

GOVERNMENT OF PUDUCHERRY
LOCAL ADMINISTRATION SECRETARIAT
(G.O.Ms.No.11/LAS/2006, dated 27th April 2006)

NOTIFICATION

In exercise of the powers conferred by clause (c) of sub-section (2) of section 65 of the Puducherry Municipalities Act, 1973 (Act No.9 of 1973) and of all other powers enabling him in this behalf, the Lieutenant-Governor, Puducherry hereby makes the following rules further to amend the Puducherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, namely:-

1. *Short title and Commencement.*— (1) These rules may be called the Puducherry Municipal Councils (Conduct of Election of Councillors) Amendment Rules, 2006.

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

2. *Substitution of rules 3,4,5,6 and 7.*— In the Puducherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 (hereinafter referred to as the said rules), for the rules 3,4,5,6 and 7, the following rules shall be substituted, namely:-

“3. Observers and District/Regional Election Officer.— (1) The State Election Commission may nominate or designate one or more observers who shall be an officer of the Government to watch the conduct of elections to the Municipalities and to perform such other functions as may be entrusted to him by the State Election Commission.

(2) The District Collector/ Regional Administrator shall be appointed as the District Election Officer/ Regional Election Officer subject to superintendence, direction and control of the State Election Commission, the District Election Officer/ Regional Election Officer shall co-ordinate and supervise all works in connection with the conduct of elections to the Municipalities under his territorial jurisdiction. He shall also perform such other functions as may be entrusted to him by the State Election Commission from time to time.

4. Appointment of Returning Officer and Assistant Returning Officer and their general duties.— (1) The District Election Officer, if so authorized by the State Election Commission in this behalf, may appoint an officer not below the rank of Group ‘A’ Gazetted Officer of the Government to be the Returning Officer for the conduct of election under these rules.

(2) Subject to the superintendence, direction and control of the State Election Commission and under the supervision and guidance of the District Election Officer as the case may be, the Returning Officer shall be responsible for the proper conduct

of the elections in the manner provided in the Act, the rules made thereunder and any other orders issued by the State Election Commission from time to time.

(3) It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election within his jurisdiction in the manner provided by the Act and the rules or orders made thereunder.

(4) The District Election Officer if so authorized by the State Election Commission in this behalf, may appoint one or more persons as Assistant Returning Officers to assist any Returning Officer in the performance of all or any of his duties and functions.

(5) Provided that every such person shall be an Officer not below the rank of Group 'B' Gazetted Officer of the Government or equivalent.

(6) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the duties and functions of the Returning Officers as may be directed by the Regional Election Officer or the District Election Officer from time to time.

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said functions.

5. Provision of polling stations.— The Returning Officer concerned, shall with the previous approval of the District Election Officer provide sufficient number of polling stations for every ward the whole or greater part of which lies within his jurisdiction, and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or groups of votes for which they have respectively been provided.

6. Appointment of Presiding Officers and Polling Officers and their general duties.— (1) The Returning Officer shall appoint one Presiding Officer not below the rank of Group 'B' Gazetted Officer of the Government or equivalent for each polling station but he shall not so appoint any person who is in the employment of the respective Municipality.

(2) Subject to the provisions of these rules, it shall be the general duty of the Presiding Officer at a polling station to maintain and ensure the free, fair and efficient conduct of election.

(3) The Returning Officer shall also appoint such number of polling officers not below the rank of Upper Division Clerks in the ministerial service of the Government or equivalent in accordance with the scale prescribed by the State Election

Commission, for each polling station to assist the Presiding Officer in the performance of his functions:

Provided that he shall not so appoint any person who is in the employment of the respective Municipality.

(4) (a) It shall be the duty of the Polling Officers to assist the Presiding Officer in the performance of his functions.

(b) If the Presiding Officer owing to illness or other unavoidable circumstances is obliged to absent himself from the polling station his duties and functions shall be performed by such Polling Officer as has been specifically authorized by the Returning Officer to perform such functions during any such absence.

7. Officers or staff deemed to be on deputation to the Commission and disciplinary jurisdiction of Commission over such Officers and staff.— (1) All the officers referred to in this part and any other Officer or staff and any police officer designated for the time being by the Government, for the conduct of any election to the Municipality shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election.

(2) The officers and employees referred to in this part shall during their period of deputation to the State Election Commission, be subject to the control, superintendence and discipline of the State Election Commission.

(3) The State Election Commission shall have power to suspend any officer/ official/ police personnel deputed to the State Election Commission for the purpose of conduct of elections to Municipalities, for insubordination or dereliction of duty and the State Election Commission may also direct substituting any officer/ official/ police personnel by another person besides making recommendation to the competent authority for taking disciplinary action for insubordination or dereliction of duty while on election duty or in the preparation of electoral rolls. The disciplinary authority concerned shall communicate the action taken to the State Election Commission within a period of six months from the date of recommendation of the "State Election Commission".

(By order of the Lieutenant-Governor)