

**THE PONDICHERRY VILLAGE AND COMMUNE PANCHAYAT
(CONDUCT OF ELECTION OF CHAIRMAN OF COMMUNE PANCHAYAT COUNCILS AND
PRESIDENTS AND MEMBERS OF VILLAGE PANCHAYATS) RULES, 1978.**

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PART-I

1. **Short title.**— (1) These rules may be called " The Pondicherry village and commune panchayat (conduct of election of members of commune panchayat councils and presidents and members of village panchayat) rules, 1978".

(2) They shall extend to the whole of Union territory of Pondicherry.

(3) They shall come into force at once.

2. **Definitions.**— (1) In theses rules, unless the context otherwise requires:—

(a) "Act" means the Pondicherry Village and Commune Panchayat Act, 1973;

(b) "ballot box" includes any box, bag or other receptacle used for the insertion of ballot papers by electors;

(c) omitted

(d) "contesting candidate" means a candidate whose nomination has been duly accepted under sub-rule (8) of rule 14 and who has not withdrawn his candidature;

(e) "electoral roll" shall mean (i) the electoral roll of the ward in the case of election of member of panchayat, (ii) the electoral rolls of all the wards in a panchayat in the case of election of president of a panchayat, and (iii) the electoral rolls of all the wards in a territorial constituency of a commune panchayat council in the case of election of members of a commune panchayat council;

(f) "electoral roll number of person" means -

(i) the serial number of the entry in the electoral roll in respect of that person;

(ii) the number of the ward in which such entry occurs; and

(iii) the name of the panchayat to which the electoral roll relates;

(g) "form" means a form appended to these rules and includes a translation thereof in Tamil;

(h) "marked copy of the electoral roll" means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;

(i) "member" means a member of a panchayat;

(j) "panchayat" means a village panchayat;

(k) "president" means the president of panchayat;

(l) "public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881);

(m) "returning officer" means the person designated or nominated by the election authority under rule 3 of these rules and includes any person or officer performing any of the functions of the returning officer for conducting the election of the members of commune panchayat council or president of panchayat or member of a panchayat, as the case maybe, under these rules;

(n) "section" means a section of the Act.

(2) When any two or more offices (i.e) members of commune panchayat council or president of panchayat or member of a panchayat are vacant, elections to fill up these vacancies shall be held either separately or simultaneously as the election authority shall direct, from time to time.

(3) For the purposes of these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if-

(a) he has placed a mark on such instrument or other paper in the presence of the returning officer, presiding officer or such other officer as may be specified in this behalf by the election authority; and

(b) such officer, on being satisfied as to his identity has attested the mark as being the mark of that person.

PART-II

3. Administrative machinery for the conduct of elections.— (1) Returning officer for election of members of commune panchayat council:- The election authority shall designate or nominate an officer of the Government to be returning officer for conducting the election of members of a commune panchayat council.

(2) Returning officer for election of president:- The election authority shall designate or nominate an officer of the Government to be returning officer for conducting the election of a panchayat.

(3) Returning officer for election of member:- The election authority shall designate or nominate an officer of the Government to be returning officer for election of member of a panchayat.

4. Appointment of assistant returning officer:— The election authority may designate or nominate one or more officers of the Government or local body to be assistant returning officer to assist any returning officer in the performance of his duties.

5. General duties of the returning officer:— (1) Subject to the superintendence, direction and control of the election authority, the returning officer shall be responsible for the proper conduct of the election under these rules.

(2) It shall be the general duty of the returning officer 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.

6. Function of assistant returning officer:— Every assistant returning officer shall, subject to the control of the returning officer, or the directions of the election authority be competent to perform all or any of the function of the returning officer.

7. Provisions of polling stations:— The returning officer concerned, shall provide sufficient number of polling stations for the poll to be conducted. He shall publish in such manner, as the election authority may direct, a list showing the polling stations so provided and the polling areas and groups of voters for which they have respectively been provided.

8. Appointment of presiding officer and polling officer:— (1) The returning officer shall appoint one presiding officer for each polling station but he shall not so appoint any person who is in the employ of the respective commune panchayat or panchayat.

(2) He may also appoint one or more officers of the Government or commune panchayats or panchayats as polling officer to assist any presiding officer in the performance of his duties.

(3) If the presiding officer, owing to his illness or other unavoidable cause is obliged to absent himself from the polling station, his duties shall be performed by such officer as has been previously authorised by the respective returning officer to perform such duties during any such absence.

9. **General duty of the Presiding officer:—** It shall be the general duty of the presiding officer at a polling station to keep order there at and to ensure that the poll is freely taken.

PART-III

Conduct of elections

10. **Notice of election:—** (1) Notice of election of members of commune panchayat council:—

(a) For the purpose of election of a member of a commune panchayat council, the election authority shall issue a tentative programme of election stating;

- (i) the dates on which nomination papers should be presented;
- (ii) the person or persons by whom the nominations papers shall be received;
- (iii) the date on which the nomination papers will be taken up for scrutiny, which shall be the next working day after the last day fixed for the presentation of nomination papers;
- (iv) the last date on which the nomination papers can be withdrawn;
- (v) the date on which the poll will take place, if there should be a poll; and
- (vi) the date on which the votes will be counted;
- (vii) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the tenth day after the last date for the withdrawal of candidatures is.

(b) The election authority shall direct the returning officer to conduct the election accordingly.

(c) In pursuance of the direction of the election authority, the returning officer shall cause to be published a notice of election in Tamil at least seven days before the last date for the presentation of nomination papers, by affixing it at his office and also at the office of the commune panchayat, taluk/ sub-taluk office, at the office of the panchayat or in one conspicuous place in each panchayat within the jurisdiction of commune panchayat and also at such places as the returning officer considers necessary for giving wide publicity.

(d) Such notice of election shall contain the following particulars, namely:—

- (i) the dates on which, the places at which and the hours between which nomination papers should be presented;
- (ii) the person or persons by whom the nomination papers will be received;
- (iii) the date on which and the hour at which and the place at which the nomination papers will be taken up for scrutiny;
- (iv) the last date on which and the hours upto which the nomination papers can be withdrawn;
- (v) the date on which, the place or places at which the votes of the electors will be taken at the poll, if there should be a poll, and the hours during which the poll will be open, being not less than 9 hours and
- (vi) the date on which, and the place and hour at which the returning officer will commence the counting of votes.

