





## **Proposed DOS Elections Rules for Approval of GBM**

1. The online voting system will be auditable, verifiable, secure, 256bit encrypted with adherence to OWSAP top ten list, There will be provision of API access, voter comments, it will be transparent and immutable
2. Use of Blockchain technology, if possible
3. No overwriting of data will be permitted
4. Maximum of four votes for one IP address
5. Provisions of two unique OTP, one for SMS and another for email registered with DOS office. OTP will be valid for 05 minutes only
6. Timings of voting will be from 7.00pm to 8.30am
7. Voting for Five days including one Saturday and Sunday
8. Each vote should have secure voting key
9. Once voter submit his choice, he or she will get copy of ballott on his email.
10. Display of RTVVL on completion of election process
11. All election related complaints received by CEC will be disposed off with in 48 hours and action taken by CEC will be put on web.
12. STQC certification is mandatory
13. Audit report of server from reputed agency
14. Error and performance log report of server
15. Corrupt Electoral practices as defined in central act of registrar of society and peoples representation act will be considered as criteria for cancellation of candidature (attached as annexure)
16. There will be ban on pharmaceuticals Company sponsorship
17. There will be a level playing field. No new activities will be initiated by any contestants from current executive under the banner of DOS, once elections are announced. Only absolutely essential constitutional responsibilities will be carried out by office Bearers.



# DELHI OPHTHALMOLOGICAL SOCIETY

**Prof. (Dr.) Subhash C. Dadeya**  
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Dr. Ashu Agarwal  
Dr. Rohit Saxena

**Ex-Officio Member**  
Dr. Kamlesh  
Dr. M. Vanathi  
Dr. Vipul Nayar

*Dear DOS Member (Delhi voting member only)*

This is to inform you that the election for the Various Posts of the Delhi Ophthalmological Society will be held on **14<sup>th</sup> April, 2019 (Sunday)** as notified at **Hotel Ashok, Chanakyapuri, New Delhi** from **10:00 AM to 3:00 PM**.

*Rules for the Delhi Ophthalmological Society Election – 2019 are enclosed.*

Only Delhi members are allowed to vote in election held by the society and action will be taken against any Non Delhi Member found to be voting which may include cessation of membership.

The voter should present any one of the following document so as to justify his / her present status as DELHI VOTING MEMBER. Valid Photo ID with proof of residence or working place is a must. Photo ID must show dates of validity in order to be accepted.

Please carry your valid Photo ID card with Delhi Address.

- Photo ID Card
- Voter Identity Card
- Certificate from Institution (as proof of working place)
- Passport
- Electricity Bill
- Gas bill
- Water bill
- Undertaking regarding proof of residence

*The proof of working place can be any of the following*

- TDS Certificate
- Valid ID Card/ Certificate issued from institute / hospital/ employer

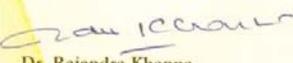
Please note that without this you will **NOT BE ALLOWED** to vote.

**Validation by any person will not be permitted / recognized as identification during the voting.**

This will save us and you from embarrassment as this is essential.

Thanking you,

Sincerely yours,

  
**Dr. Rajendra Khanna**  
Chairman - Election Commission DOS

**Address for All Correspondence**

Prof. Subhash C. Dadeya, Secretary, Delhi Ophthalmological Society  
DOS Secretariat, Room No. 205, 2nd Floor, OPD Block, Guru Nanak Eye Centre  
Maharaja Ranjit Singh Marg, New Delhi - 110002  
Ph : +91-11-23210810 • Email : dosrecords@gmail.com • Website : www.dosonline.org



**Rules Framed for Delhi Ophthalmological Society Election - 2019  
By Election Commission**

**Venue: Ashok Hotel, Chanakyapuri, New Delhi**

**Date: 14-4-2019 (Sunday) Time: 10:00 AM to 3:00 PM**

1. Only 'Delhi Members' shall be eligible to vote.
2. Only those new members are eligible to vote whose membership has been duly ratified in the last Annual General Body Meeting held on 8<sup>th</sup> April, 2018.
3. The voter should present any one of the following so as to justify his / her present status of residence or working place as per DOS constitution article 4. (b), Please carry any of the following your **Valid Photo ID card with Delhi Address Proof**:
  - a. Photo ID Card
  - b. Voter Identity Card
  - c. Certificate from Institution
  - d. Passport
  - e. Electricity Bill
  - f. Gas bill
  - g. Water bill
  - h. Undertaking regarding proof of residence

