

THE
MANIPUR STATE ELECTION RULES, 1948

Minutes of a meeting of the Manipur State Constitution Making Committee held at Imphal on 14-10-47 to frame Franchise Rules.

Present:-

Capt. P. B. Singh, Chairman
Sjt. L. Ibungohal Singh
" K. Gouro Singh
Maulabi Bashir Uddin Ahmad
Sjt. S. Krishnamohon Singh
" Dwijamani Sharma
" Dr. Leiren Singh
" S. Bijoy Singh
Mr. Thangkhoopao
" T.C. Tiankham
" Teba Killong
Sjt L. Manihar Singh

" I. Merajatra Singh

" I. Jugeswar Singh

1. Read the correspondence between the Council and his Highness since the last sitting of the Committee.
2. Read the letter from Mr. Chikhog who is unable to attend due to Audit inspection.
3. Sjt. Dwijamani Sharma proposed that a sub-Committee be formed and proposed the name of Sjt. L. Ibungohal, B.A. B.L. as Chairman and Mr. Tiankham seconded. Resolved to for Franchise Sub-committee as under :-

Sjt. L. Ibungohal, Chairman
" L. Manihar Singh
" Dwijamani Sharma
" S. Krishnamohon Singh
Mr. Thangkhopao
Maulvi Bashir Uddin Ahmed
Mr. Teba Killong

In the mean time the Chairman will collect materials for making electoral roll and constituencies.

4. Mr. Thangkhopao, T.C. Tiankham and Teba wished it to be placed on record that though joint electorate was passed by the majority of the Constitution Making Body majority of the Hill Representatives favoured separate electorate; this being the case, a sub-committee for joint electorate is undesirable.

Moreover in view of the absence of all the three Naga representatives the election of the present two Hillmen elected for the sub-committee may come up for criticism in future.

Besides the Hill Representatives being nominated on this issue the voice of Hill Public be considered.

The Committee are of opinion that the question had already been decided and today's sitting has nothing to do with it.

The meeting adjourned sine die.

P.B. Singh
Chairman

Minutes of a meeting of the Franchise Committee held on 8/9-12-47.

Present:-

Capt. P.B. Singh, B.A Chief Minister
Sjt. L. Ibungohal B.A., B.L.
" K. Gouro Singh, B.A Education Minister
Maulavi Fashir Uddin Ahamed, B.A. P.W.D, Minister
Sjt. S. Krishnamohon Singh M.A., B.L. Finance Minister
" Dwijamani Sharma, M.A.
Dr. Leiren Singh
Mr. Thangkhopao Kippgen, B.A.
" T.C. Tiankham, B.A.
Teba Kilong
Chikhong
Sjt. L. Manihar Singh
" I. Merajatra Singh
" L. Jugeswar Singh

1. Read the Proceedings of 14-10-47 and confirmed.
2. Discussion was held as to whether multiple or single constituency should be followed in the ensuing election.

- (a) It was decided by a big majority that single Constituency should be followed.
- (b) The whole valley will be divided into 29 constituencies out of these in the three Constituencies where there are numerous Mohomedans there will be plural voting i.e. one voter will have two votes one for the Mohomedan and other for the non-mohomedan. In these constituencies there should be approximately twenty thousand populations. The Jiribam (Rajbari) are will be one constituency for a general seat.

The whole Hill will be divided into 18 constituencies. As for special constituencies the matriculates, title holders in Sanskrit and Maulavis will give vote for the education and all the registered shopkeepers for the commerce and Industry.

3. Resolved that the preset Franchise sub-committee will carry out the work of the preparation of the electoral rolls, making the constituency. Maulavi Bashir Uddin Ahamed will act as Secretary.

P.B. Singh,
Chief Minister.

Minutes of a Meeting of the Franchise Committee held on 5-1-48.

Present:-

Sjt. K. Gouro Singh, B.A. Chief Minister i/c

“ L. Ibongohal Singh B.A., B.L.

Maulavi Bashir Uddin Ahmed, B.A.

Sjt. S. Krishnamohan Singh, M.A., B.L.

“ L. Jugeswar Singh.

“ Dwijamani Sharma, M.A.

Mr. Thanghopao Kipgen, B.A.

Sjt. L. Manihar Singh, B.A.

