

GOVERNMENT OF PUDUCHERRY  
**LOCAL ADMINISTRATION SECRETARIAT**  
(G.O.Ms.No.68/LAS/2005, dated 27<sup>th</sup> January 2005)

NOTIFICATION

In exercise of the powers conferred by section 38 read with section 48 of the Puducherry Village and Commune Panchayat Act, 1973 (No.10 of 1973), and of all other powers enabling him in this behalf, the Lieutenant-Governor, Puducherry in supersession of the notification issued under G.O.Ms.No.58/LAS/96, dated 4-9-1996 of the Development Department(LA), Puducherry and published in Part-II of the Extraordinary Gazette No.16, dated 4-9-1996, in so far as it relates to the Office of Vice-Chairman, Commune Panchayat Council, save as respects things done or omitted to be done before such supersession, hereby makes the following rules, namely:-

1. *Short title, extent and commencement.*— (1) These rules may be called the Puducherry Commune Panchayat Councils (Election of Vice-Chairman) Rules, 2005.

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

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Puducherry Village and Commune Panchayats Act, 1973 (No.10 of 1973);

(b) "Section" means a section of the Act; and

(c) "Returning Officer" means the person appointed by the Election Authority and includes any Assistant Returning Officer appointed by such authority and who is competent to perform by virtue of authorization all or any of the functions of the Returning officer.

3. *Election of Vice-Chairman of Commune Panchayat Councils.*— (1) The election of the Vice-Chairman shall be held in the Commune Panchayat Officer by and from among the directly elected members of the Commune Panchayat Council at a meeting specially convened for the purpose.

(2) The meeting for the election of a Vice-Chairman of the Commune Panchayat, shall be convened as soon as possible, after the occurrence of the vacancy, by the Returning Officer.

(3) The meeting for the election of the Vice-Chairman shall be presided over by the Returning officer.

(4) Every candidate for election as Vice-Chairman must be nominated in writing and the nomination paper must be signed by two of the directly elected members of the Commune Panchayat Council as proposer and seconder. The proposer shall, when proposing the name of any candidate, deliver to the Returning Officer a declaration in writing, expressing the candidate's willingness to be elected as Vice-Chairman signed by the candidate and by the proposer and the seconder.

(5) The names of all the candidates who have been proposed and seconded shall be read out by the Returning Officer to the members present at the meeting.

(6) If there is only one candidate duly nominated to the Office of the Vice-Chairman of the Commune Panchayat Council, there shall be no ballot and the candidate shall be declared to have been duly elected as Vice-Chairman.

(7) If the number of candidates is more than one, the votes of the members present at the meeting shall be taken by the ballot in the manner as prescribed in these rules.

*4. Recording of votes by the Returning Officer.—* (1) The Returning Officer shall provide in the place, where the meeting is held, a voting compartment in which the members can record their votes screened from observation. The Returning Officer shall also place a ballot box in his view and in the view of members for the receipt of ballot papers. The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked or opened.

(2) The Returning Officer shall, immediately before the votes are taken, show the ballot box empty to such members as may be present so that they may see that it is empty and shall then lock it up and place a seal upon it in such a manner as to prevent it from being opened without breaking such seal.

(3) Every member wishing to vote shall be supplied with a ballot paper on which the names of all the candidates shall be legibly written in the following form in English and in the regional language, namely:-

## BALLOT PAPER

### COMMUNE PANCHAYAT COUNCIL

Names of candidates duly nominated for election as Vice-Chairman of the Commune Panchayat Council:-

(1) \_\_\_\_\_

(2) \_\_\_\_\_

The ballot paper shall be signed by the Returning Officer before being handed over to the member.

5. *Voting by the member.*— (1) The member shall, on receiving the ballot paper proceed to the voting compartment for the purpose of recording his vote and put a cross mark on the ballot paper against the name of the candidate for whom he wishes to vote. He shall, before quitting the voting compartment, fold up the ballot paper so as to conceal the mark and put the ballot paper so folded up into the ballot box in the presence of the Returning Officer.

(2) The Returning Officer shall cause such arrangements to be made as will ensure the secrecy of the ballot and prevent the members who have already voted from having access to the members who are yet to vote.

6. *Casting of vote by handicapped member.*— (1) If, owing to illiteracy or blindness or other physical infirmity, a member is unable to read the ballot paper and make a mark thereon, and applies for assistance in doing so, the Returning Officer shall record the vote in the ballot paper in accordance with the wishes of the member and fold it up so as to conceal the mark.

(2) The member shall then himself or with the assistance of the Returning Officer insert the ballot paper into the ballot box.

(3) While acting under this rule, the Returning Officer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been cast.

7. *Opening of ballot box.*— After the voting by the members is over, the Returning Officer shall open the ballot box in the presence of the members present, take out the ballot papers therefrom and record the number of votes obtained by each candidate in a statement.



8. *Invalidating of the ballot paper.*— A ballot paper shall be invalid on which,—

- (a) there is no cross mark, or
- (b) a cross mark is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
- (c) a cross mark and some other mark are set opposite the name of the same candidate; or
- (d) any mark is made by which the member may afterwards be identified.

9. *Declaration of winning candidate.*— (1) If the number of candidates is two, the candidate who obtains the largest number of votes shall be declared to have been duly elected. In the event of there being an equality of votes between the two candidates and the addition of one vote to any one of such candidate will entitle him to be declared duly elected, the Returning Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be deemed to have secured the additional vote and shall be declared to have been duly elected.

(2) If the number of candidates is three and if any one of them secure more than one-half of the number of votes, he shall be declared to have been duly elected. If none of them secures more than one-half of the number of votes, the candidate who obtains the smallest number of votes shall be eliminated and a second ballot taken. If there is an equality of votes among all the candidates, the Returning Officer shall draw lots in the presence of the members present and the candidate whose name is first drawn shall be eliminated and a second ballot taken.

(3) If the number of candidates is more than three and if any of the candidates secures more than one-half of the number of votes, he shall be declared to have been duly elected. If none of the candidates secures more than one-half of the number of votes, the first candidate who secures the largest number of votes and the second candidate who secures the next largest number shall be retained and the others eliminated and a second ballot taken. In the event of there being an equality of votes between more than one candidate affecting the determination of which one of them secures the second largest number of votes, the Returning Officer shall draw lots in the presence of the members present and the candidate whose name is first drawn shall be deemed to have secured the second largest number of votes. Thereafter, the second ballot shall be conducted and the results declared in accordance with the provisions of sub-rule (1).

10. *Preparation of record of proceedings by Returning Officer.*— (1) Immediately after the meeting, the Returning Officer shall—

(a) prepare a record of the proceedings of the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;

(b) send a report of the result of the election to the State Election Commissioner;

(2) The Returning Officer shall publish on the notice-board of the Commune Panchayat Office, a notification signed by him stating the name of the person elected as Vice-Chairman and also publish the notification in the official gazette.

*11. Preservation of ballot papers for a specified period.—* (1) The Returning Officer shall then make up the ballot papers into a separate packet, seal up the packet and note thereon a description of its contents, the election to which it relates and the date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced except under the orders of a competent court.

(3) The Returning Officer shall keep in safe custody or cause to be deposited in the custody of the officer as may be specified by the Election Commission, the packets of unused ballot papers, the packets of used ballot papers, whether valid, tendered or rejected and all other papers relating to the election, for one year.

Provided that the Returning Officer shall not destroy, during the pendency of court proceedings if any, in respect of such election proceedings, any papers relating to the election.