(2) **Notice of election of president of panchayat:—** (a) For the election of a president of a panchayat, the returning officer shall prepare and publish a notice in Tamil stating—

- (i) the date or dates on which, the place at which and the hours between which, nomination papers should be presented;
- (ii) the person or persons by whom the nomination papers shall be received;
- (iii) the date on which and the hours at which and the place at which the nomination papers shall be taken up for scrutiny;
- (iv) the date on which and the hour upto which the nomination papers can be withdrawn;
- (v) the date on which, the place or places at which the votes of the electors will be taken, should there be a poll; and the hours during which the poll will be open, being not less than nine hours and
- (vi) the date on which, and the place and hour at which the returning officer will commence the counting of votes.
- (vii) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the tenth day after the last date for the withdrawal of candidatures is.

(b) The notice shall be published by affixing it at the office of the panchayat concerned, where there is one and in two or more conspicuous places in the panchayat and shall also be published by beat of tom-tom.

(3) **Notice of election of Member of panchayat:—**(a) For the election of a member to a ward of a panchayat, the returning officer shall prepare and publish a notice in Tamil-stating;

- (i) the date or dates on which, the place at which and the hours between which, nomination papers should be presented;
- (ii) the person or persons by whom the nomination papers shall be received;
- (iii) the date on which and the hours at which and the place at which the nomination papers shall be taken up for scrutiny;
- (iv) the date on which and the hour upto which the nomination papers can be withdrawn;
- (v) the date on which, the place or places at which the votes of the electors will be taken, should there be a poll; and the hours during which the poll will be open, not being less than nine hours and
- (vi) the date on which, and the place and hour at which the returning officer will commence the counting of votes; and
- (vii) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the tenth day after the last date for the withdrawal of candidatures is.

(b) The notice shall be published by affixing it at the office of the panchayat concerned, where there is one and in a conspicuous place in the ward concerned and shall also be published by beat of tom-tom in the ward concerned.

11. Presentation of nomination paper.— (1) The nomination of every candidate shall be made by means of a nomination paper in Form 1, which shall on application be supplied free of cost, to any elector whose name is on the electoral roll.

(2) On the date or dates specified in the notice issued under rule 10 for the presentation of nomination papers, each candidate shall either in person or by his proposer, deliver to the returning officer at the place and during the hours specified in that behalf a nomination paper completed in Form 1 and signed by the candidate and by an elector of the ward or panchayat or territorial constituency of commune panchayat as proposer, respectively for election as member of panchayat or president of panchayat or members of commune panchayat council:

Provided that no nomination paper shall be delivered to the returning officer or such officer authorized by him on a day which is a public holiday.

Explanation: The candidate for a ward of village panchayat shall be an elector of that village panchayat. The candidate for election of president of village panchayat shall be an elector of that village panchayat. The candidate for a territorial constituency of a commune panchayat shall be an elector of that commune panchayat.

(3) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:

Provided that the returning officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral roll and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(4) Nothing contained in this rule shall prevent any candidate from being nominated by more than one nomination paper for any one election:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for any one election.

(5) For the election of members of commune panchayat or election of president or member of panchayat, each candidate shall be nominated by a separate nomination paper. An elector who wishes to stand as a candidate for an election shall not sign the nomination paper as proposer for that election.

(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 a 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 a member of village panchayat or as a president of village panchayat;

Provided also that a member or president of village panchayat and a member of commune panchayat shall not be eligible to stand for any one of the above three elections.

12 Deposits.— (1) A candidate shall not be deemed to be duly nominated for election unless at the time of delivery of nomination paper under sub-rule (2) of rule 11 he deposits or causes to be deposited with the returning officer concerned in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in the respective commune panchayat—

(a) for election of member of panchayat Rs 250

(b) for election of president of panchayat Rs 500

(c) for election of member of commune panchayat Rs 500

Where the candidate is a member of Scheduled Caste:

- (a) for election of member of panchayat Rs. 125
- (b) for election of president of panchayat Rs. 250
- (c) for election of member of commune panchayat Rs. 250

In the case of election of a member of panchayat, a separate deposit shall be required in respect of each ward for which the candidate wishes to stand:

Provided that where a candidate has been nominated by more than one nomination paper for any one election, not more than one deposit shall be required of him under this sub-rule.

(2) (a). The deposits made under sub-rule (1) shall unless forfeited under sub-rule (3) or (4) be returned as soon as practicable after the result of the election is declared:

Provided that where a candidate is not shown in the list of contesting candidates, or dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death as the case may be.

(b) The deposit shall be returned either to the person by whom it was made or to his legal representatives.

(3) If a candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates divided by the number of person to be elected, the deposit made by him or on his behalf shall be forfeited to the panchayat or commune panchayat, as the case may be.

(4) In the case of election of member, notwithstanding anything contained in sub-rules (2) and (3), if the candidate is a contesting candidate at an election in more than one ward not more than one of the deposits made for his candidature under sub-rule (1) shall be returned and the others shall be forfeited to the panchayat.

(5) The returning officer shall maintain in such as may be laid down by the election authority an account of the deposits made for the candidates.

13. Notice of nominations and the time and place for their scrutiny:— (1) The returning officer, shall on receiving a nomination paper under rule 11, inform the person delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him.

(2) Omitted

(3) On the last day for presentation of nomination papers after the expiry of the hours between which nomination papers should be presented, the returning officer shall cause to be affixed in some conspicuous place in his office, a consolidated notice in Form 3 of the list of nomination papers delivered to him within the time and in the manner laid down in rule 11 and furnishing the date, time and place fixed for the scrutiny of nominations.

(4) Immediately after the expiry of the hour fixed for the receipt of nomination is over, the returning officer shall keep a record of nominations received in Form 3 and publish a copy thereof at the place notified for receipt of nominations.

(5) 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 of Form 3 and adopt that Form and spelling in the list of contesting candidates.

14 Scrutiny of nominations:— (1) On the date and hour fixed for the scrutiny of nominations, the candidates, one proposer of each candidate and one other person duly authorised in writing by each candidate but no other person may attend at such time and place fixed for such scrutiny. The returning officer shall give them all reasonable facilities for examining the nomination papers of all the candidates which have been specified in the list prepared under rule 13.

(2) If any person objects to any nomination he shall do so in writing duly supported with relevant documents.

(3) The returning officer shall examine the nomination papers and shall decide one by one or ward by ward all objections which may be made to any nomination paper and may either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

- (a) that the candidate either is not qualified or is disqualified for being elected to fill the vacancy under any of the provisions of the Act; or
- (b) that there has been failure to comply with any of the provisions in rule 11 or 12; or
- (c) that the signature of the candidate or the proposer on the nomination is not genuine; or
- (d) that in case, the election is solely for a seat for Scheduled Castes, the candidate does not belong to any of the Scheduled Castes.

(4) Nothing contained in clause (b) or (c) of sub-rule (3) shall be deemed to authorize the rejection of the nomination of any candidate on the ground or 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.

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

(6) Where a person has signed as proposer a large number of nomination papers than one, the paper which has been first received shall be accepted if it is otherwise valid.

