DELHI SIKH GURDWARA MANAGEMENT COMMITTEE (CO-OPTION OF MEMBERS) RULES, 1974

AND

RELEVANT PROVISIONS OF THE DELHI MUNICIPAL CORPORATION ACT, 1957 REGARDING CO-OPTION OF MEMBERS TO THE D.S.G.M.C.

IndiaCode

GOVT. OF N.C.T. OF DELHI

DIRECTORATE OF GURDWARA ELECTIONS

[Amended upto 28th July, 2010]

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PART IV

DELHI ADMINISTRATION, DELHI

LITIGATION DEPARTMENT

NOTIFICATION

Delhi, the 13th February, 1974

No. F. 18/33/73-Judl.- In exercise of the powers conferred by sub-sections (1) and (3) of section 39 of the Delhi Sikh Gurdwara Act, 1971 (82 0f 1971) read with the Government of India, Ministry of Home Affairs' Notification S.O.No. U-11030/1/73-(i)-UTL dated the 3rd May, 1973 and S.O. No. U-11030/1/73 (ii)- UTL dated the 3rd May, 1973, the Administrator of Delhi is pleased to make the following rules, namely :-

PART 1

1. **Short title and commencement.**-(1) These rules may be called the Delhi Sikh Gurdwara Management Committee (Co-option of Members) Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definition:** In these rules, unless the context otherwise requires-

(a) "Act" means the Delhi Sikh Gurdwara Act, 1971 (82 of 1971);

(b) "Committee" means the Delhi Sikh Gurdwara Management Committee established under section 3;

(c) "Continuing candidate" means any candidate not elected and not excluded from the poll at any given time;

(d) "count" means-

(i) all the operations involved in the counting of the first preference recorded for candidates; or

(ii) all the operations involved in the transfer of the surplus of an elected candidate; or

(iii) all the operations involved in the transfer of the total value of votes of an excluded candidate;

(e) "Director" means the Director Gurdwara Elections appointed by the Administrator under section 13;

(f) "elected member" means a member of the Committee elected under the provision of clause (a) of section 4;

(g) "Election officer" means the Election Officer as defined in the Delhi Sikh Gurdwara Management Committee (Election of Members) Rules, 1974;

(h) "exhausted paper" means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also the deemed to have become exhausted whenever-

(i) the names of two or more candidates, whether continuing or not are marked following with the same figure and are next in order of preference; or

(ii) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(i) "first preference" means the figure 1 set opposite the name of a candidate; "second preference" means the figure 2 set opposite the name of a candidate; and "third preference" means the figure 3 set opposite the name of a candidate, and so on;

(j) "Form" means a Form appended to these rules, and includes a translation thereof in Punjabi in Gurmukhi Script.

(k) "original vote" in relation to any candidate means a vote derived from the ballot paper on which a first preference is recorded for such candidate;

(l) "Polling Station" means the place of meeting appointed by the Director for co-option of members under section 14;

(m) "Section" means a section of the Act.

(n) "surplus" means the number by which the value of the votes, original and transferred, of any candidate exceeds the quota;

(o) "transferred vote" in relation to any candidate, means a vote the value or the part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate; and

(p) "unexhausted paper" means a ballot paper on which a further preference is recorded for a continuing candidate.

PART II

3. **Co-option of members.**- (1) At the meeting of the elected members, convened by the Director under section 14, the Director shall proceed for the co-option of-

(i) the Head Priests of the four Akal Takhat Sahibs mentioned in sub-clause (ii) of Clause (b) of section 4;

(ii) the nominee of the Shiromani Gurdwara Prabhandhak Committee, Amritsar;

(iii) member (s) by draw of lots out of the Presidents of the registered Singh Sabhas: and

(iv) member (s) to represent the Sikh Community of Delhi.

as required by sub-clause (ii), (iii), (i) and (iv) respectively of clause (b) of Section 4.

(2) **Qualification of co-opted members:-** The qualifications specified for members of the Committee under Section 10 of the Act shall mutatis mutandis be applicable to co-opted members. If there is any doubt or complaint that any of the co-opted members does not fulfil the aforesaid qualifications, the Director, after conducting such enquiry as he may deem fit, if satisfied that such co-opted member does not fulfil the qualifications, may disqualify such co-opted member and such co-opted member shall cease to be a member of the Committee.

4. **Attendence of members:** The Director shall record the attendence of the members present in the meeting and no elected member shall be admitted to the meeting after commencement and during the proceeding for co-option under sub-clause (iv) of clause (b) of section 4.

5. **Procedure of co-option under sub-clause (ii) and (iii) of clause (b) of section 4:-** The Administrative Officer of the Delhi Sikh Gurdwara Board and after the constitution of the Delhi Sikh Gurdwara Management Committee, of such Committee, shall communicate in writing:

(i) the names of Head Priest of each of the four Akal Takhats Sahib mentioned in sub-clause (ii) of clause (b) of section 4; and

(ii) the name and address of the nominee of Shiromani Gurdwara Parbandhak Committee, Amritsar,

to the Director, on the day fixed for co-option of members but before the hour fixed for the meeting under section 14.

(2) The Director shall, at the meeting convened under section 14 read out the names of the Head Priest of each one of the four Akal Takhats Sahib and call upon the members present in the meeting to propose the name of each one of the Head Priest, and on the name being so proposed, the Director shall declare him in the meeting to be duly co-opted

(3) After co-option, if any, referred to in sub-rule (2), the Director shall read out the name of the nominee of the Shiromani Gurdwara Parbandhak Committee, Amritsar and call upon the members present in

the meeting to propose the name of the said nominee and on the name of the said nominee being proposed, the Director shall declare him in the meeting to be duly co-opted.

(4) The Director shall, as soon as possible, after such declaration, cause to be published in the Delhi Gazette, the names of persons co-opted as members under sub-clause (ii) or sub-clause (iii) of clause (b) of Section 4.

PART III

6. **Register of Presidents of registered Singh Sabhas:-** (1) For the purpose of co-option of member (s) from amongst the Presidents of the registered Singh Sabhas of Delhi -

(a) the Election Officer shall maintain a list of registered Singh Sabhas of Delhi and President thereof in a register in Form C - I in the manner prescribed by these rules.

(b) in order to enable the Election Officer to maintain the register in Form C - I, the Registrar of Firms and Societies, Delhi shall-

(i) intimate to the Election Officer the names and addresses of the registered Singh Sabhas of Delhi and the names of the President of such Singh Sabhas as on 1st January 1974 and shall thereafter also inform the Election Officer from time to time immediately about every change in the list of such registered Singh Sabhas and /or names and addresses of the President of such Singh Sabhas.

(ii) also in every subsequent year, intimate to him the names and addresses of the registered Singh Sabhas of Delhi and the names and addresses of the President of such Singh Sabhas on the 1st January of that year and shall thereafter also inform the Election Officer from time to time immediately about every change in the list of such registered Singh Sabhas and/ or the Presidents thereof.

(2) The President of every such registered Singh Sabha shall be entitled to be registered in the aforementioned list in the manner prescribed by these rules whose names have been received up to the date of the counting of votes of general election of members to the Delhi Sikh Gurdwaras Management Committee from the Registrar of Firms and Societies of Delhi.

(3) The Election Officer shall, on receipt of information about change(s), strike out from the register in Form C-I the names of persons who have ceased to be and include therein the name and addresses of persons who have become President of a registered Singh Sabha of Delhi and similarly strike out and /or include the name of a registered Singh Sabha.

(4) The Election officer shall-

(i) .When so directed by the Director, prepare a list in Form C-II from register in Form C-I, of the President of the registered Singh Sabhas of Delhi:

Provided that he shall not include the name of such president of a registered Singh Sabha of Delhi, who is an elected member of the Committee.

Provided further that in case of a casual vacancy, the name of a person who is already an elected or a co-opted member of the Committee shall not be included in the list in Form C-II,

(ii) display, on the date the Director may specify, the list in Form C-II on the notice board of his office and send a copy thereof to the Delhi Sikh Gurdwara Board and after the constitution of the Delhi Sikh Gurdwara Management Committee to the office of the Committee for display on the notice board of the Board/Committee.

7. **Objection to a name in the List.-** (1) An objection, to any name in the list, whether the person is qualified or not qualified shall lie to the Election Officer:

Provided that no objection shall lie unless it is filed with the Election Officer within three days of publication of the list in Form C-II.

(2) Every objection to the inclusion of name shall be-

(a) in Form C-III

(b) preferred only by a person who is an elected member of the Committee.

(3) Every objection shall either be presented to the Election Officer or such other officer as may be designated by him in this behalf ;

(4) The Election Officer shall-

(a) maintain in duplicate the list in Form C-IV entering therein the particulars of every objection as and when it is received by him ; and

(b) keep exhibited one copy of such list on a notice board in his office.

(5) Any objection which is not lodged within the prescribed period, or in the form and manner, herein specified, shall be rejected by the Election Officer.

