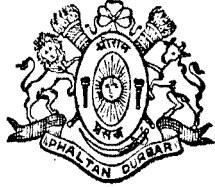


GOVERNMENT OF PHALTAN STATE



The  
Phaltan State Legislative Council  
Manual

Containing the Government of Phaltan State  
Act, the Phaltan State Electoral Rules and  
Regulations, the Council Rules and  
Standing Orders, etc.

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Printed at the Aryabhushan Press, Bhamburda 936/2, Poona 2, by Anant  
Vinayak Patvardhan, B.A., and Published by Keshev Vinayak  
Godbole, B.A., LL.B., Dewan, Phaltan State, at Phaltan.

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1931

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Price Rs. 1-8-0

THE PHALTAN STATE LEGISLATIVE COUNCIL  
MANUAL.

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**Góvernment of Phaltan State Act, 1929**  
( Act I of 1929 as amended by Acts I and VI of 1931 )

# Government of Phaltan State Act, 1929

Act I of 1929, as amended by Acts I and VI of 1931.

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# Government of Phaltan State Act, 1929

( Act I of 1929 as amended by Acts I and VI of 1931 )

*Promulgated on the day of Ganesh Chaturthi, Shaka 1851 (7th September, 1929), under the authority of Shrimant Captain Malojirao Mudhojirao alias Nanasaheb Naik Nimbalkar, Deshmukh and Jahagirdar, Chief of Phaltan.*

( An Act to provide a Constitution for the government of the Phaltan State. )

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 : Preamble to Government of Phaltan State Act I of 1929.

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 Chief 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 :

Be it enacted by the Chief of Phaltan and under his authority as follows :—

## PART I

### THE PHALTAN DURBAR

1. The words "Phaltan Durbar" or "Durbar" shall mean the Chief of Phaltan together with his Executive Council; and in respect of the powers, privileges and rights inherent in him as Ruler of the State or exclusively reserved to him by this Act, the Chief of Phaltan alone. Phaltan Durbar.

2. (1) Subject to the provisions of this Act, the Phaltan Durbar shall have and perform all such and the like powers and Powers of Phaltan Durbar.

duties relating to the government or revenues of the Phaltan State, and shall have all such and the like powers over all officers and servants of the State, as if this Act had not been passed, might or should have been exercised or performed by the Chief of Phaltan alone in relation to that government or those revenues.

(2) In particular, the Phaltan Durbar shall, subject to the provisions of this Act or Rules made thereunder, superintend, direct and control all acts, operations and concerns which relate to the government or revenues of the Phaltan State.

#### THE CHIEF OF PHALTAN

**The Chief of Phaltan.** 3. The Phaltan State, being vested hereditarily in the Naik Nimbalkars, Deshmukh and Jahagirdar, is ruled by and in the name of the Chief of Phaltan; and all rights, which the Chief of Phaltan has been exercising and may hereafter be entitled to exercise, may, subject to the provisions of this Act, be exercised by and in the name of the Chief of Phaltan as rights incidental to the Ruler of the State.

**Foreign and Political relations.** 4. The Political relations of the Durbar with the British Government in India, and with the other Indian States, and all questions appurtenant thereto, shall be in the exclusive power of the Chief of Phaltan though he may, if he thinks it advisable, consult his Executive Council in any such matter.

**Emergency Powers of the Chief.** 5. The Chief of Phaltan alone may, in cases of emergency or when the safety, tranquillity or interests of the Phaltan State, or of any part thereof, are, or may be, in the judgment of the Chief of Phaltan, essentially affected, exercise all the powers of the Phaltan Durbar; but he shall immediately communicate all orders under this section to his Executive Council for information.

**Power to make Ordinances in cases of emergency.** 6. The Chief of Phaltan 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 a period of not more than one year from its promulgation, have the like force of law as an Act passed by the Phaltan State Legislature.

**Power to veto.** 6 A. The Chief of Phaltan shall have the power to veto any decision of his Executive Council.

7. The Chief of Phaltan as the Ruler of the State shall, during any contingency, have power to appoint a person to exercise all or any of his powers; but the ultimate responsibility will nevertheless remain with the Chief of Phaltan. Delegation of powers by the Chief.

8. The Chief of Phaltan alone shall have power to make amendments to this Act. Power to make amendments.

### THE EXECUTIVE COUNCIL

9 (1) The Chief of Phaltan, in the interest of good Government of the State, shall establish an Executive Council consisting of not more than three Members, one of whom shall be the Dewan of the State. Establishment and constitution of Executive Council.

(2) The Chief of Phaltan will appoint or remove the Members of his Executive Council, but while issuing orders of dismissal he shall record his reasons for such an action. Appointment and removal of Members of Executive Council.

(3) Any Member of the Executive Council may, by writing signed by him, and submitted to the Chief of Phaltan, resign his office. The instrument of resignation shall be recorded in the minutes of the Council. Option to a Member to resign.

(4) A vacancy in the Executive Council caused by dismissal, resignation or death of any Member or by any other cause, shall be filled up by the Chief of Phaltan a month from the date of any such vacancy. Period within which vacancy in the Executive Council must be filled up.

(5) The salary of Members of the Executive Council shall be from Rs. 200/- to 500/- *per mensem* according to the pleasure of the Chief of Phaltan. Salary of Members.

(6) Members of the Executive Council shall be entitled to pension as follows:— Pension to Members.

(a) if the Member is a permanent servant of the State, his pension will be determined according to the Pension Rules of the State;

(b) if the Member is not in the permanent service of the State, he may be given a pension, if the Chief of Phaltan so directs—provided he (i) has completed five years of service as such Member, and (ii) is not a pensioner elsewhere.

10 (1) The Dewan of the State shall be the President of the Executive Council, with power to vote. President and Vice-President.



(2) The Chief of Phaltan shall appoint a Member of his Executive Council to be the Vice-President thereof.

(3) At every meeting of the Executive Council, the President, or, in his absence, the Vice-President, shall preside.

Meetings of  
Executive  
Council.

11. (1) Meetings of the Executive Council shall be convened and held as and when the President or, in his absence, the Vice-President directs.

(2) Ordinarily the Executive Council shall assemble at any place in the Phaltan State appointed by the President. But the President of the Council may with the permission of the Chief of Phaltan call a meeting outside those limits.

(3) The decisions of the Executive Council shall ordinarily be arrived at in a regular meeting; but they may also be arrived at by calling for the written opinions of the Members if the President thinks it advisable to do so.

Quorum.

12. At any meeting of the Executive Council the President or the Vice-President, and one Member of the Council may exercise all the functions of the Phaltan Durbar.

Business of  
Phaltan  
Durbar.

13. (1) All orders and other proceedings of the Executive Council shall be expressed to be made by the Phaltan Durbar, and shall be signed by the President or the Vice-President, as the case may be, and when so signed shall not be called into question in any legal or other proceeding on the ground that they were not duly made by the Phaltan Durbar.

(2) The Chief of Phaltan may make rules and orders for the more convenient transaction of business in his Executive Council, and every order made or act done, in accordance with such rules and orders, shall be treated as being the order or the act of the Phaltan Durbar.

When Presi-  
dent or the  
Vice-President  
to have  
casting  
vote.

14. The decision of the majority of the Executive Council shall be the decision thereof, and in cases when only two Members of the Executive Council are present at a meeting thereof the President, or the Vice-President, as the case may be, shall have a casting vote.

Decisions of  
Executive  
Council to be  
communicated  
to the Chief.

15. The decisions arrived at in every meeting of the Executive Council shall be at once communicated to the Chief of Phaltan, by the President or the Vice-President, as the case may be.

**16.** In cases where the decisions of the Executive Council are arrived at in a meeting when ~~only two Members are~~ <sup>Procedure when only two Members are</sup> present, they shall be submitted to the Chief of Phaltan for confirmation.

In other cases the unanimous decisions of the Executive Council shall ordinarily be binding on the Chief of Phaltan, unless he deems it fit to exercise his powers of veto under <sup>Unanimous decisions ordinarily binding on the Chief.</sup> Section 6 A.

In case of a difference of opinion between the Members of the Executive Council the Chief of Phaltan may, if he thinks fit, approve of them or send them back ( with his views thereon if so desired ) for reconsideration by the Executive Council and the decisions then arrived at by the Executive Council, whether unanimously or by a majority, shall only be subject to the general powers of veto by the Chief of Phaltan under Section 6 A. <sup>Procedure in case of difference of opinion.</sup>

**16. A** No person other than the Chief of Phaltan shall have the right to be present at a meeting of the Executive Council. <sup>Right to be present at a meeting of the Executive Council.</sup>

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## PART II

### THE LEGISLATURE

**17. (1)** The Phaltan State Legislature shall consist of the Chief of Phaltan and the Phaltan State Legislative Council. <sup>Composition of Phaltan State Legislature.</sup>

(2) The Phaltan State Legislative Council shall consist of the Members of the Executive Council, and of the members nominated or elected as provided by sub-section (4) of this section.

(3) The Chief of Phaltan shall have the right of addressing the Legislative Council, and may for that purpose require the attendance of its members.

(4) The number of members of the Phaltan State

Legislative Council shall be as shown below ;

	Members.	Number.
1	Executive Councillors.	3
2	Nominated—	
	(1) Officials.	2
	(2) Non-officials.	5
3	Elected.	9
	Total ...	19

Provided that—

- (a) rules made under this Act may provide for increasing the number of members of the Legislative Council as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least forty-five per cent of the members of the Legislative Council shall be elected members, and at least one-half of the other members shall be non-official members;
- (b) the Chief of Phaltan may, for the purpose of any Bill introduced or proposed to be introduced in the Phaltan State Legislative Council, nominate not more than two persons having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the Council, and shall be in addition to the number above referred to.
- (5) The powers of the Phaltan State Legislative Council may be exercised notwithstanding any vacancy in the Council.
- (6) Subject as aforesaid, provision may be made by Rules under this Act as to—
- (a) the term of office of nominated members of the Phaltan State Legislative Council, and the manner of filling casual vacancies occurring by reason of absence of members from the State,

inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise; and

- (b) the conditions under which and the manner in which persons may be nominated as members of the Phaltan State Legislative Council; and
- (c) the qualification of electors, the constitution of constituencies, and the method of election for the Phaltan State Legislative Council, including the number of members to be elected by the different electorates, and any matters incidental or ancillary thereto; and
- (d) the qualifications for being or for being nominated or elected a member of the Phaltan State Legislative Council; and
- (e) the final decision of doubts or disputes as to the validity of any election; and
- (f) the manner in which the rules are to be carried into effect.

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

Sessions and duration of Phaltan State Legislative Council.

Provided that—

- (a) the Council may be sooner dissolved by the Chief of Phaltan; and
- (b) the said period may be extended by the Chief of Phaltan for a period not exceeding one year, by notification in the Phaltan State Gazette, if in special circumstances ( to be specified in the notification ) he so think fit; and
- (c) after the dissolution of the Council the Chief of Phaltan shall appoint a date, not more than six months from the date of dissolution; for the next session of the Council.

(2) The Chief of Phaltan may appoint such time and places for holding the sessions of the Phaltan State Legislative Council as he thinks fit, and may also, by notification or otherwise, prorogue the Council.

(3) Any meeting of the Phaltan State Legislative Council may be adjourned by the person presiding.

(4) All questions in the Phaltan State Legislative Council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes.

Presidents of  
Phaltan State  
Legislative  
Council.

**19.** (1) There shall be a President of the Phaltan State Legislative Council, who shall be a person appointed by the Chief of Phaltan from among the members of the Council.

(2) There shall be a Deputy-President of the Phaltan State Legislative Council, who shall preside at meetings of the Council in the absence of the President, and who shall be a member of the Council elected by the Council and approved by the Chief of Phaltan.

(3) The appointed President of the Council shall hold office during the life of the Council, but he may resign office by writing signed by him, and submitted to the Chief of Phaltan, or may be removed from office by order of the Chief of Phaltan, and any vacancy occurring before the expiration of the term of office of the President shall be filled by a similar appointment for the remainder of such term.