(7) The returning officer shall hold the scrutiny on the date and time specified in this behalf in the notice issued under rule 10 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes 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 is 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 have been adjourned.

(8) 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. A copy of the same may be furnished to the candidate concerned, if any application in this behalf has been made to him.

(9) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have recorded, the returning officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid in Form 3 and publish a copy thereof at the place notified for receipt of nominations.

15 Withdrawal of candidature.— (1) Any candidate may withdraw his candidature, by notice in writing in Form 4 and subscribed by him and delivered to the returning officer before the hour fixed for the purpose which shall be three o' clock in the afternoon on the second day after the day fixed for scrutiny of nominations or if that day is a public holiday, the next succeeding day, which is not a public holiday in the case of election of members of commune panchayat or president or members of village panchayat. The notice may be delivered either by such candidate in person or by the proposer who has been authorized in this behalf in writing, by such candidate.

(2) On receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered to him.

(3) No person who has given notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

16 Procedure in contested and uncontested elections:— The returning officer shall adopt the procedure specified hereunder and determine the seat in respect of which a poll is necessary and the candidates from among whom the said seat has to be filled by the electors:-

(a) If there is only one contesting candidate, the returning officer shall after the date and time fixed for the withdrawal of candidature is over, declare such candidate to be dully elected;

(b) If the number of contesting candidates exceeds one, a poll shall be taken; and

(c) If there is no contesting candidate, the election proceedings shall be started afresh in all respects as if for a new election to fill up the seat.

17 Assignment of symbols and publication of list of contesting candidates:— (1) After the expiry of the period within which candidatures may be withdrawn, if a poll is found to be necessary, the returning officer shall subject to such directions as may be issued by the election authority in that behalf, assign a distinctive symbol to each contesting candidate. These symbols shall be free symbols. Every candidate or his proposer shall forthwith be informed of the symbol allotted to the candidate in such manner as the election authority may direct and be supplied with a specimen thereof.

Explanation:— For the purpose of this rule, a free symbol is a symbol other than a symbol which is reserved for a National Party in Table I or State Parties in Table II of the notification No. 56/96/Jud.-II, dated 5th February, 1996 of the Election Commission of India, in pursuance of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, in the Union territory of Pondicherry and subsequent notifications issued by the Election Commission amending Table I or II from time to time.

(2) The returning officer shall then prepare a list in Form 6 of all contesting candidates and publish:—

(i) at the offices of returning officer, commune panchayat, taluk, sub-taluk office, and two or more conspicuous places in the commune panchayat which the returning officer considers necessary in the case of election of members of commune panchayat ;

(ii) on the notice board of the panchayat, where there is one or in a conspicuous place in the panchayat for which the election is to be held in the case of election of president of panchayat; and

(iii) on the notice board of the panchayat where there is one or in a conspicuous place in the ward for which the election is to be held in the case of election of member of panchayat.

(3) The list shall contain the names of the contesting candidates as described in their nomination papers. The names of contesting candidates shall, also be arranged and written in the order of Tamil alphabet.

18. Death of candidate before poll:— If a candidate whose nomination has been found valid on scrutiny under rule 14 and who has not withdrawn his candidature under rule 15, dies and a report of his death is received before the publication of the list of contesting candidates under rule 17, or if a contesting candidate dies and a report of his death is received before, the commencement of the poll, the returning officer shall, upon being satisfied of the fact, of the death of the candidate, countermand the poll and report the fact to the election authority and all proceedings with reference to the election shall be commenced afresh in all respects as if for a new election:

Provided that no fresh nomination shall be necessary in the case of a person who was a contesting candidate at the time of countermanding of the poll:

Provided further that a person who has given a notice of withdrawal of his candidature under rule 15 before the countermanding of the poll shall not be ineligible for being nominated as a candidate for the election after such countermanding:

Provided also that a contesting candidate at the time of the countermanding of the poll may give notice of withdrawal of his candidature under sub-rule (1) of rule 15 as if he is nominated afresh as a candidate for the election after such countermanding.

PART-IV

POLL

19. Presiding officers and polling officers to be appointed before poll:- (1) If a poll has to be taken, the returning officer shall in accordance with rule 8 appoint forthwith one presiding officer and the required number of polling officers for each of the polling stations provided under rule 7, and such other persons to assist the presiding officer, as he thinks necessary.

(2) The presiding officer shall ensure that votes are recorded at the polling station with absolute secrecy and he shall regulate the number of electors to be admitted at one time and shall exclude all other persons except:—

- (a) the contesting candidates, election agent and one agent of each contesting candidate, at a time (hereinafter referred to as the polling agent) appointed in writing, by the candidate in the manner provided in rule 20
- (b) the police
- (c) a child in arms accompanying an elector;
- (d) a person accompanying a blind or infirm elector who cannot move without help
- (e) such other persons as the returning officer or the presiding officer may admit for the purpose of helping him in the identification of the electors or in searching women electors or of assisting him otherwise in taking the poll; and
- (f) public servants on duty in connection with elections and such other persons as may be authorized by the election authority.

20. Appointment of election agents and polling agents and their functions:— (1) A candidate at an election may appoint in Form 7 any one person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given by forwarding the same in duplicate to the returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

(2) An election agent may perform such functions in connection with the election as are authorized by or under these rules to be performed by an election agent.

(3) Each contesting candidate or his election agent may appoint one agent and two relief agents to act as the polling agent at each polling station.

(4) Every such appointment shall be made in Form 8 and shall be handed over to the polling agent for production at the polling station.

(5) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station provided for taking the poll.

(6) Where any act or thing is required or authorized by this rule is to be done in the presence of the polling agents, the non-attendance of any such agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise fully done, invalidate the act or thing done.

21. Arrangements at polling stations:— (1) At each polling station, there shall be set up one or more voting compartments in which electors can record their votes screened from observation.

(2) The returning officer shall provide at each polling station as many as ballot boxes as may be necessary with reference to the number of electors assigned to it and also with reference to the number of elections for which poll is to be taken in that polling station as may be directed by the election authority. He shall also provide copies of the electoral roll or such part or section thereof as contains the names of the electors entitled to vote at the polling station, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers and other paper, stationery and forms as may be necessary.

(3) Every ballot box shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom, without the box being unlocked. When two or more elections namely, election of member of commune panchayat or election of president or member of panchayat are conducted simultaneously, the ballot box and other polling materials referred to in sub-rule (2) intended for one election can be used for other elections also as the election authority may direct.

(4) At the entrance to each polling station there shall be displayed prominently:—

(a) a notice showing the numbers and names of the contesting candidates as published in Form 6 and the distinctive symbol assigned to each candidate in respect of each of the elections for which poll is taken in that polling station; and

(b) a notice showing the polling area and the groups of electors who are entitled to vote at the polling station.