(6) If the Election Officer is satisfied as to the validity of any objection, he may allow it without further enquiry after the expiry of three days from the date on which it is entered in the list exhibited by him under clause (b) of sub-rule (4):

Provided that where before any such objection has been allowed, a demand for enquiry has been made in writing to the Election officer by any elected member, it shall not be allowed without further enquiry.

(7) where an objection is not disposed of under sub-rule (5) or sub-rule (6), the Election Officer shall-

(a) specify in the list exhibited by him under clause (b) of sub-rule (4), the date, time and place of hearing of the objection;

(b) give notice of hearing -

(i) in the case of an objection to the inclusion of a name to the objector in Form C-V and to the person objected to in Form C-VI; and

(ii) in the case of an objection to particular or particulars in an entry to the objector in Form C-VII; and

(c) cause the notice under sub-clause (b) served either personally or by post under a certificate of posting or by affixing it to the person's residence or last known residence in Delhi.

(8) (a) The Election officer shall hold a summary inquiry into every objection in respect of which notice has been given under sub-rule (7) and shall record his decision thereon.

(b) At the hearing, the objector and the persons objected to and any other person who, in the opinion of the Election officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(c) The Election Officer may in his discretion-

(i) require any objector or person objected to, to appear in person before him;

(ii) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

(9) if it appears to the Election Officer that owing to inadvertence or error during preparation of the list in Form C-II, the name of any President of a registered Singh Sabha has been left out of it and that remedial action should be taken under this sub-rule, the Election Officer shall-

(a) prepare a list in Form C-VIII of the name(s) and other details of such President(s);

(b) exhibit on the notice board of his office a copy of the list in Form C-VIII together with a notice as to the date, time and place at which the inclusion of these names in the list shall be considered, and also publish the list and notice in such other manner as he may think fit; and

(c) after considering any verbal or written objection that may be preferred by an elected member decide whether all or any of the names should be included in the list in Form C-II.

(10) if it appears to the Election Officer that owing to inadvertence or error or otherwise, the names of dead person have been included in the list in Form C-II and that remedial action should be taken under this sub-rule, the Election Officer shall-

(a) prepare a list in Form C-IX of the names and other details of such Presidents ;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the date, time and place at which the question of deletion of these names from the list in Form C-II will be considered, and also publish the list and the notice in such other manner as he may think fit; and

(c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the list in Form C-II.

(11) The Election Officer shall thereafter-

(i) prepare a list of amendments to carry out his decisions under sub-rules (6), (8), (9) and (10) and to correct any clerical or typing error or other inaccuracies subsequently discovered in the list ; and

(ii) publish the list in Form C-II, together with the list of amendments by making a complete copy thereof available for inspection and displaying a notice in Form C -X at his office.

(iii) The Election officer shall for the convenience of all concerned, integrate, subject to any general or special direction issued by the Director in this behalf, the list C-II and the list of amendments by drawing out a list in Form C-II-B by including the names with all particulars relating to such Presidents, in such a way that no change shall be made in the process of such integration in the name of any such person or in any particulars relating to any such person as given in the list in Form C-II or in the list of amendments.

8. **Display of List.-** (1) if intimation of any change in the list of Singh Sabha(s) and or the President(s) thereof is received from the Registrar, Firms and Societies after the publication of the list in Form C-II under clause (ii) of sub-rule (4) of rule 6, the Election Officer shall, if necessary soon after the publication of the list under sub-clause (ii) of clause (a) of sub-rule (11) of rule 7, display on the notice board of his office, a list in Form C-II-A, containing the names of such Presidents of the registered Singh Sabhas of Delhi and send a copy to the Delhi Sikh Gurdwara Board and after the constitution of the Committee, to the office of the Committee for display at the notice board of the Board/Committee.

(2) The Election Officer shall immediately after the preparation of a list in Form C-II-B and C-II-A forward the same to the Director.

9. **Disposal of objection by the Director.-** (1) If any objection is raised in the meeting called under section 14 with regard to any name entered in the list C-II-A, the Director shall dispose of the objection and in doing so he may hold a summary enquiry and shall record his decision thereon and integrate the names entered in C-II-A, in accordance with his orders, in the list in Form C-II-B prepared under sub-rule (11)(b) of rule 7.

(2) If it appears to the Director immediately before the draw of lots that the names of any dead persons have been included in the list in Form C-II-B and that remedial action should be taken, the Director shall, after considering any verbal or written objections that may be preferred, decide whether any name may be deleted and in accordance with his decision effect necessary changes in the list in Form C-II-B.

(3) The list prepared under sub-rule (11)(b) of rule 7 with changes, if any affected under sub-rule (1) or sub-rule (2) shall be the list for co-option of members under sub-clause (i) of clause (b) of section 4 and also in case of causal vacancy or vacancies for co-option of a member or two members from amongst the Presidents of the registered Singh Sabhas.

10. (1) The Director or any other Officer/official authorised by him shall-

(a) have the names of the President of the registered Singh Sabhas of Delhi entered in a list in Form C-II-C from the list referred to in sub-rule (3) of rule 9; and

(b) in the meeting write the serial number of each such President of the registered Singh Sabhas on similar slips of paper and the slip shall be folded so as to prevent recognition and shall mix them.

(2) The lots shall be drawn at random by the Director or in his presence by an official/officer authorised by him for the purpose.

(3) The Director shall announce the result of the draw by lots after recording the same in form C-XI.

(4) The Director shall, as soon as possible, after such announcement of the draw of lots, cause to be published in the Delhi Gazette, the declaration(s) containing the names (s)of the person(s) co-opted as member(s) under sub-clause (i) of clause (b) of section 4.

PART IV

Co-option of members under sub-clause (iv) of clause (b) of Section 4

11. Appointment of dates for nomination, etc.- For the Election of two members under sub-clause (iv) of clause (b) of section 4, the Director shall by notification in the Delhi Gazette, appoint-

(a) the last date for making nomination or if that day is a public holiday, the next succeeding day, which is not a public holiday.

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

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

(d) the date on which meeting for the co-option of members shall take place.

12. Nomination paper.- (1) on the issue of a notification under rule 11, the Director shall give public notice of the intended election in Form C-XII, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered, which shall be published by displaying it at the notice board of his office and copy of which shall be forwarded to the office of the Delhi Sikh Gurdwara Board, and after the constitution of the Committee to the office of the Committee, for the information of the elected members of the Committee by its display on its notice board.

(2) on or before the date appointed under clause (a) of rule 11, the candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon delivers to the Director at the place specified in this behalf in the notice issued under this rule, a *nomination paper complete in Form C-XIII and subscribed by the candidate himself, as consenting to the* nomination and signed by the member as proposer :

Provided that no nomination paper shall be delivered to the Director on a day which is a public holiday.

(3) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper :

Provided that not more than four nomination paper shall be presented by or on behalf of any candidate or accepted by the Director.

(4) Any person may be nominated as a candidate by an elected member for election to fill a seat, if he is qualified to be chosen to fill that seat under the provision of the Act.

(5) The Director shall, on receiving the nomination papers under sub-rule (4), inform the person or person delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on 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 in Form C-XIV a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

(6) On the date fixed for the scrutiny of nominations under rule 11, the candidate and one proposer for each candidate, but no other person, may attend at such time and place as has been specified in the notice issued under sub-rule (5) and the Director shall give them all reasonable facilities for examining the nomination paper of all candidates which have been delivered within the time and in the manner laid down in sub-rule (2).

(7) The Director shall then examine the nominations 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, reject any nomination on any of the following grounds :-

(a) that on the date fixed for the scrutiny of nomination, the candidate either is not qualified or is disqualified for being chosen as a member under the Act ; or

(b) that there has been a failure to comply with any of the provisions of sub-rule (2) or (4); or .

(c) that the signatures of the candidates or the proposer on the nomination paper is not genuine.

(8) The Director shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 11 and shall not allow any adjournment of the proceedings except when such proceeding are interrupted or obstructed by riot or open violence or by causes beyond his control :

Provided that in case an objection is raised by the Director or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the day following the date fixed for scrutiny and the Director shall record his decisions on the date to which the proceeding have been adjourned.

(9) The Director 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.

(10) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Director shall prepare in Form C-XV a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it to his notice board.

(11) The Director's decision on the question whether a candidate should or should not be included in the list of validly nominated candidate shall be final :

Provided that nothing contained in clause (b) or clause (c) of sub-rule (7) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularly 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 :

Provided further that the Director shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(12) the names of every such candidate shall be shown in the said list as it appears in his nomination paper :

Provided that if a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidate is prepared, furnish in writing to the Director the proper form and the spelling of his name and the Director shall, on being satisfied as to the genuineness of request, make the necessary correction or alteration in the list in Form C-XV and adopt that form and spelling in the list of contesting candidates.

