

GOVERNMENT OF PONDICHERRY
LOCAL ADMINISTRATION(SECRETARIAT)

(G.O. Ms. No. 227/LAS/2001-2002, dated 18 March 2002)

NOTIFICATION

In exercise of the powers conferred by clause(11) and (mm) of sub-section(2) of section 65 of the Pondicherry Municipalities Act, 1973 (No.9 of 1973) and of all other powers enabling her in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules further to amend the Pondicherry Municipal Councils (Conduct of election of councillors) Rules, 1974, namely:—

1. *Short title and commencement:*— (1) These rules may be called the Pondicherry Municipal Councils (Conduct of Election of Councillors) Amendment rules, 2002.

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

2. In the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 (hereinafter referred to as the said rules) for rule 23, the following shall be substituted namely:—

“23. *Admission to polling stations:*— The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than:—

- (a) Polling Officers;
- (b) Public servants on duty in connection with the election;
- (c) Persons authorized by the State Election Commission;
- (d) Candidates, their election agents and subject to the provisions of rule 24, one polling agent for each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the Returning Officer or the Presiding Officer may employ under sub-rule(2) of rule 27 or sub-rule (1) of rule 28”.

3. *Amendment of rule 25.*— In the said rules, for rule 25, the following shall be substituted namely:-

“25. *Arrangements at polling stations:*— (1) Outside each polling station there shall be displayed prominently—

- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be set up one or more voting compartments in which electors can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguished mark on ballot papers and articles, necessary for electors to mark the ballot papers."

4. *Amendment of rule 26.*— In the said rules, after sub rule (3) of rule 26, the following shall be inserted namely;-

"(3A) Where it is not necessary to use paper seals for securing the ballot boxes, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals."

5. *Insertion of new rule 26A.*— In the said rules, after rule 26, the following rule shall be inserted, namely;-

"26A. In the said rules, after rule 26, the following rule shall be inserted, namely;-

"26A. *Marked copy of Electoral roll.*— Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain-

- (a) any entry other than that made in pursuance of clause (b) of sub-rule(2) of rule 33; and
- (b) any mark other than the mark made in pursuance of clause (b) of sub-rule (2) of rule 36."

6. *Amendment of rule 28.*— In the said rules, after sub-rule(2) of rule 28, the following shall be substituted namely;-

"(2A) where the polling station is situated in a ward, the electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the Presiding Officer or the polling officer authorized by him in this behalf".

7. *Insertion of new rule 28.*— In the said rules, after rule 28, the following rule shall be inserted, namely;—

"28A. *Facilities for public servants on election duty;*— (1) The provisions of rule 28 shall not apply to any person who produces at the polling station an election duty certificate in Form 13-B and ask for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate, the Presiding Officer shall—

- (a) obtain thereon the signature of the person producing it;
- (b) have the person's name and electoral number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) issue to him a ballot paper, and permit him to vote in the same manner as for an elector entitled to vote at that polling station."

8. *Amendment of rule 29.*— In the said rules, for sub-rules(2) of rule 29 the following shall be substituted, namely:-

"(2) If any elector—

- (a) refuses to allow his left little finger to be inspected or marked in accordance with sub-rule(1) or has already such a mark on his left little finger or does any act with a view to removing the ink mark, or
- (b) fails or refuses to produce his identity card as required by sub-rule(2A) of rule 28, he shall not be supplied with any ballot paper or allowed to vote".

9. In the said Rules, in rule 31, after sub-rule(2) the following sub-rule shall be inserted namely;

"(2A) Every elector to whom a ballot paper has been issued under this rule or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down."

10. *Amendment to rule 33.*— In the said rules, the existing rule 33 shall be renumbered as sub-rule(1) thereof, and after the said sub-rule(1) as so renumbered, the following sub-rule shall be inserted, namely:—

"(2) where such a voter, being a Polling Officer, Presiding Officer or other public servant on election duty in the ward of which he is an elector, wishes to vote in person at an election in a municipal ward and not by post, he shall send an application in Form 13A to the Returning Officer so as to reach him at least four days, or such shorter period as the returning officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the ward, he shall—

- (a) issue to the applicant an election duty certificate Form 13B,
- (b) mark "EDC" against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him, and
- (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote."