(4) The Deputy-President shall cease to hold office on ceasing to be a member of the Council, but he may resign office by writing signed by him, and submitted to the Chief of Phaltan, and may be removed from office by a vote of the Council with the concurrence of the Chief of Phaltan.

Vacation of  
seats in  
Phaltan State  
Legislative  
Council.

**20.** An official shall not be qualified for election as a member of the Phaltan State Legislative Council, and if any non-official member of the Council, whether elected or nominated, accepts any office in the service of the State, his seat on the Council shall become vacant.

Business and  
Procedure in  
Phaltan State  
Legislative  
Council.

**21.** The following provisions shall have effect with respect to business and procedure in the Phaltan State Legislative Council :—

(1) The estimated annual expenditure and revenue of the State shall be laid in the form of a statement before

the Council in each year, and the proposals of the Durbar for the appropriation of the State revenues and other moneys in any year shall be submitted to the Council for discussion.

(2) Nothing in the foregoing sub-section shall require proposals to be submitted to the Council relating to the following heads of expenditure:—

- (i) contributions payable by the Durbar to the British Government; and
- (ii) instalments of and interests on loans incurred before the commencement of this Act; and
- (iii) expenditure of which the amount is prescribed by or under any law; and
- (iv) salaries and pensions payable to the Gazetted Officers of the State and sanctioned as such by the orders of the Chief of Phaltan under this sub-section; and
- (v) sums payable to the Relatives and Dependants of the Chief of Phaltan; and
- (vi) amounts payable to the Khasagi Department on the following accounts:—
  - (a) Deshmukhi and Isafati Haks; and
  - (b) Nemnuk from the State at 15 per cent of the gross revenues of the State.

(3) If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Chief of Phaltan shall be final.

(4) 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 Chief of Phaltan may certify that the Bill or any clause of it, or the amendment affects the safety or tranquillity of the State, and may direct that no proceedings or no further proceedings shall be taken by the Council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(5) Provision may be made by rules under this Act for the purpose of carrying into effect the foregoing provi-

sions of this section and for regulating the course of business in the Council, and as to the persons to preside over meetings thereof in the absence of the President and Deputy-President, and the preservation of order at meetings; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

(6) Standing Orders may be made providing for the conduct of business and the procedure to be followed in the 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 Chief of Phaltan, but may, subject to the assent of the Chief of Phaltan, be altered by the Phaltan State 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.

(7) Subject to the rules and standing orders affecting the Council, there shall be freedom of speech in the Phaltan State Legislative Council. No person shall be liable to any proceedings in any Court by reason of his speech or vote in the said Council, or by reason of anything contained in any official report of the proceedings of the said Council.

Powers of  
Phaltan State  
Legislature.

**22.** (1) The Phaltan State Legislature has power, subject to the provisions of this Act, to make laws—

- (a) for all persons, for all courts, and for all places and things, within the State; and
- (b) for repealing or altering any laws which for the time being are in force in the State.

(2) It shall not be lawful for any member of the Phaltan State Legislative Council to introduce, without the previous sanction of the Chief of Phaltan, any measure—

- (a) affecting the public debt or public revenues of the State, or imposing any charge on the revenues of the State; or
- (b) imposing or authorising the imposition of any new tax, cess, rate, duty or fee; or

- (c) affecting the Watan, Inam or Saranjam tenures; or
- (d) affecting the religion or religious rites and usages of any class of Phaltan State subjects; or
- (e) affecting the maintenance of order and discipline in the State; or
- (f) affecting the relations of the Durbar with the British Government or with the other Indian States; or
- (g) affecting any power expressly reserved to the Chief of Phaltan or the Phaltan Durbar by any law for the time being in force; or
- (h) repealing or amending any Act or Ordinance made by the Chief of Phaltan.

**23.** (1) When a Bill has been passed by the Phaltan State Legislative Council, the Chief of Phaltan may declare that he assents to or withholds his assent from the Bill. Assent to Bills.

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

**24.** When a Bill has been passed by the Phaltan State Legislative Council, the Chief of Phaltan may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration, either in whole or in part, together with any amendments which he may be pleased to recommend. Return of Bills.

**25.** The resolutions passed by the Phaltan State Legislative Council shall be of a recommendatory character, and the Phaltan Durbar shall be free to use their discretion in accepting or rejecting them. Resolutions to be recommendatory.

**26.** (1) A law made by the Phaltan State Legislature shall not be deemed invalid solely because the requisite proportion of non-official members was not complete at the date of its introduction into the Council or its enactment. Removal of doubts as to validity of certain laws.

(2) A law made by the Phaltan State Legislature and repugnant to any provision of this Act shall, to the extent of that repugnancy, but not otherwise, be void.

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## PART III

## SUPPLEMENTAL

- 27.** 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 Chief of Phaltan, and shall not be subject to repeal or alteration by the Phaltan State Legislature.
- 28.** The Phaltan State Legislative Council shall have power to suggest amendments, cancellations or innovations in the Rules made under the provisions of this Act, but all these suggestions will be of a recommendatory character.
- [ The expression "Rules" includes Rules and Regulations made under the provisions of this Act. ]
- 29.** This Act may be cited as the "Government of Phaltan State Act, 1929."
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Provision as  
to Rules.

Suggesting  
amendments  
to Rules.

Short title.

**Phaltan State Elections Inquiries Act, 1929.**

**(Act II of 1929.)**

THE PHALTAN STATE ELECTIONS INQUIRIES  
ACT, 1929.

( ACT II OF 1929 ).

ARRANGEMENT OF SECTIONS.

SECTION.	PAGES 1 to 4.
1	Short title and extent.
2	Definitions.
3	Powers of Commissioners.
4	Application of Indian Evidence Act (Act I of 1872) to inquiries.
5	Documentary evidence.
6	Obligation of witness to answer any certificate of indemnity.
7	Appearance by pleader.
8	Expenses of witnesses.
9	Costs and pleader's fees.
10	Execution of orders as to costs.
11	Disqualification of persons found guilty of election offences.
12	Maintenance of secrecy of voting.

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# Phaltan State Elections Inquiries Act, 1929.

(Act II of 1929).

*An Act to make provision for the conduct of inquiries in regard to disputed elections to the Phaltan State Legislative Council constituted under the Government of Phaltan State Act, 1929.*

Whereas it is expedient to make provision for the conduct of inquiries in regard to disputed elections to the Phaltan State Legislative Council constituted under the Government of Phaltan State Act, 1929; it is hereby enacted as follows:—

## Preliminary.

**Short title and extent.** 1. (1) This Act may be called the Phaltan State Elections Inquiries Act, 1929; and  
(2) It extends to the whole of the Phaltan State.

**Definitions.** 2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "costs" means all costs, charges and expenses of, or incidental to, an inquiry;

(b) "election" means an election to the Phaltan State Legislative Council constituted under the Government of Phaltan State Act, 1929;

(c) "inquiry" means an inquiry in respect of an election by the Commissioners appointed for that purpose by the Chief of Phaltan;

(d) "pleader" means any person entitled to appear and plead for another in a Court of Law and includes an advocate or a vakil.

**Powers of Commissioners.** 3. The Commissioners appointed to hold an inquiry shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

(a) discovery and inspection;

(b) enforcing the attendance of witnesses, and requiring the deposit of their expenses;

(c) compelling the production of documents;

- (d) examining witnesses on oath ;
- (e) granting adjournments ;
- (f) reception of evidence taken on affidavit ; and

(g) issuing commissions for the examination of witnesses, and may summon and examine *suo motu* any person whose evidence appears to them to be material ; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Application of Indian Evidence Act (Act I of 1872) to inquiries.

4. The provisions of the Indian Evidence Act, 1872, shall subject to the provisions of this Act, be deemed to apply in all respects to an inquiry.

Documentary evidence.

5. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Obligation of witness to answer any certificate of indemnity.

6. (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will criminate or may tend, directly or indirectly, to criminate him ; or that it will expose, or tend directly or indirectly, to expose him to a penalty or forfeiture of any kind:

Provided that—

(i) no person who has voted at an election shall be required to state for whom he has voted ; and

(ii) a witness who, in the opinion of the Commissioners has answered truly all questions which he has been required by them to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any Court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceeding.

(2) Nothing in sub-section (1) shall be deemed to relieve a person receiving certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

7. Any appearance, application or act before the Commissioners may be made or done by the party in person or by a pleader duly appointed to act on his behalf: Provided that any such appearance shall, if the Commissioners so direct, be made by the party in person.

Appearance  
by pleader.

8. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commissioners to such person, and shall, unless the Commissioners otherwise direct, be deemed to be part of the costs.

Expenses of  
Witnesses.

9. (1) Costs shall be in the discretion of the Commissioners and they shall have full power to determine by and to whom and to what extent such costs are to be paid and to include in their report all necessary recommendations for the purposes aforesaid. The Commissioners may allow interest on costs at a rate not exceeding six per cent. per annum, and such interest shall be added to the costs.

Costs and  
pleader's fees.

(2) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commissioners may allow.

10. Any order made by the Chief of Phaltan on the report of the Commissioners regarding the costs of the inquiry orders as to costs, may be produced before the Court of the District Judge at Phaltan and the said Court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

11. Any person who has been convicted of an offence under section 171-E or 171-F of the Indian Penal Code or has been disqualified from exercising any electoral right, for a period not less than five years, on account of malpractices in connection with an election, shall be disqualified for five years from the date of such conviction or disqualification from—

Disqualifica-  
tion of persons  
found guilty of  
election offences.

- (a) being appointed to, or acting in, any judicial office;
- (b) being elected to any office of any local authority when the appointment to such office is by election, or holding or exercising any such office to which no salary is attached;
- (c) being elected or sitting or voting as a member of a local authority; or

(d) being appointed or acting as a trustee of a public trust :

Provided that the Chief of Phaltan in the case of an election to the Phaltan State Legislative Council may exempt any such person from such disqualification.

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

(2) Any person who willfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine, or with both.

**Phaltan State Electoral Rules**  
**AND**  
**Regulations**



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# Phaltan State Electoral Rules.



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

## Preliminary.

1. (1) These rules may be called the Phaltan State Electoral Rules.  
Short title and commencement

(2) They shall come into force at once.

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

- (a) "the Act" means the Government of Phaltan State Act, 1929.
- (b) "Commissioners" means Commissioners appointed for the purpose of holding an election inquiry under these rules.
- (c) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule (V) ;
- (d) "election agent" means the person appointed under these rules by a candidate as his agent for an election ;
- (e) "Gazette" means the Phaltan State Gazette
- (f) "Schedule" means a schedule to these rules.

## Composition of Council and Constituencies.

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

	Members.	Number.
1	Executive Councillors.	2
2	Nominated—	
	(1) Officials.	2
	(2) Non-officials.	5
3	Elected.	8
	Total	17

4. The elected members shall be elected by the constituencies specified in Schedule I, and the number of members to be elected by each constituency shall be as stated there in against that constituency :

Provided that the Phaltan Darbar 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.

## Part II.

### Qualifications of Elected Members.

5. (1) A person shall not be eligible for election as a member of the Council if such person—

General disqualifications for being elected.

- (a) is not a Phaltan State subject ; or
- (b) is a female ; or
- (c) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (d) has been adjudged by a competent court to be of unsound mind ; or
- (e) is under 25 years of age ; or
- (f) is an undischarged insolvent ; or
- (g) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part ;

Provided that the disqualification mentioned in clause (c) may be removed by an order of the Chief of Phaltan in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

Provided that on application made by a person disqualified under this sub-rule, and with the previous approval of the Chief of Phaltan. The Phaltan Darbar may remove the disqualification by order in this behalf.

(3) 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 Commissioners appointed under any rules for the time being in force regarding elec-

tions 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, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If in respect of an election to the Phaltan State Legislative Council a return of the election expenses of any person who has been nominated as a candidate at that election is not lodged within the time and in the manner prescribed by or under the rules made in that behalf, or if any such return is lodged which is found either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, neither the candidate nor his election agent shall be eligible for election for five years from the date of such election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Phaltan Darbar in that behalf.