(13) (i) Any candidate may withdraw his candidature by a notice in writing in Form C-XVI which shall be subscribed by him and delivered before three O'clock in the afternoon on the day fixed under clause (c) of rule 11 to the Director either by such candidate in person or by his proposer.

(ii) on receipt of such notice, the Director shall note thereon the date and time at which it was delivered.

(iii) No person who has given a notice of withdrawal of his candidature under clause (i) shall be allowed to cancel the notice.

(iv) The Director shall on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under clause (i), cause the notice to be affixed in Form C-XVII in some conspicuous place in his office.

(14) (i) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (13) (i), the Director shall prepare in Form C-XVIII a list of contesting candidates , that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period:

Provided that if a candidate whose nomination has been accepted under sub-rule (9) and who has not withdrawn his candidature under sub-rule (13) (i) dies and the report of his death is received before the

publication of the list of contesting candidates, the Director shall, on being satisfied of the fact of the death of the candidate, not include his name in the list of contesting candidates.

(ii) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates and the other particulars, as given in the nomination papers. The alphabetical order shall be determined with reference to the surnames of the candidates having surnames and the names proper of other candidates.

(iii) if the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Director may decide.

(15) The Director shall immediately after its preparation cause a copy of the list of candidates to be affixed in some conspicuous place in his office.

12 A. The elected members subject to preventive detention, shall, subject to their fulfilling the requirements here-in-after specified, be entitled to vote through special arrangement.

(1) The Superintendent, District Jail, Delhi shall not later than one week, or such shorterperiod as the Director may allow, before the date of election, ascertain and intimate to the Director the names of elected members, if any, subjected to preventive detention together with the addresses, the Gurdwara ward number and name from which elected and the particulars about their place (s) of detention.

(2) Any elected member subjected to preventive detention may not later than one week, or such shorter period as the Director may allow, before the date of election, send an intimation to the Director that he wishes to vote by special arrangement, specifying his name, address, the Gurdwara Election Ward number and name from which elected and place of detention in Delhi.

(3) The Director shall issue the ballot paper to every such elected member subjected to Preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

12 B. (1) The said ballot paper shall be in such form as prescribed here in after.
(2) The names of the candidates shall be arranged on the ballot paper as provided here in after
(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

12 C. (1) A ballot paper shall be sent by special arrangement as may be decided, to the elector together with: -

(a) a declaration in Form C-XXIV
(b) a cover in Form C-XXV
(c) a large cover addressed to the Director Gurdwara Elections in Form C-XXVI: and
(d) instructions for the guidance of the elector in Form XXVII.

Provided that the Director may cause the ballot paper and Forms, to be delivered to such voter personally through the Superintendent, District Jail, Delhi.

(2) The Director shall at the same time: -

record against the name of the elected member, the last two digits of the serial number of the ballot paper in the marked copy of the list of the elected members and

(b) ensure that the elector is not allowed to vote at the polling station.

(3) Every officer under whose care or through whom a ballot paper is sent shall ensure its Delivery to the addressee without delay.

(4) After ballot papers have been issued to all the electors entitled to vote by special arrangement, the Director shall seal up in a packet the marked copy of the list of elected members and record on the packet a brief description of its contents and the date on which it is sealed.

12 D. (1) An elector under preventive detention who has received a ballot paper in accordance with the instructions contained in part I of Form C-XXVII and then enclose it in the cover in Form C-XXV.

(2) The elector shall sign the declaration in Form C-XXIV in the presence of, and have the signatures attested by the Superintendent of the Jail or Commandant of the Detention camp where the elector is under detention.

12 E. (1) If an elector is unable through blindness or other physical infirmity to record his vote on a ballot paper and sign the declaration, he shall take the ballot paper, together with the declaration and the cover received by him to an officer competent to attest his signatures under sub-rule (2) of rule 12-D and request the officer to record his vote and sign the declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form C-XXIV.

12 F (1) When a ballot paper and other papers sent under rule 12 C are for any reason returned undelivered in sufficient time, the Director may re-issue them or cause them to be delivered to the elector personally by special arrangement on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 12-C in such a manner that they cannot conveniently be used, a second set of papers shall be issued to him after he has returned the spoilt papers and satisfied the Director of the inadvertence.

(3) The Director shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the elector and the serial numbers of the cancelled ballot papers.

12 G. (1) After an elector has recorded his vote and made his declaration under rule 12-D or rule 12-E, he shall return the ballot papers and declaration to the Director in accordance with the instructions communicated to him in Part-II of Form C-XXVII so as to reach the Director before the hour fixed for the commencement of poll on the date fixed for the poll.

(2) The Superintendent of District Jail, Delhi or the Commandant of the detention camp in which the elector is under detention shall, if so requested by the elector, arrange to send the envelope containing the ballot paper and the declaration by special arrangement to the

Director so as to reach the Director before the time fixed for the commencement of poll on the date fixed for the poll.

(3) If any cover containing a ballot paper is received by the Director after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(4) The Director shall keep in safe custody until the commencement of the counting of votes all covers containing ballot papers received by him.

12 H. (1) The Director shall after the poll is over first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form C-XXVI received by the Director after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Director shall first scrutinise the declaration in Form C-XXIV contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form-XXV, that cover shall not be opened and after making an appropriate endorsement thereon, the Director shall reject the ballot paper therein contained.

(5) Each cover so endorsed and declaration received with it shall be replaced the cover in Form C-XXVI and all such covers in Form C-XXVI shall be kept in a separate packet which shall be sealed and on which shall be recorded the particulars of the elections, the date of counting and a brief description of its contents.

(6) The Director shall then place all the declaration in Form C-XXIV which he has found to be in order in a separate packet which shall be sealed before any cover in Form C-XXV is opened and on which shall be recorded the particulars referred in sub-rule (5).

(7) The cover in Form C-XXV not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Director shall scrutinise each ballot paper as provided in rule 28 and decide the validity of the vote recorded thereon.

13. The Director shall at the meeting convened under section 14 proceeds for the co-option of a member/members from amongst the contesting candidates in the manner prescribed by these rules.

14. **Death of contesting candidate before poll.** - If a contesting candidate dies after the publication of the list in Form C-XVIII and the report of his death is received before the commencement of the poll and the Director is satisfied of the fact of the death of the candidate, proceedings shall be taken in accordance with provision of rule 15.

15. **Procedure in contesting and uncontested elections.** - (1) If the number of contesting candidates is two or if in case of casual vacancy/vacancies the number of such candidate (s) is equal to the number of vacancy/vacancies, the Director shall announce the name (s) of such candidate (s) and declare him/them in the meeting to be duly co-opted.

(2) (i) If the number of contesting candidates is less than two or if in case of casual vacancy/vacancies the number of candidate is less than the number of vacancy/vacancies to be filled, the Director shall call upon the members present in the meeting to propose name of any person to represent the Sikh community of Delhi, if he is qualified to be chosen as a member under the Act; and if any other member present seconds such a proposal, the Director shall require the member proposing the name to produce a certificate signed by the person so nominated and attested by a Magistrate to the effect that he agreed to such nomination, and if such a certificate is produced, he shall add the name of the person so nominated in a list in the alphabetical orders in Form C-XVIII of the contesting candidates:

Provided that if an objection is raised to the nomination of any candidate, the Director may make a summary enquiry and shall not enter the name of candidate in the list of contesting candidates if he is not satisfied that the candidate represents the Sikh community of Delhi and is not disqualified under sub-section (1) of section 10.

(ii) The Director's decision on the question whether a candidate should or should not be included in the list of duly nominated candidates shall be final.

(3) If the number of candidates exceeds two or if in the case of casual vacancy/vacancies the number of candidates exceeds the number of vacancy/vacancies to be filled, the Director shall adjourn the meeting for a sufficient interval to enable suitable arrangements for voting to be made.

16. **Inspection of ballot box.** - (1) when the meeting reassembles, the Director shall immediately before the commencement of the poll, allow the members to inspect the ballot box to be used at the poll and demonstrate it to them that it is empty.

(2) Each elected member shall be provided with ballot paper in Form C-XX.

17. **Ballot paper.** -Every ballot paper shall contain the names of the candidates in alphabetical order.

18. **Conduct of Election.** - (1) The election shall be conducted by the method of proportional representation by means of a single transferable vote as described in these rules.

(2) If any member is unable to write, he may cause any other member to record his vote for him in the manner prescribed.

19. **Vote.** - (1) every elected member shall have only one vote at an election irrespective of the number of seats to be filled.

(2) The voting shall be by ballot.

20. **Issue of ballot papers to electors.** -(1) Every ballot paper before it is issued to an elected member shall be serially numbered, stamped on the back with such distinguishing mark as the Director may decide and every ballot paper, before it is issued, shall be signed in full on its back by the Director.

(2) At the time of issuing a ballot paper to an elected member, the polling officer appointed by the Director shall mark the name of the elected member in the list of members present to indicate that a ballot paper has been issued to him by recording therein the serial number of the ballot paper issued to that elector.

