the Auditor-General and the number of his staff and their conditions of service shall be such as the Ruler may determine.

(2) The Auditor-General shall perform such duties and exercise such powers in relation to the accounts of

the State as may be prescribed by, or by rules made under, the orders of the Ruler :

Provided that no proposal for changes in the orders or rules made thereunder by the Ruler in this respect shall be introduced in the Legislative Council.

(3) The accounts of the State shall be kept in such form as the Auditor-General may, with the approval of the Ruler, prescribe.

(4) The report of the Auditor-General relating to the accounts of the State shall be submitted to the Ruler, who shall cause it to be laid before the Legislative Council.

PART VI.

JUDICIARY.

55. All provisions necessary for the administration of justice in the State according to law, and all appointments and other matters concerning judicial officers of the State and their staff shall be under the exclusive authority of the Ruler who will make appointments to those posts in accordance with rules, if any, made by him in that behalf.

PART VII.

MISCELLANEOUS AND GENERAL.

56. Rules may be made by the Ruler for the purpose of securing that all moneys received on account of the revenues of the State shall, with such exceptions, if any, as may be specified in the rules, be paid into the public account of the State, and the rules so made may prescribe, or may authorize some person to prescribe, the procedure to be followed in respect of the payment of moneys into

Provision as to the custody of public moneys.

the said account, the withdrawal of moneys therefrom, the custody of moneys therein, and any other matters connected with or ancillary to the matters aforesaid.

Power to
borrow money,
make contracts,
etc.

57. (1) The executive authority of the State shall extend, subject to the provisions of this Act or any other law in force or which may hereafter come into force, to the grant, sale, disposition or mortgage of any property vested in the State, to the purchase or acquisition of property, to the making of contracts, and to borrowing upon the security of the revenues of the State for purposes of the government of the Phaltan State.

(2) All such contracts and all assurances of property made in the exercise of the executive authority of the State shall be executed by such persons and in such manner as the Ruler may direct or authorize.

(3) Any person making any such contract or assurance on behalf of the State shall not be personally liable in respect thereof.

Suits and pro-
ceedings.

58. The Government of the Phaltan State may sue or be sued by the name of the Government of the Phaltan State.

Power of the
Ruler to make
provision with
respect to
franchise, etc.

59. (1) The Ruler shall have power, from time to time, to make provisions by rules not inconsistent with this Act to carry out all or any of the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1) of this section, and in so far as provision with respect to the matters hereinafter mentioned is not made by this Act, such rules may provide for all or any of them, that is to say—

- (a) the delimitation of territorial constituencies for the purpose of elections under this Act;
- (b) the qualifications entitling persons to vote in territorial or other constituencies at such elections, and the preparation of electoral rolls;
- (c) the qualifications for being elected at such elections as a member of the Legislative Council;

- (d) the filling of casual vacancies therein;
- (e) the conduct of elections under this Act and the methods of voting thereat;
- (f) the expenses of candidates at such elections;
- (g) corrupt practices and other offences at, or in connection with, such elections;
- (h) the decision of doubts and disputes arising out of, or in connection with, such elections;
- (i) the qualifications for being, and the term of office of, nominated members of the Legislative Council, and the conditions under which and the manner in which persons may be nominated as members thereof;
- (j) the representation of special interests and minorities;
- (k) matters ancillary to any such matter as aforesaid.

60. Where any matter is required to be prescribed or regulated by rules under this Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Ruler and shall not be subject to repeal or alteration by the Phaltan State Legislature. Provision as to rules.

61. If any dispute arises as to the interpretation or carrying out of any of the provisions of this Act or the rules made thereunder, it shall be decided by the Ruler. Decision of disputed points.

62. Except as regards posts in the Phaltan State services for which provision has been made under the foregoing sections of this Act, and without prejudice to any power vested in the Ruler by virtue of any Act or by virtue of his Prerogative as the Ruler of the State, the following provisions of this section shall have effect in relation to appointments, conditions of service etc. of persons in the State services:— Provisions as to State services.

(1) All appointments to, and dismissals of persons from, posts in the Phaltan State services carrying an initial salary of rupees hundred or above per month shall be made by the Ruler :

Provided that the Ruler shall ordinarily consult the council of ministers in this respect.

(2) All appointments to, and dismissals of persons from, posts in the Phaltan State services carrying an initial salary of rupees fifty or above but less than rupees hundred per month shall be made by the Government with the previous approval of the Ruler.

(3) The conditions of service of all persons in the State services shall, unless they are determinable by the Ruler alone in accordance with the provisions of this Act, be determined by the Government.

(4) All orders of removal or reduction and all orders by way of disciplinary action affecting any of the persons holding at the date of the commencement of this Act, any of the posts mentioned in the Second Schedule to this Act, shall not be made without the previous permission of the Ruler, and so far as the dismissal of any of the aforesaid persons is concerned it shall be in the exclusive power of the Ruler :

Provided that no such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him :

Provided further that the above proviso to this subsection shall not apply—

- (a) where a person is dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge ; or
- (b) where an authority empowered to dismiss a person or reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

(5) All orders sanctioning time-scales of salaries payable to persons in the Phaltan State services made before the commencement of this Act shall, as far as practicable, be governed by the principles and provisions contained in Huzur Proclamation No. 42, dated the 5th September 1940 and published in the extra-ordinary issue of the Gazette of the same date:

Provided that nothing contained in this Act shall affect the provisions and principles of the aforesaid Proclamation so far as it relates to the appointments in the Phaltan State services made before the commencement of this Act.

63. For the purpose of facilitating the transition from the provisions of the Government of Phaltan State Act, 1929, as amended from time to time, to the provisions of this Act, the Ruler may, by notification in the Gazette, make temporary provisions for the purpose of removing any difficulties which may arise in relation to such transition.

Power of Ruler
to remove
difficulties.

64. Subject to any temporary provisions which may be made under the last preceding section, the Government of Phaltan State Act, 1929, as amended from time to time, shall be repealed:

Repeal.

Provided that—

(a) nothing in this section shall affect the Preamble to the Government of Phaltan State Act, 1929, reproduced in the Third Schedule to this Act; and

(b) without prejudice to any other provisions of this Act, this repeal shall not affect any appointment made under the enactment so repealed, to any office and any such appointment shall have effect as if it were an appointment to the corresponding office under this Act.

65. Notwithstanding the repeal by this Act of the Government of Phaltan State Act, 1929, as amended from time to time, but subject to the provisions of this Act, all the law in force in the Phaltan State immediately before the commencement of this Act, shall continue in force, until altered or repealed or amended by competent authority.

Continuation of
existing laws.

PART VIII.

SCHEDULES.

A. D. 1942.

FIRST SCHEDULE.

Section 30.

FORM OF OATH OR AFFIRMATION.

Form of oath or affirmation to be taken or made by a member of the Legislative Council:—

"I, A. B. having been elected
 nominated a member of this
Legislative Council do solemnly swear (or affirm) that
I will be faithful and bear true allegiance to the Ruler of
the Phaltan State, His heirs and successors, and that
I will faithfully discharge the duty upon which I am about
to enter."

SECOND SCHEDULE.

A. D. 1942.
Section 62 (4).

LIST OF THE POSTS IN THE STATE SERVICES WHOSE
INCUMBENTS AT THE DATE OF THE COMMENCEMENT OF
THIS ACT ARE PROTECTED UNDER SECTION 62 (4)
OF THIS ACT.

The Dewan.
The Finance Member.
The Sugar Factories, Canal and P. W. D. Officer.
The City Buildings Engineer.
The Private Secretary to the Ruler of Phaltan.
The A. D. C. to the Ruler of Phaltan.
The F. C. Sub-Judge.
The Collector.
The Headmaster, Mudhoji High School, Phaltan.
The Chief Medical Officer.
The Mamlatdar (Revenue).
The Income-tax Officer.
The Mamlatdar (Co-operative Societies).
The Mamlatdar (Survey).
The Inspector of Weights and Measures.
The Assistant Medical Officer.
The State and Khasgi Business Manager.
The Agricultural and Guest Officer.
The Chief Overseer (P. W. D.).

A. D. 1942.

THIRD SCHEDULE.

Section 64.

PREAMBLE TO THE GOVERNMENT OF PHALTAN STATE
ACT, (Act I of) 1929.

Preamble to
Government of
Phaltan State
Act I of 1929.

Whereas it was declared on the day of *Ganesh Chaturthi*, Shaka 1850 (17th September, 1928), by a Huzur Proclamation that the establishment of responsible government in the Phaltan State is the ultimate goal of the Phaltan Durbar :

And whereas this policy is in conformity with the modern ideas of government, and with the policy of the British Government in India :

And whereas progress in giving effect to this policy can only be achieved by successive stages :

And whereas the time and manner of each advance can only be determined by the Raja of Phaltan upon whom responsibility lies for the welfare and advancement of the peoples of the Phaltan State :

And whereas it is expedient that the first steps in this direction should now be taken by the establishment of an Executive and a Legislative Council in the Phaltan state:



The Phaltan State Legislative Council Electoral Rules and Regulations, 1942.

[As amended by Huzur Notification No. 101/7-12-1942.]



PHALTAN

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The Phaltan State Legislative Council Electoral Rules, 1942.

[*As amended by Huzur Notification No. 101/7-12-1942*]

NOTIFICATION.

No. 83, dated the 3rd November, 1942.

In exercise of the powers vested in him by sub-section two of section fifty-nine of the Government of Phaltan Act, 1942, the Ruler of Phaltan is pleased to make the following rules:—

Rules for the nomination and election of members of the Phaltan State Legislative Council.

Preliminary.

1. These rules may be called the Phaltan State Short title.
Legislative Council Electoral Rules, 1942.

2. In these rules, unless there is anything repugnant Definitions.
in the subject or context—

(1) "the Act" means the Government of Phaltan Act, 1942;

(2) "the Legislative Council" means the Phaltan State Legislative Council;

(3) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule V;

(4) "Commissioner" means a commissioner appointed for the purpose of holding an election inquiry under these rules;

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(5) "election agent" means the person appointed under these rules by a candidate as his agent for an election;

(6) "elector" means any person whose name is, for the time being, on the electoral roll of a constituency;

(7) "electoral roll" means a roll of electors prepared under these rules;

(8) "Gazette" means the *Phaltan Government Gazette*;

(9) "Schedule" means a schedule appended to these rules;

(10) "house" and "building" include, respectively, a part of a house or building separately occupied as a dwelling or for the purposes of any trade, business or profession;

(11) "literate" means, in relation to any person, able to read and write in any of the following languages, that is to say, English, Marathi, Hindi, Urdu, Gujarati or Kanarese;

(12) "person" does not include a body of persons;

(13) "prescribed," except in the phrase "prescribed date," means prescribed by these rules or by regulations made under these rules.

(14) "previous financial year" means the financial year immediately preceding that in which the prescribed date falls;

(15) "Registering Authority" means a person appointed by the Ruler in relation to any constituency as the authority by whom the electoral roll of that constituency shall be prepared;

(16) "Returning Officer" means the person stated in Schedule I in respect of the constituency or constituencies mentioned therein as the returning officer or any person whom the Ruler may, by notification in this behalf, appoint as returning officer, in respect of any election or part of an election in any constituency in lieu of the person stated in Schedule I and shall include any person deputed for the time being by the returning officer to perform any of his duties;

(17) "Scheduled Castes" means castes, races or tribes or parts of or groups within castes, races or tribes which are specified in Schedule VI;

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(18) "special constituency" means a constituency not being a general constituency;

(19) "general constituency" means one of the general constituencies mentioned in Schedule I;

(20) "tenant" means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession, and, in relation to a house not situate in police lines, also includes any person occupying the house rent-free by virtue of any office, service or employment;

(21) "seat" means a seat in the Legislative Council; and

(22) "Subject of the Phaltan State" means:—

(i) any person born, within the jurisdiction of the State, of legally married parents; or

(ii) any person who has resided in the Phaltan State for a period of not less than ten years; or

(iii) any person who having a permanent place of residence in any other jurisdiction holds lands or other property within the jurisdiction of the Phaltan State sufficient to answer the property qualifications of an elector under clause (b) of sub-rule (1) of rule 7 of these rules.

PART I.

COMPOSITION OF THE LEGISLATIVE COUNCIL AND CONSTITUENCIES.

3. The number of members of the Phaltan State Legislative Council shall be as shown below:

Composition of Phaltan State Legislative Council.

S.No.	Members.	Number.
1	Nominated	6
2	Elected	12
	Total ..	18

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Constituencies.

4. (1) The elected members shall be elected by the constituencies specified in Schedule I and the class and extent of the constituencies shall be as stated in the second and third columns respectively therein.

(2) The number of members to be elected by each constituency shall be as stated in the fourth column of the said Schedule.

(3) The number of seats reserved and the rotation by which they shall be filled in general constituencies by representatives of the Scheduled Castes shall be as stated in the fifth column of the said Schedule.