6. (1) No person shall be eligible for election as a member of the Council to represent a general constituency, unless--

Special qualifications for election in case of certain constituencies.

- (a) his name is registered on the electoral roll of the constituency or of any other constituency in the State; and
- (b) he has for the period of six months immediately preceding the last date fixed for the nomination of candidates in the constituency, resided in the constituency.

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

(3) For the purposes of these rules—

- (a) "general constituency" means a general constituency as specified in Schedule I; and
- (b) "special constituency" means the Education Constituency.

### Part III

#### The Electoral Roll.

7. Every person shall be entitled to have his 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 disqualifications hereinafter set out, namely—

General conditions of registration and disqualifications.



- (a) is not a Phaltan State subject; or
- (b) is a female; or
- (c) has been adjudged by a competent court to be of unsound mind; or
- (d) 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.

(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 Commissioners 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 Commissioners 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 Phaltan Darbar may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

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

- (I) residence, and
- (II) (a) occupation of a building, or
- (b) assessment to income-tax, or
- (c) the holding of land,

as are specified in Schedule II in the case of that constituency.

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

9. (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  
Electoral roll.

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 Phaltan Darbar shall make regulations providing for—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll ;
- (2) the time at which the roll shall be prepared ;
- (3) the publication of the roll in such manner as to give it wide publicity in the constituency to which it relates ;
- (4) the mode in which and the time within which claims and objections may be preferred ;
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections ;
- (6) the manner in which notices of claims or objections shall be published ;.
- (7) 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 it may consider desirable. Such 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 the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the Phaltan Darbar 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 Phaltan Darbar 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 Phaltan Darbar for the amendment of any electoral roll for the time being in force, and the Phaltan Darbar 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 there-to, 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 Phaltan Darbar 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 it relates shall be deemed to have been amended accordingly.

10. (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, and

(b) no person shall vote at any election if he is subject to any disability stated in rule 7.

(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.

11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

Nomination of candidates.

(2) The Phaltan Darbar 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
- (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 Phaltan Darbar 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 7, 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 one 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 Phaltan Darbar for the nomination of candidates shall be rejected.

(7) The Returning Officer or other person authorised 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 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 authorised on or before three o'clock in the afternoon on the date succeeding that appointed by the Phaltan Darbar for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

(9) The Returning Officer or other person authorised 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.

**12.** (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 the sum of fifty rupees in cash; and no candidate shall be deemed to be duly nominated unless such deposit has been made.

Deposit on nomination.

(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 11, 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 the total number of votes polled or, 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.

(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 hereinafter prescribed, 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 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 hereinafter prescribed:

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.

13. If a candidate who has been duly nominated dies after the date appointed for the scrutiny of nominations and before the date appointed for the taking of a poll, the Returning Officer or other authorised person referred to in sub-rule (3) of rule 11 shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Phaltan Darbar, 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.

14. (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 11 exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates if any shall be declared to be elected, and the Chief of Phaltan shall, by a notification in the Gazette, call upon the constituency to elect a person or persons, as the case may be, within such time as may be prescribed 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 num-

ber of persons, as the case may be, to fill the vacancy or vacancies, the Chief of Phaltan shall not be bound to call again upon the constituency to elect a person or persons until such time, if any, as he thinks fit.

(4) Votes shall be given by ballot, and in general constituencies in person :

provided that the Phaltan Darbar may—

- (a) in the case of any specified general constituency or of any specified part of any general constituency, or
- (b) in respect of any person attending at a polling station in any constituency under the orders of, or under authority from, the Returning Officer of such constituency,

by regulation direct that votes may be given otherwise than in person ; provided, further, 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 of each candidate, and one representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of 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 Secretary to the Council, and the name or names of the candidate or candidates elected shall be published in the Gazette.

**15.** [1] Subject to the provisions of these rules, the Phaltan Government to make regulations regarding the conduct of elections. Darbar shall make regulations providing —

(1) for the scrutiny of nominations and, in particular for the manner in which such scrutiny shall be conducted and for the conditions and circumstances in which any person may be present or may enter objections thereat ;

(2) 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 ;

(3) 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 ;

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers ;

(5) for the checking of voters by reference to the electoral roll ;

(6) 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 ;

(7) 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 ;

(8) for the scrutiny of votes ;

(9) 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 it 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.

**16.** (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 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.



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

(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 Chief of Phaltan shall call upon the constituency or constituencies concerned to elect another person or persons.

*Election agents and return of expenses.*

**17.** No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

Disqualification being election agent.

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

(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, then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

**19.** (1) Within thirty-five days from the date of the publication of the result of an election under sub-rule (9) of rule 14 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 Phaltan Darbar may by regulation prescribe, of the election expenses of such person containing the particulars specified in Schedule IV and signed both by the candidate and by his election agent.

Return of election expenses.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons 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) Notwithstanding anything hereinbefore contained, where a candidate is owing to absence from India unable to sign the return of election expenses and to make the declaration within the period prescribed in this rule, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent under sub-rule (3), and within fourteen days after the return of the candidate to India he shall cause to be lodged with the Returning Officer a declaration made on oath or affirmation before a Magistrate in the special form for the purpose contained in the said Schedule.

(5) 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 fixed in some conspicuous place in his office and to be published in the Gazette, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and on payment of such fee as the Phaltan Darbar may by regulation prescribe to obtain a copy or copies thereof or of any part thereof.

(6) The Phaltan Darbar 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.

20. (1) The Phaltan Darbar may by notification in the Gazette—

- |  |  |
|--|--|
| Power to fix maximum scales of expenditure and to regulate employment for pay. | (a) fix maximum scales of election expenses, which shall be applicable to any election held after the first elections under these rules; and<br>(b) prescribe the numbers and descriptions of persons who maybe employed for payment in connection with any election held under these rules. |
|--|--|

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

21. 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 19 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or

Accounts of agents.

by any person under the direction of the candidate or the election agent.

### Part V.

#### Nominated Members.

General qualifications for nominations.

22. (1) No person shall be nominated to the Council who—

- (a) is not a Phaltan State subject ; or
- (b) is a female ; or
- (c) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (d) has been adjudged by a competent court to be of unsound mind ; or
- (e) is under 25 years of age ; or
- (f) is an undischarged insolvent ; or
- (g) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part.

Provided further that the disqualification mentioned in clauses (c) may be removed by an order of the Phaltan Darbar in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

Provided that, on application made by a person disqualified under this sub-rule, the Phaltan Darbar may remove the disqualification by order in this behalf.

(3) 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 Commissioners appointed under any rules for the time being in force regarding elections to the 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, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

## [Electoral Rules]

(4) If in respect of an election to the Legislative Council a return of the election expenses of any person who has been nominated as a candidate at the election is not lodged within the time and in the manner prescribed by or under the rules made in that behalf, or if any such return is lodged which is found either by Commissioners holding an inquiry into the election or by a Magistrate, in a judicial proceeding, to be false in any material particular, neither the candidate nor his election agent shall be eligible for nomination for five years from the date of the election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Phaltan Darbar in that behalf.

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

Term of Office of nominated member.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as the Chief of Phaltan may at the time of nomination, determine.

X.

## Part VI

### General Provisions.

#### Obligation to take oath.

**24.** Every person who is elected or nominated to be a member of the Council shall before taking his seat make, at a meeting of the Council, an oath or affirmation of his allegiance to the Ruler of the State in the following form, namely:—

Taking of oath.

I, A. B. having been elected / nominated a member of this 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.

#### Vacation of seat.

**25.** If any person having been elected subsequently becomes subject to any of the disabilities stated in clauses (a), (c), (d), (f), (g), of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 and if any person having been nominated subsequently becomes subject to any of the disabilities stated the clauses (c), (d), (f), (g) of rule 22 and if further the elected or nominated person fails to make the oath or affirmation prescribed by rule 24 within such time as the Chief of

Effect of subsequent disabilities or failure to take oath.

Phaltan State

Phaltan shall, if the disqualification has not been removed under these rules by notification in the Gazette, declare his seat to be vacant.

**26.** (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void, or his seat being declared vacant or by reason of absence from the Phaltan State, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Chief of Phaltan shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Chief of Phaltan shall nominate to the vacancy a person having necessary qualification under these rules. *as in the case of (general election) to which the member General Elections. causing vacancy -*

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

(2) On such expiration or dissolution, the Chief of Phaltan 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 Chief of Phaltan 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 Council would expire in the ordinary course of events.

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

**28.** As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.

**29.** 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 Phaltan Darbar may by order do anything not inconsistent with these rules which appears to it to be ne-

cessary for the proper preparation or publication of the roll or for the proper holding of the election.

### Part VII.

#### The Final decision of doubts and disputes as to the validity of an election.

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

- (a) "agent" includes an election agent and any person who is held by Commissioners 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
- (d) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

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

**32.** (1) An election petition against any returned candidate may be presented to the Chief of Phaltan—

- (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 19, are received by the Returning Officer; or
- (b) Within thirty days from that date by an officer empowered by the Phaltan Darbar 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 Chief of Phaltan when it is delivered to the Chief of Phaltan 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.

(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 Phaltan Darbar 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.

(4) For the purposes of clause (a) of sub-rule (1), the date on which the return of the election expenses and the declarations referred to in rule 19 are received by the Returning Officer shall, in the case of a candidate who has made such return and declaration in the manner provided in sub-rule (4) of that rule, be deemed to be the date on which the declaration of the candidate under the sub-rule is received.

**33.** (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 Commissioners may upon such terms as to costs and otherwise as they 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 their opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition.

**34.** 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 or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Against whom  
it may be  
presented.

**35.** 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 32 deposit with it the sum of two hundred rupees in cash as security for the costs of the same.

Deposit of  
security.

**36. (1)** If the provisions of rule 32, rule 33 or rule 35 are not complied with, the Chief of Phaltan shall dismiss the petition.

Dismissal for  
default.

(2) if the petition is not dismissed under sub-rule (1)

Appointment of  
Commissioners.

(a) The Chief of Phaltan shall appoint as Commissioners for the trial of the petition three respectable persons one of whom shall be a law graduate, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(b) The President of the Commission 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 32.



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

(4) If the services of any Commissioner are not available for the purposes of the inquiry, or if, during the course of the inquiry, any Commissioner is unable to continue to attend the same, the Chief of Phaltan shall appoint another Commissioner and the inquiry shall recommence before the Commission as so reconstituted: provided that the Commissioners may direct that any evidence already recorded may remain upon the record, in which case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

(5) Nothing in this rule shall be deemed to prevent the appointment of the President of a Commission before the other Commissioners are appointed and, if the President is so appointed, all references to the Commissioners in these rules shall, in respect of any matter which may be or is to be done before the commencement of the inquiry, be deemed to be references to the President.

**37.** Subject to the other provisions of these rules every election petition shall be inquired into by Commissioners, as Inquiry by Commissioners. 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 Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

**38.** The inquiry shall be held at such place as the Chief of Phaltan may appoint: provided that the Commissioners Place of Inquiry. may in their discretion sit at any other place in the State for any part of the inquiry, and may depute any one of their number to take evidence at any place in the State.

**39. (1)** An election petition may be withdrawn only by leave of the Commissioners or, if an application for withdrawal is made before any Commissioner has been appointed, of the Chief of Phaltan. Withdrawal of petition.

(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 Commissioners, 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 Chief of Phaltan or of the Commissioners, 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 Commissioners be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Commissioners may think fit;
- (b) notice of the withdrawal shall be published in the Gazette by the Chief of Phaltan or by the Commissioners, 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 35 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

**40.** (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 32 the proceedings may be continued by any other officer empowered in this behalf by the Phaltan Darbar.

Abatement or substitution on death of petitioner.

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

(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 35 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

**41.** 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 Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might

Abatement or substitution on death of respondent

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 Commissioners may think fit.

**42.** (1) Where at an inquiry into an election petition any candidate, other than the returned candidate, claims 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 36, given notice of his intention to the Commissioners and made the deposit and procured the execution of the bond referred to in rules 35 and 36 respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and list of particulars required by rule 33 in the case of an election petition and shall be signed and verified in like manner.

