

95 120  
157

(5) Nothing in these rules shall prevent any candidate from being nominated by more than one nomination paper:

Provided that no more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency.

40. **Symbols:** Subject to any general or special direction issued by the Commission, where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration even if that nomination paper has been rejected.

(2) Every nomination paper delivered under rule 39 shall be accompanied by a declaration by the candidate in writing specifying a particular symbol which he has chosen as his first preference, within the list of symbols notified by the Commission and also specifying two other symbols out of that list which he has chosen as second and third preferences respectively.

(41) **Deposits:** (1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited a sum of two hundred and fifty rupee. The deposit shall be forfeited if the candidate does not secure atleast one-sixth of the total number of valid votes polled. The deposited money if not forfeited, shall be returned to the candidate after the declaration of the result:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this sub-rule.

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been so deposited unless at the time of delivery of the nomination paper under sub-rule (1) of rule 39 the candidate has either deposited or caused to be deposited that sum with returning officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in any bank functioning in that area which it authorized for making government transactions.

42. **Printing and price of nomination forms:** The Returning Officer shall arrange for the supply of printed nomination forms to the candidates. The price of each nomination form shall be such as may be fixed by the commission.

43. **Notice of Nomination and the time and place for their scrutiny:** The Returning Officer shall, on receiving the nomination paper under rule 39, inform the person delivering the same, 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 prepared a list of nominations received by him as per Form 6 and also cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper; both the candidate and of the proposer.

44. **Scrutiny of nominations:** (1) On the date fixed for the scrutiny of nominations under clause (b) of rule 36, the candidates their election agents, one proposer of each candidate and one other person duly authorized in writing by each candidate, but no other person, may attend, at the appointed time and place, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 39.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, rejects any nomination on any of the following grounds, namely:-