(4) Notwithstanding anything contained in this rule, the Ruler may by regulation divide into two or more constituencies any of the plural-member constituencies and may distribute among the new constituencies so created the seats entered in Schedule I against the constituency which has been so divided, but not so, however, as to reduce the total number of reserved seats.

PART II.

SPECIAL QUALIFICATIONS FOR ELECTION IN
CASE OF CERTAIN CONSTITUENCIES.

Special qualifications for election in case of certain constituencies.

5. (1) No person shall be eligible for election as a member of the Legislative Council to represent a general constituency, unless his name is registered on the electoral roll of that constituency or of any other general constituency in the Phaltan State.

(2) No person shall be eligible for election as a member of the Legislative Council to represent a special constituency, unless his name is registered on the electoral roll of that constituency.

PART III.

THE ELECTORAL ROLL.

General conditions and dis-qualifications.

6. (1) Every person shall be entitled to have his or her name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the dis-qualifications hereinafter set out, namely—

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- (a) is not a subject of the Phaltan State or a British subject or if and so far as the Ruler directs a subject of any other Indian State;
- (b) has been adjudged by a competent court to be of unsound mind; or
- (c) is under 21 years of age:

Provided that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency:

Provided further that if any person is entitled to have his name included in the electoral roll of more than one general constituency such person shall be included in the electoral roll of the constituency in which he ordinarily resides.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by a Commissioner appointed under any rules for the time being in force regarding elections to the Phaltan State Legislative Council, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II of Schedule V, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is reported by any such Commissioner as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period:

Provided that the Ruler may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

7. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

Qualifications of electors.

- (a) residence, and
- (b) (i) occupation of a building, or
- (ii) assessment to income-tax, or

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(iii) the holding of land,
as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

Electoral roll.

8. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) Subject to the provisions of these rules, the Ruler shall make regulations providing for—

- (a) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;
- (b) the time at which the roll shall be prepared;
- (c) the publication of the roll in such manner as to give it wide publicity in the constituency to which it relates;
- (d) the mode in which and the time within which claims and objections may be preferred;
- (e) the constitution and appointment of Revising Authorities to dispose of claims and objections;
- (f) the manner in which notices of claims or objections shall be published;
- (g) the place, date and time at which and the manner in which claims or objections shall be heard;

and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as he may consider desirable. Such

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regulations may be made as to rolls generally or any class of rolls or any particular roll.

(3) The orders made by the Revising Authority shall be final and shall not be questioned in any court or otherwise. The electoral roll shall be amended in accordance therewith and shall, as so amended, be re-published in such manner as the Ruler may prescribe.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years, after the expiration of which period a fresh roll shall be prepared in accordance with these rules:

Provided that the Ruler may, by notification in the Gazette, direct the preparation in accordance with these rules of a fresh roll at any time before the expiration of the said period.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

(6) Notwithstanding anything hereinbefore contained, any person may apply to such authority as may be appointed in this behalf by the Ruler for the amendment of any electoral roll for the time being in force, and the Ruler may at any time after any such application has been made in respect of an electoral roll, by notification in the Gazette, direct the preparation of a list of amendments thereto, and all the provisions of this rule shall apply in the case of every such list in like manner as they apply in the case of electoral rolls:

Provided that, where any such application is made for the correction of an existing entry in the electoral roll and the said authority is satisfied after such inquiry as the Ruler may by regulation prescribe that the entry relates to the applicant and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly.

(7) When any list of amendments has been republished under sub-rule (6), the electoral roll to which

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it relates shall be deemed to have been amended accordingly.

Right to vote.

9. (1) Every person registered on the electoral roll for the time being in force for any constituency shall, while so registered, be entitled to vote at an election of a member or members for that constituency :

Provided that—

- (a) no person shall vote at any general election in more than one general constituency,
- (b) no person shall vote at any election if he is subject to any disability stated in rule 6, and
- (c) no person shall vote at any election in any general or special constituency if he is for the time being undergoing a sentence of transportation, penal servitude or imprisonment.

(2) If any person is in the course of the hearing of an election petition under these rules proved to have voted at the election in contravention of the proviso to sub-rule (1) his vote shall be void.

PART IV.

ELECTIONS.

Persons eligible for nomination: Nomination of candidates and withdrawal of candidature.

10. (1) Any person may be nominated as a candidate for election to fill a seat in any constituency if he is qualified to be chosen to fill that seat under the Act or rules made thereunder.

(2) The Ruler shall appoint for each constituency—

- (a) a date, not later than the fourteenth day after the date of the notification calling upon the constituency to elect a member, for the nomination of candidates ;
- (b) a further date, not later than the seventh day after the first-mentioned date, for the scrutiny of nominations ; and

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(c) a further date or dates on which a poll shall, if necessary, be taken; and the dates so appointed shall be notified in the constituency in such manner as the Ruler thinks fit.

(3) On or before the date so appointed for the nomination of candidates each candidate shall, either in person or by his proposer and seconder together, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver to the Returning Officer or to such other person as may be authorized in this behalf by regulation a nomination paper completed in the form prescribed in Schedule III and subscribed by the candidate himself as assenting to the nomination and by two persons as proposer and seconder whose names are registered on the electoral roll of the constituency.

(4) Any person whose name is registered on the electoral roll of the constituency, and who is not subject to any disability stated in rule 6, may subscribe, as proposer or seconder, as many nomination papers as there are vacancies to be filled but no more.

(5) Every nomination paper delivered under sub-rule (3) shall be accompanied by a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some other person who is not disqualified under these rules for the appointment and who shall be named in the declaration; and no candidate shall be deemed to be duly nominated unless such declaration is delivered along with the nomination paper.

(6) Any nomination paper which is not received before three o'clock in the afternoon on the date appointed by the Ruler for the nomination of candidates shall be rejected.

(7) The Returning Officer or other person authorized shall, on receiving a nomination paper under sub-rule (3), inform the person or persons delivering the same of the date, hour and place appointed for the scrutiny of nominations, and shall enter in the nomination paper its serial number and shall sign thereon a certificate stating

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the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions, similar to those contained in the nomination paper, both of the candidate and of the persons who have subscribed the nomination paper as proposer and seconder.

(8) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer or other person authorized under sub-rule (3) on or before three o'clock in the afternoon on the date succeeding that appointed by the Ruler for the scrutiny of nominations. Such notice shall be delivered by the candidate either in person or by his proposer or seconder. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

(9) The Returning Officer or other person authorized under sub-rule (3) shall, on receiving a notice of withdrawal under sub-rule (8), as soon as may be, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

(10) When the day succeeding that fixed for the nomination of candidates and the scrutiny of nominations is a public holiday or has been notified by the Government of Phaltan as a day to be observed as a holiday in Government offices, a notice of withdrawal shall be considered as having been received in due time, if it is delivered before three o'clock in the afternoon on the next succeeding day which is neither a public holiday nor a day so notified.

Deposit on
nomination.

11. (1) On or before the date appointed for the nomination of candidates, each candidate shall deposit or cause to be deposited with the Returning Officer or the person authorized under subrule (3) of rule 10 the sum of fifty rupees in cash:

Provided that in a constituency in which a seat is reserved for the Scheduled Castes, the sum to be deposited by or on behalf of a candidate who is a member of a Scheduled Caste shall be rupees twenty-five.

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No candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in sub-rule (8) of rule 10, or if the nomination of any such candidate is refused the deposit shall be returned to the person by whom it was made; and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the persons by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is not elected and the number of votes polled by him does not exceed, in the case of a constituency returning one member, one-eighth of the total number of votes polled or, in the case of a constituency returning more than one member one-eighth of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Government :

Provided that in a constituency in which a seat is reserved for the Scheduled Castes the deposit made by or on behalf of a candidate who is a member of a Scheduled Caste shall not be forfeited unless the number of votes polled by such candidate does not exceed one-half of the fraction prescribed in this sub-rule of the total number of votes polled.

(4) For the purpose of sub-rule (3), the total number of votes polled shall be deemed to be the total number of ballot papers, other than spoilt ballot papers, counted.

(5) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is elected and thereafter his seat is declared vacant under these rules owing to his failure to make the oath or affirmation of allegiance to the Ruler the deposit shall be forfeited to the Government.

(6) The deposit made in respect of a candidate who is not elected shall, if it is not forfeited under sub-rule (3), be returned to the candidate or to the person who has

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made the deposit on his behalf, as the case may be, as soon as may be after the publication of the result of the election in the Gazette; and the deposit made in respect of a candidate who is elected shall, if it is not forfeited under sub-rule (5), be so returned, as soon as may be, after the candidate has made the oath or affirmation of allegiance to the Ruler :

Provided that, if a candidate is duly nominated at a general election in more than one constituency not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Government.

Death of
candidate
before poll.

12. If a candidate who has been duly nominated dies after the date appointed for the scrutiny of nominations and before the commencement of the poll, the Returning Officer or the person authorized under sub-rule (3) of rule 10, shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Ruler and all proceedings with reference to the election shall be commenced anew in all respects, as if for a new election :

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermanding of the poll.

Procedure at
election.

13. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-rule (8) of rule 10, is equal to the number of seats to be filled, the Returning Officer shall declare all such candidates to be duly elected.

(2) If the number of such candidates is less than the number of seats to be filled, all such candidates, if any, shall be declared to be elected, and the Ruler shall, by a notification in the Gazette call upon the constituency to elect a person or persons, as the case may be, to fill the remaining seat or seats within such time as may be specified by the notification :

Provided that where the constituency having already been called upon under this sub-rule has failed to elect a person or the requisite number of persons, as the

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case may be, to fill the seat or seats, the Ruler shall not be bound to call again upon the constituency to elect a person or persons until such time, as he may think fit.

(3) If the number of such candidates exceeds that of the seats to be filled, a poll shall be taken.

(4) Votes shall be given by ballot in the manner provided therefor in these rules and regulations made thereunder, and in all constituencies in person:

Provided that no votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, and shall be entitled to accumulate all of them upon one candidate or to distribute them amongst the candidates as he pleases.

(6) Votes shall be counted by, or under the supervision of, the Returning Officer; and each candidate, the election agent and one representative of each candidate authorized in writing by the candidate shall have a right to be present at the time of the counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given, to be elected.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Government in the department concerned and the name or names of the candidate or candidates elected shall be published in the Gazette.

14. (1) Subject to the provisions of these rules, the Ruler shall make regulations providing--

Ruler to make regulations regarding the conduct of elections.

(a) for the scrutiny of nominations and, in particular, for the manner in which such scrutiny shall be conducted and for the conditions

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and circumstances in which any person may be present or may enter objections thereat;

- (b) for the appointment in each constituency of a Returning Officer and for his powers and duties, and for the performance by other persons of any power or duty of the Returning Officer ;
- (c) in the case of general constituencies, for the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and for the appointment of polling stations for these areas ;
- (d) for the appointment of officers to preside at polling stations, and for the duties of such officers ;
- (e) for the checking of voters by reference to the electoral roll ;
- (f) for the manner in which votes are to be given, and in particular for the case of illiterate voters or voters under physical or other disability ;
- (g) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors ;
- (h) for the scrutiny of votes ;
- (i) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers ; and may make such other regulations regarding the conduct of elections as he thinks fit.

(2) In the exercise of the powers conferred by this rule, regulations may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.

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15. (1) If any person is elected by more than one constituency he shall, by notice in writing signed by him and delivered to the Secretary to the Legislative Council within seven days from the date of the publication of the result of such election in the Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive. Multiple elections.

(2) When any such choice has been made, the Ruler shall call upon the constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void and the Ruler shall call upon the constituency or constituencies concerned to elect another person or persons.

Election agents and return of expenses.

16. No person shall be appointed an election agent who is himself ineligible for election as being subject to any of the disqualifications mentioned in paragraphs (f) and (i) of subsection (1) of section 32 of the Act. Disqualification for being election agent.

17. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged. Revocation of appointment of election agent.

(2) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or after the election, the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

18. (1) Within thirty-five days from the date of the publication of the result of an election under sub-rule (9) of rule 13 there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election a return, in such form as the Ruler may by regulation prescribe, of the election expenses of such person containing the particulars Return of election expenses.

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specified in Schedule IV and signed both by the candidate and by his election agent.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any person on behalf of the candidate or in his interests for expenses incurred on account of, or in respect of, the conduct and management of the election, and further, a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in Schedule IV and shall be made on oath or affirmation before a Magistrate.

(4) When any return and the declarations made in respect thereof have been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be affixed in some conspicuous place in his office and to be published in the Gazette, and any person shall, on payment of such fees as the Ruler may by regulation prescribe, be entitled to inspect any such return or declaration and to obtain a copy or copies thereof or of any part thereof.

(5) The Ruler shall cause to be prepared in such manner, and maintained for such time, as it may direct, a record showing the names of all candidates at every election under these rules and the name of the election agent of each such candidate, and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Power to fix maximum scales of expenditure and to regulate employment for pay.

19. (1) The Ruler may by notification in the Gazette—

- (a) fix maximum scales of election expenses, which shall be applicable to any election held after the first elections under these rules; and
- (b) prescribe the numbers and descriptions of persons who may be employed for payment in connection with any election held under these rules.