“ N. Leiren Singh

“ Mr. Chikhong

“ T.C. Tiankhan, B.A.

“ Teba Kilong.

1. Read the proceedings of 8/9-12-47. Maulavi Bashir Uddin, B.A., moved that the particular item regarding three constituencies for three Mohomedan seats be considered. The motion was seconded by Sjt. L. Ibongohal Singh. It was unanimously agreed that it be reconsidered. It was resolved that in the Resolution No. 2 (b) of 8-12-47 the sentence “In these constituencies there should be approximately twenty thousands population” be deleted.

2. Meeting is adjourned till Thursday, the 8th instant 800 hrs.

K. Gouro Singh,
For Chief Minister.

Minutes of a meeting of the Franchise Committee held on 8-1-48.

Present:-

- (1) Sjt. K. Gouro Singh, B.A.
- (2) " L. Ibongohal Singh, B.A. B.L.
- (3) "Merajatra Singh
- (4) "L. Manihar Singh, B.a.
- (5) "L. Jugeswar Singh
- (6) "Dwijamani Sharma, M.a.
- (7) Dr. Leiren Singh
- (8) "Md. Bashir Uddin Ahmed, B.A.
- (9) "Mr. Thangkhopao Kipgen, B.a.
- (10) "Teba Kilong
- (11) "Chikhong
- (12) "T.C. Tiankhan, B.A.
- (13) "S. Krishnamohan Singh, M.A., B.L.

1. Read and confirmed the proceedings of 5-1-48.

2. Considered and passed sections 1 and 2, on section 3 Sjt. L. Manihar Singh moved that State servants should be allowed to stand as candidates. The motion was seconded by Md. Bashir Uddin, and was opposed by Sjt. Dwijamani Sharma seconded by Sjt. L. Jugeswar Singh. The motion was put to votes. Sjt. L. Manihar Singh, Md. Bashir Uddin and Mr. Thangkhopao Kipgen voted for the motions while the rest against motion. Motion lost.

On section 4 clause III Sjt. L. Manihar Singh moved that candidature should be allowed only to permanent resident voters of the constituency. The motion was seconded by Sjt. Merajatra Singh. The motion was opposed by Sjt. Krishnamohon Singh, Seconded by Sjt. Dwijamani Sharma it was put to votes. Sjt. L. Manihar Singh, Sjt. Merajatra Singh, Mr. Thangkhopao and Mr. Chikhong voted for the motion. The amendment was lost.

Upto section 4 was finished:

K. Gouro Singh

Chairman, Franchise Committee

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Minutes of a meeting of the Franchise Committee held on 9-1-48.

Present:-

1. Sjt. K. Gouro Singh
2. " L. Ibongohal Singh
3. " Merajatra Singh

4. " L. Jugeswar Singh
5. " Dr. Leiren Singh
6. " Md. Bashir Uddin Ahmed
7. Mr. T.C. Tiankhan
8. " Chikhong
9. Sjt. L. Manihar Singh.
10. " Krishna Mohan Singh
11. " Mr. Teba Kilong
12. Sjt. Dwijamani Sharma.
- 13.

1. Read and passed up to section 18.

K. Gouro Singh
Chairman, Franchise Committee

Minutes of a meeting of the Franchise Committee held on 10-1-48

Present:-

1. Sjt. K. Gouro Singh B.A.
2. "L. Ibongohal Singh, B.A., B.L.
3. "Dr. Leiren Singh.
4. Mr. T.C. Tiankhan B.A
5. " Chikhong
6. " Md. Bashir Uddin Ahmed , B.A
7. " Merajatra Singh
8. Sjt. Dwijamani Sharma. M.A
9. "Krishna Mohan Singh, M.A., B.L.
10. " Mr. Teba Kilong
11. " L. Jugeswar Singh
12. Sjt. L. Manihar Singh, B.A.
- 13.

1. Read and based up to Section 33.
2. Meeting adjourned to 13th (Tuesday).

K. Gouro Singh
Chairman, Franchise Committee

Minutes of a meeting the Franchise Committee held on 13-1-48

Present:-

1. Sjt. K. Gouro Singh, B.A.

2. " L. Ibongohal Singh, B.A., B.L
3. " L. Jugeswar Singh
4. "Dr. Leiren Singh.
5. " Md. Bashir Uddin Ahmed , B.A
6. Mr. T.C. Tiankhan B.A
7. " Mr. Teba Kilong
8. "Krishna Mohan Singh, M.A., B.L.
9. Sjt. L. Manihar Singh , B. A
10. Sjt. Dwijamani Sharma. M.A
11. Sinam Bijoy Singh.