**43.** When at an inquiry into election petition the Commissioners so order, the Government Pleader or some person acting under his instructions shall attend and take such part therein as they may direct.

Attendance of  
Law Officers.

**44.** (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners—

Grounds for de-  
claring election  
void.

- (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

(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 Commissioners report 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 abatement of personation, and if the Commissioners further report that the candidate has satisfied them 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 Commissioners 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.

**45** (1) At the conclusion of the inquiry the Commissioners 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 44.

(2) The report shall further include a recommendation by the Commissioners as to the total amount of costs which are payable

Report of Commissioners and procedure thereon.

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 43.

(3) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Chief of Phaltan who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Chief of Phaltan shall be final.

**46.** If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

**47.** Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

Form of report.  
Findings as to corrupt practices & persons guilty thereof.

- (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 they 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.

### Part VIII.

#### Special Provision.

**48.** 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 Chief of Phaltan and his decision shall be final.

Interpretation in case of doubt

## SCHEDULE I

( See rule 4 )

## 1.—List of constituencies.

Name of Constituency	Class of Constituency	Extent of Constituency.	Number of members.
Northern rural.	General.	Villages lying to the north of the Nira Right Bank Canal : 1 Kambleshwar 2 Somanthali 3 Sangvi 4 Songaon 5 Sarde 6 Rajale 7 Pimprad 8 Takalvade 9 Sathe 10 Gokhali 11 Gunavare 12 Munjavadi 13 Rajuri 14 Nimbhore 15 Suravdi 16 Kalaj 17 Tadavle 18 Kusur 19 Ravdi Budruk 20 Murum 21 Khamgaon 22 Jinti 23 Nimblak 24 Asu 25 Padegaon 26 Hol 27 Vidni 28 Ravdi Khurd 29 Bhilkati	3
Phaltan Urban.	General.	The municipal district of Phaltan, and the surrounding area included in the survey map of Phaltan.	2

Name of Constituency	Class of Constituency	Extent of Constituency.	Number of members.
Southern rural.	General.	Villages lying to the South of the Nira Right Bank Canal : 1 Kuravli Budruk 2 Andrud 3 Javali 4 Mirdhe 5 Barad 6 Vadle 7 Sonavdi Budruk 8 Bhadali Khurd 9 Bhadali Budruk 10 Vinchurni 11 Kuravli Khurd 12 Tavdi 13 Wakhari 14 Mandavkhadak 15 Dalavdi 16 Veloshi 17 Malavdi 18 Vadgaon 19 Korhale 20 Bibi 21 Aljapur 22 Kapashi 23 Adarki Budruk 24 Adarki Khurd 25 Salpe 26 Koparde 27 Tambve 28 Aradgaon 29 Hingangaon 30 Sasvad 31 Nandal 32 Mirgaon 33 Khadki 34 Wadjal 35 Taradgaon 36 Kapadgaon 37 Koregaon 38 Dudhebavi 39 Sonavdi Khurd 40 Tirakvadi 41 Saskal 42 Nirgudi 43 Wathar	2

Name of Constituency	Class of Constituency	Extent of Constituency.	Number of members.
Education.	Education.	Phaltan State.	1
<i>Education.</i>	<i>Education.</i>	<i>Phaltan State.</i>	<i>1</i>
Total			8 7

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

## SCHEDULE II.

( See rule 8. )

### Qualifications of Electors.

Definitions. 1. For the purposes of this Schedule—

- (a) "holder" means a person lawfully in possession of land whether such possession is actual or not;
- (b) "publication of the electoral roll" means the first publication under these rules of the electoral roll or of the list of amendments thereto as the case may be for the time being under preparation;
- (c) "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.

#### General Constituencies.

2. A person shall be qualified as an elector for the Phaltan Urban Constituency who on the 1st day of April next preceding the date of publication of the electoral roll, had a place of residence within the limits of the said town or within the limits of the area included in the the municipal area and in the surrounding area in the Survey map of Phaltan, and who—

- (a) on the 1st day of April aforesaid occupied, 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 was not less than Rs. 30;
- (b) was assessed to income-tax in the financial year preceding that in which the publication of the electoral roll takes place; or



- (c) (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
- (d) on the 1st day of January next preceding the date of publication of the electoral roll, held a qualification in respect of land within the constituency which, if held within the Southern or Northern rural constituency would qualify him as an elector for such constituency;

**3.** A person shall be qualified as an elector for a rural constituency who, on the 1st day of January next preceding the date of publication of the electoral roll had a place of residence within the constituency or within a constituency of the same description and who—

- (1) in the case of a rural constituency, on the 1st day of January aforesaid held in his own right or occupied as a tenant in such constituency alienated or unalienated land assessed at or of the assessable value of not less than Rs. 20 land revenue; and
- (2) was assessed to income-tax in the financial year preceding that in which the publication of the electoral roll take place; or
- (3) is a retired, or pensioned officer, of the State.

#### Special Constituency.

**4.** (1) A person shall be qualified as an elector for the Education Constituency who, on the 1st day of April next preceding the date of publication of the electoral roll, had a place of residence in the Phaltan State and who—

- (a) is a pleader holding a Sanad of the Phaltan State; or
- (b) is a teacher in the High School at Phaltan
- (c) is a graduate of any University; or
- (d) has passed the Matriculation, the School Leaving Certificate or the Entrance Examination of any University, and has completed five years since his passing any of the aforesaid examinations; or
- (e) has passed the Vernacular Final Examination, and has completed seven years since his passing the said examination.

(2) Whether a person is qualified for this constituency or not the decision of the Chief of Phaltan shall be final.

## Miscellaneous.

5. Where any property is held or occupied or payment is made or received jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists; and, if it does exist, the manager of the family only shall be qualified as an elector in respect of such property or payment.
- Joint families.
6. 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.
7. The value of any machinery, furniture or equipment contained in, or situate 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.
8. 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.
9. The average rate of assessment on assessed land in a village or, if there is no such land in the village, the average rate of assessment on assessed land in the nearest village containing such land shall be taken as the rate for calculating the assessable value of unassessed land in such village.
- Unassessed land.
10. 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 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.

## SCHEDULE III

( See Rule 11 )

*Form of Nomination Paper.***Nomination Paper.**

Name of the Constituency for which  
the candidate is nominated.....

Name of candidate.....

Father's name.....

Age.....

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 the 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.*

## 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 192 .)

## Schedule IV.

( See rule 19 )

## 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 ;

(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 be set out in a separate list.

3. The form of the declarations referred to in rule 19 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)*

**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 purpose of, my candidature.

*Candidate.*

*Solemnly affirmed before me*

*Magistrate.*

Special form of declaration by a Candidate under rule 19  
sub-rule (4).

I....., being a candidate for election in the.....constituency, do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief, and that (with the exceptions noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge or belief been incurred in or for the purpose of my candidature.

*Particulars of Exception.*

*Candidate.*

*Solemnly affirmed before me*

*Magistrate.*

Schedule V.

*Corrupt Practices.*

(See rules 5, 7, 22, 33, 44 and 47).

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

**Part I.**

1. 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—
    - (a) a person for having so stood or not stood or for having withdrawn his candidature, or
    - (b) an elector for having voted or refrained from voting.

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

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.

3. The procuring or abetting or attempting 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.

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 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 Chief of Phaltan issued under Rule 20 of these rules.

## 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.
  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.
 

Incurring expenses without authority.
  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.
 

Hiring of liquor shops.
  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,
 

Issue of circulars, etc. without printer's and publisher's name printed thereon.
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## **Phaltan State Electoral Regulations**

# Phaltan State Electoral Regulations.

## PART I

### General.

1. These Regulations may be called the Phaltan State Electoral Regulations, 1929.

Short Title.

1-A. In these Regulations--

(a) "Returning Officer" means the person stated in the first column of the table hereto annexed in respect of the constituency or constituencies entered against him in the second column of the said table, or any person whom the Phaltan Darbar 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 the said table, and shall include any person deputed for the time being by the Returning Officer to perform any of his duties.

Definitions.

#### Table

The Mamlatdar, Phaltan.	1 Northern Rural constituency.
" "	2 Phaltan Urban Constituency.
" "	3 Southern Rural Constituency.
" "	4 Education Constituency.

(b) "Rules" means the Phaltan State Electoral Rules.

(c) "Ballot paper" includes a part of a ballot paper.

*each Raja of Phaltan wherever the word*  
*is used in the Regulations.*

## PART II

### Electoral Rolls.

1. (1) The Mamlatdar at 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.

Registering Officer :  
Form and Preparation  
of Roll : Language.

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

(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 State may direct; and alphabetically and separately for each village or part of a village not included in any such area.

(4) 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 has not a place of residence within the constituency, may be entered in the roll for any area which he may select. 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) The rolls in all the Constituencies shall be prepared in *Marathi*.

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.

3. (1) On or before such date as may be appointed by the Phaltan Darbar in this behalf a copy of the electoral roll for each constituency shall be published at the head-quarters 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; 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.

4. (1) At the time of publishing the roll and the parts thereof, a notice shall be published in like manner in Form IV appended to these regulations 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 the manner herein prescribed. A claim or objection may be lodged in the prescribed manner on behalf of the Mamlatdar, Phaltan State 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 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 Northern and Southern Rural Constituencies.	The Subordinate Judge at Phaltan.
2 Phaltan Urban Constituency.	The District Judge (at Phaltan.)
3 Southern Rural Constituency.	The Subordinate Judge at Phaltan.
4 Education constituency.	The District Judge at 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 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 address 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 practicing 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 paragraph (1) shall apply to an advocate, vakil or pleader appointed as aforesaid.

6. (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) 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 Phaltan Darbar in this behalf.

7. 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.

8. In order to facilitate the preparation of the electoral roll under regulation 1 of this Part the Phaltan Darbar 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, Phaltan State 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.

Preliminary publication of roll.

### PART III

#### Nomination of Candidates.

1. Nomination papers in the form prescribed by rule 11 (3) of the rules shall be supplied by the Mamlatdar, Phaltan State to any elector asking for the same.

Nomination papers.

2. On the date appointed by the Phaltan Darbar for the scrutiny of nominations under sub-rule (2) of rule 11 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

Scrutiny of nomination papers.

As the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner prescribed in rule 11.

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:—

Disposal of objections: Rejection of nomination.

- (i) that the candidate is ineligible for election under rule 5 or rule 6;
  - (ii) that a proposer or seconder is disqualified from subscribing a nomination paper under sub-rule (4) of rule 11;
  - (iii) that there has been any failure to comply with any of the provisions of rule 11 or rule 12;
  - (iv) that the candidate or any proposer or seconder is not candidical with the person whose electoral number is given in the nomination paper as the number of such date, 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 the case may be, unless it is proved that the candidate is disqualified under rule 5 or rule 6 or, as the case may be, that the proposer or seconder is disqualified under sub-rule (4) of rule 11 and

(b) where a person has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, those of the papers so subscribed which have been first received up to the number of vacancies to be filled, shall be deemed to be valid.

(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.

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.

Completion of scrutiny.

(2) The scrutiny shall be completed on the day appointed in this behalf under clause (b) of sub-rule (2) of rule 11 and no adjournment of the proceedings shall be allowed.

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 11, the Returning Officer shall forthwith prepare a list of valid nominations and cause it to be affixed in some conspicuous place in his office.

Preparation of lists of valid nominations.

6. (1) If the number of duly nominated candidates is greater than the number of vacancies the Returning Officer shall forthwith publish in the Gazette, and in such other manner as the Phaltan Darbar 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.

Publication of names of candidates: Supply of ballot papers.

(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.

#### PART IV.

##### Voting.

1. The Phaltan Darbar 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 11. The hours so fixed shall be published by notification in the Gazette and in such other manner as the Phaltan Darbar 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 stations so selected, and the polling areas for which they have respectively been selected.

(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.

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

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 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 Returning Officer,

(b) the police 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 Phaltan Darbar under regulation 1 of this Part, so as to prevent the admission thereto of any voter after that hour.

4. 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.

5. 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.

6. 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 station.