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(2) Any notification issued under this rule may make different provisions for different constituencies.

20. Every election agent shall for each election for which he is appointed an election agent keep separate and regular books of account in which the particulars of all expenditure of the nature referred to in rule 18 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

Accounts of agents.

PART V.

Special rules for elections to seats reserved for the Scheduled Castes.

21. In the case of elections in constituencies in which a seat is reserved for members of the Scheduled Castes, sub-rule (7) of rule 10 and sub-rules (1), (2), (3), (5), (7) and (8) of rule 13, shall in so far as they are inconsistent with any of the following rules, not be applicable and the following rules shall be deemed to be substituted therefor and shall apply accordingly.

Special rules for constituencies in which seats are reserved for members of the Scheduled Castes.

22. The Returning Officer, or the person authorised under sub-rule (7) of rule 10, shall prepare separate lists of the names of candidates, —

Publication of lists of candidates.

- (a) for the reserved seat; and
- (b) for the non-reserved seats.

23. If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-rule (8) of rule 10 and who are standing for election to the reserved seat or to the non-reserved seats, respectively—

Procedure after the publication of lists of candidates.

- (a) is equal to the number of the reserved seat or the non-reserved seats, as the case may be, all such candidates shall be declared by the Returning Officer to be duly elected; or

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- (b) is less than the number of the reserved seat or the non-reserved seats, as the case may be, the procedure prescribed in sub-rule (2) of rule 13 shall apply; or
- (c) is more than the number of the reserved seat or the non-reserved seats, as the case may be, the procedure prescribed in sub-rule (3) of rule 13 shall apply.

Number of votes to be recorded by each elector.

24. (1) In respect of the non-reserved seats, if more than one non-reserved seat has to be filled, an elector shall have as many votes as there are non-reserved seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit.

(2) In respect of the reserved seat, an elector shall have one vote only.

Distinct ballot papers for the reserved and non-reserved seats.

25. (1) In the case of an election to a non-reserved seat or seats, the ballot paper to be used by electors who are members of the Scheduled Castes and by those who are not members of the Scheduled Castes shall be in one and the same form, but distinct from that prescribed under the next sub-rule.

(2) In the case of an election for a reserved seat, the ballot papers to be used by electors who are members of the Scheduled Castes and by those who are not members of the Scheduled Castes shall be in two distinct forms.

Separate counting of votes for the reserved and non-reserved seats.

26. The counting of votes recorded on ballot papers for the reserved seat shall be done separately from that of votes recorded on ballot papers for the non-reserved seats.

Declaration of result for the reserved seat.

27. When the counting of votes for the reserved seat has been completed, the Returning Officer shall proceed as follows :—

- (a) if two candidates have stood for election to the reserved seat, the candidate to whom not less than sixty per cent of the valid votes recorded on ballot papers in the form prescribed under sub-rule (2) of rule 25 for electors who are members of the Scheduled Castes is given shall be declared by the Returning Officer to be elected to the reserved seat:

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Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot papers in the form prescribed under sub-rule (2) of rule 25 for electors who are not members of the Scheduled Castes;

- (b) if either of the two candidates fails to obtain the percentage of votes recorded on ballot papers in the form prescribed for electors who are members of the Scheduled Castes, the candidate to whom the larger number of valid votes recorded on ballot papers in both the forms for the reserved seat combined is given shall be declared by the Returning Officer to be elected to the reserved seat;
- (c) if three or more candidates have stood for election, the candidate to whom is given not less than forty per cent of the valid votes recorded on ballot papers in the form prescribed for electors who are members of the Scheduled Castes shall be declared by the Returning Officer to be elected to the reserved seat:

Provided that such candidate has obtained not less than five per cent of the valid votes recorded on ballot papers in the form prescribed for electors who are members of the Scheduled Castes;

- (d) where an equality of valid votes recorded on ballot papers in the form prescribed for electors who are members of the Scheduled Castes is found to exist between any two candidates, then any candidate who has obtained the larger number of valid votes recorded on ballot papers in both the forms for the reserved seat combined shall be declared by the Returning Officer to be elected for the reserved seat;
- (e) if none of the candidates has obtained forty per cent of the valid votes recorded on ballot

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papers in the form prescribed for electors who are members of the Scheduled Castes, the candidate who gets the largest number of valid votes recorded on ballot papers in both the forms for the reserved seat combined shall be declared by the Returning officer to be elected to the reserved seat :

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot papers in the form prescribed for electors who are members of the Scheduled Castes;

- (/) for the purposes of this rule, fractions of less than half shall not be taken into account and fractions of more than half shall be counted as one.

Declaration of results for the non-reserved seats.

28. When the counting of votes for the non-reserved seat or seats has been completed, the procedure prescribed in sub-rules (7) and (8) of rule 13 shall apply.

PART VI.

NOMINATED MEMBERS.

Nominated members.

29. (1) A nominated non-official member shall hold office for the duration of the Legislative Council to which he is nominated.

(2) A nominated official member shall hold office during the pleasure of the Ruler.

PART VII.

GENERAL PROVISIONS.

30. (1) When the seat of an elected member becomes vacant by reason of his death, or of his election being declared void, or by virtue of the provisions of section 31 of the Act, the Ruler shall, by notification in the Gazette, call upon the constituency concerned to elect a member for the purpose of filling the seat within such time as may be prescribed by such notification. Casual vacancies.

(2) If the seat of a nominated member becomes vacant the Ruler shall, in his discretion, nominate a member to fill that seat under these rules.

GENERAL ELECTION.

31. (1) On the expiration of the duration of the Legislative Council or on its dissolution, a general election shall be held in order that a new Legislative Council may be constituted. Reconstitution of the Legislative Council.

(2) On such expiration or dissolution, the Ruler shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Ruler thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Legislative Council would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Legislative Council, the Ruler shall make such nominations as may be necessary to complete the Legislative Council.

32. For the first general election to be held under the Act for the purpose of the constitution of the Legislative Council, the Ruler may issue any of the notifications referred to in rule 31 at such time as he thinks fit. Constitution of the first Legislative Council.

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Publication of
result of
general
election or
by-election.

33. As soon as may be, after the expiration of the time fixed for the election of members at any general election or at a by-election, the name or names of the members elected for the various constituencies at such election shall be notified in the Gazette.

Powers of
Ruler in case
of difficulty.

34. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such roll or as to the holding of any election under these rules, the Ruler may by order do anything not inconsistent with these rules which appears to him to be necessary for the proper preparation or publication of the roll or for the proper holding of the election.

PART VIII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS
TO THE VALIDITY OF AN ELECTION.

Definitions.

35. In this part and in Schedule V, unless there is anything repugnant in the subject or context—

- (a) "agent" includes an election agent and any person who is held by the Commissioner to have acted as an agent in connection with an election with the knowledge or consent of the candidate;
- (b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election;
- (c) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election; and

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- (d) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

36. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part. The election petition.

37. (1) An election petition against any returned candidate may be presented to the Ruler— Presentation of the petition.

- (a) by any candidate or elector within fourteen days from the date on which the return of the election expenses of the returned candidate and the declarations, referred to in rule 18, are received by the Returning Officer; or
- (b) within thirty days from that date by an officer empowered by the Ruler in this behalf on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed; or
- (c) on the ground that the returned candidate or his election agent or any other person acting with the connivance of the candidate or of his election agent has been guilty of the offence of bribery, undue influence or personation as defined in Chapter IX-A of the Indian Penal Code in respect of the election, by any candidate or elector within fourteen days from the date on which such returned candidate, election agent or other person is convicted of such offence.

(2) An election petition shall be deemed to have been presented to the Ruler when it is delivered to the Ruler or to any officer appointed by him in this behalf—

- (a) by the person making the petition; or
- (b) by a person authorised in writing in this behalf by the person making the petition; or
- (c) by registered post.

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(3) When the last day of the period for the presentation of an election petition under this rule is a public holiday, or has been notified by the Government as a day to be observed as a holiday in Government offices, the petition shall be considered as having been received in due time, if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

Contents of the petition.

38. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any corrupt practice and the date and place of the commission of each such practice.

(3) The Commissioner may, upon such terms as to costs and otherwise as he may direct at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may in his opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

Against whom it may be presented.

39. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself has been duly elected, in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of security.

40. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (b) of sub-rule (1) of rule 37 deposit with it the sum of two hundred rupees in cash as security for the costs of the same.

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41. (1) If the provisions of rule 37, rule 38 or rule 40 are not complied with, the Ruler shall dismiss the petition. Dismissal for default.
- (2) If the petition is not dismissed under sub-rule (1) Appointment of Commissioner.
- (a) the Ruler shall appoint as Commissioner for the trial of the petition a person who is or has been, or is eligible to be appointed, a District Judge, and thereafter all applications and proceedings in connection therewith shall be dealt with by and carried on by or before the Commissioner;
- (b) the Commissioner shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond:

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (b) of sub-rule (1) of rule 37.

(3) When in respect of an election in a constituency more petitions than one are presented, the Ruler shall refer all such petitions to the same Commissioner, who may at his discretion inquire into the petitions either in one or in more proceedings as he shall think fit.

(4) If, during the course of the inquiry, the Commissioner is unable to continue to attend the same, the Ruler shall appoint another Commissioner and the inquiry shall recommence before the Commissioner so appointed:

Provided that the Commissioner so appointed may direct that any evidence already recorded shall

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remain upon the record, in which case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

Inquiry by
Commissioner.

42. Subject to the other provisions of these rules every election petition shall be inquired into by the Commissioner, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits :

Provided that it shall only be necessary for the Commissioner to make a memorandum of the substance of the evidence of any witness examined by him.

Place of
inquiry.

43. The inquiry shall be held at such place as the Ruler may appoint: provided that the Commissioner may in his discretion sit at any other place in the State for any part of the inquiry.

Withdrawal of
petition.

44. (1) An election petition may be withdrawn only by leave of the Commissioner or, if an application for withdrawal is made before any Commissioner has been appointed, of the Ruler.

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

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

(4) No application for withdrawal shall be granted if, in the opinion of the Ruler or of the Commissioner, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall where the application has been made to the Commissioner be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioner may think fit;

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- (b) notice of the withdrawal shall be published in the Gazette by the Ruler or by the Commissioner, as the case may be; and
- (c) any person who might himself have been a petitioner may within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing and, upon compliance with the conditions of rule 40 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

45. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners: provided that, where such sole petitioner was an officer empowered under clause (b) of sub-rule (1) of rule 37 the proceedings may be continued by any other officer empowered in this behalf by the Ruler.

Abatement or substitution on death of petitioner.

(2) Notice of the abatement of an election petition shall be published in the Gazette by the Commissioner or, if the petition abates before any Commissioner has been appointed, by the Ruler.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 40 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioner may think fit.

46. If before the conclusion of the trial of an election petition, the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioner shall cause notice of such event to be published in the Gazette and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the Commissioner may think fit.

Abatement or substitution on death of respondent.

47. (1) Where at an inquiry into an election petition any candidate, other than the returned candidate, claims

Recrimination when seat claimed.

Phaltan Legislative Council Electoral Rules.

the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void, if he had been the returned candidate and a petition had been presented complaining of his election :

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under clause (b) of sub-rule (2) of rule 41, given notice of his intention to the Commissioner and made the deposit and procured the execution of the bond referred to in rules 40 and 41 respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 38 in the case of an election petition and shall be signed and verified in like manner.

Attendance of
Law Officers.

48. When at an inquiry into election petition the Commissioner so orders, the Government Pleader or some person acting under his instructions shall attend and take such part therein as he may direct.

Grounds for
declaring
election void.

49. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioner—

- (a) the election of a returned candidate has been procured or induced or the result of the election has been materially affected, by a corrupt practice, or
- (b) any corrupt practice specified in Part I of Schedule V has been committed, or
- (c) the result of the election has been materially affected by the improper acceptance or refusal of any nomination, or by the improper reception or refusal of a vote, or the reception of any vote which is void, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto, or

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- (d) the election has not been a free election by reason of the large number of cases in which undue influence or bribery, within the meaning either of Part I or of Part II of Schedule V has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioner reports that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule V which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioner further reports that the candidate has satisfied him that--

- (a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and
- (b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and
- (c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioner may find that the election of such candidate is not void.

Explanation:—For the purposes of this sub-rule "treating" means the incurring the whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

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Report of the
Commissioner
and procedure
thereon.

50. (1) At the conclusion of the inquiry the Commissioner shall report whether the returned candidate, or any other party to the petition who has under the provisions of these rules claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 49.

(2) The report shall further include a recommendation by the Commissioner as to the total amount of costs which are payable and the persons by and to whom such costs should be paid. Such recommendation may include a recommendation for the payment of costs to the Government pleader or a person acting under his instructions, attending in pursuance of an order made under rule 48.

(3) The report shall be in writing and shall be signed by the Commissioner who shall forthwith forward his report to the Ruler who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Ruler shall be final.