1. Read and passed up to the end.
2. Considered the petition filed by Hillmen residing in the Valley for making a constituency for them.

Resolved that out of the 18 seats of the Hill, one will be allotted to the Hillmen residing in the Valley. They will stand in one of the 9 constituencies where there are many hillmen. This modified Meeting adjourned sine die.

K. Gouro Singh
Chairman, Franchise Committee

Rules for the election and the elections Petitions, for the year 1947-48

THE CANDIDATE FOR ELECTION

1. A candidate is a person who was duly nominated as a candidate and includes a person whose nomination paper was rejected whether he claims such rejection as valid or not and also includes a candidate who withdraws from Election.
2. The candidate must possess the following qualifications:-
 - (i) He shall be the Manipur State subject. His name must be in the Electoral roll of one or more constituencies.
 - (ii) He shall not be less than 25 years of age.
3. A person with the following disqualification shall not stand as a candidate:-
 - (i) If he holds an office of profit under the Manipur State Government or under any other Provincial or Indian State Government, except non-official ministers.

- (ii) If he is of unsound mind.
 - (iii) If he is found guilty of a corrupt practice or an offence relating to Election, if his prescribed period has not elapsed.
 - (iv) If he is undergoing a sentence of transportation or of an imprisonment for a criminal offence,
 - (v) If he is an undischarged bankrupt.
4. (i) The candidate shall in token of his assent personally subscribe the nomination Paper which shall be subscribed by one person as proposer and another as seconder.
- (ii) The 2 persons viz. the proposer and seconder shall not be subject to any disability by a reason of this rule and other State laws.
- (iii) A qualified candidate can stand for Election from any constituency.
- (iv) A proposer and a seconder can subscribe to more than one nomination paper.
5. Different seats of Elections may nominate the same candidate in separate nomination paper.
6. (I) The nomination paper shall be filled in such a manner as will sufficiently identify the candidate. The candidate must write his full name and mere initial will not be sufficient.
- (II) There shall be no hard and fast rule that the description of the candidate, proposer and the seconder shall tally with his Electoral roll. Sufficient particulars enabling identification of the candidate will suffice. But the major discrepancy such as discrepancy in father's name will make the nomination void.
- In any case if the candidate can be identified from a sufficient data then his candidature may be permitted spite of such discrepancies.
7. The wrong description of names in the Electoral rolls can be corrected if there is no doubt as to the identity of the person concerned.
8. (I) A candidate shall declare himself or some other persons as his Election Agent or Agents and submit the appointment letter along with his nomination paper.
- (II) Any person can be an Election Agent he may not be qualified as voter or candidate.
- (III) There cannot be more than 2 Election Agents for one candidate. In case there are more than one polling station in one constituency then the candidate may be permitted to submit a supplementary appointment letter of agent or agents.
- (IV) The candidate may appoint up to two agents. In case of the resignation or death of the agent may be appointed by the candidate.

9. (I) Nomination papers shall be submitted by the candidate or his agent to the Returning officer to the Assistant Returning Officer. A receipt to acknowledge the receipt of the nomination paper shall be issued.

(II) The nomination paper can be presented at the residence of the Returning officer provided that it is presented within time and the hour prescribed for the delivery of the nomination paper.

10. (I) The Returning Officer shall note the date and hours of the receipt of the nomination paper on the nomination paper and shall fix the date for scrutiny of the nomination paper.

(II) The scrutiny must be completed on the date so fixed and the Proceedings cannot be adjourned.

11. (a) The Returning Officer can reject the nomination paper on the following ground:-

(i) Ineligibility of a candidate to stand for Election under the provision of this rule or of any other act passed and promulgated by the state from time to time.

(ii) disqualification of the proposer or the seconder to subscribe.

(iii) failure to comply with relevant rules.

(iv) reasonable doubt as to the identity of the candidate his proposer or the seconder and as to the genuineness of their signatures or as to whether the signature of the proposer or the seconder be obtained by fraud.

