

- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under the Regulation or these rules;
- (b) that there has been any failure to comply with any of the provision of the rules 39 and 41; or
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b), or clause (c) of sub-rule (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 36 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by cause beyond his control:

Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings had been adjourned.

(6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this rule a certified copy of the entry in the electoral roll for the time being in force of constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency.

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejection the same have been recorded, the returning officer shall prepare a list of validity nominated candidates in Form 7, that is to say, candidates whose nomination have been found valid, and affix it on the notice board of his office. The list shall be prepared in Hindi and English languages and the names shall be arranged in an alphabetical order in Hindi.

(9) The name of every such candidate shall be shown in Form 7 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 candidates is prepared, furnish in writing to the returning officer the proper form and spelling of his name and the returning officer shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list and adapt the form and spelling in the list of contesting candidates.

(45) Withdrawal of candidature:

(1) Any candidate may withdraw his candidature by a notice in writing in Form 8. On receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered.

(2) Every notice of withdrawal of candidature under sub-rule (1) shall be subscribed by the candidate and delivered before three O'clock in the afternoon on the day fixed under clause (c) of rule 36 to the returning officer either by such candidate in person or by his proposer or election agent who has been authorized in this behalf in writing by such candidate.