Findings as to
corrupt
practices and
persons guilty
thereof.

51. Where any charge is made in an election petition of any corrupt practice, the Commissioner shall record in his report—

- (a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and
- (b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as he may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules :

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

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PART VIII.

Special Provisions.

52. If any person having been elected or nominated to the Legislative Council fails to take the oath of allegiance to the Ruler prescribed under the Act, within such time as the Ruler considers reasonable, the Ruler shall, by notification in the Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another member within such time as may be specified in the notification or shall nominate another person, as the case may be.

Penalty for failure to take the oath of allegiance.

53. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Ruler and his decision shall be final.

Interpretation in case of doubt.

SCHEDULE I.

(See Rule 4)

A—LIST OF GENERAL CONSTITUENCIES.

Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.	Returning Officer.	Reserved seats.
Western Rural.	General.	1 Wadgaon. 2 Korhale. 3 Adarki Budruk. 4 Adarki Khurd. 5 Alajapur. 6 Bibi. 7 Malawadi. 8 Kapashi. 9 Salpa. 10 Koparde. 11 Tambve. 12 Aradgaon. 13 Hingangaon. 14 Saswad. 15 Nandal. 16 Kalaj. 17 Tadwali. 18 Taradgaon. 19 Kapadgaon. 20 Koregaon. 21 Padegaon. 22 Kusr. 23 Raodi Budruk. 24 Raodi Khurd. 25 Murum. 26 Khamgaon.	3	Mamlatdar.	One seat shall be reserved in this constituency for being filled by the representative of the Scheduled Castes by rotation at the first and third elections in every consecutive set of three elections, commencing from the first election after the introduction of the Act.

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Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.	Returning Officer.	Reserved seats.
Central Rural.	General.	1 Wathar. 2 Tavadi. 3 Wakhari. 4 Kuravali Khurd. 5 Dalawadi. 6 Mandav Khadak. 7 Nirgudi. 8 Saskal. 9 Bhadali Khurd. 10 Bhadali Budruk. 11 Veloshi. 12 Sonawadi Khurd. 13 Sonawadi Budruk. 14 Vedni. 15 Somanthali. 16 Vadjal. 17 Bhilkati. 18 Jinti. 19 Hol. 20 Kambaleshwar. 21 Vinchurni. 22 Tirakwadi. 23 Khadaki. 24 Mirgaon. 25 Nimbhore. 26 Surawadi. 27 Vadle. 28 Dudhebavi.	3	Mamlatdar.	<p>One seat shall be reserved in this constituency for being filled by the representative of the Scheduled Castes by rotation at the first and second elections in every consecutive set of three elections, commencing from the first election after the introduction of the Act.</p> <p>Whenever a seat is reserved as aforesaid, electors who are members of the Scheduled Castes and who are entitled to vote in the Phaltan urban constituency shall be entitled also to vote for the choice of a Scheduled Caste candidate for the reserved seat in this constituency.</p>

Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.	Returning Officer.	Reserved seats.
Eastern Rural.	General.	1 Songaon. 2 Sarde. 3 Sathe. 4 Rajale. 5 Gokhali. 6 Asu. 7 Pimprad. 8 Takalwade. 9 Nimblak. 10 Gunaware. 11 Barad. 12 Munjawadi. 13 Rajuri. 14 Kurawali Budruk. 15 Andrud. 16 Javali. 17 Mirdhe. 18 Sangvi.	3	Mamlatdar.	One seat shall be reserved in this constituency for being filled by the representative of the Scheduled Castes by rotation at the second and third elections in every consecutive set of three elections, commencing from the first election after the introduction of the Act.

Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.	Returning Officer.	Reserved seats
Phaltan Urban.	General.	The Municipal district of Phaltan and the surrounding area included in the survey map of Phaltan.	2	Mamlatdar.	—

B—LIST OF SPECIAL CONSTITUENCY.

Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.	Returning Officer.	Reserved seats
Education.	Special.	Phaltan State.	1	Mamlatdar	—
Total Seats ..			12		

Village means the gavathan and the surrounding area included in the survey map of the village.

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SCHEDULE II.

(See Rule 7)

QUALIFICATIONS OF ELECTORS.

Definition.

1. For the purposes of this Schedule—

“holder” means a person lawfully in possession of land whether such possession is actual or not, and “hold” shall be construed accordingly.

General Constituencies.

General requirement as to residence.

2. No person shall be qualified to be included in the electoral roll for any general constituency unless he satisfies the requirement as to residence in relation to that constituency.

For the purpose of this Schedule, a person shall be deemed to satisfy the requirement as to residence—

- (a) in relation to the Phaltan Urban Constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency or within two miles of the boundary thereof;
- (b) in the case of a rural constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency, or in a contiguous constituency of the same description.

A person is deemed to reside in a house if he sometimes uses it as a sleeping place, and a person is not deemed to cease to reside in a house merely because he is absent from it or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

Urban Constituency.

3. Subject to the provisions of these rules, a person shall be qualified as an elector for the Phaltan Urban constituency, if he—

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- (a) occupies as owner or tenant in that constituency, a house or building, or part of a house or building separately occupied as a dwelling or for the purpose of any trade, business or profession— of which the annual rental value is not less than Rs. 18; or
- (b) was assessed during the previous financial year to the State income-tax; or
- (c) (i) is a retired officer of the Phaltan State who was drawing not less than Rs. 60 substantive monthly pay for the twelve months next preceding the date of retirement; or
(ii) is a pensioned officer of the State drawing not less than Rs. 30 as monthly pension; or
- (d) holds a qualification in respect of land within the constituency which, if held within the Eastern, Central or Western Rural constituency would qualify him as an elector for such constituency.

4. Subject as aforesaid, a person shall be qualified as an elector for a rural constituency if he— Rural Constituencies.

- (a) holds in his own right or occupies as a tenant in the constituency alienated or unalienated land assessed at or of the assessable value of not less than Rs. 10 land revenue; or
- (b) was assessed during the previous financial year to the State income-tax; or
- (c) is the alienation of the right of the Government to the payment of rent or land revenue amounting to not less than Rs. 10 in respect of alienated land in the constituency; or
- (d) (i) is a retired officer of the State who was drawing not less than Rs. 60 substantive monthly pay for the twelve months next preceding the date of retirement; or
(ii) is a pensioned officer of the State drawing not less than Rs. 30 as monthly pension; or

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- (e) in places in the constituency having a population of not less than 2000, is the owner of a house or building of the capital value of not less than Rs. 400.

Educational qualification.

5. Subject as aforesaid, a person shall also be qualified as an elector for a general constituency if he is proved to have passed the fourth vernacular standard or any other examination recognised as equivalent thereto by the Educational Department of the State.

Additional qualification for women.

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any general constituency if she is shown in the prescribed manner to be literate.

Special qualifications for Scheduled Castes.

7. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll, for any general constituency if he is a person belonging to one of the Scheduled Castes and if he—

- (a) is shown in the prescribed manner to be literate; or
- (b) was during the previous financial year in the permanent employment of a Government Department or local body in the State or was at any time during the previous financial year a person actually performing the duties of an inferior village office, whether hereditary or not:
- Provided that a person who has been dismissed for misconduct and has not been re-employed shall not by virtue of clause (b) of this rule be qualified to be entered in any electoral Roll: or
- (c) holds in his own right or occupies as a tenant alienated or unalienated land in any general constituency assessed at or of the assessable value of not less than Rs. five in the State; or
- (d) is the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than five rupees in respect of alienated land in the State; or

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- (e) occupies in the Phaltan urban constituency as owner or tenant, a house or building, or part of a house or building separately occupied as a dwelling or for the purpose of any trade, business or profession—of which the annual rental value is not less than Rs. nine and in places in rural constituencies, having a population of not less than 2000, owns a house of the capital value of not less than Rs. 200.

8. No person shall, by virtue of holding the educational qualification mentioned in rule 5 or of holding the qualification of literacy under rules 6 or 7 of this Schedule, be included in the electoral roll for any general constituency unless application is made in the prescribed manner by him, or, if it is so prescribed, on his behalf that he should be so included.

Application necessary for enrolment in certain cases.

9. Any reference in these rules to a person assessed to income-tax in any financial year shall be deemed to include a reference to any partner in a firm assessed to income-tax in that year, if his share of the firm's income on which income-tax was so assessed is certified by the Income-tax Officer of the State, to have been not less than the minimum on which the tax is levied.

Provision as to qualification of a partner in a firm, dependent on taxation.

Special Constituency.

10. (1) Subject as aforesaid, a person shall be qualified as an elector for the Education constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the Phaltan State and if he—
- (a) is a pleader holding a Sanad of the Phaltan State; or
 - (b) is a teacher in the Mudhoji High School at Phaltan; or
 - (c) is a graduate of any recognised University; or
 - (d) has passed the Matriculation, the School Leaving Certificate or the Entrance Examination of any recognised University, and has completed five years since his passing any of the aforesaid examinations; or

Education Constituency.

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- (e) has passed the Vernacular Final or any other examination recognised as equivalent thereto and has completed seven years since his passing the said examination.

Explanation—the expression 'recognised' in this sub-rule means recognised by the Educational Department of the State.

- (2) If a question arises as to whether a person is qualified for this constituency or not, it shall be decided by the Ruler.

Miscellaneous.

Provisions as to
joint property,
etc.

11. (1) Subject to the provisions of this rule, any reference in this Schedule to land or other immovable property, or to rent or land revenue in respect of alienated land, shall, in relation to any persons who are co-sharers in such land, property, rent or land revenue, be construed as a reference to the respective shares of those persons.

(2) Where two or more persons occupy any house, the rental value of the house shall, in relation to each of those persons, be deemed to be the rental value thereof divided by the number of those persons.

(3) Where property is owned, held or occupied or payments are made, jointly by or assessments are made jointly on, the members of a joint family, and the property, payments or assessments would qualify a person if they had been owned, held, occupied or made by or on him solely, then, subject to the provisions of these rules, one member of the family shall be qualified in respect of the property, payment or assessment, and that person shall be, in the case of a Hindu joint family, the manager thereof and, in other cases, the member authorised in that behalf by the family themselves.

Save as aforesaid, any property owned, held or occupied, or payments made, jointly by, or assessments made jointly on, the members of a joint family shall be left out of account for the purposes of this Schedule.

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(4) Nothing in this rule affects the provisions in this Schedule relating to partners in firms assessed to income-tax.

12. No person holding or occupying any property or making or receiving any payment in a fiduciary capacity shall be qualified as an elector for any constituency in respect of such property or payment. Trustees.

13. The value of any machinery, furniture or equipment contained in, or situated upon, any house or building shall not be included in estimating the rental or capital value of such house or building. Rental and capital value.

14. A person who occupies any dwelling-house, by virtue of any office, service or employment shall, if the dwelling-house is not inhabited by the person in whose service he is in such office, service or employment be deemed to occupy the dwelling-house as a tenant. Service tenure.

15. In computing for the purposes of this Schedule the assessable value of any land, regard shall be had to the average rate of assessment on assessed land in the same village or, if there is no such land in the same village, the average rate of assessment on assessed land in the nearest village containing assessed land. Unassessed land.

16. For the purpose of deciding any claim to be registered in respect of any assessment, payment or rent or land revenue, rental value, capital value or payment of income-tax, an entry in any revenue record or in the records of the municipality of Phaltan, stating the amount of such assessment, payment or value, shall be conclusive proof of the amount of such assessment, payment or value. Revenue etc., record conclusive proof.

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SCHEDULE III.

(See Rule 10)

Form of Nomination paper.

NOMINATION PAPER.

Name of the constituency for which
the candidate is nominated.....
Name of candidate.....
Father's
Husband's name
Age and date of birth.....
Caste.....
Address
Constituency on the electoral roll
of which the candidate is registered
as an elector.....
No. of the candidate in the electoral roll
of the constituency in which he is
registered as an elector.....
Name of proposer.....
No. of the proposer in the electoral
roll of the constituency.....
Signature of the proposer.....
Name of the seconder.....
No. of the seconder in the electoral
roll of the constituency.....
Signature of the seconder.....

DECLARATION BY CANDIDATE.

I hereby declare that I agree to this nomination.

Date Signature of Candidate

(To be filled in by the Returning Officer or other authorised person.)

Certificate of Delivery.

Serial Number

This nomination paper was delivered to me at my
office at (date and hour)

Returning Officer or other authorised person,

Phallan Legislative Council Electoral Rules.

Certificate of Scrutiny.

I have scrutinized the eligibility of the candidate, the proposer and seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination.

Returning Officer or other authorised person.

(N. B.—This nomination paper will not be valid unless it is delivered to the Returning Officer, or other person authorised to receive it, at his office before 3-0 P. M. on 194 .)

SCHEDULE IV.

(See Rule 18)

Return of election expenses.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown :—

(a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature ;

(b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger ;

(c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers ;

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(d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;

(e) the cost whether paid or incurred of—

(i) printing,

(ii) advertising,

(iii) stationery,

(iv) postage,

(v) telegrams, and

(vi) rooms hired either for public meetings or as committee rooms.