Supply of election materials and ballot boxes.

7. 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 box.

8. 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.

9. 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 counter foil, 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.

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

Voting.

11. The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.

Assistance to electors.

12. 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:—

Identity of electors.

(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 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.

13. The ballot paper shall be in Form I annexed to these regulations. The ballot papers shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.

Form of ballot paper.

14. 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 voter and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form II annexed to these regulations, which shall bear the heading

Tendered votes.

"Tendered Votes List." The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in that list.

15. 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 annexed to these regulations ) 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 13 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.

16. A voter 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 inadvertance, obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled.

17. 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 the constituency in which that polling station is situated.

18. Such ballot paper shall be placed in an envelope and sealed by the presiding officer, and returned with the certificate referred to in the regulation 17 of this Part to the Mamlatdar who has granted the same and the Mamlatdar shall include it among the valid ballot papers.

19. 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;

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

20. The packets 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 box, unused, spoilt, and tendered ballot papers, and ballot papers dealt with under regulation 18 of this Part.

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

## 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 Phaltan Darbar 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 of the votes, and such other persons, as have a right to be present under sub-rule (6) of rule 14.

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

3. On the day and at the time appointed under regulation 1 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 :—

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

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 the 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 agent 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 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 vacancies to be filled,
- (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 20 of Part IV by comparing it with the number of counted votes and rejected ballot papers, 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, shall record on each packet a description of its contents and the date of the election to which it refers.

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

- (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 14 to take a copy or an extract from such return.

## PART VI

### Disposal of Ballot Papers.

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

Custody 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 Commissioners appointed to hold an inquiry in respect of an election, but all other documents relating to the election shall be

Production and inspection of election papers.

open to public inspection subject to such conditions and to the payment of such fee, if any, as the Phaltan Darbar may impose.

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 Phaltan Darbar, or by a competent Court or by Commissioners appointed to hold an inquiry in respect of an election.

Destruction of election papers.

## PART VII

### Return of election expenses.

1. The return of election expenses under rule 19 of the rules shall be in Form V appended to these regulations and shall be accompanied by the affidavit in the form given in Schedule IV to the rules.

Return of election expenses.

## PART VIII

### Safe Custody, Preservation, Inspection and Production of Election Papers.

(1) The papers mentioned in column 1 of the Schedule hereto annexed shall be kept by the officers mentioned in the second column, for the period specified in the third column thereof.

(2) The papers mentioned in entries 1,4,5 (a), (b), (c) and 7 of the Schedule hereto shall be open to inspection by the public.

### Schedule.

Description of document or record.	By whom kept.	Period for which kept.
1 Preliminary Electoral Rolls published under Regulations 3 (1) of Part II (three copies of each roll).	The Mamlatdar, Phaltan	One year.
2 Applications to Mamlatdar under Regulation 8 of Part II and his orders thereon.	The Mamlatdar, Phaltan.	Do.



Description of document or record.	By whom kept.	Period for which kept.
3 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.
4 Final Electoral Rolls (three copies of each roll).	The Mamlatdar, Phalitan.	Until the final publication of fresh or revised electoral roll.
5 The following miscellaneous papers :—  a) Nomination papers.  (b) Declarations of appointment of agents and cancellations thereof.  (c) Withdrawals of candidates.  (d) The papers mentioned in Regulations 5 and 6 of Part V.	The Returning Officer of the constituency concerned.	One year
6 Return of election expenses lodged by candidates under Rule 19(1) of the Phalitan State Electoral Rules.	The Returning Officer	Do.
7 Election petitions presented under Rule 32 of the Phalitan State Electoral Rules, the findings of the Commissioners thereon, and the evidence recorded.	The Law Member Government of Phalitan.	Three years

FORM I

FORM OF FRONT OF BALLOT PAPER.

Counterfoil.

Serial No.

Constituency	Name and Symbol of Candidate	Cross.
Name or number of polling station		
Number of elector on electoral roll		
Signature or thumb impression of elector		

*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.

## INSTRUCTIONS

(1) The number of members for whom you may vote is \_\_\_\_\_

(2) place a cross mark thus × against the name of  
the candidate \_\_\_\_\_ for whom you wish to vote.  
~~each of the candidates~~

(3) The mark should be placed against not more than \_\_\_\_\_

serial No.
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**Phaltan State Legislative Council**

**FORM II**

*Tendered Votes List.*

Polling Station.

Name of Constituency.	Name of Voter.	Number in Electoral Roll.	Number of votes recorded.	Signature or thumb Impression of Voter.

**Phaltan State Legislative Council**

**FORM III**

*List of Challenged Votes.*

Signature sheet No.

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

*Order of Presiding Officer (in each case).*

## Phaltan State Legislative Council.

### FORM IV.

NOTICE:—Under Regulation 4 (1), Part II of the Phaltan State Electoral Regulations, 1929.

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

The Northern Rural Constituency.

The Phaltan Urban Constituency.

The Southern Rural Constituency.

The Education Constituency.

(b) The Electoral Roll of the following Constituency is not published in this area because there are no persons qualified to vote in it in this area:—

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 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 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 would be sent to the person entered against such area in column II of the table annexed:—

*Table.*

Northern Rural Constituency	The	Subordinate Judge at Phaltan.
Southern " "	" "	" " "
Phaltan Urban	"	The District Judge at Phaltan.
Education	"	" " "

Note.—Non-relevant entries should be cancelled.

**Phaltan State Legislative Council.****FORM V.**

(RULE 19 OF THE PHALTAN STATE 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,

**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 messengers. The name and description of each agent, clerk 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						

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					



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					

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.

**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
<b>Total</b>					

**PART J**—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.
<b>Total</b>		

PART K—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.
<b>Total</b>					

PART L—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			
<b>Total</b>			

**Phaltan State Legislative Council Rules  
and Standing Orders.**

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# Phaltan State Legislative Council Rules.

*Rules for the Phaltan State Legislative Council framed under Section 21 (5) of the Government of Phaltan State Act, 1929.*

Short title and commencement. 1. (1) These rules may be called the Phaltan State Legislative Council Rules.

(2) They shall come into force at once.

2. In these rules:—

Definitions. "Council" means the Phaltan State Legislative Council;

"Finance Member" means the member of the Council appointed by the Chief of Phaltan to perform the functions of the Finance Member under these rules;

"Gazette" means the Phaltan State Gazette;

"Member" means a member of the Council;

"Member of the Government" means a member of the Executive Council, and includes any member to whom such member may delegate any function assigned to him under these rules;

"resolution" means a motion for the purpose of discussing a matter of general public interest;

"standing order" means a standing order of the Council; and

"Secretary" means a Secretary to the Council, and includes any person for the time being performing the duties of Secretary.

3. (1) At the commencement of every Session the President shall nominate from amongst the members of the Council a panel of not more than two chairmen any one of whom may preside over the Council in the absence of the President and Deputy President, when so requested by the President, or, in his absence, by the Deputy-President.

(2) A chairman nominated under sub-rule (1) shall hold his office until a new panel of Chairmen is nominated.

4. The Deputy President and any Chairman of the Council shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules and standing orders shall, in these circumstances, be deemed to be references to any such person so presiding.

Power of persons presiding.

5. The Secretary and such assistants of the Secretary as the Chief of Phaltan considers to be necessary shall be appointed by order in writing by the Chief of Phaltan and shall hold office during his pleasure.

6. The Chief of Phaltan after considering the state of business of the Council shall allot so many days as may in his opinion be possible, compatibly with the public interests, for the business of non-official members of the Council, and may allot different days for the disposal of different classes of such business; and on days so allotted for any particular class of business, business of that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Government.

7. The President may within the period of notice disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the Government, and if he does so, the question or the part of the question shall not be placed on the list of questions.

8. (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Member to whom it is addressed:

Provided that no question shall be asked in regard to any of the following subjects, viz:—

(i) any matter affecting the relations of the Government with the British Government in India or any other Indian State;

(ii) any matter which is under adjudication by a Court of Law having jurisdiction in any part of the Phaltan State.

(2) If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1) the Chief of Phaltan shall decide the point and his decision shall be final.

9. No question shall be asked in matters which are or have been the subject of controversy between the British Government or any other Indian State and the Government of Phaltan State.

10. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given :

Supplementary questions.

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject-matter of questions.

11. A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

Motion for adjournments.

12. The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

Restrictions on power to make motion.

(i) not more than one such motion shall be made at the same sitting;

(ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence;

(iii) the motion must not revive discussion on a matter which has been discussed in the same Session;

(iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given; and

(v) the motion must not deal with a matter on which a resolution could not be moved.

13. The presence of at least 7 members shall be necessary to constitute a meeting of the Council for the exercise of its powers.

Quorum.

14. The business of the Council shall be transacted in *Marathi*, but any member who is not fluent in *marathi* may address the Council in English or in Hindusthani, provided that the President may call on any member to speak in any language in which he is known to be proficient.

Language of the Council.

15. (1) The President shall decide all points of order which may arise and his decision shall be final.

Decision on points of order.

(2) Any member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point.

16. The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or repetition, in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

17. (1) The President shall preserve order and have all powers Power to order with- necessary for the purpose of enforcing his drawal of member. decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same Session, the President may direct the member to absent himself from the meetings of the Council for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly.

(3) The President may in the case of grave disorder arising in the Council suspend any sitting for a time to be named by him.

18. The Chief of Phaltan may order the publication of any Bill Publication of Bills. (together with the Statement of Objects and Reasons accompanying it) in the Gazette although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill and if the Bill is afterwards introduced, it shall not be necessary to publish it again.

19. (1) Any member, other than a member of the Government desiring to move for leave to introduce a Bill, Notice of motion for leave to introduce Bills. shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of the Objects and Reasons.

(2) The period of notice of a motion for leave to introduce a Bill under this rule shall be one month or if the Chief of Phaltan so directs a further period not exceeding in all ~~two~~ months.

20. As soon as may be after a Bill has been introduced, the Bill, Publication. unless it has already been published, shall be published in the Gazette,

21. (1) No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill, and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.

(2) For the purposes of this rule "member in charge of the Bill" means, in the case of a Government Bill, any member acting on behalf of the Government and, in any other case, the member who has introduced the Bill.

22. (1) Where—

(a) a dilatory motion has been carried in respect of a Government Bill,

Power to re-introduce Bills.

(b) the Council refuses to take into consideration or to refer to a Select Committee or to pass any Government Bill, and thereafter the Chief of Phaltan recommends that the Bill be passed in a particular form, a motion may be made for leave to introduce the Bill in that form, and, where such recommendation has been made in the case referred to in clause (a), the Bill in respect of which the dilatory motion has been made shall be deemed to have been withdrawn.

(2) Where a Bill has been introduced after a recommendation under sub-rule (1) any motion may, subject to the provisions of these rules, be made in respect of the Bill notwithstanding that such motion raises a question substantially identical with one on which the Council has already given a decision in the same session.

(3) For the purposes of this rule "a dilatory motion" means a motion that a Bill be referred to a Select Committee or that it be circulated for the purpose of eliciting opinion thereon or any other motion the effect of the carrying of which will be to delay the passage of a Bill.

23. On the dissolution of the Council every Bill which has been introduced in the Council and has not been passed by the Council shall lapse.

Lapse of pending Bills on dissolution.

24. (1) The Chief of Phaltan may within the period of notice disallow any resolution or any part of a resolution, on the ground that it can not be moved without detriment to the public interest, and if he does so the resolution or part of the resolution shall not be placed on the list of business.

Power to disallow resolutions.

(2) The Chief of Phaltan may disallow on grounds as aforesaid any motion for adjournment under rule 11, notwithstanding the consent of the President, and if he does so the adjournment shall not be permitted by the President and no further discussion of the motion shall take place.

25. (1) Every resolution shall be in the form of a specific recommendation addressed to the Government and no resolution shall be moved in regard to any of the following subjects, namely:—

Restrictions on subjects or discussion.

(i) any matter affecting the relations of the Government of Phaltan State with the British Government, or with any Indian State;

(ii) any matter which is under adjudication by a Court of Law having jurisdiction in the Phaltan State.