(3) No elected member present in the polling station shall note down the serial numbers of the ballot paper issued to particular elected members.

21. **Voting:** - (1) when an elected member has received a ballot paper, he shall signify in the manner provided by these rules, for whom he desires to vote.

(2) After recording his vote each elected member shall fold the ballot paper and place it in the ballot box provided for the purpose.

22. **Preferences to be exercised:** - An elected member in giving his vote: -

(a) shall place on his ballot paper the figure I in the space opposite the name of the candidates for whom he wishes to vote in the first instance;

(b) may, in addition, place on his ballot paper the figure 2, or the figures 2 and 3 or the figures 2, 3, and 4 and so on in the space opposite the names of other candidates in the Order of his preference.

Indiacode

23. **Manner of recording of votes:** - Every elected member on receiving a ballot paper shall forthwith-

(a) Proceed into one of the polling compartments provided for the purpose of recording votes.

(b) there record his vote in accordance with the instructions set out on the ballot paper.

(c) fold up his ballot paper so as to conceals his vote ;

(d) if required, show to the Director the signatures of the Director on the ballot paper;

(e) insert the ballot paper so folded up into the ballot box.

24. **Recording of vote of blind or infirm elected member-** If an elected member is unable through blindness or other physical infirmity to record his vote without assistance, the Director shall permit the elected member to take with him a companion of not less than twenty- one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wish and if necessary for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:-

Provided that no person shall be permitted to act as the companion of more than one elected member at a poll.

Provided further that before any person is permitted to act as the companion of an elected member on any poll under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elected member.

(2) The Director shall keep record in Form C-XXI of all cases under this rule.

25. **Director's entry into the polling compartment during the poll** (1) If the Director has reason to suspect that an elected member who has entered a voting compartment has remained therein unduly long, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and prompt running of the poll.

(2) Whenever the Director enters polling Compartment under this rule, he shall be accompanied by such of the elected members as he may desire to do so.

26. **Spoilt and returned ballot papers-** If an elected member inadvertently spoils a ballot paper he may return it to the Director who shall, if satisfied of such inadvertence give him another ballot paper and retain the spoiled paper, and this spoiled paper shall immediately be cancelled.

27. **Invalid ballot paper-** A ballot paper shall be invalid on which-

(a) an elected member signs his name or writes any word or makes any marks by which it becomes recognisable; or

(b) the figure 1 is not marked; or

(c) the figure I is set opposite the name of more than one candidate ; or

(d) the figure I and some other figure is set opposite the name of same candidate; or

(e) Which is unmarked or void for uncertainty.

Counting:

28. **Scrutiny and opening of ballot box (es).** - (1) As soon as the poll is over the Director shall:

(a) after having first dealt with the covers containing the ballot papers under special arrangement in the manner prescribed by rule 12-H, open the ballot box (es), take out from each box and count the ballot papers contained therein; and record their number in a statement;

(b) Scrutinise the ballot papers taken out of the ballot box (es); and

(c) Separate the ballot papers, which he deems valid from those, which he rejects as invalid endorsing on each of the latter the word "Rejected" and the ground of Rejection.

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29. **Arrangements of valid ballot papers in parcels.** - after rejecting the ballot papers which are invalid, the Director shall-

(a) arrange the remaining ballot paper in parcels according to the first preference recorded for each candidate;

(b) Count and record the number of papers in each parcels and the total number; and

(c) Credit to each candidate the value of the papers in his parcel.

30. **Counting of votes where only one seat is to be filled.** - (1) At any election where only one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 1 at each count, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows: -

(a) add the value credited to all the candidates under clause (c) of rule 29;

(b) divide the total by 2; and

(c) add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.

(2) if, at the end of first or any subsequent count, the total value of the ballot papers credited to any candidate is equal to, or greater than, the quota or there is only one continuing candidate, that candidate shall be declared elected.

(3) If, at the end of any count, no candidate can be declared elected the Director shall-

(a) exclude from the poll the candidate who upto that stage has been credited with the lowest value ;

(b) examine all the papers in his parcel and sub-parcels, arrange the un-exhausted papers in sub-parcels, according to the next available preference recorded thereon for the continuing candidate, count the number of papers in each such sub-parcel and credit it to the candidate for whom such preference is recorded, transfer the sub-parcel to that candidate and make a separate sub-parcel of all the exhausted papers ;and

(c) see whether any of the continuing candidates has after such transfer and credit, secured the quota.

(4) if, when a candidate has to be excluded under clause (a) of sub-rule (3), two or more candidates have been credited with the same value and stand lowest on the poll, the candidate for whom the lowest number of original votes are recorded shall be excluded, and if this number also is the same in the case of two or more candidates, the Director shall decide by lot which of them shall be excluded.

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Counting of votes where two seats are to be filled.

31. **Ascertainment of quota.** - At any election where more than one seat is to be filled, every valid ballot paper shall be deemed to be of the value of 100, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows: -

(a) add the values credited to all the candidates under clause (c) of rule 29:

(b) divide the total by a number which exceeds by 1 the number of vacancies to be filled; and

(c) add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.

32. **General instructions.** - In carrying out the provisions of rule 33 to 37 the Director shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

33. **Candidates with quota elected.** - If at the end of any count or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of ballot papers credited to a candidate is equal to, or greater than the quota, that candidate shall be declared elected.

34. **Transfer of surplus.** - (1) If at the end of any count the value of ballot paper credited to a candidate is greater than the quota, the surplus shall be transferred, in accordance with the provision of this rule, to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the elector's preference.

(2) if more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude:-

Provided that every surplus arising on the first count shall be dealt with before those arising on the second count and so on.

(3) where there are more surplus than one to distributed and two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate for whom most original votes are recorded shall have his surplus first distributed :and if the values of their original votes are equal, the Director shall declare by lot which candidate shall have surplus first distributed.

(4) (a) If the surplus of any candidate to be transferred arises from original votes only, the Director shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted paper into sub-parcel according to the next preference recorded thereon and make a separate sub-parcel of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcel of unexhausted papers, and the value at which each paper shall be transferred, shall be ascertained by dividing the surplus by a total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Director shall re-examine all the papers in the sub-parcel last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preference recorded thereon, and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels referred to in sub-rule (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-parcel of a candidate elected not transferred under this rule shall be set apart as finally dealt with.

35. **Exclusion of candidates lowest on the poll.** - (1) If after all surpluses have been transferred as herein before provided, the number of candidate elected is less than the required number, the Director shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preference recorded thereon : and any exhausted papers shall be set apart as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in order of the transfers in which, and at the value at which, he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer but not a separate count.

(5) If as a result of transfer of papers, the value of votes obtained by a candidate is equal to or greater than the quota, the count then proceeding shall be completed but no further papers shall be transferred to him.

(6) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

(7) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall be excluded; and if the values of their original votes are equal, the candidates with the smallest value at the earliest count at which these candidates had unequal values shall be excluded.

(8) If two or more candidates are lowest on the poll and each has the same value of votes at all counts the Director shall decide by lot which candidate shall be excluded.

36. **Filling the last vacancies.** - (1) when at the end of any count the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) when at the end of any count only one vacancy remains unfilled and the value of the papers of some one candidates exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.

(3) When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the Director shall decide by lot which of them shall be excluded and after excluding him in the manner aforesaid, declare the other candidate to be elected.

37. **Provision for re-count.** -*(1) Any elected member proposing a candidate may, at any time during the* counting of the votes, either before the commencement or after the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Director to re-examine and re-count the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with) and *the Director shall forthwith re-examine and recount the same accordingly.*

(2) The Director may in his discretion re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count;

Provided that nothing in this sub-rule shall make it obligatory on the Director to re-count the same votes more then once.

38. **Result.** - Upon completion of the counting, the Director shall, subject to the provisions of sub-rule (3) of rule 36, announce the result of election after recording the same in Form C-XXII.

39. **Publication.** - The Director shall as soon as possible after the announcement of co-option of a candidate under rule 15(1) or rule 30(2) or rule 33 or rule 36(1) or rule 36(2) or rule 36(3) cause to be published in the *Delhi Gazette*, the declaration (s) containing the name(s) of the person(s) co-opted as the member(s) under sub-clause (iv) of section 4.

(2) **Omitted.**

PART V

Miscellaneous

40. **Admission to the place of polling.** - The Director shall exclude from the place of polling all persons except-

(a) the polling officer and other public servants on duty authorised in writing by him;

(b) elected members; and

(c) such other officers as the Director may from time to time authorise for assisting him in *taking the poll.*

41. **Counting of votes by or under supervision of the Director.** - Notwithstanding the provision of the proceeding rules at every co-option where a poll is taken, (1) votes shall be counted by or under the

Supervision of the Director, and (2) each candidate and one representative of each candidate authorised by the candidate in writing shall have a right to be present at the time of counting.