(5) The ballot papers and all other election materials shall be delivered to the presiding officer by the returning officer or other person authorized by him, sufficiently in advance.

22. Preparation of ballot boxes for poll:— (1) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of the ballot paper therein to remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seals.

(4) 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) Every ballot box used at a polling station shall bear label, and addressed tags both inside and outside marked with:—

- (a) name of the election or elections;
- (b) the name of the commune panchayat, the name of the panchayat and number of the ward;
- (c) the serial number and name of the polling station;
- (d) the serial number of the ballot box (to be filled in at the end of the poll on the label and addressed tag outside the ballot box only); and
- (e) the date of the poll.

(6) The presiding officer shall immediately before the commencement of the poll, show each of the ballot boxes empty to the such contesting candidates, election agents, polling agents and other persons as are present and shall then lock them up and place his seal upon them. The ballot boxes so locked and sealed shall then be placed in full view of the presiding officer and the polling agents.

23. Marked copy of the electoral roll:— (1) There shall be only one marked copy of electoral roll for a polling station to all or any one of the election namely election of member of commune panchayat or election of president of panchayat or election of member of panchayat.

(2) 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 any entries other than those made in pursuance of rule 29.

24. 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 alternatively 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 in searching any woman elector in case it becomes necessary.

25. Identification of electors:— (1) When a person presents himself to vote and at any time before a ballot paper supplied to him, the presiding officer or polling officer may of his own accord put to such person either or both of the following questions—

- (i) Are you the person enrolled as follows (reading the whole entry from the roll)?
- (ii) Have you already voted at the present election in this polling station or in any other polling station?

The person shall not be supplied with a ballot paper or ballot papers unless he gives an unqualified answer to the question or questions put to him and unless his answer to the first question is in the affirmative and the second in the negative. Except as mentioned herein, every person, whose name is found on the electoral roll shall be entitled to be supplied with a ballot paper.

(2) In deciding the right of a person to obtain a ballot paper the presiding officer shall overlook merely clerical or printing errors in any entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

(3) Immediately, before any ballot paper is delivered to an elector, the number, name and description of the elector as stated in the electoral roll, shall be called out.

26. Safeguards against personation:— (1) Every elector shall, before receiving ballot paper or ballot papers allow—

- (a) the inspection of his left little finger by the polling officer; and
- (b) an indelible ink mark to be put on the back of left little finger immediately above the root of the nail on the skin or in such manner as the election authority may direct in special circumstances.

(2) If any such elector—

- (a) refuses to allow such inspection of his little finger by the polling officer; or
- (b) refuses to allow an indelible ink mark to be put on left little finger as laid down in sub-rule (1); or

(c) persists in doing any act with a view to remove any such mark after it has been put; he shall not be entitled to be supplied with any ballot paper or ballot papers to record his vote at the election.

(3) No person who has already such mark on the left little finger shall be supplied with a ballot paper.

(4) Any reference in these rules to the left little finger of any elector shall, in a case where the elector has his left little finger missing, be construed as a reference to any other finger or fingers on his left hand, and shall in case where all the fingers of his left hand are missing, be construed as a reference to the little finger or any other finger or fingers of his right hand and shall in 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.

27. Ballot paper:— (1) Ballot paper for election of members of commune panchayat or president or members of village panchayat :_Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(2) Before every ballot paper is issued to an elector, the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the election authority may direct and every ballot paper, before it is issued, shall be signed in full on its back by the presiding officer.

(3) Numbering of ballot papers:- The ballot papers shall be serially numbered and shall be stamped on their reverse by such distinguishing mark or marks and in such manner, as may be directed, by the election authority.

28. Issue of ballot papers and voting procedure:— (1) Before any ballot paper is delivered to an elector, the presiding officer shall sign his name in full on the back of each ballot paper. The entry relating to the elector in the copy of the electoral roll (hereinafter called " the marked copy of the electoral roll") set apart for the purpose of denoting that the elector has received the ballot paper, shall be underlined.

(2) Each elector shall be given only one ballot paper for each election. The elector, on receiving the ballot paper, shall forthwith proceed to the voting compartment, and there, with the aid of the instrument supplied for the purpose, make a mark on the ballot paper against the symbol or name and symbol as the case may be, of the candidate for whom he intends to vote. The mark may be made anywhere in the compartment within which the name and symbol or symbols, as the case may be, of such candidate is printed on the ballot paper. He shall then fold the ballot paper so as to conceal his vote and after showing to the polling officer the distinguishing mark stamped on its back, put it into the ballot box kept for the purpose.

(3) Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted. He shall not place anything except a ballot paper in the ballot box. Anything other than ballot papers found in the box at the time of counting of votes, shall be forfeited to the panchayat or commune . panchayat , as the case may be.

29. Voting procedure for electors on election duty:— (1) An elector who is entitled to vote at an election is duly appointed for election duty at a polling station, at which he is not ordinarily entitled to record his vote, or other election duty and unable to vote may, if he wishes to vote at the election send an application in Form 11 to the returning officer so as to reach him at least seven days, or such shorter period as the returning officer may, allow, before the date of poll. If the returning officer is satisfied that the applicant is so entitled to vote, he shall forward to the applicant an election duty certificate in Form 12 alongwith a ballot paper to be used at the polling station where the applicant is ordinarily entitled to record his vote. The returning officer shall stamp on the back of the ballot paper the words, "elector on election duty". He shall before forwarding such ballot paper , underline the entry relating to that elector in the marked copy of the electoral roll relating to the polling station at which the elector is entitled to record his vote denoting that the elector has been issued with a ballot paper.

(2) The elector on election duty, on receiving the ballot paper and desires to vote shall record his vote by making a mark on the ballot paper against the symbol or name or symbol as the case may be, of the candidate to whom he intends to vote. The mark may be made anywhere in the compartment within which symbol or name and symbol as the case may be, of such candidate is printed on the ballot paper. The elector shall sign a declaration in Form 13 in the presence of and have the signature attested by a Judicial Magistrate of second class or a Gazetted Officer of the Government. He shall not show his ballot paper to the attesting officer nor tell him how he voted. He shall then enclose the ballot paper in an envelope provided for the purpose and stick the envelope and secure it by seal or otherwise. He shall then enclose the envelope containing the marked ballot paper in an outer cover provided for this purpose, as well as the election duty certificate and the declaration aforesaid duly attested and send it to the returning officer forthwith by post or by messenger.

30. Recording of votes of blind and infirm electors:— (1) If the presiding officer is satisfied that owing to old age or blindness or other physical infirmity an elector is unable to recognize the symbol on the ballot paper or to read the names of the candidates or to make mark 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 his vote on the ballot paper or ballot papers when two or more elections are conducted simultaneously on his behalf and in accordance with his wishes, and if necessary, for folding ballot paper so as to conceal the vote and inserting it into the ballot box;

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, the companion shall be required to declare that he shall keep the secrecy of 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 polling station on that day.