(2) The decision of the Chief of Phaltan on the point whether any resolution is or is not within the restrictions imposed by sub-rule (1) shall be final.

26. A copy of every resolution which has been passed by the Council shall be forwarded to the Government, but any such resolution shall have effect only as a recommendation to the Government.

Copy to Government.

27. (1) Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Chief of Phaltan under any provision of the Government of Phaltan State Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates.

Motions other than Discussion of matters of general public interest.

(2) It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a

resolution cannot be moved and the decision of the Chief of Phaltan on the point whether any motion is or is not within the restriction imposed by sub-rule (1) of rule 25 shall be final.

(3) The Chief of Phaltan may disallow any motion or part of a motion on the ground that it cannot be moved without detriment to the public interest and if he does so the motion shall not be placed on the list of business.

28. A statement of the estimated annual expenditure and revenue of the State (hereinafter referred to as "the Budget") shall be presented to the Council on such a day as the Chief of Phaltan may appoint.

29. The Budget shall be dealt with by the Council in a general discussion.

30. (1) On a day to be appointed by the Chief of Phaltan <sup>President. Reg. 6</sup> subsequent to the day on which the Budget is presented and for such time as the Chief of Phaltan may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein.

(2) The Finance Member shall have a general right of reply at the end of the discussion.

(3) The President may, if he thinks fit, prescribe a time limit for speeches.

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**Phaltan State Legislative Council**  
**Standing Orders.**

# Standing Orders.

*Standing Orders of the Phaltan State Legislative Council under Section 21 (6) of the Government of Phaltan State Act, 1929.*

## I.—DEFINITIONS.

Definitions.

### 1. In the Standing Orders—

(a) "clear days" includes Sundays and holidays.

(b) "Member of the Government," includes any Member to whom a Member of the Government delegates any function assigned to him under the Standing Orders;

(c) "Member in charge" means in the case of a Bill, the Member who introduces the Bill, in the case of a motion for an adjournment of the business of the Council to discuss the matter of urgent public importance, the Member who has obtained the consent of the President to such motion, and in the case of any other motion, the Member who has given notice of the motion or where notice of the motion is not required, the Member who moves the motion;

(d) "motion" is the statement of a matter brought forward by a Member for the decision of the Council and includes an amendment of a motion;

(e) "Rule" means a rule under section 21 (5) of the Government of Phaltan State Act, 1929 framed in respect of the Phaltan State Legislative Council.

*and 'Kajin' of Phaltan - is known to Govt. Rules of Phaltan*

## II.—COUNCIL SESSIONS.

1. On the issue by the Chief of Phaltan of a notification appointing a time and place for a Session of the Council, the Secretary shall issue a summons to each Member for the time and place so appointed.

*It - ordinarily the session of the Council shall be held*

2. Save as provided in paragraph 1 the Council shall sit on such days and at such times as the President shall direct.

Prorogation: Lapse of Notices: Business carried over.

3. (1) A Session shall be prorogued by order of the Chief of Phaltan.

(2) On the prorogation of a Session, all pending notices shall lapse and fresh notice must be given for the next session; provided

that no further notice shall be required of a question to which an *ad interim* reply has been given or of a statutory motion.

(3) On the prorogation of a Session, Bills which have been introduced and motions to amend the Standing Orders which have been referred to a Select Committee, shall be carried over to the list of business for the next Session.

### III.—COUNCIL OFFICIALS.

1. (1) After the members have been sworn in at the beginning of a new Council and after the nomination of the President by the Chief of Phaltan, the Council shall elect one of its members to be Deputy President.

Election of Deputy President.

(2) Every member who wishes to propose a member for election as Deputy President must—

- (a) ascertain previously that the member he wishes to propose is willing to serve if elected, and
- (b) hand to the Secretary a notice containing the name of the member he desires to propose signed by himself and some other member as seconder.

(3) The President shall read out to the Council the names of the candidates together with those of their proposers and seconders and if only one person has been proposed for election shall declare that person duly elected. If more than one person has been proposed, the members other than the President shall then proceed to vote on the question by a ballot and the President shall declare the person who receives the majority of votes to be duly elected.

The ballot shall be held in the following manner :—

(a) Every member shall be entitled to vote for one person only at each ballot.

(b) If there are only two candidates only one ballot shall be held. If there are more than two candidates, the name of the candidate who obtains the fewest number of votes at the first ballot shall be omitted from the list of candidates. The remaining candidates shall then be balloted for, and the name of the candidate obtaining the fewest number of votes at the second ballot shall similarly be omitted from the list of candidates.

This process shall be continued at the third and all succeeding ballots until only two candidates' names remain on the list, when a final ballot shall be held. In the event of an equality of votes the President shall have a casting vote.

(4) If a vacancy in the office of Deputy President occurs in the life of a Council or if the Chief of Phaltan withholds his approval to any election, a fresh election shall be held in accordance with the procedure hereinbefore laid down; Provided that a member whose election has not been approved by the Chief of Phaltan shall not be proposed as a candidate during the continuance of that Council.

#### IV.—Arrangement of Business.

1. (1) The Government may arrange Government business in such order as it deems fit; Government business shall be deemed to include statutory motions.

(2) Subject to the provisions of Rule 6, when non-official business has precedence, Bills shall have precedence over motions to amend the Standing Orders and motions to amend the Standing Orders over resolutions; provided that the President may give priority to any item of such business.

(2A) The relative precedence of notices of resolutions shall be determined by ballot in accordance with the procedure set out in the Schedule:

Provided that the President may on the request of the mover thereof direct that any resolution upon the agenda be moved on any day allotted to non-official business.

(3) (a) Bills introduced and motions to amend the Standing Orders made by non-official Members shall be arranged respectively in such order as to give priority to the Bills and motions most advanced.

(b) Such Bills and motions at the same stage shall have priority according to the date on which notice of the Bill or motion was given.

(4). A resolution of congratulation or condolence may, with the permission of the President and subject to the provision regulating the discussion of resolutions, be moved at any time.

2. (1) A list of business for the Session shall be despatched to each member three clear days before the Session commences; the list shall contain every item of business on which a motion may be moved at that Session.

(2) Business not included in the list of business for the Session shall not be transacted at any meeting without the leave of the President.

(3) Business requiring notice shall not without the leave of the President be included in the list of business until the notice period has expired.

3. The President may adjourn any meeting or business to any Adjournment of future day and hour or to any part of the same day meeting. without discussion or vote.

4. (1) A motion that consideration of a Bill which has been introduced or of a motion to amend the Standing Adjournment of Business- Orders which has been reported on by a Select Committee or of any resolution moved in Council be adjourned to any future day in the same Session available for such business or to any future Session or *sine die* may be moved by any member at any time and such motion shall take precedence of any other motion then before the Council. The President, after permitting, if he thinks fit, a brief explanatory statement from the mover of the motion and, if the motion is opposed, from the Member opposing the motion, may without further debate put the question thereon.

(2) The President may disallow any motion for the adjournment of any business if, in his opinion, such motion is made for the purpose of securing the adjournment of the meeting.

5. (1) At the beginning of each meeting, the President shall New Members call upon new Members desirous of taking their take their seats. seats to do so.

(2) The Secretary shall then call the name of any new Member desirous of taking his seat, and such member, after taking the oath or making the affirmation in the prescribed manner, shall take his appointed seat.

6. After new Members having taken their seats and the nomination of a President by the Chief of Phaltan and the election of a Deputy President have taken place, Question time. a period of one hour at every meeting shall be available for the asking and answering of questions.

7. (1) Every notice required by the Rules or Standing Orders Giving of notice. shall be given in writing addressed to the Secretary and shall be left at the Council Office which shall be open for this purpose between the hours of 11 and 5 o'clock, on every day except Sunday or a public holiday.

(2) Notices left when the office is closed shall be treated as given on the next open day.

(3) A copy of every notice received, other than a notice of a question with its accompaniments and of a Bill with its statement of Objects and Reasons published under Rule 8 shall be sent forthwith to each Member; provided—

(i) that a copy of a resolution of which notice is received shall not be sent until the resolution has been admitted;

(ii) that where notice of a motion for leave to introduce a Bill is received, a copy of the Bill shall not be sent to each Member until leave to introduce the Bill has been obtained,

(4) A copy of every notice received and of its accompaniments and of any order passed by the President thereon shall be sent forthwith to the Department of Government concerned.

#### V.—General Rules of Procedure.

1. If the President on a count at any time during a meeting ascertains that 7 Members are not present, he shall adjourn the Council till the next day on which the Council would ordinarily sit.

Provided that no such adjournment shall be ordered unless a warning bell is rung for three minutes in the waiting room outside to enable absent members to resume their places.

2. The Members shall sit in such order as the President may appoint.

3. A motion shall not be moved which is inconsistent with any decision at which the Council has arrived at the same stage of the business, or in the same Session unless such decision has been arrived at a different stage.

4. A Member desiring to move any motion or make any observations on any matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President. At any time if the President rises or if a Member rises to a point of order any Member speaking shall resume his seat.

5. If while a Member is speaking a Member desires to make an explanation or to ask an explanation from the Member speaking, he shall rise in his place and, if called upon by the President, shall make or ask the explanation; if not called upon, he shall resume his seat. The President shall not call upon the Member so rising unless the Member speaking resumes his seat. No discussion on any

Quorum.

Members' Places.

Repetition of Motions.

Member to rise when speaking and to resume his seat when President stands or a point of order is raised.

Interruption of Speaker.

Points of Order

point of order shall be allowed except with the consent of the President.

6. (1) The matter of every speech must be relevant to the  
Limitations on matter before the Council.  
Debate.

(2) A Member while speaking must not—

- (i) refer to any matter of fact on which a judicial decision is pending;
- (ii) make a personal charge against a Member;
- (iii) use offensive expression;
- (iv) reflect upon the conduct of the Chief of Phaltan as distinct from the Government of Phaltan State or any Court of Justice of the Phaltan State in the exercise of its judicial functions;
- (v) utter treasonable, seditious, or defamatory words;
- (vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Council; or
- (vii) discuss any ruling or direction of the President or any order disallowing a question or resolution.

7. (1) An amendment must be relevant to and within the  
Amendments. scope of the motion to which it is proposed.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) After a decision has been given on an amendment to any part of a motion, an earlier part shall not be amended.

(4) (a) An amendment to an amendment may be moved, with the permission of the President.

(b) When an amendment to an amendment is moved, the amendment sought to be amended shall, so long as the amendment by which it is sought to be amended is under discussion, be deemed to be substantive proposition before the Council.

(5) An amendment in the alternative shall not be moved.

(6) The President may refuse to put an amendment which is in his opinion frivolous.

8. (1) After the mover of a motion has spoken other Mem-  
 Right of Speech bers may, save as otherwise provided, speak to the  
 and Reply. motion in such order as the President may call  
 upon them.

(2) Save in the exercise of a right of reply or as otherwise  
 provided, no Member shall speak more than once to any motion, ex-  
 cept with the permission of the President for the purpose of making  
 a personal explanation but in such cases no debatable matter shall  
 be brought forward.

(3) The mover of a motion, but not the mover of an amend-  
 ment other than an amendment of a Bill or of the Standing Orders,  
 may speak a second time on the conclusion of the debate by way  
 of reply ; and if such motion is moved by a non-official Member, the  
 Member of the Government in charge of the Department concerned  
 shall have the right of speaking after the mover has replied whether  
 such member of Government has previously spoken in the debate  
 or not.

9. At any time after a motion has been made, a Member may  
 request the President to put the question and, unless  
 Closure. it appears to the President that the request is an  
 abuse of the rules of the Council or an infringement of the rights of  
 reasonable debate, the President shall, after allowing such right of  
 reply as he shall deem necessary, put the question.

10. (1) A motion shall be put by the President as a question  
 Motion decided for the determination of the Council.  
 by question.

(2) Votes may be taken by voices or division and shall be  
 taken by division if any Member so desires. The President shall  
 determine the method of taking votes by division.

(3) The result of a division shall be announced by the Presi-  
 dent and shall not be challenged.