42. ***Extension of time for completion of election.*** - *It shall be competent for the Director for reasons* which he considers sufficient to extend the time for the completion of any co-option by making necessary amendments in the notification issued under rule 11.

43. **Custody of papers.** - The ballot box (es), the ballot papers used, unused or rejected duly sealed in packets, the list C-II-B of the President of the registered Singh Sabhas of Delhi, the slips for the draw of lots duly sealed in packets and all other papers relating to the co-option shall be made over to the Election Officer *and shall thereafter be kept for three months by him unless their retention for a longer period is necessary.*

PART VI
Disputes regarding co-options

Interpretations

44. In this part, unless the context otherwise requires-

(a) Omitted

(b) 'Costs' means all costs, charges and expenses of, or, incidental to, a trial of an election Petition.

(c) 'Court' means the court of the District Judge of Delhi.

(d) 'electoral right' means the right of an elected member to vote or refrain from voting at a co-option;.

(e) Omitted

(f) 'High court' means the High court of Delhi.

(g) 'Pleader means any person entitled to appear and plead for another in a civil court and includes an advocate, a Vakil and an Attorney of a High court.

(h) Omitted

45. **Omitted**

46. **Additional contents of petition** -(1) Where the petitioner alleges any corrupt practice, such petition shall, in addition to complying with the provisions of section 15 of Delhi Municipal Corporation Act, 1957 *also set forth full particulars of that corrupt practice including as full statements as possible of the names of* the parties alleged to have committed such corrupt practice and the date and place of the commission of each corrupt practice and shall also be accompanied by an affidavit in the prescribed form in support of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

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47. **Omitted**

48. **Petition to be dismissed**- if the provisions of rule 46 or rule 60 are not complied with, the court shall dismiss the election petition.

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

49. **Procedure before the court**- (1) As soon as the court receives the petition, it shall serve on each respondent a notice in such form as it thinks fit directing the respondent(s) to appear before the court and answer the claim made in the petition on a day to be specified therein.

(2) Any person entered in list in Form C-II in case of petition filed against the co-option under rule 10 (3) and any person nominated for co-option under rule 12 (5) who is not already respondent shall upon an application made by him to the court within fourteen days from the date fixed for the respondents to appear and subject to the provisions of rule 60, be entitled to be joined as a respondent.

50. **Appearance before the court.** - Any appearance, application or Act before the court may be made or done by the party in person or by a pleader duly appointed to act on this behalf.

Provided that it shall be open to the court to direct any party to appear in person whenever the court considers it necessary.

51. **Power of the court.** - the Court shall have the powers which are vested in a Civil Court when trying a suit in respect of the following matters: -

(a) discovery and inspections;

(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.

52. **Omitted**

53. **Documentary evidence**- notwithstanding anything contained in any other law to the contrary, no document shall be inadmissible in the evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

54. **Omitted**

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55. **Secrecy of voting not to be infringed**- No witness or other person shall be required to state for whom he has voted at such co-option.

56 & 57 **Omitted**

58. **Order as to costs.** - The court may, while making an order under section 19 of the Delhi Municipal Corporation Act, 1957 also fix thereby total amount of costs payable:

Provided that where a petition is dismissed under clause (a) of sub-section. (1) of section 19 of the *Delhi Municipal Corporation Act, 1957, the returned candidate shall be entitled to the costs incurred by him* in contesting the petition and accordingly the Court shall make an order for cost in favour of the returned candidate.

59. **Communication of order to Director and Transmission of the record of the case:** - The court shall after announcing the order made by it under section 19 of Delhi Municipal Corporation Act, 1957, send a copy of the Order to the Director.

60. **Deposit of security** - (1) the petitioner shall enclose with the petition a receipt showing that a deposit of five hundred rupees has been made by him with the Director or any officer designated by him for the purpose as security for the costs of the petition.

(2) No person shall be entitled to be joined as a respondent unless he has given such security for costs as the Court may direct.

61. **Costs.** - Costs, including pleader's fee, shall be in the discretion of the court and shall be paid out of the security deposit provided for in rule 60.

62. **Payment of cost**– (1) If in any order as to costs under the provision of this part, there is a direction for the payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of security deposit made by such party under this part on an application made in writing in that behalf within a period of six months from the date of the order of the court to the Director by the person in whose favour the costs have been awarded.

(2) If there is any balance left of any of the said security deposit after payment under sub-rule (1) of the costs referred to in that sub-rule, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of six months, the whole of the said security deposit may, on an application made in that behalf in writing to the Director by the person by whom the deposit has been made or if such person dies after making such deposit, by the legal representative of such person, be returned to the said person or to his legal representative, as the case may be.

PART VII

63. **(1) to (6)** **Omitted**

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In addition to the corrupt practices specified in section 22 of the Delhi Municipal Corporation Act. 1957, the following shall be deemed to be corrupt practice: -

The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with be consent of a candidate or his agent, any assistance for the furtherance of the prospects of that candidate's election from any person: -

(a) in the service of the `Gurdwara` as defined in clause (f) of section 2 of the Delhi Sikh Gurdwara Act, 1971, or

(b) in the service of the Government and belonging to any of the following classes namely.

(i) gazetted officers;
(ii) stipendary judges and magistrates;
(iii) members of the Armed forces of the Union;
(iv) members of the Police Forces;
(v) excise officers;
(v) revenue officers other than villages revenue officers known as lambardars or by any other name whose duty is to collect land revenue and who are remunerated by a share of or commission on the amount of land revenue collected by them but who do not discharge any police functions; and
(vi) such other class of persons in the service of the Government as may be prescribed by the Administrator.

1. Explanation: (1) In this rule, the expression "agent" means a person who is held to have acted as an agent in connection with co-option with the consent of the Candidate or other co-opted person.

(2) For the purpose of this rule, a person shall be deemed to assist in the furtherance of the prospects of a candidate's co-option if he acts as an agent of that candidate.

PART - VIII
ELECTORAL OFFENCES

64 to 66. **Omitted**

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

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker, or

(b) shout or otherwise act in a disorderly manner, within or at the entrance or the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons on duty at the polling station.

2. Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-rule (1) shall be punishable with imprisonment for a term, which may extend to three months, or with fine or with both.

3. If the Director has reasons to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

4. Any police officer may take such steps and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule (1) and may seize any apparatus used for such contravention.

5. An offence punishable under this Section shall be cognizable.

68 TO 71. Omitted

By Order
Sd/-
(Mrs S. Duggal)
Dy. Secretary (Litigation)

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FORM C-I

[See rule 6 (1) (a) and (b)]

List of Registered Singh Sabhas of Delhi

S.No.	Name of the Registered Singh Sabha	Address	Name of the President

Date_____

Signatures_____
Election Officer
Gurdwara Elections

FORM C-II

[See rule 6 (4) (i) and (ii), rule 7 (1), (9), (10), (11)]

List of the Presidents of the Registered Singh Sabhas of Delhi

S.No.	Name of the President	Name of the Registered Singh Sabha and address

Date_____

Signatures_____
Election Officer
Gurdwara Elections

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FORM C-III
[See rule 7 (2)]

To

The Election Officer.
Gurdwara Elections,
Delhi/New Delhi.

Sir,

I object to the inclusion of the name of _____ in list Form C-II of the President of the registered Singh Sabhas of Delhi for the following reason(s): -

1. _____
(b) _____
(c) _____
(and so on)_____

(2) I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

(3) My name has been published as an elected member of the Delhi Sikh Gurdwara Management Committee in the Delhi Gazette as follows: -

Name in full _____
Father's/Husband's Name_____

Date_____

Signature/thumb impression of objector
(Full postal address _____

FORM C-IV

[See rule 7 (4) (a)]
List of objections to inclusion of names

Date of Receipt	Serial Number	Full name of objector (elected member)	Particulars of name objected to		reasons in brief for objection	Date, time & and place of hearing
			S.No. in list Form C-II	Name in full		
1	2	3	4	5	6	7

Date_____

Signatures_____
Election Officer,
Gurdwara Elections.

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Duplicate
(Office copy)

FORM C-V
[See rule 7 (7)(b)(i)]

Notice to the objector

To
(Full name and address of Objector) {_____
{_____
{_____

Reference :- Objection No._____

Take notice that your objection to the inclusion of the name of-

_____
_____

in the list in Form C-II will be heard at_____ (place) at_____O'clock on the _____day of _____200 .
You are directed to be present at the hearing with such evidence as you may like to adduce.

Place _____
Date _____

Election Officer
Gurdwara Elections
Address_____

Original
(To be served on the objector)

FORM C-V
[See rule 7(7)(b)(i)]
Notice to the Objector

To

(Full name and address of Objector) {_____
{_____
{_____

Reference :-Objection No._____

Take notice that your objection to the inclusion of the name of -

_____
_____

in the list in Form C-II will be heard at _____*(place) at*_____*O'clock on the*_____*Day of*_____200 . You are directed to be present at the hearing with such evidence as you may likely to adduce.