11. *Amendment of rule 36.*— In the said rules, for clauses (a) and (b) of sub-rule (2) of rule 36, the following shall be substituted, namely:—

- “(a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll;
- (b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to that elector; and
- (c) ensure that the elector is not allowed to vote at a polling station.”

12. *Amendment of rule 40.*— In the said rules, in sub-rule(1) of rule 40, for the words “before the hour fixed for the close of the poll on the date or the last of the dates fixed for the poll” occurring at the end, the words “before the hour fixed for the commencement of counting of votes” shall be substituted.

13. *Amendment of rule 42.*— In the said rules, in sub-rule(2) of rule 42, the existing clause (a) thereof shall be renumbered as clause (aa) and before the said clause (aa) as so renumbered, the following shall be inserted, namely;—

“(a) warn the person challenged of the penalty for personation;”

14. *Amendment of rule 43.*— In the said rules, for clauses(b) of sub-rule(3) of rule 43, the following shall be substituted, namely.—

“(b) along with the counterfoil endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand and signed by him”

15. *Amendment of rule 44.*— In the said rules, in sub-rule(2) of rule 44, after the words, “and the ballot paper so returned” the words “and the counterfoil of such ballot paper” shall be inserted.

16. *Amendment of rule 49.*— In the said rules, the existing rule 49 shall be renumbered as sub-rule(1) thereof and after the said sub-rule(1) as so renumbered, the following shall be inserted, namely,—

“(2) The returning officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes”

17. *Insertion of new rules 49A to 49X.*— In the said rules, after rule 49, the following rules shall be inserted, namely;—

VOTING BY ELECTRONIC VOTING MACHINE

49A. *Design of Electronic Voting Machines.*— Every electronic voting machine (hereinafter referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Election Commission.

49B. Preparation of voting machine by the Returning Officer.— (1) The balloting unit of the voting machine shall contain such particulars and in such language or languages as the Election Commission may specify.

(2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates.

(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.

(4) subject to the foregoing provisions of this rule, the returning officer shall-

(a) fix the label containing the names and symbols of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;

(b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

49C. Arrangements at the Polling Stations.— (1) Outside each polling station there shall be displayed prominently—

(a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled, and

(b) a copy of the list of contesting candidates

(2) At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.

(3) The Returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election materials as may be necessary for taking the poll.

(4) With prejudice to the provisions of sub-rule (3), the Returning Officer may, with the previous approval of the State Election Commission, provide one common voting machine for two or more polling stations located in the same premises.

49D. Admission to polling stations.— The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all person other than

(a) Polling Officers

(b) public servants on duty in connection with the election

- (c) persons authorized by the State Election Commission
- (d) candidates, their election agents and subjects to the provisions of rule 24, one polling agent of each candidate
- (e) a child in arms accompanying an elector
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other person as the Returning Officer or the Presiding Officer may employ under sub-rule(2) of rule 27 or sub-rule(1) of rule 28.

49E. Preparation of voting machine for poll.— (1) The control unit and balloting unit of every voting machine used at polling station shall bear a label marked with—

- (a) the serial number, if any, the name of the municipal ward and the name of the municipal council;
- (b) the serial number and name of the polling station or stations as the case may be;
- (c) the serial number of the unit; and
- (d) the date of poll

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule(4)

(3) A paper seal shall be used for securing the control unit of the voting machine, and the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as the desirous of affixing the same

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of the voting machine and shall secure and seal the same,

(5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal.

(6) The control unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and the balloting unit placed in the voting compartment.

49F. Marked copy of electoral roll.— Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain—

- (a) any entry other than that made in pursuance of clause (b) of sub-rule(2) of rule 33 and
- (b) any mark other than the mark made in pursuance of clause (b) of sub-rule(2) of rule 36

49G. *Facilities for women electors.*—(1) where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors, and in particular to help frisking any woman elector in case it become necessary.

49H. *Identification of electors.*— (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll

(2) As such elector enters the polling station, the Presiding Officer or the Polling Officer authorized by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, names and other particulars of the elector;

(3) Where the polling station is situated in a constituency electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the Presiding Officer or the Polling Officer authorized by him in this behalf;

(4) In deciding the right of a person to cast his vote, the Presiding Officer or the Polling Officer, as the case may be, shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

49I. *Facilities for public servants on election duty.*— (1) The provisions of rule 49H shall not apply to any person who produces at the polling station an election duty certificate in Form-13B and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

(2) On production of such certificate, the Presiding Officer shall —

- (a) obtain thereon, the signature of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

49J. *Challenging of Identity.*— (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall—

- (a) warn the person challenged of the penalty for personation
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry,
- (c) enter his name and address in the list of challenged votes in form 20; and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath, and
- (c) administer an oath to the person challenged and any other person offering to give evidence

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established he shall allow the person challenged to vote, and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule(1) be forfeited to Government and in any other case, return to the challenger at the conclusion of the inquiry.