11. The admission to the Council Chamber of—  
 Strangers. (a) visitors, and  
 (b) representatives of the Press, during the  
 Meeting of the Council shall be regulated in accordance with  
 orders made by the President with the approval of the Chief of  
 Phaltan.

12. The President, whenever he thinks fit, may order the  
 Power to order withdrawal of visitors or press representatives,  
 withdrawal of  
 strangers.



## VI.—Questions.

1. unless the President with the consent of the Member of Government in charge of the Department concerned otherwise directs, not less than ten clear days' notice of a question shall be given.

2. A question shall be addressed to a Member of Government if it relates to the Public affairs with which such Member is officially connected or to a matter of administration for which he is responsible, or to a non-official Member if it relates to a Bill, resolution or other matter connected with the business of the Council for which such Member is responsible.

3. In order that a question may be admissible, it must satisfy the following conditions, namely:—

Form and Contents.

(1) it must not bring in any name or statement not strictly necessary to make the question intelligible;

(2) if it contains a statement, the Member asking the question must make himself responsible for the accuracy of the Statement;

(3) it must not ask whether certain things, such as statements made in a newspaper, are true;

(4) it may ask for an explanation of the intentions of Government in respect of a matter of immediate concern, provided that the question is not in substance a suggestion for any particular action in a matter raised by the Member asking the question;

(5) it must not contain arguments, inferences, ironical expressions or defamatory statements;

(6) it must not ask for an expression of opinion or the solution of a hypothetical proposition;

(7) it must not refer to the character or conduct of any person except in his official or public capacity; and

(8) it must not be of excessive length.

4. The President shall disallow any question which in his opinion is an abuse of the right of questioning at the expense of the Council and its time; and shall either amend or disallow a question which is in contravention of the Standing Orders.

Disallowance or Amendment by President.

5. Questions, which have not been disallowed, shall be entered in the list of questions for the day, and shall be called in the order in which they stand in the list, in the time available for questions under Order IV, paragraph 6, if such time permits.

Questions for the day.

6. Question shall be put and answers given in such manner as the president may, in his discretion, determine.

Questions how to put.

7. The President, at the request of a Member of the Government, may direct that an answer to the question which has been called may be given on the ground of public interest, even though the question is not put

Withdrawn questions.

or the Member in whose name it stands is absent.

8. No discussion shall be permitted in respect of any question or of any answer given to a question.

Prohibition of Discussion.

9. Where the information required in reply to a question entered in the list of questions for the day has not been obtained, a reply to that effect shall be given; and when the information has been obtained, the question with the reply shall be entered without further notice in the list of questions for the next day on which the Council meets.

Ad Interim Replies.

10. A Member to whom a supplementary question is addressed may decline to answer it without notice in which case the supplementary question may be put only in the form of a fresh question at a subsequent meeting of the Council.

Supplementary questions.

#### VII.—Motions for Adjournment for purposes of Debate.

1. (1) Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked after questions and before the business for the day is entered upon.

Time of asking leave and Procedure.

(2) The member asking leave must hand to the President a written statement of the proposed motion and obtain his consent to to the proposed motion before the Council sits.

(3) If the President is of opinion that the proposed motion is in order, he shall read the motion to the Council and ask whether the Member has the leave of the Council. If objection is taken, the

President shall request those Members who support the motion for adjournment to rise in their places ; and if more than 8 Members rise accordingly, the President shall intimate that the business of the Council will be adjourned at 4 o'clock for the purpose of discussing the motion. If less than 8 Members rise, the President shall inform the Member that he has not the leave of Council.

2. (1) The debate on the motion if not earlier concluded shall terminate at six o'clock, and thereafter no question in respect of the motion shall be put.

Limit of discussion: Limit of Speeches: Rules of Discussions;

(2) No speech during the debate shall exceed fifteen minutes in duration.

(3) Save as herein provided, the provisions regulating the discussion of resolutions shall apply to the discussion of such motion.

#### VIII.—Legislation.

1. (1) On the motion for leave to introduce a Bill, the mover may make a brief explanatory statement. If the motion is opposed, the President may permit a brief explanatory statement from the member who opposes and a brief reply from the mover ; he may then without further debate put the question thereon ; if leave to introduce the Bill is granted, the member who gave notice of the motion shall forthwith introduce the Bill.

Motion for leave to introduce: Introduction.

(2) When a Bill has been published under the provisions of Rule 8 the Member in Charge may introduce the Bill on any subsequent day available for business of the kind.

2. When a Bill has been introduced, the Bill with the Statement of Objects and Reasons shall be translated into Marathi and that translation shall be published in the Gazette.

Translation of Bills.

3. A Bill shall be read three times and where the motion for any reading is not carried, the Bill shall be deemed to have been rejected, and it shall not be reintroduced within a period of six months from the date of such rejection.

Bill to be read three times: Rejection.

4. (1) When a Bill is introduced, or on some subsequent occasion, the Member in Charge may move that the Bill be read for the first time ; provided that no such motion shall be made before the expiry of seven clear days from the

First Reading.

despatch to each Member of a copy of the Bill with the Statement of Objects and Reasons, unless the President in exercise of his power to suspend this provision allows the motion to be made.

(2) On the first reading of a Bill the principle of the Bill and its general provisions may be discussed: the detailed provisions shall not be discussed nor shall any amendment of the Bill, other than an amendment of principle be moved at this stage.

(3) The provisions of paragraph 10 (2) and (3) of this Order shall apply *mutatis mutandis* to any such amendment.

5. (1) If the first reading of a Bill is passed, the Member in Charge may make one of the following motions in regard to the Bill, namely:—

Motion after  
First Reading.

- (a) that it be read a second time either at once or on some future day to be then stated; or
- (b) that it be referred to a Select Committee composed of such Members of the Council as he may specify in his motion; or
- (c) that it be published for the purpose of eliciting opinion thereon, for a period to be specified in the motion.

(2) Any Member may make a motion as aforesaid by way of amendment.

(3) Where a motion that a Bill be published for the purpose of eliciting opinion is carried and the Bill is published in accordance with that direction and opinions have been received thereon within the period specified, the Member in Charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee unless the President, in the exercise of his power to suspend this provision allows a motion to be made that the Bill be read a second time.

6. (1) The Member of Government in Charge of the Department concerned with a Bill and, in the case of a Bill introduced by a Member other than the aforesaid Member of Government, the Member in Charge shall be Members of the Select Committee on the Bill. The other members of the Committee shall be named when the motion that the Bill be referred is made.

(2) Such Member of Government shall be the Chairman of the Committee unless he waives his right to be Chairman; in which

case the Committee shall appoint their own Chairman. In the absence of the Chairman at any meeting the members shall appoint a Chairman for that meeting. In the case of an equality of votes, the Chairman shall have a casting vote.

(3) The Chairman shall have the power to report to the President the name of any member who is unable to attend the meetings of the Committee or by death, resignation or otherwise ceases to be a member thereof and the President may thereupon appoint out of the Members of the Council another member in his place.

(4) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

7. (1) The Select Committee to which a Bill has been referred shall make a report thereon within two months from the date of the reference, unless the Council orders the report to be made sooner or grants an extension of the said period: the report shall be signed by the members of the Committee or by a majority of them.

Report of Select  
Committee:  
Translation:  
Minute of Dis-  
sent: Publica-  
tion of Report.

(2) The Select Committee shall publish the report, minutes of dissent, and the Bill, if amended, in *Marathi*.

(3) If any member of a Select Committee desires to record a minute of dissent on any point, he shall sign the majority report, stating that he does so subject to his minute of dissent, and shall at the same time hand in his minute.

(4) The Secretary shall cause every report of a Select Committee, with any minutes of dissent thereto and the Bill, if amended, to be printed, and copies thereof shall be made available for the use of each member of the Council. The report, with minutes of dissent and the Bill if amended, shall be published in the Gazette in *Marathi*.

8. (1) The report of the Select Committee on a Bill shall be presented to the Council by the Members in Charge of the Bill; in presenting a report the Member in Charge shall, if he makes any remarks, confine himself to a brief statement of fact. There shall be no further discussion of the report at this stage.

Presentation  
of Report: Mo-  
tion on Presen-  
tation.

(2). After the presentation of the report of a Select Committee on a Bill the Member in Charge may move:—

(a) that the Bill as reported by the Select Committee be read a second time either at once or on some future date to be then stated: provided that no such motion shall be made unless copies of the report, of minutes of dissent and of the bill, if amended, have been dispatched to each Member 15 clear days before the date appointed for the Session of the Council at which the reports is presented, unless the President in exercise of his power to suspend this provision allows the motion to be made; or

(b) that the Bill, as reported, be recommitted to the Select Committee either—

- (i) without limitation, or
- (ii) with respect to particular clauses or amendments only, or
- (iii) with instruction to the Select Committee to make some particular or additional provision in the Bill.

(3) Any Member may move a motion as aforesaid by way of amendment.

9. When a motion has been agreed to by the Council that a Bill be read a second time, the President shall submit the Bill to the Council clause by clause. The President shall call the number of each clause separately, and, when the amendments relating to it have been dealt with, shall put the question "that this clause or (as the case may be) this clause, as amended, stand part of the Bill."

10. (1) When a Bill is submitted clause by clause, any Member may move an amendment, not being an amendment of principle, of the Bill.

(2) Notice of the proposed amendment shall be sent to the Secretary seven clear days before the date appointed for the Session of the Council at which the Bill is read for the second time: provided that the President may dispense with such notice in any case.

(3) Amendments shall be considered in the order of the clauses to which they relate: provided that, with the permission of the President, amendments may be taken in any other order.

11. (1) If no amendment be made when a Bill is submitted clause by clause, the Bill may at once be read a third time.

(2) (a) If any amendment be made when a Bill is submitted clause by clause, any Member may object to the Bill being read a

third time at the same meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend this provision, disallows the objection.

(b) Where the objection prevails, the Bill shall be brought forward again at a future meeting; and may then be read a third time

(3) (a) On the motion for the third meeting of a Bill only verbal amendments may be moved.

(b) No notice of such amendments shall be required.

(4) If the motion for third reading be carried, the Bill shall be deemed to have been passed.

12. (1) When a Bill has been passed the President shall sign a certificate at the foot thereof in the following form :—  
 Authentication of Bills: Submission to the Chief of Phaltan.

" This Bill was read for a third time and passed at a meeting by the Phaltan State Legislative Council of the on the day of 19

President."

(2) The Bill so certified shall then be submitted to the Chief of Phaltan through the Secretary to Governments.

13. When a Bill which has been passed is returned by the Chief of Phaltan to the Council for reconsideration, the amendments suggested shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill: after the amendments suggested have been voted upon, the Bill or the Bill as amended shall be proceeded with in the manner laid down in paragraph 11 of this Order.

14. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the List of Bills.

15. The Member in Charge may at any stage of a Bill withdraw the Bill without discussion.

#### VIII-A-Statutory Motions.

1. A member who wishes to move a resolution which he is entitled to move in pursuance of any statute or legislative enactment for the time being in force shall give ten clear days' notice unless it is  
 Notice of a statutory motion.

otherwise expressly provided by such statute or legislative enactment or unless the President with the consent of the Member in charge of the Department concerned otherwise directs and shall together with the notice submit a copy of the proposed resolution.

#### IX—Amendment of Standing Orders.

1. Unless the President otherwise directs, notice of a motion for leave to amend the Standing Orders shall be given fifteen clear days before the date appointed for the session of the Council at which the motion is to be made, and the notice shall be accompanied by a draft of the proposed amendments.

Notice of proposal to amend the Standing Orders.

2. When the notice is reached, the President shall ask whether the Member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places, and if more than 8 members rise accordingly, the President shall intimate that the member has the leave of the Council.

Procedure.

3. Where a member has the leave of the Council to proceed the draft amendments shall be referred to a Select Committee of which the President shall be Chairman, and of which the Deputy President and the Member of Government, and in the case of an amendment, proposed by a member other than a Member of Government, the member in charge, shall be members. The remaining members, who shall be two in number shall be elected by the Council by such method as the President may determine.