(2) The presiding officer shall keep a record in Form 14 of all such cases under this rule.

31. Spoilt and returned ballot papers:— (1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence be given another ballot paper, and the ballot paper so returned shall be marked "spoilt- cancelled" by the presiding officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer and the ballot paper so returned shall be marked as "returned-cancelled" by the presiding officer.

(3) All ballot papers cancelled under sub-rules (1) and (2) shall be kept in a small cover and put into the packet referred to in rule 34 (3) (ii).

32. Adjournment of poll in emergencies:— (1) If at an election, the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall stop the poll pending the receipt of the orders of the election authority. The fact that the poll has been so stopped shall be immediately announced by the presiding officer to the persons present at the polling station.

(2) Where a presiding officer stops a poll under sub-rule (1) he shall observe the procedure laid down in rule 34 and forthwith make a full report of the circumstances to the returning officer who shall report the matter to the election authority. The ballot boxes and packets referred to in rule 35 shall also be sent to the returning officer as soon as practicable.

(3) The election authority shall thereupon order-

- (a) that the poll be resumed at the polling station for the number of hours for which it was not held on the previous occasion; or
- (b) that the proceedings of the poll held at the polling station on the previous occasion be ignored, and that a fresh poll be held at such polling station for the full number of hours;

An order passed by the election authority under this sub-rule shall be final.

(4) When an order under clause (a) or (b) of sub-rule (3) is passed, the returning officer shall not commence the counting of votes of any election held in that polling station until the resumed poll or the fresh poll, as the case may be, has been completed.

(5) An order under clause (a) or (b) of sub-rule (3) shall state—

- (i) the date on which and the hours between which the resumed poll or fresh poll, as the case may be, shall be held; and
- (ii) the date on which and the place and hour at which the returning officer shall commence the counting of votes under rule 36.

(6) On receipt of orders passed under clause (a) or (b) of sub-rule (3) the returning officer shall inform the contesting candidates or their election agents, of the date, time and place fixed for the resumed poll or fresh poll and affix a notice on the notice board of the commune panchayat and of the office of the panchayat where there is one or in a conspicuous place in the ward notifying the date and hours so fixed. He shall also announce by beat of tom-tom in the polling area concerned about the date and hours.

(7) (a) Where an order is passed under clause (a) of sub-rule (3) for the resumption of the poll, the returning officer shall proceed under sub-rule (1) of rule 19 and return to the presiding officer appointed under the said sub-rule, all the packets received by him under sub-rule (2) of this rule.

(b) The presiding officer shall open the packets just before the commencement of the resumed poll in the presence of such person who may be present at the polling station and commence such poll precisely at the hour fixed herefor.

(c) At the resumed poll, presiding officer shall allow only such electors to vote who have not cast vote on the previous occasion.

(8) Where an order is passed under clause (b) of sub-rule (3) for holding a fresh poll, the returning officer shall proceed afresh, under sub-rule (1) of rule 19 and a fresh poll shall be held at the polling station concerned in accordance with the provisions of these rules in all respects, as if it were being held at such polling station for the first time:

Provided that there shall be no fresh nomination in cases falling under this sub-rule.

(9) Notwithstanding anything contained in this rule, if a contesting candidate dies at any time before orders are passed by the election authority under sub-rule (3) or at any time after the passing of such orders but before the commencement of the resumed poll or fresh poll, as the case may be, the returning officer shall upon being satisfied of the fact of death of the contesting candidate, stop all further proceedings in connection with the election and inform the election authority who shall thereupon start proceedings afresh in all respects as if it were a new election:

Provided that for the election proceedings so started, no fresh nomination shall be necessary in the case of the remaining contesting candidates.

33. Fresh poll in the case of destruction etc., of ballot boxes:— (1) If at an election (a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding or the returning officer, or is accidentally or intentionally destroyed, or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the returning officer shall forthwith report the matter to the election authority.

(2) Thereupon, the election authority shall, after taking all material circumstances into account, either:-

(a) declare the poll at the polling station to be void, appoint a day and fix the hours for taking a fresh poll at that polling station and direct that the day so appointed and the hours so fixed be published in the manner laid down in sub-rule (6) of rule 32, besides intimating the contesting candidates or the election agents; or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the returning officer as he may deem proper for the further conduct and completion of the election.

(3) The provisions of those rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

34. Closing of poll:— (1) (a) The presiding officer shall close the polling station at the hour fixed in that behalf under rule 10 or sub-rule (1) of rule 32 or clause (a) of sub-rule (2) of rule 33, as the case may be, and shall not thereafter admit any elector into the polling station:

Provided that unless the poll is closed under sub-rule (1) of rule 32 all electors present at the polling station before it is closed shall be allowed to cast their votes.

(b) 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 whose decision shall be final.

(2) (a) The presiding officer of each polling station as soon as practicable after the close of the poll, shall close the slit of the ballot box or boxes and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate or polling agent present to affix his seal. The ballot box shall thereafter be sealed and secured.

(b) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first ballot box shall be closed and sealed as provided in clause (a) before another ballot box is put into use.

(3) The presiding officer shall then make up into separate packets and seal it with seal supplied and allow the candidates or agents to affix their own seals if they so desire:—

- (i) the marked copy of the electoral roll;
- (ii) the unused ballot papers and the cancelled ballot paper; and
- (iii) any other papers directed by the election authority to be kept in a sealed packet.

(4) When two or more elections are held simultaneously a common packet for all the elections under the different items referred to in sub-rule (3) of this rule, can be made.

(5) (a) The presiding officer shall at the close of poll prepare a ballot paper account for each election in Form 15 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon. When two or more elections are held simultaneously the ballot paper account shall be enclosed in separate covers.

- (b) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account attested by him after obtaining receipt from the said polling agent therefor.

35. Transmission of ballot boxes etc., to the returning officer:— 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 ballot boxes;
- (b) the ballot paper account;
- (c) the sealed packets referred to in sub-rule (3) of rule 34; and
- (d) all other papers, and marking or stamping articles used at the poll.

PART-V

COUNTING OF VOTES

36. Admission to the place of counting:— The counting of votes shall take place on the day and at the place and hour appointed in that behalf. The votes shall be counted by or under the supervision of the returning officer. Each contesting candidate, the election agent of each candidate and such number of counting agents for each candidate as may be specified by the election authority appointed in writing by the candidate in Form 16 shall have a right to be present at the time of counting. No other person shall be allowed to be present except such person hereinafter referred to as the "counting supervisor" and "counting assistant". The returning officer may appoint to assist him in counting the votes, public servants on duty in connection with the elections and such persons as may be authorised by the election authority. No person who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election shall be appointed to assist in counting the votes.