49.K. Safeguards against personation.— (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left little finger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on the back of the left little finger immediately above the root of the nail on the skin.

(2) If any elector—

- (a) refuses to allow his left little finger to be inspected or marked in accordance with sub-rule(1) or has already such a mark on his left little finger or does any act with a view to removing the ink mark; or
- (b) fails or refuses to produce his identity card as required by sub-rule(3) of rule 49-H, he shall not be allowed to vote.

(3) Any reference in this rule to the left little finger of an elector shall, in the case where the elector has his left little finger missing be construed as a reference to any other finger to his left hand, and shall, in the case where all the fingers of his left hand are missing be construed as a reference to the little finger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

49L. Procedure for voting by voting machines- (1) Before permitting an elector to vote, the Polling Officer shall—

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 21A;
- (b) obtain the signature or the thumb impression of the elector on the said register of votes; and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate he has been allowed to vote;

Provided that no elector shall be allowed to vote unless he has his signature or thumb impression on the register of voters.

(2) Notwithstanding anything contained in sub-rule(2) of rule 2 it shall be necessary for any Presiding Officer or Polling Officer or any other Officer to attest the thumb impression of the elector on the register of voters.

49M. Maintenance of secrecy of voting by electors within the polling station and voting procedure:— (1) Every elector who has been permitted to vote under rule 49L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote, the elector shall proceed to the Presiding Officer or the Polling Officer incharge of the control unit of the voting machine who shall by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote.

(3) The elector shall thereafter forthwith—

- (a) proceed to the voting compartment;
- (b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and
- (c) come out of the voting compartment and leave the polling station;

(4) Every elector shall vote without undue delay.

(5) No elector shall be allowed to enter the voting compartment when another elector is inside it.

(6) If an elector who has been permitted to vote under rule 49P refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule(3) of the said rules the Presiding Officer or a Polling Officer under the direction of the Presiding Officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6) a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form 21A by the Presiding Officer under his signature.

49N. *Recording of votes of blind or infirm electors.*— (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities and elector is unable to recognize the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him, a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes.

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.

(2) The Presiding Officer shall keep a record in Form 19 of all cases under this rule.

49-O. *Elector deciding not to vote.*— If an elector, after his electoral roll number has been duly entered in the register of voters in Form-21A and has put his signature or thumb impression thereon as required under sub-rule(1) of rule 49L, decided not to record his vote, a remark to this effect shall be made against the said entry in Form 21A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

49P. *Tendered Votes.*— (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or languages as the State Election Commission may specify.

(2) Every such elector shall before being supplied with tendered ballot paper write his name against the entry relating to him in Form-21B.

(3) On receiving the ballot paper he shall forthwith—

- (a) proceed to the voting compartment;
- (b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;
- (d) show to the Presiding Officer, if required, the distinguishing mark on the ballot paper;

(e) give it to the Presiding Officer who shall place it in a cover specially kept for the purpose; and

(f) leave the polling station.

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 49N for recording the vote in accordance with his wishes.

49Q. Presiding Officer's entry in the voting compartment during Poll,— (1) The Presiding Officer may whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

(2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

49R. Closing of Poll.— (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 21 or sub-rule(4) of rule 45 or clause (a) of sub-rule(2) of rule 46 and shall not thereafter admit any elector into the polling station.

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the Presiding Officer and his decision shall be final.

49S. Account of votes recorded.— The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form 22A and enclose it in a separate cover with the words 'Account of Votes Recorded' superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form 22A after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

49T. Sealing of voting machine after poll;— (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from control unit

(2) The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

(3) The Polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.

49U. *Sealing of other packets;*— (1) The Presiding Officer shall then make into separate packets;—

- (a) The marked copy of the electoral roll;
- (b) The register of voters in Form 21A;
- (c) The cover containing the tendered ballot papers and the list in Form 21B;
- (d) The list of challenged votes; and
- (e) Any other papers directed by the State Election Commission to be kept in a sealed packet.