(f) any other miscellaneous expenses whether paid or incurred.

Note.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (e. g., travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to set out in a separate list.

3. The form of the declarations referred to in rule 18 shall be as follows:—

Form of declaration by Election Agent.

I, _____, being the appointed election agent for _____ a candidate for election in the _____ constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purposes of _____'s candidature.

Election Agent.

Solemnly affirmed before me.

(Magistrate).

Phaltan Legislative Council Electoral Rules.

Form of declaration by Candidate.

I, _____, being a candidate for election in the _____ constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purposes of, my candidature.

Candidate.

Solemnly affirmed before me.

(Magistrate).

SCHEDULE V.

Corrupt Practices.

(See Rules 2, 6, 38, 49 and 51).

The following shall be deemed to be corrupt practices for the purposes of these rules:—

PART I.

I. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

- (a) a person to stand or not to stand as, or to withdraw from being, a candidate, or
- (b) an elector to vote or refrain from voting at an election, or as a reward to—
 - (i) a person for having so stood or not stood or for having withdrawn his candidature, or
 - (ii) an elector for having voted or refrained from voting.

Explanation—For the purpose of this clause the term 'gratification' is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms

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of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

Undue
influence.

2. Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the connivance of the candidate or his agent with the free exercise of any electoral right.

Explanation—(1) Without prejudice to the generality of the provisions of this clause, any such person as is referred to herein who--

(a) threatens any candidate or voter or any person in whom a candidate or voter is interested, with injury of any kind; or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of this clause.

(2) A declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.

Personation.

3. The procuring or abetting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

Publication
of false state-
ments.

4. The publication by a candidate or his agent or by any other person, with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of

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any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice the prospects of such candidate's election.

5. The incurring or authorising by a candidate or his agent of expenditure or the employment of any person by a candidate or his agent in contravention of the provisions of any notification of the Ruler issued under rule 19 of these rules. Authorisation of expenditure.

PART II.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent. Act under Part I.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election. Personation.

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,— Bribery.

(a) by a person to stand or not to stand as, or to withdraw from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote. Payment for conveyance.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire: Hiring and use of public conveyance.

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

Phaltan Legislative Council Electoral Rules.

Incurring expenses without authority.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

Hiring of liquor shops.

7. The hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circulars, etc., without printer's and publisher's name printed thereon.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

SCHEDULE VI.

(See Rule 2.)

For the purposes of these rules the following castes, races or tribes, or parts of or groups within castes, races or tribes shall be deemed to be Scheduled Castes.

Asodi	Khalpa
Bakad	Kolcha or Kolgha
Bhambi	Koli Dhor
Bhangi	Lingader
Chakrawadya-Dasar	Madig, or Mang
Chalvadi	Mahar
Chambhar, or Mochigar, or Samagar	Mang Garudi
Chena-Dasaru	Meghval, or Menghwar
Chuhar, or Chuhra	Mini Madig
Dakaleru	Mukri
Dhed	Nadia
Dhegu-Megu	Shenava, or Shindhava
Dhor	Shingdav, or Shingadya
Garode	Sochi
Halleer	Timali
Halsar, or Haslar, or Hulsavar	Turi
Holaya	Vankar
	Vitholia

No Indian Christian shall be deemed to be a member of the Scheduled Castes.



The Phaltan State Legislative Council Electoral Regulations, 1942.

[As amended by Huzur Notification No. 101/7-12-1942]

NOTIFICATION.

No. 84, dated the 3rd November 1942.

In exercise of the powers vested in him by the Phaltan State Legislative Council Electoral Rules, the Ruler of Phaltan is pleased to make the following regulations:—

*Regulations for Preparation, Revision and Publication
of Electoral Rolls and for Conduct of Elections.*

PART I.

PRELIMINARY.

1. These regulations may be called the Phaltan State Short title.
Legislative Council Electoral Regulations, 1942.

2. In these Regulations, unless there is anything Definitions.
repugnant in the subject or context—

(1) "Rules" means the Phaltan State Legislative
Council Electoral Rules;

(2) "Ballot paper" includes a part of a ballot
paper;

(3) "Form" means a form in Schedule E;

(4) "Schedule" means a schedule appended to
these regulations; and

(5) "Sign" in relation to a person who is unable
to write his name shall mean his thumb impression.

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(6) Any reference in these regulations to a person qualified to be included as an elector in the electoral roll of a constituency shall be deemed to mean a reference to a person qualified to be included as an elector of the said constituency by or under the provisions of the rules ;

(7) Subject as aforesaid and to any other provisions of these regulations, expressions to which a meaning is assigned by the rules, have, except where the context otherwise requires, the same meanings for the purposes of these regulations.

PART II.

ELECTORAL ROLLS.

Registering
Officer: Form
and prepara-
tion of Roll:
Application for
enrolment:
Officer to whom
and form in
which
application to
be made:
Proof of
educational
qualification:
Proof of
literacy:
Language of
roll.

I. (1) The Mamlatdar, Phaltan, shall cause to be prepared an electoral roll for each constituency or part of a constituency included within his jurisdiction and shall publish the same on the appointed date in the manner prescribed in this regulation.

(2) The elector's name, his father's name, (except in the case of Christians), and surname, if any, his residence and the nature of his qualification shall be entered in the roll.

If an elector is a married woman her husband's name and surname, if any, shall be entered instead of her father's name.

(3) The roll shall be prepared in a municipal or notified area, alphabetically and separately for the area under each Polling station or such sub-division of such area as the Mamlatdar, Phaltan may direct; and alphabetically and separately for each village or part of a village not included in any such area:

Provided that in a general constituency in which a seat is reserved for members of the Scheduled Castes, the names of the electors who are members of the Scheduled Castes shall be shown separately.

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- (4) (a) An elector shall ordinarily be entered in the roll for the area in which he has a place of residence, but may, and where the elector has not a place of residence within the constituency, shall be entered in the roll for an area in which his qualification is wholly or partly held:

Provided that in an urban constituency a person qualified as an income-tax payer or as a retired, pensioned or discharged officer and who does not reside within the constituency, may be entered in the roll for any area which he or she may select.

- (b) Where an elector does not reside in the area on the roll for which he is entered, the place where he resides shall be entered under his name;
- (5) (a) The Mamlatdar shall, on the commencement of the preparation of an electoral roll for a general constituency, cause to be published at the places specified in paragraph (b) a notice in the form in Schedule B and no person claiming to be an elector for any general constituency by virtue of holding the educational qualification mentioned in rule 5 in Schedule II to the rules or of holding the qualification of literacy under rules 6 or 7 of Schedule II to the rules shall be entitled to have his name so entered unless he has on or before the date named in the notice made an application for enrolment to the Mamlatdar or other officer specified in the notice.
- (b) The notice shall be published at the offices of the Collector and the Mamlatdar and at the office of the municipality in Phaltan and elsewhere at village chavadis and at such other place or places as the Mamlatdar may direct. It shall also be published

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in the Gazette. The Mamlatdar shall also cause the contents of the notice to be published by beat of drum in every village.

- (c) The notice shall be published not less than fourteen days before the date named in the notice.
 - (d) The electoral roll shall not be invalidated nor shall any person be entitled to claim to have his name included in the electoral roll by reason only that the notice referred to in this sub-regulation was not published at every place or within the time specified in this sub-regulation.
- (6) (a) An application required under rule 8 of Schedule II to the rules shall be made either in person or in writing to the Mamlatdar or other officer specified in the notice referred to in the next preceding sub-regulation :

Provided that if such application is made in writing, it shall be made in the form prescribed in Schedule C or any other form to the like effect and shall be delivered in person or sent by registered post to the Mamlatdar or the officer specified in the notice referred to in the next preceding sub-regulation ;

Provided further that when the application is made in person, the Mamlatdar or the officer to whom such application has been made shall, as far as practicable, obtain from the applicant or any person authorised to make the application on behalf of the applicant under paragraph (b) of sub-regulation (5) all the information specified in Schedule C.

- (b) If the person on whose behalf such application is to be made is a woman, such application may be made by her husband on her behalf.

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(7) No person claiming to be an elector on the ground of holding the educational qualification under rule 5 of Schedule II to the rules, shall be included as an elector in the electoral roll of a general constituency unless such person produces along with his application for enrolment a certificate with a copy thereof from a competent authority that he has passed the qualifying examination.

Explanation:—For the purposes of this rule the competent authority shall be the authority specified in this behalf by the Educational Department of the State.

(8) No person claiming to be an elector for a general constituency on the ground of holding the qualification of literacy, under rules 6 and 7 of Schedule II to the rules shall be included in the electoral roll for such constituency unless he is proved to be literate in the manner specified in the next following sub-regulation.

(9) Literacy referred to in the foregoing sub-regulation shall be proved—

- (a) by the production, before the Registering Authority or an officer authorized by him, of a certificate in the form in Schedule D issued by a village officer or Aval Karkun and countersigned by a Revenue Officer not inferior in rank to a Mamlatdar or issued by a Gazetted Officer, a Justice of the Peace, an Honorary Magistrate or a Head-master or Head-mistress of a school or other educational institution, recognized by the Government : or
- (b) by the production before the Registering Authority or an officer authorized by him, of an application for enrolment written by the person in the presence of a village officer and bearing the said officer's attestation to that effect ; or
- (c) by the person appearing before the Registering Authority or an officer authorized by him and satisfying that authority or officer that he is literate by reading and writing in the presence of that authority or officer.

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(10) A partner in a firm assessed to income-tax shall not be deemed for the purpose of these regulations to have been assessed to income-tax unless he produces, regarding his assessment to income-tax during the previous financial year, a certificate from the Income-tax Officer of the State, to the effect that the share of the applicant of the firm's income on which income tax was assessed was not less than the minimum on which the tax was levied.

(11) The rolls in all the constituencies shall be prepared in *Marathi*.

Requisition of records.

2. Any person in charge of any municipal or notified area shall, on a requisition from the Mamlatdar, Phaltan State, furnish, within such time as may be specified in such requisition, such extracts from the record in his charge as the Mamlatdar may require; and shall allow the Mamlatdar or any person acting under his authority such access to any such record as the Mamlatdar or the person acting under his authority may require.

Publication of roll.

3. (1) On or before such date as may be appointed by the Ruler in this behalf a copy of the electoral roll for each constituency shall be published at the headquarters office of the Returning Officer.

(2) There shall be published on or before the aforesaid date at the head-quarters office of each municipal or notified area in the constituency, the parts of the roll relating to such area, and at the head-quarters office of each village or part of a village in the constituency not included in any such area and at the head-quarters of the division in which such village is included, the parts of the roll relating to such village or part of a village.

(3) The parts and copies so published shall remain open to inspection during the period allowed for lodging objections and shall be made available for sale to the public.

Objections.

4. (1) At the time of publishing the roll and the parts thereof, a notice shall be published in like manner in Form IV calling upon persons entered in the roll to lodge in the manner herein prescribed any objection they may have to make to the roll as published, and upon persons claiming to be entered in the roll, to lodge their claim in

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the manner herein prescribed. A claim or objection may be lodged in the prescribed manner on behalf of the Mamlatdar, in respect of any entry or omission in the roll.

(2) Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number if any in the electoral roll and the area in the roll for which he is entered, and in the case of an objection, the number in the electoral roll of the person to whose entry objection is taken and the area in the roll for which he is entered.

(3) Four copies of the claim or objection shall be delivered in person or sent by post so as to reach the office of the judge authorised to receive the claim or objection under these regulations on or before the tenth day from the publication of the roll, excluding the day of such publication.

(4) A claim or objection which is not lodged in the manner herein prescribed or which is lodged by a person not entitled to lodge the same shall be rejected.

5. (1) Claims and objections relating to any roll for any part of the area specified in the first column of the annexed table shall be received by the authority specified against such area in the second column of the said table.

Revising
Authority;
Powers and
Procedure.

Table

1 Western, Central and Eastern Rural Constituencies.	The Subordinate Judge Phaltan.
2 Phaltan Urban Constituency.	The District Judge Phaltan.
3 Education Constituency.	The District Judge Phaltan.

(2) The judge on receipt of a claim or objection lodged in the manner herein prescribed and by a person entitled to lodge such claim or objection, shall fix a date and place for hearing the same and shall give notice of such date and place to the claimant or objector; the Mamlatdar, who prepared the roll shall be made a party

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to such claim or objection if not already a party thereto and shall be supplied with a copy of the claim or objection and with notice of the date and place fixed for hearing. Where objection is taken to the entry of any person on the register, a copy of the objection with notice of the date and place fixed for hearing shall be sent to such person. A copy of the claim or objection with notice of the date and place fixed for hearing shall be placed on the judge's notice board.

(3) Where any copy or notice is to be sent under paragraph (2), such copy or notice shall be sent by post to a claimant or objector to the address given in the claim or objection, and to a person to the entry of whose name objection is taken, to the addresss given in the electoral roll; a copy or notice so sent shall be deemed to have been duly served.