(b) The order of the Returning Officer, rejection the nomination paper may be appealed against to the Election Commissioner who may confirm or set aside the order of rejecting the nomination paper.

(c) Only those objections which were raised by the Returning Officer who may be respondent will be allowed to be raised before the Election Commissioner. No new objection shall be allowed to be raised against the validity of the nomination paper.

(d) There shall be at least 45 days' time between the last date of submitting nomination papers and the day of polling scrutiny must be finished within 5 days. Appeal against the order of rejecting the nomination paper shall be filed within 5 days from the date of rejecting his nomination paper. The Tribunal should dispose of his appeals as soon as possible so that the candidate may find time for the Election work at least 20 days.

12. The Returning Officer shall write on the nomination paper his order of acceptance or the rejection, if he rejects the nomination paper he must give his reason for doing as in writing briefly.

13. The Returning Officer has jurisdiction to hear objection and can make summary enquiry in the following cases:-

- I. If the identity of the person in the nomination paper is changed and if any objection is raised regarding the age of the candidate.
 - II. If objection be raised against the validity of the nomination as well as the identity and eligibility of the candidate.
14. When a candidate files several nomination papers and only one nomination paper is found valid and all other nomination papers invalid the candidate can contest the Election on the strength of that only one valid nomination paper.
15. (I) A candidate shall deposit a security of Rs. 100/- for standing for Election with the Returning Officer on or before his nomination.
(II) A nomination without security is invalid.
16. On the withdrawal of the candidature on the rejection of the nomination paper or in the event of death of the candidate before the commencement of polling the security shall be allowed to be withdrawal.
17. If a candidate obtains less the $\frac{1}{8}$ of the total number of votes polled in the constituency concerned excluding rejected ballot papers the security will be forfeited.
18. The candidate can withdraw the nomination paper before 4-0 P.M. one week before the day of polling, by delivering to the Returning Officer or any officer authorized by his for the purposes, a notice in writing duly signed by him (candidate). Such withdrawal shall be come absolute.

THE VOTERS

19. (I) There shall be an electoral roll for every territorial constituency.
- (II) The electoral roll for the territorial constituencies shall be made up and shall be revised from time to time in whole or in part by reference to such date as may be directed in each case by the Maharaja in Council.
20. A voter shall have the following qualifications:-
- (I) He shall be within or more than the 21 year of age.
 - (II) He shall be a bonafide or a domiciled Manipur subject.
 - (III) He shall not be of unsound mind.
 - (IV) If he is a recorded voter in more than one constituency he shall not be qualified to vote in more than one constituency.
 - (V) He must not have been undergoing a sentence of transportation, Penal Servitude or imprisonment for moral turpitude.

21. The question as to whether a candidate is eligible or not shall be determined with reference to the date of his nomination.
22. (I) The Presiding Officer of the Polling Station cannot refuse to deliver a ballot paper to the elector whose name appears on the electoral roll provided the electoral roll is once finally revised and completed by the Revising Authority.
 - (II) Even if the name of the elector is wrongly entered in the electoral roll he is still entitled to vote.
23. The electoral roll is binding on the election commissioners also in the case of the election petition.

POLLING AND COUNTING OF VOTES

24. At every polling station there will be one Presiding Officer with such polling officers and staff as will be necessary to cope with the work at the respective station.
25. The duty and powers of the Presiding Officer at the stations are:-
 - (I) to keep the polling station in order and to decide how many voters should be admitted at each time.
 - (II) to turn out the undesirable and any person misconducting himself from the polling station.
 - (III) to maintain the secrecy of voting so that the names of secret ballot be fully observed.
 - (IV) to eliminate all the persons except the polling station officer, staff, candidate and his agents called polling Agents, Police on duty and persons who are required to identify the voters.
26. (I) The ballot box shall be marked with the name of the polling station and the particular assembly for which the election is being held.
 - (II) The ballot box shall be so constructed as to allow the papers to be put in and but not to be withdrawn.
 - (III) The ballot box shall be shown to the persons present and shall be sealed and signed by the candidate or his agent before just before the commencement of the polling.
27. (I) A voter shall get a ballot paper from the presiding or polling officers which shall be stamped with the official seal before delivery and he shall sign and give his thumb impression on the counterfoil to acknowledge the receipt of the ballot paper. The Polling Officers at the same time mark the elector in the electoral roll to show that they had received the ballot paper.
 - (II) There shall be kept as many ballot boxes as there will be candidates. Each ballot box bearing a particular symbol for a particular candidate, his photo as well.