Place_____
Date_____

Election Officer
Gurdwara Elections
Address_____

CERTIFICATE OF SERVICE OF NOTICE
Received notice of the date of hearing

Date_____ _____
Objector

Certified that the notice on the Objector has been duly served by me this _____day of _____ on (name)_____personally/by affixation on residence.

Place_____
Date_____

_____
Serving Officer

N.B.:- If this notice is served by post, attach the receipt here.

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Duplicate
(Office copy)

FORM C-VI
[See Rule 7 (7) (b) (i)]

To

(Full name and address of person objected to)

(_____
(_____
(_____

Reference :- Objection No. _____

Take notice that the objection to the inclusion of your name at Serial No._____in list in Form C-II filed by _____ (Full name and address of objector) will be heard at_____ (place) at_____O'clock on the _____day of _____200 . You are directed to be present at the hearing with such evidence as you may like to adduce.

The grounds of objection(in brief) are :-
(1).....
(2) .....
(and so on).....

Place _____
Date _____

Election Officer
Gurdwara Elections

Original
(To be served on the person objected to)

FORM C-VI
[See Rule 7(7)(b)(i)]

To

(Full name and address of person objected to)

(_____
(_____
(_____

Reference :- Objection No. _____

Take notice that the objection to the inclusion of your name at Serial No._____in list in Form C-II filed by _____ (Full name and address of objector) will be heard at_____ (place) at_____O'clock on the _____day of _____200 . You are directed to be present at the hearing with such evidence as you may like to adduce.The grounds of objection(in brief) are :-
(i) .....
(ii) .....
(and so on) .....

Place _____
Date _____

Election Officer
Gurdwara Elections

CERTIFICATE OF SERVICE OF NOTICE
Received notice of the date of hearing

Date_____

_____
Person objected to

Certified that the notice on the Person, the entry relating to whose name has been objected to, has been duly served by me this _____day of _____On (name)_____personally/by affixation on residence.

Place_____
Date_____

_____
Serving Officer

N.B.:- If this notice is served by post, attach the receipt here.

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Duplicate
Office copy

FORM C-VII
[See rule 7(7)(b)(ii)]
Notice of hearing of an objection to particulars in an entry

To

(Full name and address of objector) (_____
(_____
(_____

Reference:-Objection No. _____

Take notice that your objection to certain particulars in the entry relating to you in the list in Form C-II will be heard at _____(place) at _____O'clock on the _____ day of _____ 200 . You are directed to be present at the hearing with such evidence as you may like to adduce.

Place _____
Date _____

Election Officer
Gurdwara Elections

Original
(To be served on the objector)

FORM C-VII
[See rule 7 (7)(b)(ii)]

Notice of hearing of an objection to particulars in an entry

To
(Full name and address of objector) (_____
(_____
(_____

Reference:-Objection No._____

Take notice that your objection to certain particulars in the entry relating to you in the list in Form C-II will be heard at _____(place) at _____O'clock on the _____ day of _____ 200 . You are directed to be present at the hearing with such evidence as you may like to adduce.

Place _____
Date _____

Election Officer
Gurdwara Elections

CERTIFICATE OF SERVICE OF NOTICE
Received notice of the date of hearing

Date_____

_____
objector

Certified that the notice on the Objector, has been duly served by me this _____day of _____ on (name)_____personally/ by affixation on residence.

Place_____
Date_____

_____
Serving Officer

N.B.:- If this notice is served by post, attach the receipt here.

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FORM C-VIII

[See rule 7 (9)]

Names left out due to inadvertence from the list in Form C-II

Sl No.	Name of the President	Name and address of the registered Singh Sabha
	2	3

Date.....

Signatures .....
Election Officer
Gurdwara Elections

FORM C-IX
[See rule 7 (10)]

List of Dead Persons

Sl. No.	Name of the President	Name and address of the registered Singh Sabhas	Sl. No. in list C-II
1	2	3	4

Date .....

Signatures .....
Election Officer
Gurdwara Elections

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FORM C-X

[See rule 7(11)(a) (ii)]

Notice about publication of list in Form C-II.

It is hereby notified for the information of the elected members of the Delhi Sikh Gurdwara Management Committee that the list in Form C-II together with the list of amendments has been has been published today , the .....day of .....200.... by display on the Notice Board of my office and is available for inspection.

Place _____ **Election Officer**

Date _____ **Gurdwara Elections**

FORM C-II B

[See rule 7 (11) (b), rule 8 (2) & 9]

Integrated list of the Presidents of the registered Singh Sabhas of Delhi.

Sl. No.	Name of the President	Name of the registered Singh Sabha of Delhi	Address
1	2	3	4

Date.....

Signatures .....
Election Officer
Gurdwara Elections

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FORM C-II A

[See rule 8]

Notice of changes in the list of Singh Sabhas and or the President (s) thereof received from the Registrar, Firm and Societies after publication of list in Form C-II under rule 6 (4)

Sr. No.	Name of the registered Singh Sabha	Name of the President in list in Form C-II published under Rule 6 (4) (i)	Change in the list of S.No. of the List C-II (ii)	Singh Sabha (i)	President (ii)	Remarks
1	2	3		4		

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

Signatures .....
Election Officer,
Gurdwara Elections

FORM C-II C
[See rule (10) (1) (a)]

Final list of the President of the registered Singh Sabhas of Delhi

Sl. No.	Name of the President	Name and address of the registered Singh Sabha of Delhi
1	2	3

Date.....

Signatures .....

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Election Officer
Gurdwara Elections

FORM C-XI
[See rule 10 (3)]

Result of draw of lot(s) for co-option of members (s) of Delhi Sikh Gurdwara Management Committee.

In pursuance of the provisions of sub-rule (3) of rule 10 of the Delhi Sikh Gurdwara Management Committee (co-option of Members) Rules, 1974, I announce that:-

1. _____(Name)
_____(Address)

2. _____ (Name)
_____ (Address)

has/ have been chosen for co-option by draw of lot (s)* in the order shown herein above to be member (s)* of the Delhi Sikh Gurdwara Management Committee* in the casual vacancy.

Place_____ **Signature**_____
Date_____ **Director, Gurdwara Elections**

*Score out the word (s) not applicable.

FORM C-XII

Notice of Election
[See Rule 12 (1)]

Notice is hereby given that :

(1) Co-option by election is to be held of a member/ two members to the Delhi Sikh Gurdwara Management Committee by the elected members of the said Committee.
(2) Nomination papers may be delivered by a candidate or his proposer to the Director at ..... between 11 A.M. and 3 P.M. on any day (other than a public holiday) not later than the _____.
(3) forms of nomination papers may be obtained at the place and times aforesaid.
(4) the nomination papers will be taken up for scrutiny at _____(hour) on _____(date) at_____
(5) notice of withdrawal of candidature may be delivered by a candidate or his proposer to the Director at his office before 3 P.M. on the_____(date).
(6) In the event of the election being contested, the poll will be taken in the meeting of the Committee on _____between the hours of _____and _____

Date _____ **Director, Gurdwara Elections**
Place_____ **Delhi**

FORM C-XIII

Nomination Paper

[See Rule 12 (2)]

Co-option of member to the Delhi Sikh Gurdwara Management Committee by the elected members.

(To be filled by the proposer)

I ..... (name) elected member from Gurdwara Ward No. ..... hereby nominate ..... as a candidate for co-option as member of the Committee.

1. Name of Candidate's father /husband _____

2. Full postal address of candidate _____

I have verified and declare that the said candidate has completed the age of twenty five years.

Date_____ **Signatures of the proposer**

(To be filled by candidate)

I, the above-mentioned candidate, assent to this nomination and hereby declare that I have completed .....years of age.

Date_____ **Signatures of the Candidate**

(To be filled by the Director, Gurdwara Elections)

Serial No. of nomination paper_____

This nomination paper was delivered to me at my office at _____(hour) on _____(date)by the *candidate/proposer.

Place _____
Date_____ **Director**

Decision accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with sub-rule (7) of rule 12 of the Delhi Sikh Gurdwara Management Committee (co-option of members) Rules, 1974, and decide as follows:-

Delhi.
Date_____ **Director, Gurdwara Elections**

Receipt for Nomination paper and Notice of Scrutiny
(To be handed over to the person presenting the nomination paper)

Serial No. of Nomination paper_____

The nomination paper of _____a candidate for co-option as member of the Delhi Sikh Gurdwaras Management Committee under sub-clause (iv) of clause (b) of section 4 of the Delhi Sikh Gurdwaras Act, 1971 was delivered to me at my office at _____(hours) on _____(date) by the *candidate / proposer.

This nomination paper will be taken up for scrutiny at _____(hours) on _____(date) at_____(place) by the Director.

Delhi.
Date_____ **Director Gurdwara Elections**

*Strike out one of the alternatives as necessary.