(2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

49V. *Transmission of voting machines, etc to the Returning Officer.*— (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct;—

- (a) the voting machine;
- (b) the account of votes recorded in Form 22A;
- (c) the sealed packets referred to in rule 49U; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

49W. *Procedure on adjournment of poll;*— (1) If the poll at any polling station is adjourned under sub-rule (1) of rule 45 the provision of rules 49S to 49V shall, as far as practicable apply as if the poll was closed at the hour fixed in that behalf under rule 21.

(2) When an adjourned poll is recommended under sub-rule (3) of rule 45 the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 21A and a new voting machine.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.

(5) The provisions of rules 49A to 49V shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

49X. Closing of voting machine in case of booth capturing;— Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting that from the control unit.

18. Insertion of new rules 58A to 58D.— In the said rules, after rule 58, the following rules shall be inserted, namely:—

58A. Counting of votes where an electronic voting machines have been used. In relation to counting of votes at a polling station where voting machine has been used.

(1) the provisions of rules 50 to 53 and in lieu of rules 54, 55, 56 and 57 the following rules shall respectively apply, namely

58B. Scrutiny and inspection of voting machines:— (1) The Returning Officer may have the control unit of the voting machines used at more than one polling station taken up for scrutiny and inspection of votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any central unit of a voting machine are counted under sub-rule(1) the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The Returning Officer shall satisfy himself that none of the voting machines has in fact been tampered with

(4) If the Returning Officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 45, or rule 46 as may be applicable in respect of the polling station where that machine was used.

58C. Counting of votes.— (1) After the Returning Officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the Returning Officer shall have:—

- (a) the number of such votes recorded separately in respect of each candidate in part-II of Form-22A;
- (b) Part-II of Form-22A completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present, and

- (c) corresponding entries made in a result sheet in Form 25 and the particulars so entered in the result sheet announced.

58D. *Sealing of voting machine.*— (1) After the result of voting recorded in a control unit has been ascertained candidatewise and entered in part II of the Form-22A and Form 25 under rule 58C, the Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that their result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the Returning Officer shall record the following particulars namely;

- (a) the name of the constituency;
- (b) the particulars of polling stations where the control unit has been used;
- (c) serial number of the control unit;
- (d) date of poll; and
- (e) date of counting;

(ii) the provisions of rules 54(5)(a) and 58 to 60 shall so far as may be apply in relation to voting by voting machine and any reference in those rules to,

- (a) ballot paper shall be construed as including a reference to such voting machine
- (b) any rule shall be construed as a reference to the corresponding rules 49A or as the case may be to rules 58B or 58C or 58D"

19. *Amendment of Form-2.*— In the said rules, for Form-2, the following shall be substituted, namely,—

"FORM-2"

Nomination paper

(See rule 11)

Election to the Municipal Councils of the Union Territory of Pondicherry

I nominate as a candidate for the election of a councillor to the ward No. of the municipal council of chairman of the municipal council of (strike out whichever is not applicable)

Candidate Name :

His postal address :

His name is entered at Sl. No. in part No. of the electoral roll for the ward No. of the municipal council of

My name is and it is entered at Sl. No. in part No. for the electoral roll for ward No. of the municipal council of

Date :

Signature of proposer

I, the above mentioned candidate, assent to this nomination and hereby declare that;—

(a) that I have completed years of age and that I am a citizen of India;

*(b) that I am sponsored at this election by the Party

*(c) that the symbols I have choosen are, in order of preference in respect of election to chairman of Municipal councils

(i) (ii) (iii)

I further declare that I am a member of the caste which is a scheduled caste of the Union Territory of Pondicherry.

Date :

Signature of candidate

* Strike out this paragraph, if not applicable,

Note: It should be clearly understood under the proviso to section 12A (1) (b) of the Pondicherry Municipalities Act, 1973.—

(i) a person who contests for election as a councillor shall not be eligible to contest for election as chairman

(ii) No councillor shall be eligible for election as chairman.

(To be filled by the Returning Officer)

Serial No. of nomination paper

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

Date :

Returning Officer

*Score out the word not applicable

Decision of Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 14 of the Pondicherry
Municipal Councils (Conduct of Election of Councillors) Rules, 1974 and decide as follows;

Date :

Returning Officer

.....perforation.....