(4) The parties shall produce before the judge the evidence on which they rely.

(5) Where a claim or objection is based upon any right, title or interest in anything and such right, title or interest is disputed, if the judge is of opinion that the dispute cannot be determined summarily but should be adjudicated upon by a civil court, he shall reject such claim or objection.

(6) The judge after hearing the evidence, if any, adduced on behalf of the parties and after such further inquiry as he may deem necessary shall pass order on the claim or objection.

(7) The judge shall forthwith send a copy of his order to the Mamlatdar.

(8) If the judge is unable to dispose of the claims and objections made within the period of four weeks from the last date fixed for lodging claims and objections, he may appoint such number of practising advocates, vakils or pleaders as he shall consider necessary for disposing of the said claims and objections within the said period. The provisions of this regulation applicable to a judge having jurisdiction under the provisions of subregulation (1) shall apply to an advocate, vakil or pleader appointed as aforesaid.

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6. (1) Any person claiming to be entitled to be an elector for a general constituency on the ground of holding the educational qualification under rule 5 of Schedule II to the rules or of holding the qualification of literacy under rules 6 or 7 of Schedule II to the rules, but who has not been included in the electoral roll of the said constituency in consequence of his or her failure to make an application to the Mamlatdar in the manner prescribed in sub-regulation (6) of regulation 1 of this Part may on or before the tenth day from the publication of the electoral roll excluding the day of such publication apply to the Revising Authority to have his name included in the electoral roll as an elector for the said constituency. Such application shall be in writing and shall be accompanied by the certificate or extract required under these regulations. Such applications shall contain a statement that the applicant has not made any application in the manner prescribed in sub-regulation (6) of regulation 1 of this Part.

Applications for enrolment by persons who fail to apply under regulation 1 (6) of this part.

(2) On receipt of such application the Revising Authority prescribed in regulation 5 of this Part may, notwithstanding anything contained in that regulation, after calling for a report from the Mamlatdar and the Mamlatdar reporting that the applicant is qualified to be an elector for the constituency direct his name to be included in the electoral roll for the constituency.

7. (1) The Mamlatdar shall make such cancellations in, and shall prepare a list of such additions to, the roll for each constituency as may be required in accordance with the orders passed under regulation 5 or 6 of this Part.

Amended Roll and list of additions: Publication.

(2) The list shall be prepared in the manner specified in regulation 1 (3) of this Part.

(3) The amended roll and the list of additions shall be published in the manner prescribed in regulation 3 of this Part for the publication of the electoral roll, on or before such date as may be appointed by the the Ruler in this behalf.

8. The electoral roll of any constituency as amended and supplemented by the list of additions shall be conclusive evidence for the purpose of determining whether any person is an elector in such constituency.

Amended roll conclusive proof.

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Preliminary
publication of
roll.

9. In order to facilitate the preparation of the electoral roll under regulation 1 of this Part the Ruler may, by notification in the Gazette, direct that prior to the first publication prescribed by regulation 3 of this Part, there shall be a preliminary publication by the Mamlatdar, of the electoral roll for each constituency or part of a constituency included within his jurisdiction with notice that applications for enrolment submitted within a period to be specified in the notice will be heard and decided by the Mamlatdar or other officer deputed by him in this behalf. The roll shall then, on the expiry of the above period, be revised before publication under regulation 3 of this Part.

PART III.

Nomination of Candidates.

Nomination
papers.

1. Nomination papers in the form prescribed by rule 10 (3) of the rules shall be supplied by the Mamlatdar, to any elector asking for the same.

Scrutiny of
nomination.

2. On the date appointed by the Ruler for the scrutiny of nominations under sub-rule (2) of rule 10 the candidates, their election agents, one proposer and one seconder of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer or other person authorised under subrule (7) of rule 10 shall give them all reasonable facilities for examining the the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

Disposal of
objections and
rejection of
nomination.

3. (1) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the following grounds:--

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- (i) that the candidate is not qualified or is disqualified for election under the provisions of the Act or of rules made thereunder :
 - (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub rule (4) of rule 10 ;
 - (iii) that there has been any failure to comply with any of the provisions of rule 10 or rule 11 ;
 - (iv) that the candidate or any proposer or seconder, as the case may be, is not identical with the person whose number or name on the electoral roll is given in the nomination paper as the number or name of such candidate, proposer or seconder, as the case may be ;
 - (v) that the signature of the candidate or of any proposer or seconder is not genuine or has been obtained by fraud.
- (2) For the purpose of this regulation,—
- (a) the production of any certified copy of an entry made in the electoral roll of any constituency shall be conclusive evidence of the right of any elector named in that entry to stand for election or to subscribe a nomination paper as a proposer or seconder, as the case may be, unless it is proved that the candidate is disqualified under the provisions of the Act or of rules made thereunder or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 10 ; and
 - (b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are seats to be filled, those of the papers so subscribed which have been first received up to the number of seats to be filled, shall be deemed to be valid.

Phaltan Legislative Council Electoral Regulations.

(3) Nothing contained in clause (ii), clause (iii), clause (iv), or clause (v) of sub-regulation (1) shall be deemed to authorise the refusal 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.

Completion of scrutiny.

4. (1) 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.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 10 and no adjournment of the proceedings shall be allowed.

Preparation of lists of valid nominations.

5. On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (8) of rule 10, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

Publication of names of candidates: Supply of ballot papers.

6. (1) If the number of duly nominated candidates exceeds that of the seats to be filled, the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the Ruler may prescribe, and in such places in the constituency as he may consider necessary, the names of the candidates as given in the nomination papers in alphabetical order and the symbol, if any, allotted to each candidate.

(2) In such case the Returning Officer shall forthwith arrange for the printing and supply of a sufficient number of ballot papers in the prescribed form.

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PART IV.

VOTING.

1. The Ruler shall appoint the hour at which the poll shall commence and the hour at which it shall close on the date appointed for the poll under clause (c) of sub-rule (2) of rule 10. The hours so fixed shall be published by notification in the Gazette and in such other manner as the Ruler may direct. Polling.

2. (1) The Mamlatdar shall select for each constituency, wholly or partly included in his jurisdiction, as many polling stations as he thinks necessary, and he shall publish in the manner prescribed by regulation 3, Part II, lists showing the polling station so selected, and the polling areas for which they have respectively been selected. Polling stations:
presiding
officer.

(2) The Mamlatdar shall appoint a presiding officer for each polling station and such other persons (hereinafter referred to as polling officers) to assist the presiding officer as he thinks necessary:

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

(3) The same polling stations and presiding officers may be appointed in respect of elections held simultaneously.

(4) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these regulations.

(5) If the presiding officer is, owing to illness or other unavoidable cause, obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers who shall be duly authorised in this behalf by the Mamlatdar.

3. (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be Duties of
presiding
officer.

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admitted at one time, and shall exclude all other persons except—

- (a) the polling officers, the candidates, and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate, and authorised in this behalf by the the Returning Officer,
- (b) the police officers or other public servants on duty, and
- (c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(2) The presiding officer shall close the polling station at the hour appointed in that behalf by the Ruler under regulation 1 of this Part, so as to prevent the admission thereto of any voter after that hour.

Removal from
polling station
for misconduct.

4. If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer or the polling officer performing the duties of the presiding officer, he may immediately, by order of the presiding officer or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer or such polling officer, to remove him; and the person so removed shall not, unless with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day:

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Issue of ballot
paper.

5. No ballot paper shall be issued after the closing hour appointed under regulation 1 of this Part, but any voter who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

Voting
compartments.

6. Each polling station shall be furnished with such number of compartments, in which voters can record their votes screened from observation, as the Mamlatdar thinks necessary.

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7. The Mamlatdar shall provide at each polling station materials sufficient for the purpose of enabling voters to mark the ballot papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such polling station.

Supply of election materials and ballot boxes.

8. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

Sealing of ballot boxes.

9. Before commencement of the poll there shall be affixed in a conspicuous place outside and inside such polling station a notice showing the name and symbol of each candidate.

Notice of name and symbol of candidate to be fixed outside and inside a polling station.

10. Before the polling station is opened for the recording of votes, the presiding officer shall read to such persons as may be present the provisions of section 12 of the Phaltan State Election Inquiries Act No. II of 1929, and shall explain the substance thereof in *Marathi*.

Procedure before polling begins.

11. Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector as stated in the electoral roll shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the constituency and the name or distinctive number of the polling station and the signature or thumb impression of the elector.

Procedure before ballot paper is delivered to electors.

12. The elector, on receiving the ballot paper, shall forthwith proceed to one of the compartments in the

Voting.

Phaltan Legislative Council Electoral Regulations.

polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

Assistance to illiterate or infirm electors.

13. (1) If an elector, owing to illiteracy or infirmity, is unable to make a mark on the ballot paper, the presiding officer or the polling officer shall mark the vote on the ballot paper according to the directions of the elector. The elector shall then himself or with the assistance of such officer put the ballot paper folded up into the ballot box.

(2) In the case of every elector whose ballot paper is dealt with in the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the presiding officer or the polling officer, as the case may be, of the reason why it was so dealt with.

Identity of electors.

14. At any time before a ballot paper is delivered to an elector, the presiding officer or polling officer may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such station, and shall, if so required by a candidate or polling agent, put to the elector the following questions:—

(1) Are you the person enrolled as follows (reading the whole entry from the roll)? and

(2) Have you already voted at the present election in this constituency?

and at a general election—

(3) Have you already voted at this general election for the Legislative Council in any other general constituency?

and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.

Form of ballot paper.

15. The ballot paper shall be in Form I. The ballot papers shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

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16. If the person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper in the same manner as any other voter. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall, instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the electoral roll and the name of the electoral area to which the roll relates and shall be set aside in a separate packet and shall not be counted by the Returning Officer. The name of the elector and his number on the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form II which shall bear the heading "Tendered Votes List." The person tendering such ballot paper shall sign his name and address thereon or, if he is unable to write, affix his thumb impression against the entry in that list.

Tendered
votes.

17. If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form III) his name and address, or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person on being questioned in the manner provided in regulation 14 of this Part answers the first question in the affirmative, and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances and of his decision on the list of challenged votes:

Challenged
votes.

Provided that a deposit of Rs. 5 may be demanded for each such challenge which shall be forfeited if, on enquiry, the challenge is found to be frivolous and not made in good faith.

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Spoilt ballot papers.

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

Voting by officers on duty at polling stations.

19. A presiding officer, polling officer or polling agent who is on duty at a polling station at which he is not entitled to vote, shall, if he is certified by the Mamlatdar to be entitled to vote at the election for the constituency, in connection with which he is employed or for any other constituency, be allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the electoral roll for that constituency, in which that polling station is situate. A certificate issued under this regulation shall be in Form V.

Such ballot papers to be separately sealed and sent to the Mamlatdar.

20. Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in regulation 19 of this Part to the Mamlatdar who has granted the same and the Mamlatdar shall include it among the valid ballot papers.

Closing of poll: Despatch of ballot papers.

21. The presiding officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal:—

- (1) each ballot box in use at each station unopened but with the key attached;
- (2) the unused ballot papers;
- (3) the tendered ballot papers;
- (4) the spoilt ballot papers;
- (5) the marked copy of the electoral roll;
- (6) the counterfoils of the ballot papers;
- (7) the tendered votes list; and
- (8) the list of challenged votes; ..

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and shall after endorsing on each packet a description of its contents deliver such packets to the Returning Officer.

22. The packets shall be accompanied by a statement in Form VI made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, and ballot papers dealt with under regulation 20 of this Part.

Statement to be sent to the Returning Officer with ballot papers.

23. Notwithstanding anything contained in this Part, the Returning Officer may, for sufficient cause and with the previous sanction of the Ruler postpone the date or extend the period fixed for polling. In emergencies such as a disturbance of the public peace or the intervention of floods, the presiding officer may, with the previous approval of the Returning Officer, close the poll and announce an adjournment of the poll to a subsequent day. The returning officer shall immediately report the circumstances to the Ruler.

Postponement of poll:
Adjournment of poll.

The subsequent date to which polling is postponed or adjourned shall be notified in the constituency in such manner as the Returning Officer thinks fit.

PART V.

COUNTING OF VOTES.

1. The Returning Officer shall, as soon as may be practicable after the close of the poll, give notice in writing to all candidates and election agents of the date, time and place appointed by the Ruler for the counting of votes.

Appointment of date, time and place for the counting of votes.

2. (1) No person shall be allowed to be present at the counting of the votes except the Returning Officer and such persons as he may appoint to assist him in counting the votes, and such other persons, as have a right to be present under sub-rule (6) of rule 13.

Who may be present at the counting of votes.

(2) No person shall be appointed to assist in counting the votes, who has been employed by or on

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behalf of any candidate for any purpose whatsoever connected with the election.

Scrutiny of
votes: Rejection
of invalid
votes: Counting
of votes:
Suspension of
counting of
votes.