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FORM C-XIV

Notice of Nomination
[See Rule 12 (5)]

Co-option to the Delhi Sikh Gurdwara Management Committee by the elected members.

Notice is hereby given that the following nominations in respect of the above Co-option have been received upto 3 P.M. today:-

Serial Number of nomination paper	Name of candidate	Name of *father/ husband	Age of candidate	Address	Name of proposer	Gurdwara Ward No. from which proposer was elected.
1	2	3	4	5	6	7

Place_____
Date_____ **Director Gurdwara Elections**

*Strike off the inappropriate alternative.

FORM C-XV
List of Validly Nominated Candidates
[See Rule 12 (10)]

Co-option to the Delhi Sikh Gurdwara Management Committee

Serial number	Name of Candidate	Name of *father/ husband	Address of candidate.
1	2	3	4

Place_____
Date_____ **Director, Gurdwara Elections**

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FORM C- XVI
Notice of Withdrawal
[See Rule 12(13)(i)]

Co-option to the Delhi Sikh Gurdwara Management Committee.

To

The Director, Gurdwara Elections,
Delhi.

I, _____a candidate nominated at the above co-option do hereby give notice that I withdraw my candidature.

Place_____
Date_____ **Signature of candidate**

This notice was delivered to me at my office at_____(hours) on _____(date) by _____(name) the* _____

Date_____ **Director, Gurdwara Elections**

Receipt for Notice of withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by _____, a candidate at the Co-option to the Delhi Sikh Gurdwara Management Committee was delivered to me by *_____at my office at _____(hours) on _____(date)

Director, Gurdwara Elections

---

*Here insert one of the following alternatives as may be appropriate.

1. Candidate.
2. Candidate's proposer who has been authorised in writing by the candidate to deliver it.

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FORM C-XVII

Notice of withdrawal of Candidatures
[See Rule 12 (13)(iv)]

Co-option to the Delhi Sikh Gurdwara Management Committee.

Notice is hereby given that the following *candidate/candidates at the above election withdrew* his candidature/their candidatures today:-

S.No.	Name of candidate	Address of candidate	Remarks
1	2	3	4
1.			
2.			
3.			
etc.			

Dated_____ **Director, Gurdwara Elections**

*Strike off the inappropriate alternative.

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FORM C-XVIII

List of Contesting Candidates
[See Rule 12 (14)(i)]

Co-option to the Delhi Sikh Gurdwara Management Committee under sub-clause (iv) of clause (b) of section 4.

Serial No.	Name of candidate	Address of candidate
1	2	3
1.		
2.		
3.		
4.		
etc.		

Place_____
Date_____ **Director Gurdwara Elections**

FORM C-XIX

Omitted.

FORM C-XX

BALLOT PAPER
[See rule 16 (2)]

Co-option by election of member (s) to the Delhi Sikh Gurdwara Management Committee under sub-clause (iv) of clause (b) of section 4.

Sl. No.	Name of candidate	Mark order of preference
1.		
2.		
3.		
etc.		

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INSTRUCTIONS

1. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you wish to vote. Place the figure 1 opposite the name of one candidate only (although 2 *member (s) are to be elected.
2. You may indicate your relative preference for the other candidates by placing in the spaces opposite their names the figures 2, 3, 4 etc. in order of such preference. The number of preferences is not strictly restricted to the number of vacancies.
3. Do not place more than one figure opposite the name of any candidate.
4. Do not place the same figure opposite the name of more candidates than one.
5. The vote will be rejected if figure "1" is placed opposite the name of more than one candidate.

*To be altered according to the number of members to be elected.

Note: The number of ballot paper will be given on the back.

FORM C-XXI

List of Blind and Infirm Voters
[See Rule 24 (2)]

Co-option to the Delhi Sikh Gurdwara Management Committee under sub-clause (iv) of clause (b) of section 4.

Full name of elected member	Full name of companion	Address of Companion	Signature of companion
1	2	3	4

Date..... **Director Gurdwara Elections**

FORM C-XXII
[See rule 38]

Result of election for co-option of members (s) to the Delhi Sikh Gurdwara Management Committee.

In pursuance of the provisions of rule 38 of the Delhi Sikh Gurdwara Management Committee (Co-option of members) Rules, 1974, I announce that:-

1. _____(Name)
   _____(Address)

2. _____ (Name)
   _____ (Address)

has/ have been duly elected for co-option as member (s)* in the order shown above to be member (s)* of the Delhi Sikh Gurdwara Management Committee * in the casual vacancy.

Place_____ **Signature**_____
Date_____ **Director, Gurdwara Elections**

*Score out the word (s) not applicable.

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FORM C-XXIII

Application for Ballot paper through special arrangement.
(See rule 12 A)

To

The Director,
Gurdwara Elections,
Delhi.

Sir,

I intend to cast my vote by post at the ensuing co-option by election of two members to the Delhi Sikh Gurdwara Management Committee under clause (b) (iv) of section 4 of the Delhi Sikh Gurdwaras Act, 1971.

I have been elected as member of the said Committee in the general elections/ bye election held in _____, 200.... from Ward no._____ (Name)_____

The ballot paper may be sent to me at the following address:-

.....
.....
.....

Place_____
Date_____

Yours faithfully,

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FORM C-XXIV
Declaration by elector
[See Rule 12-D(2) and 12-E]

Co-option by election of member to the Delhi Sikh Gurdwara Management Committee under clause (b) (iv) of section 4 of the Delhi Sikh Gurdwaras act, 1971.

(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am an elected member from Gurdwara Ward No. _____ (Name)_____ to whom ballot paper bearing serial number_____has been issued under special arrangement at the above election.

Date_____

Signature of elector
Address_____

Attestation of Signature

The above has been signed in my presence by _____(elector) who* is personally known to me/has identified to my satisfaction by _____(identifier) who is personally known to me

Signature of identifier, if any
Address_____

Signature of Attesting Officer_____
Designation_____
Address_____
Date_____

(This side is to be used when the elector cannot sign himself)

I hereby declare that I am an elected member from Gurdwara Ward No. _____ (Name)_____ to whom the postal ballot paper bearing serial number----------has been issued under special arrangement at the above election.

Date_____

Signature of Attesting Officer
on behalf of elector
Address _____

Certificate

I hereby certify that

(1) the above named elector* is personally known to me/has been identified to my satisfaction by_____(identifier) who is personally known to me;
(2) I am satisfied that the elector* is illiterate/suffers from _____(infirmity) and is unable to record his vote himself or sign his declaration;
I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and
(4) The ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of identifier, if any_____
Address_____

Date_____

Signature of Attesting Officer_____
Designation_____
Address_____

*Strike off the inappropriate alternative.

FORM C-XXV

A]
_]

NOT TO BE OPENED BEFORE COUNTING

Co-option of member (s) to the Delhi Sikh Gurdwara Management Committee.

BALLOT PAPER

Serial number of ballot paper_____

FORM C- XXVI

B]
_]

(Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay).

ELECTION IMMEDIATE
(NOT TO BE OPENED BEFORE COUNTING)

For Co-option of members to the Delhi Sikh Gurdwara Management Committee.

To

The Director,,
Gurdwara Elections,
New Delhi.

Signature of sender

_____

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FORM C-XXVII
Instructions for the Guidance of Electors
[See Rule 12-D]

(To be used at co-option of member (s) to the Delhi Sikh Gurdwaras Management Committee under clause (b) (iv) of section 4 of the Delhi Sikh Gurdwaras Act, 1971).

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instructions detailed in Part II:

Part I - Directions to Electors

1. The number of members to be elected is _____.
2. Vote by placing the figure 1 in the space opposite the name of the candidate to whom you wish to vote. Place the figure 1 opposite the name of one candidate only (although there are more members than one to be elected).
3. You may indicate your relative preference for the other candidate by placing in the spaces opposite their names the figures 2,3,4 etc. in order of such preference.
4. Do not place more than one figure opposite the name of any candidate and do not place the same figure opposite the names of more candidates than one.
5. An elector under preventive detention shall obtain the attestation of his signatures on the declaration in Form C-XXIV by the Superintendent of the Jail or the Commandant of the detention camp, in which he is under detention.

Part II - Instructions for Electors

1. After you have recorded your vote on the ballot paper, place the ballot paper in the small cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
2. You have then to sign the declaration in Form C-XXIV also sent herewith, in the presence of an officer competent to attest your signatures. (See direction 5 above). Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The Officer will attest your signatures and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.
3. If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by an officer mentioned in item 2 . Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
4. After your declaration has been signed and your signature has been attested in accordance with item 2 or item 3, place the declaration in Form C-XXIV as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover, send it to the Director by registered post or by messenger .
5. You must ensure that the cover reaches the Director before* _____on_____(date).
6. Please note that:

   (i) If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

   (ii) if the cover reaches the Returning Officer after_____* on the _____(date) your vote will not be counted.