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the notification)

Serial No. of nomination paper

The nomination paper of a candidate for election to the ward
No. of the municipal council of was delivered to
me at my office at (hour) on (date) by
*the candidate/proposer.

All nomination papers will be taken up for scrutiny at (hour)
on (date) at(place)

*score out the word not applicable.

Date :

Returning Officer

20. *Insertion of new Forms 13-A and 13-B.*— In the said rules, after Form 13, the following form shall be inserted, namely:-

"FORM 13-A"

[See rule 33(2)]

To

The Returning Officer for the ward No. of the Municipal Council
of

Sir,

I intend to cast my vote in person in the ensuing election to the Municipal Council of
..... from the ward No.

My name is entered at serial number in part
No. of the electoral roll for ward No. of the Municipal
Council of

I request that an Election Duty Certificate in Form 13-B may be issued to enable me
to vote at the polling station where I may be on duty on the polling day. It may be sent
to me at the following address:—

Yours faithfully,

Place :

Date :

FORM 13-B
[See rule 28A(1)]

ELECTION DUTY CERTIFICATE

Certified that is an elector in the ward
No. his electoral roll number being
that by reason of his being on election duty, he is unable to vote at the polling station
where he is entitled to vote and that he is therefore hereby authorized to vote at any polling
station in the said ward where he may be on duty on the date of poll.

Signature

Place :

Date :

Returning Officer

21. *Insertion of New Forms 21-A and 21-B.*— In the said rules, after Form-21, the following Forms shall be inserted, namely:-

"FORM-21A"

(See rule 49L)

REGISTER OF VOTERS

Election as councillor to ward No. / Chairman of
Municipal council No. and name of polling station Part No. of
the Electoral roll

Sl. No.	Sl. No. of elector in the Electoral roll	Signature/Thumb impression of elector	Remarks
1.			
2.			
3.			
4.			
5.			
etc.			

Signature of Presiding Officer

FORM-21B
(See rule 49P)

LIST OF TENDERED VOTES

Election as councillor to ward No. / Chairman of
Municipal council No. and name of polling station Part No. of
the Electoral roll

Sl. No.	Name of elector	Sl. No. of elector in electoral roll	Sl. No. in Form 21A of the person who has already voted in place of elector	Signature/ Thumb impression of elector
1.				
2.				
3.				
4.				
5.				
etc.				

Date :

Signature of Presiding Officer

9. In the said rules, after Form 22, the following Form shall be inserted, namely:-

Form 22A

(See rule 49S)

PART-I - ACCOUNT OF VOTES RECORDED

Election as Councillor to ward No. /Chairman of
Municipal Council No. and name of polling station Part No. of
electoral roll Identification No. of the voting
control unit Machine used at the polling station balloting
unit (Sl. No.)

1. Total No. of electors assigned to the polling station ..
2. Total No. of voters as entered in the register of voters ..
3. Total No. voters deciding not to record votes under rule 49O ..
4. No. of voters not allowed to vote under rule 49M ..
5. Total No. of votes recorded as per voting machine ..
6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus No. of voters deciding not to record votes as against item 3 minus No. of voters as against item 4 (2-3-4) or any discrepancy noticed: ..
7. No. of voters to whom tendered ballot papers were issued under rule 49P: ..
8. No. of tendered ballot papers ..

- (a) received for use.....
- (b) issued to electors.....
- (c) not used and returned.....

9. Account of paper seals

- (a) paper seals supplied.....
- (b) paper seals used.....
- (c) unused paper seals returned (a-b).....
- (d) serial number of paper seals damaged....

Serial No.
From To

Serial No.
From To Total

Place :

Date :

Signature of Presiding Officer

Polling Station No.

Sl. No.	Name of Polling agents	Signature
1.
2.
3.
4.
5.

PART II - RESULT OF COUNTING

Sl. No.	Name of candidate	No. of votes recorded
1.
2.
3.
4.
5.
6.
Total	

Whether the total No. of votes shown above tallies with the total No. votes shown against item 5 of Part-I or any discrepancy noticed between the two totals:

Place :

Signature of Counting Supervisor

Date :

Sl. No.	Name of candidate/election agent/counting agent	Full signature
1.
2.
3.
4.
5.
6.

Place :

Signature of Returning Officer

Date :