Reference to Select Committee.

4. After a draft has been referred to a Select Committee the procedure in regard to Bills similarly committed shall, as far as may be, be followed with such necessary alterations as to the form of the motions that may be made as the President may direct.

Subsequent Procedure.

#### X.—Resolutions.

1. (1) (a) A member who wishes to move a resolution shall give 15 clear days' notice and shall together with the notice submit a copy of the resolution which he wishes to move.

Notice of Resolutions: Intimation of Admission or Disallowance.

(b) An adjourned session, if the adjournment exceed 15 days, shall for the purposes of this Standing Order be deemed to be a new session of the Council.



(c) Every resolution of which 15 clear days' notice before the date appointed for the session of the Council has been given, shall be included in the ballot for priority.

(d) Resolutions of which notice has not been given 15 clear days before the date appointed for the session of the Council, shall be entered on the supplementary agenda in the order in which they have been received.

(e) No member shall be entitled to move a resolution of which notice has been given under clause (d) of this order, until every member entitled to do so has had an opportunity of moving a resolution for which he has obtained priority in the ballot; and no member shall move a second resolution under clause (d), until every member who has obtained priority in the ballot to move a second resolution, and every member entitled to move a first resolution under clause (d), has had an opportunity of doing so; and similarly with regard to subsequent resolutions. Provided always, that members who have not moved a resolution on the principle agenda, shall take priority over members who have done so. Provided also that the President with the consent of the Member of the Government in charge of the Department concerned may allow a resolution to be entered on to the list of business with shorter notice than 15 days.

(2) The Secretary shall give intimation to the member that the resolution has been admitted or disallowed as the case may be, and if the resolution is disallowed, by what authority and under what provision.

2. Subject to the restrictions contained in the Rules and the provisions of the Standing Orders, a Member may move a resolution relating to a matter of general public interest:

Form and  
Contents.

Provided that no resolution shall be admissible which does not comply with the following conditions, namely:—

- (a) it shall be clearly and precisely expressed and shall raise one definite issue; and
- (b) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

3. The President may amend or disallow a resolution which in his opinion does not comply with the Standing Orders.

Disallowance  
or amendment  
by President.

4. (1) A Member in whose name a resolution appears on the list of business shall, when called on, either—  
 Motion and withdrawal of Resolutions.

(a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect ; or

(b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business.

(2) If the member when called on is absent, any other member authorized by him in writing in this behalf may, with the permission of the President, move the resolution standing in his name. But if no member has been so authorized or such permission is not granted, the resolution shall be deemed to have been withdrawn.

5. Except with the permission of the President, no speech on a resolution shall exceed fifteen minutes in duration :  
 Duration of Speeches.

Provided that the mover of a resolution, when moving the same ( but not the mover of an amendment ) and the Member of the Government in charge of the department concerned when speaking for the first time, may speak for thirty minutes.

6. The discussion of a resolution shall be strictly limited to the subject of the resolution.  
 Limits of Discussion.

7. (1) When a resolution is under discussion a Member may, subject to the Rules and Standing Orders relating to resolutions move an amendment to such resolution.  
 Amendments. Notice ; Disallowance.

(2) No notice of an amendment is required, but, unless a copy of the amendment is given to the Secretary on the day preceding that on which it is to be moved, the President shall, on the request of the Member in charge of the department concerned, adjourn further discussion on the resolution to the following day.

Provided that the President, with the consent of the Member of the Government in charge of the department concerned, may allow an amendment to be moved with less notice.

(3) The President may disallow an amendment which in his opinion does not comply with the Standing Orders and on the objection of the Member of the Government in charge of the Department

concerned that the amendment contravenes the Rules, shall disallow such amendment.

8. (1) A Member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Council.

(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the President.

9. (1) When an amendment to any Resolution is moved, the President shall, before taking the sense of the Council thereon, read to the Council the terms of the original resolution and of any amendment thereto.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

10. A resolution of which notice has been given by a non-official Member and which has been admitted, if it is not moved during the Session, shall be deemed to have been withdrawn.

11. (1) When a Resolution has been moved in the Council, no resolution or amendment of a resolution raising substantially the same question shall be moved within one year from the date of such motion.

(2) When a resolution has been disallowed under the Rules or Standing Orders or has been withdrawn with the leave of the Council, no resolution raising substantially the same question shall be moved during the same session.

#### XI—Financial Business.

1. A copy of the Budget and the detailed estimates shall be placed upon the table for the use of the members of the Council on the day of the presentation of the Budget and shall also be despatched to each member of the Council at least fourteen days prior to the first of the days allotted for the discussion of the budget under Rule 30.

Provided that any delay in the presentation or the despatch may be condoned by the President in the case of any circumstances beyond the control of Government.

Provided also that at least seven days shall elapse between first day of the session when the budget is to be presented and the first day of the discussion on the budget.

2. No discussion of the Budget shall take place on the day on which it is presented.

Budget not  
discussed on  
presentation

XII—Miscellaneous.

1. (1) Journals shall be kept in which all the proceedings of the Council and of Select Committees shall be entered in the order in which they occur and the names of the members present. The Journal of the Council shall be submitted after each meeting to the President for his confirmation and signature and when signed shall be the record of the proceedings of the Council.

Council Re-  
cords.

(2) All documents ordered to be printed or recorded shall be referred to in the Journal, and after being authenticated by the signature of the Secretary shall be kept with the records.

2. A resolution or question that has been disallowed shall not be entered in the proceedings of the Council.

Disallowed  
Questions and  
Resolutions.

3. The Secretary shall attend at every meeting of the Council and of a Select Committee, and in addition to the other duties specially required by the Rules or Standing Orders it shall be his duty—

Duties of  
Secretary.

(a) to take charge of the Records of the Council ;

(b) to keep the Journals of the Council and of the Select Committees ;

(c) to keep a minute book, in which he shall enter all the proceedings of the Council and of the Select Committees in the order in which they occur and the names of the members present ;

(d) to superintend the printing of all Bills and papers ordered to be printed ;

(e) to assist, at all times, the Council and all Committees, in all work connected with their duty ;

(f) to write all letters ordered by the Council or by the Committee ;

(g) to keep a list of Bills in the form appended to this order and to send a copy of the same to each member as early as possible in each month.

4. After the passing of a Bill the Secretary shall revise and complete the marginal notes thereof.

Marginal Notes  
on Bill.

5. (1) Any communication intended for distribution to the Members shall be in Marathi and shall be sent to the President : a sufficient number of copies shall be supplied for distribution to the members.

Communication  
to the Council.

- (2) The President shall decide whether the communication shall be distributed to the Members.

6. Communications from the Council to the Chief of Phaltan shall be made through the President, by formal address after motion made and carried in the Council.

Communica-  
tions to the  
Chief of Phal-  
tan.

7. The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the Rules or the Standing orders.

General Powers  
of President.

#### SCHEDULE.

(See Standing Order IV 1 (2A) )

#### *Ballot Procedure for determining relative precedence of non-official Resolutions.*

(1) A member giving notice of more than one resolution shall number his resolutions in the order in which he desires to move them, provided that he may alter such order at any time within the period of notice by intimation given to the Secretary.

(2) The Secretary will keep a numbered list and will enter the name of each member who has given notice of a resolution upon that list.

(3) On the eighth day previous to the commencement of the session a ballot will be held in the office of the Secretary in the presence of the Secretary at which any member who wishes to attend may do so.

(4) Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

(5) A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding

name, which will then be entered on a priority list. This procedure will be carried out till all the numbers have been drawn.

(6) Priority on the list will entitle the member to priority in moving that resolution to which he himself has given priority under Rule (1) of the Schedule.

Provided that if a resolution to which a priority is given under Rule (1) is disallowed the next resolution standing in the member's name may be moved in its place.

(7) Priority on the list shall also entitle a member to priority in respect of his subsequent resolutions : provided that after a member has moved a resolution, he shall not move another resolution until every other member has had an opportunity of moving a resolution standing in his name in the list of business.

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**Statement showing the various Stages of Bills in the  
Phaltan State Legislative Council  
on the 1st                    19**

*Statement showing the various Stages of Bills in the Phaltan State*

[See Order

Serial Number	Title of Bill	From what source received, with No. and date of communication	Copy sent to the Member of the Government in charge of the Department concerned	Date of publication in the <i>Phaltan State Gazette</i> and name of Member in charge
1	2	3	4	5



## XII 3 (g)]

Date of introduction  6	Date of publication of translations of Bill in the <i>Phaltan State Gazette</i>  7	Date of First Reading  8	Date on which published for eliciting opinions and period of publication  9	Date on which referred to Select Committee : Date of recommitment if any  10	Date on which report is due  11

*Statement showing the various Stages of Bills in the Phaltan State*

Serial Number	Names of Members of Select Committee	Dates of Meetings of Select Committee	Date of publication of Report	Date of publication of translations of Report	Date of presentation of Report	Date of Second Reading of Bill	Date of consideration of Bill clause by clause
11	12	13	14	15	16	17	18

Date of Third Reading and passing	Date on which Bill returned for reconsideration and date of reconsideration	Date of assent by the Chief of Phaltan	Date of Publication and number of Act	Remarks
19	20	21	22	23

# Phaltan State Act No. III of 1929.

*An Act to provide for the Attendance and Examination of Witnesses before the Phaltan State Legislative Council.*

Whereas it is expedient to make provision for the attendance and examination of witnesses before the Phaltan State Legislative Council; it is hereby enacted as follow:-

**Preamble.**

1. It shall be lawful for the Chief of Phaltan by a summons under the hand of the Secretary, to require the attendance before the Phaltan State Legislative Council, at a time and place to be mentioned in such summons of any person residing or being within the Phaltan State whose evidence shall, in the judgment of the said Council, be material with reference to any measure, Bill or Act then under consideration by the said Council, and by such summons to require the person so summoned to produce before the said Council, all such books, deeds, writings and documents as to the said Council shall appear necessary for obtaining information as to the matter so under consideration; and every person so summoned shall, according to the exigency of the summons, attend before the said Council and produce such books, deeds writings and documents as shall be in his possession, power or control.

**Chief of Phaltan may by summons require persons to appear before Council.**

2. It shall be lawful for the said Secretary or any other officer appointed in that behalf by the Chief of Phaltan to administer an oath in such form as to the said Council shall seem fit, to any person appearing in obedience to such summons as aforesaid; and the person to whom such oath shall be administered, shall be bound to state the truth. But nothing herein contained shall prevent such person from giving evidence without oath if the said Council shall think it expedient that the evidence should be so given.

**Administration of oath.**

3. If any person upon whom any such summons shall be served by the delivery thereof to him, or leaving thereof at his usual or last known place of abode, shall without such cause as may be deemed reasonable by the Chief of Phaltan, fail to appear before the said Council at the time and place mentioned in the summons, or shall refuse to make oath as required, or shall not make answer to such questions as shall be put to him touching the matter under consideration as

**Powers against person failing to appear.**

aforesaid, or shall refuse or fail, without such cause as may be deemed reasonable by the Chief of Phaltan, to produce to the said Council any book, deed or writing in his possession, power or control as by the said Council he shall be required to produce (whether mentioned in the summons or not) the Chief of Phaltan, shall on the report of the said Council that such failure or refusal has taken place, have the power by warrant under his hand to direct that such person be apprehended, and committed to and detained in close custody in a place and for a time specified in the warrant, until he shall comply to the satisfaction of the said Council with such requisitions as have been made on him touching his examination.

The warrant shall specify the person or persons by whom such apprehension, committal and detention shall be made.

4. Whenever a summons is issued for the attendance of a witness under this Act, such witness shall be entitled to receive from the Karbhari, Phaltan State, such expenses as he would have been entitled to receive if summoned as a witness before the District Judge's Court.

5. The word "Council" shall include any Select Committee of the Phaltan State Legislative Council.

Interpretation Clause.

The word "Secretary" shall mean the Secretary to the Government of Phaltan in the Legislative or Judicial Department and shall include an Under Secretary, Assistant Secretary and Deputy Secretary to the Government of Phaltan State.