37. Scrutiny and opening of ballot boxes:— (1) The ballot boxes relating to each of the polling stations specified under rule 7 shall be taken up separately for counting. The returning officer may in his discretion have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table the counting agents present at that table shall be allowed to inspect the seal on the ballot box and to satisfy themselves that it is intact.

(3) The returning officer shall satisfy himself that none of ballot boxes has in fact been tampered with.

(4) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 33 in respect of that polling station.

(5) (a) If a fresh poll is held under rule 33 the returning officer shall after completion of that poll recommence the counting of votes on the date, at that time and place which have been fixed by the election authority in that behalf and of which notice has been previously given to the contesting candidates and their election agents.

(b) The provision of this part shall apply so far as may be to such further counting.

38. Scrutiny and rejection of ballot paper:— (1) The returning officer shall allow the candidates and their agents reasonable opportunities to inspect, without handling, all ballot papers which in his opinion are liable to be rejected under rule 39. He shall endorse on every ballot paper which he rejects the letter "R" and the ground of rejection in abbreviated form either in his own handwriting or by means of a rubber stamp.

(2) He shall verify the statement submitted by the presiding officer under sub-rule (5) of rule 34.

39. Rejection of ballot papers:— (1) A ballot paper shall be rejected.—

- (a) If it bears any mark or writing by which the elector can be identified or
- (b) If it bears no mark at all or to indicate the vote it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or it bears a mark made otherwise than with the instrument supplied for the purpose, or
- (c) If votes are given on it in favour of more than one candidate, or
- (d) If the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
- (e) If it is a spurious ballot paper, or
- (f) If it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (g) If it bears a serial number, or is of a design different from the serial numbers, or as the case may be, design, of the ballot papers authorized for use at the particular polling station, or
- (h) If it does not bear both distinguishing mark or the signature of the presiding officer which it should have borne under the provisions of sub-rule (3) of rule 27, or the words "elector on election duty" under the provisions of sub-rule (1) of rule 29, or
- (i) If it is not the relevant ballot paper:

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(2) All ballot papers taken out of ballot box used at a polling station and rejected under this rule shall be made into a separate bundle.

(3) The decision of the returning officer shall be final subject only to the decision of the prescribed judicial authority under section 35.

40. **Counting of valid votes:—** (1) The vote recorded in every ballot paper which is not rejected under rule 39 shall be counted.

(2) The returning officer shall first deal with postal ballot papers forwarded to him under rule 29 as specified below:—

- (a) No cover referred to in rule 29 received by the returning officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.
- (b) The outer covers shall be opened one after another and the election duty certificates and declarations under rule 29 contained therein shall be collected together, counted and sealed in a separate packet.
- (c) The inner covers containing the marked ballot papers shall then be opened one after another and added to the ballot papers recorded at the polling stations where the voter is normally entitled to vote. If the declaration is not found or has not been duly signed and attested or is otherwise substantially defective that inner cover shall not be opened and after making an appropriate endorsement thereon, the returning officer shall reject the ballot paper contained therein.
- (d) A postal ballot paper shall be rejected—
 - (i) if bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or
 - (ii) if no vote is recorded thereon; or
 - (iii) if votes are given on it in favour of more candidates than one; or
 - (iv) if it is a spurious ballot paper; or
 - (v) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
 - (vi) if it is not returned in the cover sent along with it to the elector by the returning officer.
- (e) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.
- (f) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) After the counting of the votes recorded in all ballot paper contained in all the ballot boxes used at a polling station has been completed, the returning officer shall have the result of such counting entered in part II of Form 15 and it shall be signed by the counting supervisor and the returning officer. The returning officer shall, then make the entries relating thereto in a result sheet in Form 17 and announce the particulars.

(4) The valid ballot papers found in all the ballot boxes used at a polling station thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

- (a) name of election;
- (b) the number of the ward, name of the commune panchayat and panchayat;
- (c) the particulars of the polling station where the ballot papers have been used; and
- (d) the date of counting.

41. Recount of votes:— (1) After the completion of the counting the returning officer shall record in the result sheet in Form 17 the total number of votes polled by each candidate and announce the same. After such announcement has been made, and before the declaration of the result of the election, a contesting candidate or, in his absence, his election agent may apply in writing to the returning officer for a recount of all or any of the votes already counted stating the grounds on which he demands such recount.

(2) On such application being made, the returning officer shall decide the matter and may allow the application in whole or in part, or may reject in toto if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow an application either in whole or in part, he shall—

- (a) count the votes again in accordance with his decision;
- (b) amend the result sheet in Form 17 to the extent necessary after such recount;
- (c) announce the amendments so made by him.

(5) After the total number of votes polled by each candidate has been announced under rule 40 or under sub-rule (4) of this rule the returning officer shall complete and sign the result sheet in Form 17 and no application for a recount shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates or the election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (1).

42. Declaration of result of election:— (1) After the returning officer has completed the scrutiny and counting of votes he shall declare the contesting candidate to whom the largest number of valid votes have been given as elected and complete and certify the return in Form 18 and send the signed copy thereof to the election authority.

(2) The returning officer shall also forthwith cause to be affixed in a conspicuous place in his office and in the office of the commune panchayat as soon as possible a copy of the declaration referred to under sub-rule (1).

(3) If there is equality of votes between two or more contesting candidates, and the addition of one vote will entitle any of these candidates to be declared elected, the returning officer shall decide between these candidates by lot and the candidate on whom the lot falls shall be deemed to have received an additional vote. The returning officer shall then declare the result accordingly.

(4) Any contesting candidate or his election agent or his counting agent on application, be permitted to take a copy or an extract from the statement in Form 17.

43. Disposal of ballot papers:— (1) The returning officer shall after declaring the results retain in his custody or cause to be deposited in the custody of the officer as may be specified by the election authority, the packets of ballot papers, whether counted, rejected or cancelled the sealed packets containing the certificates issued under rule 29 and the marked copy of the electoral roll. These packets shall not be opened and their contents shall not be inspected or produced except under the orders of the prescribed judicial authority under section 35.

(2) The returning officer or the officer specified by the election authority under sub-rule (1) shall retain the packets and the marked copies of the electoral roll for six months, and shall thereafter, unless otherwise directed by the prescribed judicial authority under section 35 cause them to be destroyed.

44 Publication of the names of successful candidates:— (1) In the case of election of president of village panchayat and member of commune panchayat, the name of the candidate duly elected shall be forwarded without delay in Form 19 by the returning officer to the election authority and a copy thereof to the Director, Government Press, Pondicherry for publication in the Official Gazette of Pondicherry and shall also be published on the notice board of the commune panchayat office.