3. On the day and at the time appointed under regulation I of this Part the Returning Officer shall, before he commences to count the votes, read the provisions of section 12 of the Phaltan State Election Inquiries Act (Act No. II of 1929), to such persons as may be present, and shall then proceed as follows:—

(a) the ballot box or boxes relating to each polling station shall be opened one after another, and the Returning Officer shall take out the papers therefrom, count them and cause them to be counted, and record the number thereof in a statement. Such statement shall not be shown to any candidate or agent;

(b) the Returning Officer shall then mix together all the ballot papers so taken out from the ballot boxes and distribute them in convenient bundles to the persons appointed to assist in counting the votes;

(c) when the ballot papers have been so distributed, but not before, the Returning Officer shall allow the candidates and their agents reasonable opportunity to inspect, without handling, the ballot papers, and shall on every ballot paper which is wholly or partially rejected endorse the word "rejected". If any candidate or agent present questions the correctness of the rejection, he shall also record, on the ballot paper, the grounds for the rejection. No candidate or agent shall be allowed to see the serial number on the back of any ballot paper;

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

Grounds of
rejection of
ballot paper.

4. (1) A ballot paper shall be rejected if—

(a) the number of votes recorded thereon exceeds the number of seats to be filled ;

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- (b) no vote is recorded thereon;
- (c) it is void for uncertainty;
- (d) it bears any mark by which the elector can be identified.

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

5. The Returning Officer shall not open the sealed packets of the tendered votes, the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under regulation 22 Part IV by comparing it with the number of counted ballot papers and rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under regulation 20 Part IV, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers. Verification.

6. The Returning Officer shall then prepare and certify a return setting forth:— Return.

- (1) the result of the verification referred to in regulation 5 of this Part;
- (2) the names of the candidates for whom valid votes have been given;
- (3) the number of valid votes given for each candidate;
- (4) the names of the candidates elected;
- (5) the number of votes declared invalid; and
- (6) the number of tendered votes given, and shall permit any candidate or any representative duly authorised under sub-rule (6) of rule 13 to take a copy or an extract from such return.

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PART VI.

SPECIAL REGULATIONS FOR ELECTIONS TO SEATS
RESERVED FOR THE SCHEDULED CASTES.

Special regulations for constituencies in which seats are reserved for members of the Scheduled Castes.

1. In the case of elections in constituencies in which a seat is reserved for members of the Scheduled Castes, regulations 5 and 6 of Part III, regulations 5, 15, 21 and 22 of Part IV and regulations 3 and 6 of Part V of these regulations shall, in so far as they are inconsistent with any of the following regulations, be deemed to be substituted therefor and shall apply accordingly.

Lists under reg. 5 or 6, Part III to comply with rule 22.

2. The lists of valid nominations prepared under regulation 5, Part III and the lists of names of candidates published under regulation 6, Part III shall comply with the provisions of rule 22 of the rules.

Form of ballot papers.

3. A ballot paper for the non-reserved seats shall be in Form 1-A and for the reserved seat in Forms 1-B and 1-C. Each of the forms shall be serially numbered separately, the serial number being printed on the counterfoil and on the back of the ballot paper.

Issue of ballot papers.

4. (1) In the case of an election to a non-reserved seat or seats, an elector, whether a member of the Scheduled Castes or not, shall be given a ballot paper in Form 1-A.

(2) In the case of an election for a reserved seat, an elector who is a member of the Scheduled Castes shall be given a ballot paper in Form 1-B and an elector who is not a member of the Scheduled Castes shall be given a ballot paper in Form 1-C.

Procedure on closing of poll.

5. The Presiding Officer of each polling station, as soon as practicable after the close of the poll shall, in the presence of any candidates who may be present make up into separate packets and affix a seal and the seals of such candidate as may decide to affix their seals to—

- (i) each ballot box in use at such station unopened but with the key (which should also be sealed in the same manner as the ballot box) attached;
- (ii) the unused ballot papers;
- (iii) the spoilt ballot papers;

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- (iv) the marked copy of the electoral roll;
- (v) the counterfoils of the ballot papers:

Provided that the ballot papers referred to in sub-clauses (ii) and (iii) and the counterfoils of the ballot papers referred to above in sub-clause (v) shall be made up into separate packets of Form 1-A, Form 1-B and Form 1-C.

6. The box shall be accompanied by a statement made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused and spoilt ballot papers in Form 1-A, Form 1-B and Form 1-C and ballot papers, dealt with under regulation 20 of Part IV.

Statement by
presiding
officer.

7. The ballot boxes relating to each polling station or the envelopes containing the certificates dealt with under regulation 20 of Part IV, as the case may be, shall be opened one after another and the Returning Officer shall take out the ballot papers therefrom, separate them into bundles of Form 1-A, Form 1-B and Form 1-C, count each bundle or cause them to be counted and record the numbers thereof in a statement. Such statement shall not be shown to any candidate or agent.

Procedure at
Counting.

8. The Returning Officer shall then distribute the bundles of Form 1-B and Form 1-C to the persons appointed to assist in the counting of votes, and cause the votes recorded on the two forms of the ballot paper to be counted separately.

Distribution of
ballot papers
for counting.

9. The Returning Officer shall next distribute the bundle of ballot papers in Form 1-A to the persons appointed to assist in the counting of votes and cause the votes to be counted.

Counting of
ballot papers
for the non-
reserved seats.

10. The Returning Officer shall after the completion of the procedure for verification of statement specified in regulation 5, Part V, prepare and certify two returns one for the seat reserved for members of the Scheduled Castes and another for the non-reserved seat or seats, in the manner specified in regulation 6, Part V, and shall permit any candidate or his election agent or representative duly authorized under sub-rule (6) of rule 13 to take a copy or extract from such return.

Return of the
result of
election.

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PART VII.

DISPOSAL OF BALLOT PAPERS.

Custody of election papers.

1. The Returning Officer shall after reporting the result, retain in his custody the return and the packets referred to in regulations 5 and 6, Part V, and regulation 10, of Part VI, and all other documents relating to the election.

Production and inspection of election papers.

2. While in the custody of the Returning Officer the packets of ballot papers whether counted, rejected or tendered, of the counterfoils thereof, and of the marked copy of the electoral roll, shall not be opened and their contents shall not be inspected or produced except under the order of a competent Court or of a Commissioner appointed to hold an inquiry in respect of an election but all other documents relating to the election shall be open to public inspection subject to such conditions as the Ruler may prescribe, and to the payment of the fee specified in Schedule A; and any person, on compliance with such conditions and on payment of the fee specified in the said Schedule, shall be entitled to obtain a copy or copies thereof or of any part thereof.

Destruction of election papers.

3. The packets aforesaid shall be retained for a period of one year, and shall thereafter be destroyed, subject to any direction to the contrary made by the Ruler, or by a competent Court or by a Commissioner appointed to hold an inquiry in respect of an election.

PART VIII.

RETURN OF ELECTION EXPENSES.

Return of election expenses.

1. The return of election expenses under rule 18 of the rules shall be in Form VII in Schedule E to these regulations and shall be accompanied by the affidavit in the form given in Schedule IV to the rules.

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PART IX.

GENERAL PROVISIONS.

1. (1) Save as otherwise provided in these regulations, the papers mentioned in the first column of the statement hereto annexed shall be kept by the officers mentioned in the second column for the period specified in the third column thereof.

Custody, preservation and inspection of election papers.

(2) The papers mentioned in entries 1, 6, 7 (a), (b), (c) and 9 of the statement hereto annexed shall be open to inspection by the public, subject to such conditions as the Ruler may prescribe and to the payment of the fee specified in Schedule A; and any person, on compliance with such conditions and on payment of the fee specified in the said schedule shall be entitled to obtain a copy or copies thereof except of the papers mentioned in entries 1 and 6.

Statement.

Description of document or record.	By whom kept.	Period for which kept.
1 Preliminary Electoral Rolls published under Regulations 3 (1) or 9 of Part II (three copies of each roll).	The Mamlatdar, Phaltan	One year.
2 Applications to the Mamlatdar under Reg. 1 (6), Part II and his orders thereon.	The Mamlatdar, Phaltan.	Do.
3 Applications to Mamlatdar under Regulation 9 of Part II and his orders thereon.	The Mamlatdar, Phaltan.	Do.
4 Claims or objections to registration made under Regulation 4 (2) of Part II and the order of the Revising Authority thereon.	The authority authorised to receive the same.	Do.
5 Applications to the Registering Authority under sub-rule 6 of rule 8 of the rules.	The Mamlatdar, Phaltan.	Do.
6 Final Electoral Rolls (three copies of each roll).	The Mamlatdar, Phaltan.	Until the final publication of fresh or revised electoral rolls

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Description of document or record.	By whom kept.	Period for which kept.
<p>7 The following miscellaneous papers:—</p> <p>(a) Nomination papers.</p> <p>(b) Declarations of appointment of agents and cancellations thereof.</p> <p>(c) Withdrawals of candidates.</p> <p>(d) The papers mentioned in Regulations 5 and 6 of Part V and Reg. 10 of Part VI.</p>	<p>The Returning Officer of the constituency concerned.</p>	<p>One year.</p>
<p>8 Return of election expenses lodged by candidates under rule 18 of the rules.</p>	<p>The Returning Officer</p>	<p>Do.</p>
<p>9 Election petitions presented under rule 37 of the rules, the findings of the Commissioner thereon, and the evidence recorded.</p>	<p>The Law Member, Government of Phaltan.</p>	<p>Three years.</p>

Power of Returning or presiding officer to overlook printing or clerical errors in electoral rolls.

2. If a question arises for the decision of the Returning or the presiding officer under these regulations whether an entry in an electoral roll relates to a particular person, the Returning Officer or the presiding officer, as the case may be, for reasons to be recorded in writing, decide that the entry does not relate to the said person, notwithstanding any clerical or printing errors therein.

Decisions given by Returning Officer final.

3. Subject to the provisions of the rules relating to the decision of doubts and disputes as to the validity of an election, all decisions given by the Returning Officer under the powers conferred on him by the rules or regulations made thereunder shall be final.

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SCHEDULE A.

(Rule 18 (4), Regulation 2, Part VII, Regulation 1 (2), Part IX.)

The following fees shall be levied by the Returning Officer or by the Officer who has custody of the documents for the inspection and grant of copies of documents which are open to inspection under Rule 18 (4), Regulation 2, Part VII, or Regulation 1 (2), Part IX:—

(1) The fees for the inspection of a return of the election expenses or the declaration in respect thereof shall be Re. 1, and for the inspection of any other document relating to an election, the inspection of which is allowed by the aforesaid Rule, or Regulations, Re. 1 for every hour or part thereof taken for inspection.

(2) The fees for the inspection of a document shall be payable in advance.

(3) The fees for granting a copy of a document shall be as follows:—

(a) *Copying fees*:—Two annas for every hundred words or fraction thereof, and double this rate if the original is in a tabular form;

(b) *Comparing fees*:—Half the copying fees charged under clause (a), subject to the maximum of Re. 1; and

(c) *Paper cost*:—If a copy is supplied on a printed form or forms, 3 pies for every sheet, and in other cases 6 pies for every sheet.

(4) A sum of not less than Rs. 2 shall be deposited with every application for a copy of a document. Any balance thereof shall be returned when the copies are furnished, and any further sum due must be paid before they are furnished.

SCHEDULE B.

(Regulation 1 (5), Part II.)

Notice for application for registration.

Notice is hereby given that applications for registration in the electoral rolls of the general constituencies of the Phaltan State Legislative Council in respect of the

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qualifications specified in the form (Schedule C) of application attached herewith must be made either in person or in writing in the said form or any other form to the like effect on or before the day of to the Mamlatdar, Phaltan. If made in person, the applicant or any person authorised to make the application on his behalf under the Phaltan State Legislative Council Electoral Regulations, 1942, shall produce, or if made in writing such application shall be accompanied by, the certificate or extract specified in the said form except where literacy is proved in the manner prescribed in clause (b) or (c) of sub-regulation 9 of regulation 1, Part II, of the said regulations.

SCHEDULE C.

(Regulation 1 (6), Part II.)

Form of application for registration in the electoral roll.

To

The Mamlatdar, Phaltan.

Sir,

I am qualified to be included in the electoral roll for the constituency as I have for a period of not less than one hundred and eighty days in the previous financial year resided in a house in † and

* (1) (*In the case of the educational qualification.*)

I have passed the 4th Standard Vernacular Examination or an examination equivalent thereto.

* (2) (*In the case of a woman claiming to be qualified by virtue of the qualification of literacy.*)

I am able to read and write in the language.

* (3) (*In the case of a person who is a member of the Scheduled Castes, claiming to be qualified by virtue of the qualification of literacy.*)

I am able to read and write in the language.

† Here enter $\frac{\text{village}}{\text{town}}$.

* Omit unnecessary portions.

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2. I enclose a certificate ‡ from _____ in proof of my
an extract ‡
claim.
3. I am a British subject and am _____ years of age.
subject of _____ State
Signature _____ AB
or _____ or
thumb impression of applicant. CD on behalf of his
wife AB.

