

**STATE ELECTION COMMISSION,
Puducherry**

No.12 -SEC/Civic Election /2021

1824

Puducherry, Dt. 28-09-2021

DIRECTION

Sub:- Guidelines issued to the Returning Officers and Assistant Returning Officers to be followed at the time of filing of Nomination Paper-Reg.

It is necessary and expedient to provide in the interest of purity of elections to the Municipal / Commune Panchayat Councils in the Union Territory of Puducherry and in the interest of the conduct of such elections in a fair and efficient manner, certain procedures to be followed by the Returning Officers and the Assistant Returning Officers at the time of filing of nomination by the candidate.

Therefore in exercise of the powers conferred under clause (1) of Article 243-K and 243-ZA of the Constitution of India and Section 9A of the Puducherry Village and Commune Panchayats Act, 1973 and Section 15A of the Puducherry Municipalities Act, 1973 and all other powers enabling in this behalf, the State Election Commissioner directs as follows:-

1. On the Receipt of Nominations, Acknowledgement of Nomination Paper Cum - Notice of Scrutiny to be given to the Candidate / Proposer as Prescribed at the end of Nomination Paper.
2. The check list shall be signed by both the Returning Officers/Assistant Returning officers who receive the nomination and the candidate.
3. The duplicate copy of the check list shall be handed over to the Candidate/Proposer who files Nomination paper, while retaining the original with Returning Officers / Assistant Returning Officers.
4. If any of the documents has not been filed along with Nomination Paper, the same should be clearly mentioned in the Checklist (format enclosed), indicating the time limit by which the required documents can be submitted.
5. Once the Returning Officers/Assistant Returning officers records in the check list prepared by him at the time of presentation of the nomination paper that a particular document/requirement has been filed/fulfilled, he cannot later take the stand that the document was not in order.
6. The Returning Officers/Assistant Returning Officers while checking the acknowledging documents filed with nomination paper and filling up the Check

List, should also make an endorsement about defect, if any, noticed in the documents filed with the nomination papers.

7. The Copy of check list handed over as above, will serve the dual purpose of "Receipt of documents" submitted as well as of "notices for submitting the relevant documents". No separate notice is essential to be given to the candidates for this purpose.
8. If and when a document is filed subsequent to filing of nomination, an acknowledgement to that effect should be issued to the candidates, clearly mentioning the date and time at which it is filed.
9. The whole process of scrutiny of nomination papers should invariably be video-graphed in all cases.
10. Affidavit filed by the candidate should be in prescribed format given in Appendix II of the rule 11(8) and rule 11 (7) of the Puducherry Municipal Councils (Conduct of election of Councillors) Third Amendment Rules, 2021 and the Puducherry Village and Commune Panchayat (Conduct of elections of Members of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Third Amendment Rules, 2021 respectively.
11. The affidavits filed by the candidates should be on Rs.20/- stamp paper under Puducherry Stamps Act.
12. The affidavit filed by the candidates at the time of filing of nomination, should be preferably typed out, and if hand-written, the entries should be clearly and legibly written. Further, no columns are to be left blank. If there is no particulars to be indicates against any item, "NIL" or "NOT APPLICABLE" etc should be mentioned.
13. Column for providing details regarding e-mail(s) id is part of Appendix-II. This column mentions "e-mail(s) id (if any)". If a candidate does not have e-mail(s) id, he may write 'nil' or 'NA'. Not having an e-mail(s) id cannot be a ground for rejection of nomination. Not furnishing information on Social Media Account shall also not be a ground for rejection of nomination.
14. All pending cases are required to be mentioned in the Affidavit even if charges have not been framed in the cases as directed by the Hon'ble Supreme Court.
15. While scanning may be got done immediately after the affidavit is filed, uploading on the website may be done within 24 hours after the period for withdrawal of candidatures ends. Only the affidavits filed by the Contesting Candidates need to be uploaded on the website of the SEC for wider dissemination of information.
16. The copies of the affidavits are to be displayed on the Notice Board of the Returning Officer immediately after the affidavit is filed and the copies of the affidavits are to be supplied free of cost to any person who asks for the same.