*The proof of working can be any of the following*

- a) TDS Certificate
- b) ID Card/ Certificate issued from institute / hospital/ employer  
as without this you will **not be allowed** to vote.
4. Voting hours have been fixed from **10:00 AM to 3:00 PM** on **14<sup>th</sup> April, 2019**. Members should make sure that they cast their vote within the notified time. Nobody will be allowed to cast their vote after the voting hours.
5. Election Results will be announced on the same day i.e. **14<sup>th</sup> April, 2019** after the counting is over. Result will be announced in the General Body Meeting.
6. Nobody, except the voter, will be allowed beyond a point, where a banner will be displayed - **"NO CANVASSING BEYOND THIS POINT"**. Strict action can be taken against any member violating this Guideline.
7. Representative will be allowed at the time of counting (One for each candidate). Candidates should give the names of their Representative to Election Commissioners latest by 8:30 AM on the day of election i.e. 14-04-2019 duly signed & dated with time.
8. The voters must stamp provided by office against the name of the chosen candidates, please put the Ballot Papers in the Proper boxes as labeled.
9. Candidate are requested not to send SMS / WhatsApp at odd hours
10. The candidates and their supporters are requested to canvass in a cordial and healthy manner to maintain an atmosphere of harmony and brotherhood during the Election.

Thanks for your cooperation.

**Dr. Rajendra Khanna**  
Chairman -Election Commission-DOS



## Central Government Act

### Section 25(1)(c) in The Societies Registration Act, 1860

(c) that the result of the election in so far as it concerns such office-bearer has been materially affected by the improper acceptance of any nomination or by the improper reception, refusal or rejection of any vote or the reception of any vote which is void or by any non-compliance with the provisions of any rules of the Society. Explanation.—A person shall be deemed to have committed a corrupt practice who, directly or indirectly, by himself or by any other person—

(i) induces, or attempts to induce, by fraud, intentional misrepresentation, coercion or threat of injury, any elector to give or to refrain from giving a vote in favour of any candidate, or any person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate at the election;



(ii) with a view to inducing any elector to give or refrain from giving a vote in favour of any candidate, or to inducing any person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at the election, offers or gives any money, or valuable consideration, or any place or employment, or holds out any promise of individual advantage or profit to any person;

(iii) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (i) and (ii);

(iv) induces or attempts to induce a candidate or elector to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure;

(v) canvasses on grounds of caste, community, sect or religion;

(vi) commits such other practice as the State Government may



# Chapter 11. Corrupt Practices and Electoral Offences

## 120. Corrupt practices

The following shall be deemed to be corrupt practices for the purposes of this Act

–

1. ‘Bribery’, that is to say, –
  - (A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing –
    - a. a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or
    - b. an elector to vote or refrain from voting at an election, or as a reward to –
      - i. a person for having so stood, or not stood, or for having withdrawn or not having withdrawn his candidature; or
      - ii. an elector for having voted or refrained from voting;
  - (B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward –
    - c. by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or
    - d. by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

**Explanation.** - For the purposes of this clause the term gratification is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of expenses bonafide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in Section 85.