Full Address

Date

SCHEDULE D.

(Regulation 1 (9), Part II.)

Certificate of Literacy.

This is to certify _____ is able to read and
write in _____ language.

*(Signed)

*(Countersigned)

*(To be signed by a village officer or an Aval Karkun and if so signed to be countersigned by a Revenue Officer not below the rank of a Mamlatdar, or to be signed by a Gazetted Officer or a Justice of the Peace, Honorary Magistrate or the Principal, Head Master or Head Mistress of a School or other educational institution recognized by the Government.)

‡(1) In the case of educational qualification a certificate signed by a competent authority specified in this behalf by the Education Department of the State.

(2) In the case of literacy qualification except where it is proved in the manner prescribed in clause (b) or (c) or sub regulation (9) of regulation I, Part II, a certificate of ability to read and write signed by the village officer or an Aval Karkun and countersigned by a revenue officer not below the rank of Mamlatdar or signed by a Gazetted Officer or a Justice of the Peace or Honorary Magistrate or by the Headmaster of a school or other educational institution recognized by the Government.
Headmistress

Phaltan Legislative Council Electoral Regulations.

SCHEDULE E.

Forms.

FORM I.

BALLOT PAPER.
(Regulation 15, Part IV.)

Counterfoil.	Front.	Outerfoil.
SERIAL NO.	Name and symbol of Candidate.	Cross.
Name of Constituency.		
Name or number of polling station.		
Number of elector on electoral roll.		
Signature or thumb-impression of elector.		

Note.—Please see instructions on the back.

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names and symbols of candidates and spaces for recording votes.

(Back of Outerfoil.)

Instructions.

- (1) *You have one vote.
† You have....votes.
- (2) *The vote is to be shown by a cross mark: x.
† Each vote is to be shown by a cross mark: x.
- (3) *The mark should be placed against only one candidate.
† You may give all your votes to one candidate or distribute them as you please. Place as many cross marks against the name of a candidate as the number of votes you wish to give him, the total number not exceeding the total number of votes you are entitled to.

SERIAL NO.

* In case of single-member constituencies.

† In case of multi-member constituencies.

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FORM I-A.
 BALLOT PAPER.
 (Regulation 3, Part VI.)
 Non-Reserved Seats.

Counterfoil.	Front.	Outerfoil.
SERIAL NO.	Name and symbol of candidate.	Cross.
Name of Constituency.		
Name or number of polling station.		
Number of elector on electoral roll.		
Signature or thumb-impression of elector.		

Note.—Please see instructions on the back.

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the name and symbols of candidates and spaces for recording votes.

(Back of Outerfoil.)

Instructions.

- (1) *You have one vote.
 †You have....votes.
- (2) *The vote is to be shown by a cross mark: x.
 †Each vote is to be shown by a cross mark: x.
- (3) *The mark should be placed against only one candidate.
 †You may give all your votes to one candidate or distribute them as you please. Place as many cross marks against the name of a candidate as the number of votes you wish to give him, the total number not exceeding the total number of votes you are entitled to.

SERIAL NO.

* In case of single-member constituencies.
 † In case of multi-member constituencies.

Phaltan Legislative Council Electoral Regulations.

FORM I-B.

BALLOT PAPER FOR MEMBERS OF THE SCHEDULED CASTES.
(Regulation 3, Part VI).

Reserved Seat.

Counterfoil.	Front.	Outerfoil.
SERIAL NO.	Name and symbol of Candidate.	Cross.
Name of Constituency.		
Name or number of polling station.		
Number of elector on electoral roll.		
Signature or thumb-impression of elector.		
	<i>Note.</i> —Please see instructions on the back.	

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names and symbols of candidates and spaces for recording votes.

(Back of Outerfoil.)

Instructions.

- (1) You have one vote.
- (2) The vote is to be shown by a cross mark : × .
- (3) The mark should be placed against only one candidate.

SERIAL NO.

Phaltan Legislative Council Electoral Regulations.

FORM I-C.

BALLOT PAPER FOR ELECTORS WHO ARE NOT MEMBERS
OF THE SCHEDULED CASTES.

(Regulation 3, Part VI.)

Reserved Seat.

Front.

Counterfoil.	<i>Front.</i>		Outerfoil.
SERIAL NO.	Name and symbol of candidate.	Cross.	
Name of Constituency.			
Name or number of polling station.			
Number of elector on electoral roll.			
Signature or thumb-impression of elector.			

Note.—Please see instructions on the
back.

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names and symbols of candidates and spaces for recording votes.

(Back of Outerfoil.)

Instructions.

- (1) You have one vote.
- (2) The vote is to be shown by a cross mark: x .
- (3) The mark should be placed against only one candidate.

SERIAL NO.

Phalian Legislative Council Electoral Regulations.

FORM II.

(Reg. 16, Part IV.)

Tendered Votes List,

Polling Station

Name of constituency.	Name of elector.	Number on electoral roll.	Number of votes recorded.	Signature or thumb impression of elector.

FORM III.

(Reg. 17, Part IV.)

List of Challenged Votes.

Signature sheet No.

Number on electoral roll.	Name.	Signature of elector if literate or thumb impression of elector if illiterate.	Name of identifier, if any.

Order of Presiding Officer (in each case).

Phaltan Legislative Council Electoral Regulations.

FORM IV.

NOTICE:—Under Regulation 4 (1), Part II of the Phaltan State Legislative Council Electoral Regulations, 1942.

1. (a) The Electoral Rolls of the following constituencies for the* of are hereby published in accordance with Regulation 3, Part II:—

The Western Rural Constituency.
The Phaltan Urban Constituency.
The Central Rural Constituency.
The Eastern Rural Constituency.
The Education Constituency.

(b) The Electoral Rolls of the following constituencies are not published in this area because there are no persons qualified to vote in them in this area:—

The Western Rural Constituency.
The Phaltan Urban Constituency.
The Central Rural Constituency.
The Eastern Rural Constituency.
The Education Constituency.

2. Any person entered on the roll who objects to any entry in the roll or any person claiming to be entered in the roll should lodge his claim or objection in the following manner:—

(a) Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right of any person to be entered in the roll is asserted or denied, the evidence which the claimant or objector intends to lead the address of the claimant or objector, his number, if any, in the electoral roll and the area in the roll for which he is entered, and in the case of any objection, the number in the electoral roll of the person to whose entry objection is taken and the area in the roll for which he is entered.

(b) Four copies of the claim or objection shall be delivered in person or sent by post so as to reach the office of the judge authorised to receive the claim or objection under the regulations on or before the tenth day

* Here specify area.

Phaltan Legislative Council Electoral Regulations.

from the publication of the roll, excluding the day of such publication.

(c) A claim or objection which is not lodged in the manner herein prescribed, or by a person not entitled to lodge the same, shall be rejected.

3. Claims and objections relating to a roll for any area stated in column I should be sent to the person entered against such area in column II of the table annexed:—

† *Table.*

Western Rural Constituency.	The Subordinate Judge, Phaltan.
Central Rural Constituency.	The Subordinate Judge, Phaltan.
Eastern Rural Constituency.	The Subordinate Judge, Phaltan.
Phaltan Urban Constituency.	The District Judge, Phaltan.
Education Constituency.	The District Judge, Phaltan.

FORM V.

(Regulation 19, Part IV.)

Certificate entitling a presiding officer, polling officer or polling agent to vote at the polling station where he is appointed for duty.

A B being duly registered as elector No. _____ on the electoral roll of the _____ constituency of the Phaltan State Legislative Council and being duly appointed

for duty as presiding officer
polling officer
polling agent at polling station

is entitled to record his vote at polling station

Dated _____

Mamlatdar.

Note.—Non-relevant entries in paragraph 1 (a) and paragraph 1 (b) should be cancelled. The cancellation will be alternative, i.e., those entries which are cut out in paragraph 1 (a) will stand in paragraph 1 (b) and *vice versa*.

† Cancel entries in the table which are not required.

N. B.—A full statement of the qualifications for each constituency can be seen at the Mamlatdar's office, Phaltan.

FORM VI.

(Regulation 22, Part IV.)

Form of statement to accompany returns of presiding officers.

Name of constituency

Name of polling station

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Total number of electors for the polling station as shown on electoral roll.	Total number of ballot papers entrusted to presiding officer.	Total number of ballot papers used.	Account of used ballot papers.			Balance that should be in ballot box.	Number of unused ballot papers.	Number of ballot boxes used.
			Used for the votes of polling and presiding officers and polling agents entitled to vote at another polling station (reg. 19, Part IV)	Tendered ballot papers (reg. 16, Part IV.)	Spoilt ballot papers (reg. 17, Part IV.)			
1	2	3	4	5	6	7	8	9

Column 1.—Give total of the names on the electoral roll for your polling station.

Column 2.—Give total number of ballot papers received by you from the Mamlatdar.

Column 3.—Count the counterfoils of the issued ballot papers and enter that number.

Column 4.—Total of the counterfoils of ballot papers used by the presiding and polling officers and polling agents entitled to vote at another polling station.

Column 5.—Total of the counterfoils of tendered votes; these counterfoils will be blank; the total in Form II must tally with this total.

Column 6.—Total of the counterfoils marked cancelled (reg. 17, Part IV) checked with the total number of spoilt ballot papers with the presiding officer.

Column 7.—Deduct from total in column 3 the sum of the total in columns 4, 5 and 6.

Column 8.—Count unused ballot papers and enter this total.

Pradhan Legislative Council Electoral Regulations.

Phaltan Legislative Council Electoral Regulations.

FORM VII.

(RULE 18 OF THE PHALTAN STATE LEGISLATIVE
COUNCIL ELECTORAL RULES.)

Form of Return of Election Expenses.

1. **RECEIPTS.**—Including all monies, securities and equivalents of money received from any person (including the candidate himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of, or in connection with, or incidental to, the election. The name of each such person, etc., and the amount received shall be shown separately:—

Date of receipt.	Name and description of payer.	Amount or value.
	Total ..	

2. **EXPENSES.**—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of the candidate, in respect of any expenses incurred on account of, or in connection with, or incidental to, the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware—

N. B.—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained; the vouchers shall be numbered and arranged in serial order and the number of the voucher entered in the return against the item of expenditure.

(2) Each payment made shall be entered separately, except payment on account of postage and telegrams for which lump sums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

Phaltan Legislative Council Electoral Regulations.

PART A—In this Part shall be shown the personal expenditure of the candidate, incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature—

Name and description of payee.	On what account.	Date of payment.	Voucher No.	Amount paid.	Amount unpaid.
Total ..					

PART B—In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent), clerks or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.

Name and description of payee.	On what account.	Rate of payment.	Date of payment.	Voucher No.	Amount paid.	Amount remaining unpaid.
Total ..						

Phaltan Legislative Council Electoral Regulations.

PART C—*In this part shall be shown all other expenditure (including travelling expenses and cost of refreshments provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.*

Name and description of payee.	On what account.	Date of Payment.	Voucher No.	Amount paid.	Amount remaining unpaid.
Total ..					

PART D—*In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.*

Name and description of payee.	On what account.	Date of Payment.	Voucher No.	Amount paid.	Amount remaining unpaid.
Total ..					

Phaltan Legislative Council Electoral Regulations.

PART E—*In this Part the cost of printing shall be shown.*

Name and description of payee.	On what account.	Date of Payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
Total ..					

PART F—*In this Part the cost of advertising shall be shown.*

Name and description of payee.	On what account.	Date of Payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
Total ..					

Phaltan Legislative Council Electoral Regulations.

PART G—*In this Part the cost of stationery shall be shown.*

Name and description of payee.	On what account.	Date of payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
Total ..					

PART H—*In this Part the cost of postage and telegrams may be shown in lump sums.*

Expenditure incurred.	Date of payment, if separate payments are shown.	Amount paid.

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PART I—*In this Part the cost of rooms hired for public meetings or as Committee rooms or as an office shall be shown.*

Name and description of payee.	Locality and description of rooms.	Date of payment.	Voucher No.	Amount paid.	Amount unpaid.
Total ..					

PART J—*In this Part the cost of conveyances hired shall be shown.*

Name and description of payee.	Number and description of conveyance.	Date of payment.	Voucher No.	Amount paid.	Amount unpaid.
Total ..					

Phallan Legislative Council Electoral Regulations.

PART K—*In this Part shall be included every disputed claim remaining unpaid.*

Name and description of claimant.	Nature and alleged ground of claim.	Amount of claim.
Total ..		

PART L—*In this Part all expenditure incurred and payments made by the candidate or by his election agent or by any person on behalf of or in the interests of the candidate in connection with the election and not included in any of the foregoing Parts shall be shown.*

Name and description of payee.	On what account.	Date of payment, if any.	Voucher No.	Amount paid.	Amount unpaid.
Total ..					

Phaltan Legislative Council Electoral Regulations.

PART M—In this Part the total expenditure incurred under each of the previous parts shall be shown.

Part.	Paid.	Unpaid.	Total.
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			
K			
L			
Total ..			