7. Any ballot paper on which the figure 1 is not marked or on which the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figure are set opposite the name of the same candidate or on which the same figure is set opposite the name of more candidate than one, or on which the signatures of the elector is not duly attested or the number of which does not agree with the number of the ballot paper entered on the cover in which it is placed, will be rejected.

*Here specify the hour and the date fixed for the commencement of counting of votes.

****

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RELEVANT PROVISIONS OF THE DELHI MUNICIPAL CORPORATION ACT, 1957 REGARDING ELECTION DISPUTES, CORRUPT PRACTICES AND ELECTORAL OFFENCES IN RESPECT OF *CO-OPTION OF MEMBERS TO THE DELHI SIKH GURDWARA MANAGEMENT COMMITTEE.*

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LAW AND JUDICIAL DEPARTMENT

NOTIFICATION

Delhi, the 25th February, 1975.

No. F.18/29/73- **Judl. (i)** - In exercise of the powers conferred by Section 31 of the Delhi Sikh Gurdwaras Act, 1971 (82 of 1971) read with the Government of India, Ministry of Home Affairs, New Delhi Notification S.O. No. U-11030/7/74-(i)-UTL dated 15th October, 1974 and Notification No. U-11030/7/74-(ii)-UTL dated the 15th October, 1974, the Administrator is pleased to direct that the provisos of Section 15, 16, 17, 18, 19, 20 ,22, 24, 27, 28, 29 and 30 of the Delhi Municipal Corporation Act, 1957 shall apply in relation to the settlement of disputes regarding elections, corrupt practices and electoral offences in respect of co-option of members of the Delhi Sikh Gurdwaras Management Committee with the following modifications namely–

****

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THE DELHI MUNICIPAL CORPORATION ACT 1957.

(Relevant sections applicable to the DSGMC (Co-option of members) Rules, 1974.

Disputes regarding elections

15. **Election petitions** - (1) No co-option of a member shall be called in question except by an election petition presented to the Court of the District Judge of Delhi within fifteen days from the date of the publication of the result of co-option under sub- rule (4) of rule 5, sub-rule (4) of rule 10 and rule 39 of the Delhi Sikh Gurdwara Management Committee (co-option of members), Rules, 1974, as the case may be.

(2) An election petition calling in question any such co-option may be presented under any of the grounds specified in Section 17 --

(a) in case of co-option under sub-clause (iv) of clause (b) of Section 4 of the Delhi Sikh Gurdwaras Act, 1971, by any candidate at such co-option; or

(b) in case of co-option under sub-section (i) of clause (b) of section 4 of the Delhi Sikh Gurdwaras Act, 1971, by any person whose name is entered as President of a registered Singh Sabha of Delhi in list in Form C-II; or

(c) by any elected member of the Committee.

(3) A petitioner shall join as respondents to his petition, all the candidates at the election;

(4) An election petition -

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of the Civil Procedure, 1908 (5 of 1908) for the verification of pleadings.

16. **Relief that may be claimed by the petitioner-** (1) A petitioner may claim -

(a) a declaration that the co-option of all or any of the returned candidates is void; and

(b) in addition thereto, a further declaration that he himself or any other candidate has been duly co-opted.

(2) The expression "returned candidate" means a candidate whose name has been published in the Official Gazette under sub-rule (4) of rule 5, sub-rule (4) of rule 10 or rule 39 of the Delhi Sikh Gurdwara Management Committee (co-option of members) Rules, 1974, as the case may be.

17. **Grounds for declaring elections to be void** - (1) Subject to the provisions of sub-section (2), if the court of the District Judge is of the opinion-

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(a) that on the date of his co-option, a returned candidate was not qualified or was disqualified, to be co-opted as a member under the Delhi Sikh Gurdwaras Act, 1971; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or

(c) that in case of co-option under the provision of sub-clause (iv) of clause (b) of section 4 of the Delhi Sikh Gurdwara Act, 1971, any nomination paper has been improperly rejected or that registration of a President of registered Singh Sabha has been improperly refused in case of co-option under clause (i) of clause (b) of the said section; or

(d) that the result of the co-option, in so far as it concerns a returned candidate, has been materially affected -

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent; or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void; or

(iv) by the non-compliance with the provisions of Delhi Sikh Gurdwaras Act, 1971 or of any rules or orders made thereunder;

the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty by an agent of any corrupt practice, but the court is satisfied -

(a) that no such corrupt practice was committed at the co-option by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate and for improper registration of President of a registered Singh Sabha; or

(b) that the candidate took all reasonable means for preventing the commission of corrupt practice at the co-option and for improper registration of President of a registered Singh Sabha; or

(c) that in all other respects the co-option was free from any corrupt practice on the part of the candidate or any of his agents and for improper registration of President of a registered Singh Sabha,

then the court may decide that the co-option of the returned candidate is not void.

18. **Procedure to be followed by the district judge** - The procedure provided in the Code of Civil Procedure, 1908 (5 of 1908), in regard to suits shall be followed by the court of the district judge as far as it can be made applicable in the trial and disposal of an election petition under the Delhi Sikh Gurdwaras Act, 1971.

19. **Decision of the district judge** - (1) At the conclusion of the trial of an election petition, the court of the district judge shall make an order -

(a) dismissing the election petition; or

(b) declaring the co-option of all or any of the returned candidates to be void; or

(c) declaring the co-option of all or any of the returned candidates to be void and the petitioner and any other candidates to have been duly co-opted.

(2) If any person who has filed an election petition has, in addition to calling in question the co-option of the returned candidate, claimed declaration that he himself or any other candidate has been duly co-opted and the court of the district judge is of opinion -

(a) that in fact the petitioner or such other candidate received the quota of the valid votes; or

(b) that but for the votes obtained by the returned candidate the petitioner or such other candidate or such other candidate would have obtained the quota of the valid votes.

The court shall, after declaring the co-option of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly co-opted.

20. **Procedure in case of equality of votes** - If during the trial of an election petition it appears that there is an equality of votes between any candidates at the co-option and that the addition of a vote would entitle any of those candidates to be declared co-opted, then the court of the district judge shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

Corrupt practices and electoral offences

22. **Corrupt practice** - The following shall be deemed to be corrupt practices for the purposes of the Delhi Sikh Gurdwaras Act, 1971.

(1) 'Bribery' as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (43 of 1951)*

[Except that the words and figure "and duly entered in the account of election expenses referred to in Section 78" appearing at the end of the explanation of clause (1) (B) shall be omitted].

(2) Undue influence as defined in clause (2) of the said Section.

(3) The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, creed or sect or, the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person 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 who is entered in the list in Form C-II as President of a registered Singh Sabha or any member of the Sikh Community of Delhi, who is a prospective candidate for such co-option as a member under sub-clause (iv) of clause (b) of section 4 of the Delhi Sikh Gurdwara Act, 1971, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's co-option.

(5) Omitted.

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to the co-option which does not bear the name and address of the printer and publisher thereof.

(8) Any other practice, which the Central Government may by rules, specify to be a corrupt practice.

24. **Officers etc. at elections not to act for candidates or to influence voting -** (1) No person who is election officer or an officer or clerk appointed by the Director to perform any duty in connection with co-option or a member of a police force, shall in the conduct or management of the co-option do any act (other than the giving of votes) for the furtherance of the prospects of the co-option of a candidate.

(2) No such person as aforesaid shall endeavor -

(a) to persuade any person to give his vote at a co-option; or

(b) to dissuade any person from giving his vote at a co-option; or

(c) to influence the voting of any person at a co-option in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

27. **Penalty for misconduct at the polling station -** (1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fail to obey the lawful directions of the Director, may be removed from the polling station by the Director or by any police officer on duty or by any person authorized in this behalf by the Director.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person, who has been so removed from a polling station, re-enter the polling station without the permission of the Director, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

28. **Breaches of official duty in connection with co-option -** (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine, which may extend to five hundred rupees.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are election officer and any other person appointed to perform any duty in connection with the co-option and the expression "official duty" shall for the purposes of this section be construed accordingly.

29. **Removal of ballot papers from polling station to be an offence -** (1) Any person who at an co-option fraudulently takes or attempts to take a ballot paper out of a polling station, or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year; or with fine which may extend to five hundred rupees, or with both.

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

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

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

(4) An offence punishable under sub-section (1) shall be cognizable.

30. **Other offences and penalties therefor -** (1) A person shall be guilty of an electoral offence if at any co-option he-

(a) fraudulently defaces or destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the Director; or

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(c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing act or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall-

(a) if he is election officer or any other officer or clerk employed on official duty in connection with the co-option, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(b) if he is any other person, be punishable with imprisonment for a term, which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any co-option or part of a co-option including the counting of votes or to be responsible after a co-option for the used ballot papers and other documents in connection with such co-option.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

(5) No court shall take cognizance of any offence under section 24, or under section 28, or under clause (a) of sub-section (2) of this section, unless there is a complaint made by order of, or under authority from, the Director, Gurdwara Elections.

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