2. ‘Undue influence’, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate, or his agent, or of any other person with the consent of the candidate or his election agent; with the free exercise



- of any electoral right: Provided that –
- a. without prejudice to the generality of the provisions of this clause any such person as is referred to therein who -
    - i. threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
    - ii. induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be tendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause.
  - b. a declaration of public policy or a promise of public action, or the more exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.
3. The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols 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 the election of that candidate or for prejudicially affecting the election of any candidate:  
Provided that no symbol allotted under any rules made under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.
  4. The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate or his agent or any other person with the consent of a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.
  5. The publication by a candidate or his agent or by other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.
  6. The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself, the members



of his family or his agent) to \_\_\_\_\_ or from any polling station provided \_\_\_\_\_ under \_\_\_\_\_ section 45:

Provided that the hiring of a vehicle or vessel by an elector or by several electors as their joint cost for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport, vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

**Explanation.** – In this clause, expression ‘vehicle’ means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

7. The incurring or authorising of expenditure in contravention of section 85.
8. The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of a panchayat or of Government, and belonging to any of the following classes, namely: -
  - a. gazetted officers;
  - b. members of police forces;
  - c. excise officers;
  - d. revenue officers; and
  - e. such other class of persons in the service of the Government as may be prescribed;

Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid, in the discharge or purported discharge or this official duty makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his election agent or any other person acting with the consent of the candidate or his election agent, (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidates election.

9. Booth capturing by a candidate or his agent or other person acting with the consent of the candidate or his election agent.



*Explanation 1.* – In this section the any expression ‘agent includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

*Explanation 2.* – For the purposes of clause (8), a person shall be deemed to assist in the furtherance of the prospects of a candidate’s election if he acts as an election agent of that candidate.

*Explanation 3.*– For the purposes of clause (8), notwithstanding anything contained in any other law, the publication in the Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government or of a panchayat shall be conclusive proof –

- i. of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and
- ii. where the date of taking effect of such appointment resignation, termination of service, dismissal or removal from service as the case may be, is stated in such publication; also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.

*Explanation 4.* – For the purposes of clause (9), ‘both capturing’ shall have the same meaning as in section 137.

## **121. Promoting enmity between classes in connection with election**

Any person who in connection with an election, under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees or with both.

## **122. Prohibition of public meetings on the day preceding the lection day and on the election day**

1. No person shall convene, hold or attend any public meeting within a constituency during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for an election in that constituency.



2. Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees.

## **123. Disturbances at election meetings**

1. Any person who at a public meeting to which this section applies, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.
2. This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member and the date on which such election is held.
3. If any police officer reasonably suspects any person of committing an offence under sub-section (1) he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

## **124. Restrictions on the printing of pamphlet, posters, etc.**

1. No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and publisher thereof.
2. No Person shall print, or cause to be printed any election pamphlet or poster —
  - a. Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
  - b. Unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document printed to such officer as may be authorised by the State Election Commission in this behalf.
3. For the purposes of this section, —
  - a. any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and
  - b. 'election pamphlet or poster' means any printed pamphlet hand bill or other document distributed for the purpose of promoting or prejudicing



the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

4. Any person who contravenes any of 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 which may extend to two thousand rupees, or with both.

## **125. Maintenance of Secrecy of voting**

1. Every Officer, Clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.
2. Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

## **126. Officers, etc. at elections not to act for candidates or to influence voting**

1. No person who is a district election officer or a returning officer or an assistant returning officer or a presiding or polling officer at an election, or an officer or employee performing any duty in connection with an election shall in the context or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.
2. No such person as aforesaid, and no member of police force, shall endeavour —
  - a. to persuade any person to give his vote at an election, or
  - b. to dissuade any person from giving his vote at an election, or
  - c. to influence the voting of any person at an election, in any manner.
3. Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to three years or with fine or with both.
4. An offence punishable under sub-section (3) shall be cognisable.

## **127. Prohibition of canvassing in or near polling stations**



1. No person shall, on the date \_\_\_\_\_ or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of two hundred metres of the polling station namely: -
  - a. canvassing for votes; or
  - b. soliciting the vote of any elector; or
  - c. persuading any elector not to vote for any particular candidate; or
  - d. persuading any elector not to vote at the election; or
  - e. exhibiting any notice or sign (other than an official notice) relating to the election.
2. any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees.

## **128. Penalty for disorderly conduct in or near polling stations.**

1. No person shall on the date or dates on which a poll is taken at any 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 or amplifying or reproducing the human voice such as a megaphone or a loudspeaker, or
  - b. shout or otherwise act in a disorderly manner within or at the entrance of 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 officers 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-section (1) shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.
3. 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-section (1), and may seize any apparatus used for such contravention.

