

GOVERNMENT OF PUDUCHERRY
LOCAL ADMINISTRATION SECRETARIAT
(G.O.Ms.No.10/LAS/2006, dated 27th April 2006)

NOTIFICATION

In exercise of the powers conferred by clause (c) of sub-section (2) of section 38 of the Puducherry Village and Commune Panchayats Act, 1973 (No.10 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 Village and Commune Panchayats (Conduct of Election of Members of Commune Panchayat Council and Presidents and Members of Village Panchayats) Rules, 1978, namely:-

1. *Short title and commencement.*— (1) These rules may be called the Puducherry Village and Commune Panchayats (Conduct of Election of Member of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Amendment Rules, 2006.

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

2. *Substitution of Part-II.*— In the Puducherry Village and Commune Panchayats (Conduct of Election of Members of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Rules, 1978 (hereinafter referred to as the said rules) for Part – II relating to rules 3,4,5,6,7,8 and 9 of the following shall be substituted:-

“PART-II

ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS

3. *Observers.*— 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 Panchayats at any level and to perform such other functions as may be entrusted to him by the State Election Commission.

4. *District/ Regional Election Officer.*— 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 coordinate and supervise all works in connection with the conduct of elections to the offices of members of panchayats at different levels. Presidents and Vice-Presidents of Village Panchayats and Chairpersons and Vice-Chairpersons of Commune Panchayats in the respective Panchayat 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.

5. Appointment of Returning Officer and his 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 'B' Gazetted Officer of the Government to be the Returning Officer for the conduct of election under these rules:

Provided that nothing in this rule shall prevent from designating or nominating the same person to be the Returning Officer for more than one Village Panchayat or Commune Panchayat or both, as the case may be.

(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 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 in the Act and the rules or orders made there under.

6. Appointment of Assistant Returning Officer and his general duties.— (1) 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.

Provided that every such person shall be an Officer not below the rank of Superintendent in the ministerial service of the Government or equivalent.

(2) 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 Officer as may be directed by the State Election Commission 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 relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

7. 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.

8. *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 Superintendent in ministerial service 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 Commune Panchayat or Village Panchayat.

(2) Subject to the provisions of these rules, it shall be the general duty of the Presiding Officer at a polling station to maintain order thereat and ensure that the election is freely, fairly and efficiently conducted.

(3) 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 Commune Panchayat or Village Panchayat.

(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 causes, is obliged to absent himself from the polling station, his duties and functions shall be performed by such Polling Officers as has been specifically authorized by the Returning Officer to perform such functions during such absence.

9. *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 Panchayats 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 panchayats, 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.

3. Amendment of rule 11.— In the said rules, for sub-rule (6) of rule 11, the following shall be substituted, namely:-

“6 (a) A person who stands for election as a Member of Village Panchayat, shall not be eligible to stand for election as President of Village Panchayat or as a Member of Commune Panchayat Council.

(b) A person who stands for election as a President of Village Panchayat, shall not be eligible to stand for election as a Member of Village Panchayat or as Member of Commune Panchayat Council.

(c) A person who stands for election as a Member of Commune Panchayat Council shall not be eligible to stand for election as President of the Village Panchayat or as Member of Village Panchayat:

Provided that a Member or President of Village Panchayat or a Member of Commune Panchayat Council shall not be eligible to stand for any one of the above three elections.

4. Amendment of Form-I.— In Form-I appended to the said rules in the note thereunder—

(a) for item (1) and the entries relating thereto, the following shall be substituted, namely:-

“(1) It should be clearly understood that under section 41 of the Puducherry Village and Commune Panchayat Act, 1973 and rule 11(6) of the Puducherry Village and Commune Panchayats (Conduct of Elections of Member of Commune Panchayat Councils and Presidents and Member of Village Panchayats Rules, 1978), a person who stands for election to any one of the following namely:-

- (i) a Member of Commune Panchayat Council,
- (ii) a Member of Village Panchayat,
- (iii) a president of Village Panchayat,

shall not be eligible for the other two.”

(b) for item (2) and the entries relating thereto, the following shall be substituted, namely:-

“(2) A Member or President of Village Panchayat and a Member of Commune Panchayat Council shall not be eligible to stand for any one of the above three elections.”