17. Special care should be taken to ensure that no part of any affidavit is left out while scanning is carried out.
18. The Candidate, immediately after filing nominations "offline" shall take oath/affirmation before the Returning Officer or he/she shall take oath before the time of starting scrutiny as one of the legal requirement.
19. If an overseas elector who may file nomination papers is in India at the time of filling nomination, he may make the oath or affirmation before the returning officers/Assistant returning officers. If a candidate who is an overseas elector appears before the Returning Officers/Assistant Returning Officers to make the oath, the Returning Officers/Assistant Returning Officers concerned shall ensure that the identity of the person is properly verified by carefully going through the particulars in the passport of the person. Thus, such person will necessarily have to produce his/her original passport for verification by the returning officers/Assistant returning officers at the time of making the oath or affirmation.
20. Candidates are required to submit their Photographs recently taken to the Returning Officers.
21. The Returning Officer can take the assistance of one suitable officer exclusively to check the affidavit
22. Notices in Form-A and Form-B, signed in original, are required to be submitted to the Returning Officers of the constituencies where the party is setting up its candidates at least by 3.00 P.M on the last date of filing nominations without fail. The Forms A & B should be duly filled up in all respects.
23. Photo-copies/forms with facsimile signatures or forms transmitted by FAX/email by the candidates are not acceptable.
24. Form A in which the party authorizes Office-Bearer(s) to sign Notices in Form B should be from the Central Office of the party in the Union Territory.
25. The candidate concerned should declare in the relevant part of the nomination paper that he has been set up by the said political party. In cases where a party nominates the main candidate and the substitute candidate, there is a provision that if the nomination paper of the main candidate is rejected, then the substitute candidate can be treated as the party's candidate the substitute candidate should have made a declaration in his nomination paper (at least in one set of nomination papers if such candidate has filed more than one set) that he/she has been set up by the said political party.
26. In order to prevent cases of non-SC/ST persons contesting election from reserved constituencies, the Returning Officers at the time of scrutiny of nominations should satisfy themselves that the candidates contesting from reserved constituencies belong to SC or ST, as the case may be.

27. Wherever in doubt, the Returning Officer must insist on production of SC/ST certificate issued by competent authorities. Where, however, the certificate produced by the candidate is also challenged, the Returning Officer need not go into that question, except where it is alleged that the certificate produced is forged or is not issued by competent authority.
28. In the case of any allegation/suspicion about the genuineness of the certificate, the returning officers/Assistant returning officers should get the position cross-checked with the District Collector which purportedly issued the SC/ST certificate in question, before deciding the validity of the nomination paper of the candidate concerned.
29. If on such cross-checking/verification, the Returning Officers/Assistant Returning Officers is satisfied that the certificate in question is not genuine, he should not only reject the nomination of the candidate concerned, but should also initiate Criminal Proceedings against the candidate for adducing forged documentary evidence before him.
30. Only Three persons including the candidate / proposer shall be allowed into the chamber of the Returning Officer at the time of filing Nomination "Offline"
31. Who ever the person is intending to file nomination, the Returning Officer shall maintain his/her status and also maintain "Official Decorum" while receiving the Nomination.
32. The Returning Officer / Assistant Returning Officer shall ensure that the persons (Three Nos) entering into the chamber of the Returning Officer and also his Supporting Staff/Officials are wearing face mask and observe "COVID PROTOCOL" while in the process of Receiving Nomination Paper.
33. The proposer/s should be present with photo identity-card at the time of filing nomination papers. The Returning Officers/Assistant Returning Officers verify the identity of the proposers with the photo identity card and the photo roll.
34. The Nomination Paper can be filed either by the candidate himself or by a proposer. There is no legal requirement that all the proposers should be present before the Returning Officer. The need for verification of identity will arise only in the event of any complaint or doubt.
35. The presence of media persons in the office of returning officers/Assistant returning officers during the process of filing of nomination by candidate, the media is not debarred access at the time and place of filing of nomination by the candidate. However, the number and manner of their facilitation/ access are to be decided by Returning Officer concerned depending of the local situation and circumstances.
36. Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed.

37. It is the duty of the Returning Officers/Assistant Returning Officers to check whether the information required is fully furnished at the time of filing of affidavit with the nomination paper since such information is very vital for giving effect to the 'right to know' of the citizens. If candidate fails to fill the blanks even after the reminder by the Returning Officers/Assistant Returning Officers, the nomination paper is fit to be rejected. The Powers of Returning Officer to reject the nomination paper must be exercised. The nomination paper will be liable to be rejected by the Returning Officers/Assistant Returning Officers at the time of scrutiny of nomination papers.

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(ROY P THOMAS)
STATE ELECTION COMMISSIONER

To

1. District Election Officer, Puducherry/Karaikal.
2. Regional Election Officer, Mahe/Yanam.
3. All ROs/AROs.