## **129. 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 fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by



- any police officer on duty or by any person authorised in this behalf by such presiding officer.
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-enters the polling station, without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.
  4. An offence punishable under sub-section (3) shall be cognisable.

## **130. Penalty for failure to observe procedure for voting**

If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

## **131. Penalty for illegal hiring or procuring of conveyances at elections**

If any person is guilty of any such corrupt practice as is specified in [clause \(6\) of section 120](#) at or in connection with an election, he shall be punishable with fine which may extend to one thousand rupees.

## **132. List of officers and staff of the Government Departments, local self Government institutions or other authorities [and educational institutions] to be furnished**

1. Every head of office or department <sup>49</sup>[and headmasters of aided schools and principals of private affiliated colleges] [including] [‘Every head of] educational institutions of the Government and every local self Government institution or other authority shall, on requisition by the State Election Commission or an officer authorised by him furnish to him a list of officers and staff of such office’ [or educational institution] within such time as may be specified in the requisition, for performing any duty in connection



with an election to a Panchayat.

**Explanation.** – For the purpose of this section and section 145, ‘other authority’ means any authority by whatever name called, constituted by the Government under any law or established by or under any State enactment for the time being in force.

2. If any person to whom a requisition under sub-section (1) is made by the State Election Commission or an officer authorised by it fails to furnish the list of officers and staff within such time as may be specified in such requisition, he shall be punishable with fine which may extend to five hundred rupees.

<sup>49</sup> Inserted by Act 7 of 1995.

### **133. Breaches of official duty in connection with elections**

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 proceedings 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 the district election officers, returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election.  
**Explanation.** – The expression ‘official duty’ shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

### **134. Requisitioning of premises etc. for election purposes**

1. If it appears to the State Election Commission or the District Election Officer that in connection with an election to a panchayat –
  - a. any premises are needed to are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or
  - b. any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for the performance of any duties in connection with such election, the



State Election commission or as the case may be, the District Election Officer may by order in writing requisition such premises or such vehicle or vessel, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning in respect of matters including reasonable remuneration to be given therefor: Provided that no vehicle or vessel which is being lawfully, used by candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

2. The requisition shall be effected by an order in writing, addressed to the person deemed by the State Election Commission or as the case may be, the District Election Officer to be the owner or person in possession of the property.
3. Whenever any property is requisitioned under sub-section (1) the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.
4. If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.
5. In this section –
  - a. ‘premises’ means, any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
  - b. ‘vehicle’ means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.
  - c. ‘vessel’ means any vessel used or capable of being used for the purpose of water transport, whether propelled by mechanical power or otherwise.

## **135. Penalty for Government servants or servants of a local self Government institution for acting as election agent, polling agent or counting agent**

If any person in the service of the Government or of a local self Government institution acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.



## **136. Removal of ballot papers from polling station to be an offence**

1. Any person who at any election fraudulently takes, a or attempts to take a ballot paper, out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both.
2. If the presiding officer of a polling station 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 women 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 presiding officer 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 cognisable.

## **137. Offence of booth capturing**

Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government or a local authority, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation. – For the purposes of this section, ‘booth capturing’ includes among other things, all or any of the following activities, namely: -

- a. seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections.
- b. taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting.
- c. threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;



- d. seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes.
- e. doing by any person in the service of the Government or a local authority of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

## **138. Other offences and penalties thereof**

1. A person shall be guilty of an electoral offence, if at any election he -
  - a. fraudulently defaces or fraudulently destroys any nomination papers; or
  - b. fraudulently defaces, destroys or removes any list; notice or other document affixed by or under the authority of a returning officer; or
  - c. fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; 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 authorised by law to put in; or
  - f. without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the election; or
  - g. fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.
2. Any person guilty of an electoral offence under this section shall, -
  - a. if he is a returning officer or an assistant returning officer or a presiding officer of a constituency or any other officer or employee on official duty in connection with the election, 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 an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression 'Official duty' shall not include any duty imposed otherwise than by or under this Act.