- (III) These boxes will be kept in vacant room and the voter will put in the ballot paper bearing his official seal in the box bearing the symbol of the candidate for whom he votes.
28. The presiding officer may refuse to deliver a ballot paper to a voter if he fails to reply in the affirmative to the question if he is the person to be enrolled with the particulars mentioned in the electoral rolls.
29. (I) When a voter demands a ballot paper if it is found that some body else had already voted in his number then he shall be supplied with a ballot paper of different colour after getting his signature or the thumb impression on a separate list called tendered votes list.
- (II) The tendered votes shall not be counted by the Returning Officer but the election commissioner scrutinizes them.
30. If the identity of a voter is changed then his name with the particulars shall be entered in the list and his signature or thumb impression shall be taken. If the Presiding Officer is satisfied as to his identity he shall supply the ballot paper after recording the circumstances under which the challenged was hurled against the decision.
31. If in the opinion of the Presiding Officer a candidate's agent unnecessarily challenges the vote only in order to delay the polling he can turn out such agent, from the polling station.
32. If one ballot paper is spoiled the Presiding Officer may issue a new one after destroying the spoiled one along with its counterfoil.
33. (I) If a rioting or disorder occur at a polling Station and cannot be controlled by the Presiding Officer the polling can be adjourned till the next day.
- (II) If the election was closed a few minutes before the schedule time due to the circumstances which are beyond the control of the polling station Officer and one voter could not cast his vote then the election can be set aside on proof that the irregularities has affected the election materially.
- (III) In case of temporary suspension for a few minutes no adjournment of polling may be necessary.
- (IV) If there is a proof that an irregularity due to the closure or the opening of polling in an improper time the election shall be set aside.
- (IV) The Presiding officer shall extend the schedule time if the voters continually give votes and many voters are left at the close of the schedule time.
34. Date for counting the votes shall be fixed and notice thereof shall be issued by the Returning Officer.

35. The counting of the votes shall be done in the presence of the Returning Officer.
36. At the counting the Returning Officer, his assistants, the candidates, their election agents or one representative of each candidate authorized by the candidate in writing shall be allowed to be present.
37. The Returning Officer shall open the sealed ballot boxes in the presence of the candidates or their election agents. After counting the ballot papers the Returning Officer shall verify the numbers with the numbers issued at each polling station.
38. In case of rejecting a ballot paper the Returning Officer shall endorse the work rejected giving brief grounds of rejection on the ballot paper and shall give reasonable opportunity to the candidates or their agents to inspect the ballot papers.
39. (I) The candidate shall appoint his agent by an expressed or implied appointment.
- (II) the candidate is responsible for the legal and illegal acts, specified below in Rules 40,41,42,43, 44 and 45 of the agent although he gives instructions to do only the legal acts.

CORRUPT PRACTICES

40. (I) Bribery includes any gift or offer or promise or any gratification to any person by the candidate or his agent or any person with the connivance of the candidate or his agent.
- (II) the object of such gift, offer etc. should be to induce a person to stand for election, abstain from it, to withdraw his candidature, to induce a voter to vote or not to vote.
- (III) Bribery includes all forms of entertainment and all forms of employment for rewards.
- (IV) The bonafide expenditure of election duly entered in the return of the election expenses is not bribery.
- (V) Mere offer is sufficient to constitute the offence of bribery. Actual acceptance is not one of the ingredients of the offence of bribery.
- (VI) (a) Innocent charity is not a bribery but on proof of bribery being given in the grab of charity the election shall be made invalid.
- (b) Intention is the real criterion to judge whether the gift was of charity or bribery.
- (VII) To offer anything big or small in order to obtain the desired immoral end contemplated in the rule is bribery.