(2) In the case of election of member of village panchayat, as soon as the result of the election has been declared, the returning officer shall cause to be published in Form 20 the name of the candidate duly elected to the panchayat on the notice board of his office, as well as the office of the panchayat concerned where there is one or in any conspicuous place in the panchayat.

45. Interpretation of these rules by Government:— (1) If any question arises as to the interpretation of these rules, otherwise than in connection with an inquiry held under the rules for the decision of disputes as to the validity and election, the question shall be referred to the Government whose decision shall be final.

(2) Pending the decision of the Government on any such reference made to them or the issue of final orders on any inquiry which the Government may institute upon receipt of information that an election is being or about to be held in contravention of the rules, it shall be lawful for the Government to direct the stay of election proceedings at any stage thereof prior to the declaration of the result. Any election held or continued in contravention of the orders of the Government under this rule shall be void and be of no effect whatsoever.

(3) Unless it is otherwise ordered by the Government election proceedings stayed under this rule shall, on cancellation of the stay order, be continued from the stage at which they were stayed and on fresh dates if any, to be fixed by the election authority.

46. Fixing other dates of election for special reasons:— Notwithstanding anything contained in the foregoing rules, the election authority may, for special reasons, fix dates and periods other than those specified or fixed by or under these rules for all or any of the stages of any election under the Act.

47. Removal of difficulties, if any, by Government:— (1) The Government may, issue such general or special directions as may in their opinion be necessary for the purpose of giving due effect to these rules, or holding any election under the Act.

(2) If any difficulty arises in giving effect to the provisions of these rules, or in holding any election, the Government as occasion may require, may by order do anything which appears necessary for the purpose of removing the difficulty. A copy of every order shall be laid before the legislature at its next meeting.

48. Repeal:— The Pondicherry Panchayats (Conduct of election of members of Village Panchayats) Rules, 1974 and the Pondicherry Panchayats (Conduct of election of Presidents of Village Panchayats) Rules, 1974 shall stand repealed.

FORM-1
Nomination Paper
(See rule 11)

Election of Member to ward No. of the village panchayat

Election of Member President to the village panchayat

Member to the commune panchayat council.

(to be filled in by the proposer)

Ward No. of the..... Village Panchayat

I hereby nominate.....as a candidate for the election from

..... village panchayat

..... village panchayat

..... commune panchayat council

1. Full name of the proposer
2. Electoral roll number of the proposer*
3. Name of the candidate's father/husband
4. Full postal address of the candidate
5. Electoral roll number of candidate*

Date :

Signature of the proposer

*Here insert-

- i. name of the panchayat;
- ii. the number of the ward;
- iii. the serial number of the part of the electoral roll or the serial number of the street in which the name of the proposer or the candidate as the case may be has been entered; and
- iv. the serial number of the entry in that part or street.

Illustration-

Thirukanur village panchayat

No.9

Part 9

No. 358.

(To be filled by the candidate)

I, the above mentioned candidate assent to this nomination and hereby declare:

- (a) that I have completedyears of age.
- (b) That the symbols I have chosen are in the order of preference
 - (i)
 - (ii)
 - (iii)

and

Date:

Signature of the candidate

NOTE:

- (1) Item (b) need not be filled in by candidates for election of member or president of panchayats.
- (2) It should be clearly understood that under section 41 of the Pondicherry Village Commune Panchayats Act, 1973 and rule 11(6) of the Pondicherry Village and Commune Panchayats (Conduct of Election of Members of Commune Panchayat Councils and Presidents and Members 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 to stand for the other two.

(3) 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.

Further declaration to be made by a Scheduled Castes candidate

I hereby declare that I am a member of the caste which is a Scheduled Castes of the Union territory of Pondicherry.

Pondicherry

Signature of the candidate

Date :

(To be filled by the Returning officer)

Serial number of nomination paper :

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

Date :

Returning officer

Decision of Returning officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 14 of the Pondicherry Village and Commune Panchayats (Conduct of Election of Members of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Rules, 1978 and decided as follows:

Date :

Returning officer

..... perforation

Receipt for nomination paper and notice of scrutiny

(To be handed over to the person presenting the nomination paper)

Serial number of nomination paper :

ward no. of the village panchayat

The nomination paper of a candidate for election from village panchayat commune panchayat council 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)

Date :

Returning officer

Strike off one of the alternatives.

Form-2

Deleted

Form-3

List of Nominations Received

(See rule 13(3) & 13(4))

..... Village Panchayat

..... Commune Panchayat

List of nominations received on (date) for election of

Member to ward No of Village Panchayat

President to Village Panchayat

Member to Commune Panchayat Council

Serial Number	*Name of candidate	Father's/Husband's name	Community (Scheduled Caste or non Scheduled Caste)	Address
(1)	(2)	(3)	(4)	(5)

Note: The nomination paper will be taken up for scrutiny at a.m/p.m on the day of
at (place)

Returning officer or other
Authorized officer

* Instruction: Letter and brackets 'S' be added after the name if the candidate is a woman.

Form-4

Notice of withdrawal

See rule 15(1)

Election of Member to ward No. of Village Panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat Council

To

The Returning officer

I, a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

Place :

Date :

Signature of candidate

The notice was delivered to me at my office at (hour) on (date) by (name), the candidate /candidate's proposer.

Returning officer

..... perforation

Receipt for notice of withdrawal
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a candidate at the Election of Member to ward No. of village panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat council

Was delivered to me by the candidate /candidate's proposer at my office at (hour) on (date)

Returning officer

Form-5

Deleted

Form-6

See rule 17(2)

..... village panchayat

..... Commune Panchayat

Member to ward No of the Village Panchayat

List of contesting candidates for election of president to the Village Panchayat

Member to the commune panchayat council

Serial Number	Name of candidate	Sex of the candidate	Whether the candidate belongs to a Scheduled Caste or not	Address of the candidate	Distinctive symbol assigned to the candidate
(1)	(2)	(3)	(4)	(5)	(6)

Note: The poll will be taken on between and at the polling stations notified for the purpose.

Place :

Date :

Returning officer

Form-7

Appointment of election agent

(See rule 20(13))

Election of Member to ward No. of Village Panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat Council

To

The Returning officer

I, of at the above election do hereby appoint
of as my election agent from this day at the above election.

Place :

Date :

Signature of candidate

I accept the above appointment.

Place :

Date :

Signature of Election Agent

Form-8

Appointment of polling agent

(See rule 20(4))

Member to ward No. of Village Panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat Council

I, above a candidate /election agent of who is a candidate at the above election,
do hereby appoint of as polling agent to attend to polling station
No. at

Place :

Date :

Signature of candidate
or election agent

I agree to act as such polling agent.