41. (I) Treating is another form of bribery.
- (II) Corrupt giving of meals, drink, and entertainment to persons in order to influence their votes or in order to induce persons to vote or not to vote is treating.
- (III) Here also intention is the gist of treating.
- (IV) Treating of non-voters in order to influence the voters is a form of treating.
42. (I) If a person interferes or attempts to interfere with the free exercise of an electoral right of a person he is guilty of committing undue influence.
- (II) Undue influence may be exercised by the candidate or his agent or some other person through their connivance.
43. If bribery is proved in connection with an election the election shall be declared null and void and in addition to that the candidate who is found guilty of that offence may be declared disqualified for a period prescribed by the Tribunal who hear the election petition.
44. (I) A candidate shall maintain a register for keeping election expenses.
- (II) The book should show the credit and debit account specially the expenditure in conducting and managing the election by the candidate as well as by his agents. It should show the unpaid claim also.
- (III) The return of election expenses duly signed by the candidates or the election agents shall be put in within 30 days from the date of the publication of the election result in the official gazette.
45. If a successful candidate submits a false return of the election expenses then the election though not void is voidable

ELECTION PETITIONS

46. Any aggrieved person may file an election petition to the Election Tribunal claiming the relief or reliefs mentioned below :-
- (I) The election of the respondent should be declared void due to the commission of an election offence, or corrupt practice or breach of rule or law materially affecting the result of the election.
- (II) The votes should be counted again and in doing so the votes which were accepted wrongly should be excluded.
- (III) If the petitioner be an unsuccessful candidate the respondent shall be entitled to claim a writ by way of recrimination that had the petitioner been elected his election would have been void for various corrupt practices.

47. The following persons are entitled to file election petition:-
- (I) A voter who voted or has right to vote in the election in dispute.
 - (II) A person claiming himself to be candidate or claiming that he would have been elected.
 - (III) A candidate who withdraws his candidature or whose nomination paper was rejected.
 - (IV) A person who is not qualified for nomination but in fact nominated.
48. One or more persons can file the election petition.
49. After the death of the successful candidate a person can file an election petition against the successful candidate if he can assert that on recounting of votes he would have majority of votes in his favour. In this case the Returning Officer shall be made the respondent.
50. The petition shall contain the material facts on which the claim is based and the election offences and corrupt practices.
51. The election petition shall be addressed to election Tribunal.
52. The election commissioner shall ordinarily follow the procedure prescribed by the civil procedure code but in recording the evidence of a witness only the memorandum of his evidence may be sufficient.
53. The election petition can be filed within 30 days from the date of the publication of return of the election result in the State Gazette.
54. (a) The petitioner after election petition and the respondent filing the recriminatory petition must deposit Rs. 200/- as the cost of other party along with the petition or the recriminatory petition as the case may be.
- (b) If the petitioner cannot prove his claim the amount shall be forfeit to the State.
55. The election commissioner shall have the power of the District Judge as far as the adjective laws are concerned.
1. The Returning Officer shall be the Executive head of the election work.
 2. **The Maharaja in Council shall appoint the Returning Officer.**
 3. There shall be as many polling stations as will be considered necessary by the Returning Officer.
 4. There shall be one Presiding Officer at each polling Station. The presiding Officers shall be appointed by the Council on the advice of the Returning Officer.

5. There shall be as many clerks and menials including Dak runners as will be sufficient to cope with the works at the office of the Returning Officer at the Polling Station. The office of the Returning Officer shall be posted at Imphal.
6. There shall be 3 election Commissioners one of them shall be a Judge of the Chief Court who will be the Ex-officio Chairman. The Judge of the Chief court shall be nominated by the Chief Court and the other 2 Commissioners one shall be a Hillman.
 - (a) The Commissioners shall hear appeals against the order of the Returning Officer. The Commissioners will sit as Tribunal to hear election Petition etc.
 - (b) This Tribunal or the Commissioners may be attached to the Judicial Department who will propose the staff and other necessary requirements of the Council to run the show.

DEFINITION

1. (A) The Rule shall be called the Manipur State Election Rules 1948
 - (b) It will extend to the whole of Manipuri Territory.
2. In these rules the following words or expressions shall have the following meaning unless there is anything repugnant to the subject or context:-
 - (a) Maharaja means His Highness the Maharaja of Manipur.
 - (b) Council means Manipur State council.
 - (c) He denotes she as well
 - (d) Tribunal denotes Commissioners sitting in a body.