Place :

Date :

Signature of Polling Agent

Declaration of polling agent to be signed before presiding officer

I hereby declare that at the above election I will not except for some purpose authorized by law, communicate to any person any information showing directly or indirectly for which candidate any voter has voted.

Place :

Date :

Signature of polling agent

Signed before me

Date:

Signature of presiding officer

To be handed over to the polling agent for production at the polling station.

Form 9 &10

Deleted

Form-11

Application by an elector on election duty to vote

See rule 29(1)

To

The Returning officer

Ward No. of Village Panchayat

Village Panchayat Commune Panchayat Council

Sir,

I have been posted for election duty at the ensuing election of member to the ward No. of the Village Panchayat / president to the Village Panchayat/ member to the Commune Panchayat Council.

At Polling Station No. situated in village panchayat

I hereby declare that I am an elector of ward Number of the village panchayat. I have been enrolled under serial number of part number in the electoral roll of the village panchayat

I request that a certificate in Form 12 with a ballot paper may be sent to me to the address given below to enable me to cast my vote at the election of

Member to ward No. of Village Panchayat

President to Village Panchayat

Member to commune panchayat council

Yours faithfully,

Place :

Date :

Signature of elector
on election duty

Form-12

Election Duty Certificate

See rule 29(1)

Certified that is an elector in the ward No.
of village panchayat, his electoral roll number being, that by reason
of 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 through postal ballot paper in the manner laid down in rule 29.

Place :

Date :

Returning officer

Form 13

Declaration by elector

See rule 29(2)

Election of Member to ward No. of Village Panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat Council

(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number
..... has been issued at the above election.

Date :

Signature of elector

Address

Attestation of signature

The above has been signed in my presence by.....(elector)** who is personally known to meeting/
who has been identified to my satisfaction by.....(identifier)who is personally known to me.

Signature of identifier if any

Signature of Attesting Officer

Address

Designation

Address

(This side is to be used only when the elector cannot sign himself)

I here by declare that I am the elector to whom the postal ballot paper bearing serial number.....has been issued at the above election.

Date:

Signature of Attesting Officer
on behalf of elector
Address of elector

Certificate

I hereby certify that:—

1. The above named elector** is personally known to me/who has been identified to my satisfaction by (identifier) who is personally known to me;
2. I am satisfied that the elector** is illiterate /suffers from (infirmity) and is unable to record his vote himself or sign his declaration;
3. I was requested by him to mark the ballot paper and to sign the above declaration on his behalf;
4. The ballot paper was marked and the declaration signed by me on his behalf in the presence and in accordance with his wishes.

Signature of identifier if any
Address

Signature of Attesting Officer
Designation

Address

Date :

**Strike off the inappropriate alternative.

Form-14

List of Blind and Infirm Voters See rule 30(2)

Election of Member to ward No. of Village Panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat Council

Number and name of the polling station

Ward number & serial number of the elector	Full name of the elector	Full name of the companion	Address of the companion	Signature of the companion
(1)	(2)	(3)	(4)	(5)

Date :

Signature of Presiding officer

Form-15

See rule 34(5) and 40(3)

Election of Member to ward No. of Village Panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat Council

Part I- Ballot Paper Account

Name of commune panchayat

Name of village panchayat

Number and name of polling station

No. of ward

Serial number

Total number

From To

1. Ballot papers received
2. Ballot papers not countersigned by the presiding officer as not required for use and returned to the returning officer
3. Ballot papers countersigned by the presiding officer
4. Ballot papers countersigned but returned to the Returning officer as not used
5. Ballot papers actually used for poll
6. Ballot papers issued to the voters
7. Ballot papers cancelled

Date :

Signature of the Presiding officer

Part II-Result of Counting

Name of the candidate

Number of valid votes

(1)

(2)

- 1.
- 2.
- 3.
- etc.

Rejected ballot papers

1. Total number of ballot papers that should be in ballot boxes with reference to Part I (item 6 in Part I)
2. Total number of ballot papers received under rule 29 and counted with the ballot papers of the polling station with reference to rule 40(3) ...
3. Total number of ballot papers that should have been counted
4. Total number of ballot papers actually found and counted....

Signature of the counting supervisor

Signature of the Returning officer

Form-16

Appointment of counting agents

Member to ward No. of Village Panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat Council

To

The Returning officer

I a candidate / the election agent of who is a candidate at the above election do hereby appoint the following persons as my counting agents to attend the counting of votes at

Name of the counting agent
(1)

Address of the counting agent
(2)

Signature of candidate/election agent

I/we agree to act as such counting agent

Place:

Signature of counting agent

Date :

Declaration of Counting Agent
(To be signed before the Returning Officer)

I/We hereby declare that at the above election I/We will not, except for some purpose authorised by law, communicate to any person any information showing directly or indirectly for which candidate any votes has voted.

Date : Signed before me

Signature of Counter Agent

Date : Returning Officer

Form-17

[See rule 40(3), 41(1), (4), (5) & 42]

Member to ward No. of Village Panchayat

Election of President to Village Panchayat

Election of Member to Commune Panchayat Council

Polling station		Number of valid votes cast in favour of			Number of			Remarks
Serial No.	Name	A	B	C	Valid votes	Rejected votes	Total votes for polling station	
(1)	(2)	(3)			(4)	(5)	(6)	(7)

Total votes polled

Place :

Date :

Returning Officer

Form 18
See rule 42(1)

..... commune panchayat
..... village panchayat

Return of election

Election of Member to ward No. of village panchayat
Election of President to village panchayat
Election Member to commune panchayat council

Serial number	Name of candidate	Number of valid votes polled
(1)	(2)	(3)
1.		
2.		
3.		
etc.,		

Total number of valid votes polled

Total number of rejected votes

I declare that Thiru/Thirumathi/Selvi has been duly elected member
to ward No. of the village panchayat as the

President of village panchayat

Member of the commune panchayat council

Place :

Date :

Returning officer

Form 19
See rule 44(1)

Declaration of the result of election

Election of President /Member to the village panchayat /commune
panchayat council

In pursuance of the provisions contained in sub-rule (1) of rule 44 of the Pondicherry village and
commune panchayats (conduct of election of members of commune panchayat council and Presidents
and members of village panchayat) Rules, 1978, I declare that

.....(Name)

.....
.....(Address)

has been duly elected as President/member of the village panchayat /member of the commune panchayat council.

Place :

(Signature)

Date :

Returning officer

Form 20

Result of election

[See rule 44(2)]

In Pursuance of the provisions in sub-rule (2) of rule 44 of the Pondicherry village and commune panchayats (conduct of election of members of commune panchayat council and Presidents and members of village panchayat) Rules, 1978, I declare that Thiru
(name) (address) has been duly elected
as member in ward No of village panchayat.

Place :

(Signature)

Date :

Returning officer