



**HAND BOOK  
FOR  
CANDIDATES FOR  
ELECTION OF MEMBER / PRESIDENT,  
VILLAGE PANCHAYAT  
AND MEMBER, COMMUNE PANCHAYAT  
COUNCIL**

**STATE ELECTION COMMISSION  
PUDUCHERRY**

**Hand book for  
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Member / President,  
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Commune Panchayat Council**

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## **CHAPTER-I**

### **PRELIMINARY**

1.1 If you are standing as a candidate for election of ward member of Village Panchayat / President of Village Panchayat / Member of Commune Panchayat Council, it is essential that you should know the salient provisions of election law and procedure so that you may not experience any difficulty or inconvenience in connection with your candidature. Perhaps you are already aware of the basic provisions of the election laws and rules. Still for your benefit and guidance, the State Election Commission has brought out this Handbook, giving in brief the important and relevant provisions of the laws and rules in relation to the election you are contesting.

#### **Strength of Local Body / delimitation of Constituencies :**

1.2 Under sections 11 and 12 of the Pondicherry Village and Commune Panchayat Act, 1973, Government of Pondicherry has notified 815 wards in 98 Village Panchayats and 98 wards in 10 Commune Panchayats. The extent of each ward has been notified. The reservations of seats for Scheduled Castes, Scheduled Caste Women, General Women, etc. for various offices have also been notified. The details of wards and reservations will be supplied to you separately.

#### **Electoral Rolls :**

1.3 Elections to the above Local Bodies are held on the basis of adult suffrage. Every person who is a citizen of India and who is not less than 18 years of age on the qualifying date and who is not otherwise disqualified under any law on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice is entitled to be registered as a voter at these elections.

#### **Candidate must be an elector :**

1.4 One of the basic qualifications for candidature at the elections is that the person concerned should be an elector. Hence it is necessary to note that as a candidate, you must first ensure that your name has been included in the current electoral roll on the basis of which election will be held. Under the law, the electoral roll of the constituency would have been revised and finally published, well before the election programme is announced.

## CHAPTER-II

### QUALIFICATIONS AND DISQUALIFICATIONS

2.1 In order that you may stand as a candidate, you must possess certain qualifications and at the same time you must not suffer from certain disqualifications. These qualifications and disqualifications are laid down both in the Constitution and the election statutes.

#### **Qualifications :**

2.2 If you want to stand as a candidate for election of Member / President of Village Panchayat / Member of Commune Panchayat Council, you must possess each of the following qualifications.

- (a) in the first place, you must be a citizen of India.
- (b) in the second place, you must not be less than 21 years of age as on the date of scrutiny of nominations (Proviso Commune Panchayat Act, 1973).
- (c) in the third place, if you are a candidate for a reserved seat / office, a candidate for a reserved seat / office, you must belong to that category and in addition you must also be an elector of the Constituency wherein you propose to stand for election.

2.3 If you want to stand as a candidate for the Local Bodies election you must not suffer from any of the disqualifications laid down by or under any law for the election to the Legislative Assembly of the Union Territory *vide* section 23 (1) of the Pondicherry Village and Commune Panchayat Act, 1973.

#### **Disqualifications contained in section 14 of the Government of Union Territories Act, 1963 (Annexure 2.1)**

2.4 (i) In the first place, you must not hold any office of profit under the Government of India or the Government of any State or the Government of any Union Territory other than an office declared by law made by Parliament or by the Legislative Assembly of Union Territory of Pondicherry not to disqualify its holder. The Pondicherry Legislative Assembly has passed the Pondicherry Members of the Legislative Assembly (Prevention of Disqualification) Act, 1994 (Annexure 2.2) which may be studied carefully.

(ii) In the second place, you must not suffer from any of the disqualifications for being chosen or for being a member of either House of Parliament as laid down in the provisions of sub-clause (b), sub-clause (c) or sub-clause (d) of article 102 (1) of the Constitution of India (Annexure 2.3) or any law made in pursuance of that Article. From the expression "any law made in pursuance of that Article" used in section 14 (1) (b), it seems safer to assume that the Parliament (Prevention of Disqualification) Act, 1959 (Annexure 2.4) may apply if you want to stand as a candidate for civic election because in addition to the relevant provision relating to disqualifications contained in the Representation of People Act, 1951, the Parliament (Prevention of Disqualification) Act, 1959 has also been made in pursuance of Article 102. In this view of the matter, you should consider carefully whether you should resign any office of profit in so far as it is an office of profit under Government, if at all it falls within the prohibitive purview of clause (h) and (i) of section 3 of the Parliament (Prevention of Disqualification) Act, 1959 before you file your nomination papers. In any case, it will be safer for you to consult your lawyer in this matter so that after your election it may not be challenged.

### **Disqualifications under the Representation of People Act, 1951 :**

2.5 The statutory disqualifications for membership of Legislative Assembly of Union Territory applicable to the present elections are the same as the disqualifications for membership of Parliament contained in section 8, section 8A, section 9, section 9A, section 10 and section 10A of the Representation of People Act, 1951 (Annexure 2.5) with this difference that the reference "to the appropriate government" in any of the section, such as section 9A or section 10 shall mean, not only the Government of the Union Territory but also the Central Government. So that if you have a subsisting contract entered into by you in the course of your trade or business with the Union Territory of Pondicherry you will be disqualified and if you have any contract with the Central Government for the purpose of the Union Territory of Pondicherry, then also you will be disqualified. The same position will hold good in relation to section 10 of the Representation of People Act, 1951. This view is taken in view of the definition of "State Government" given in the Act, 1950 also by virtue of section 2(1)(a) of the latter Act (Annexure 2.6) and section 55 of the Government of Union Territories Act, 1963 (Annexure 2.1). In a serious matter like elections, you should play safe always and should not take any risk. In any case, it will be better for you to consult your lawyer on this point.

### **Disqualifications under the Village and Commune Panchayat Act, 1973 (Annexure 2.7) :**

2.6 (i) Under section 20 of the Act, a person convicted and sentenced by a criminal court to imprisonment for any offence involving moral delinquency or for an offence punishable under the Protection of Civil Rights Act, 1955 is disqualified for election as a member of Village Panchayat / Commune Panchayat while undergoing the sentence and for five years from the date of expiration of the sentence.

(ii) **Disqualification of person convicted of election offences :** A person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code or under any law or rule relating to infringement of secrecy of an election shall be disqualified for contesting the civic election for a period of five years from the date of his conviction.

(iii) A person is disqualified for election as a member of Village / Commune Panchayat if at the last date for filing of nomination or at the date of election, he is of unsound mind, or a deaf or a mute etc. For details you may refer to section 22 (2) (see Annexure 2.7).

(iv) Disqualification for contesting election and for being as member / President of Village Panchayat and member, Commune Panchayat Council are laid down in section 23 (Annexure 2.7)

### **Disqualification arising out of disqualifications for voting :**

2.7 (i) If a person is, for the time being, disqualified for voting under any law relating to corrupt practice or other offences in connection with election, then he becomes disqualified for registration in an electoral roll and the name of any person who becomes so disqualified after registration is required to be struck off the electoral roll. One of the qualifications for standing for election is that you must be an elector *vide* section 19 of the Pondicherry Village and Commune Panchayat Act, 1973 (Annexure 2.7). But if you are disqualified for voting, you are not qualified for standing for election.

(ii) Section 11A of the Representation of People Act, 1951 (Annexure 2.5) provides for disqualification for voting arising out of conviction and corrupt practice.

(iii) Any person convicted of an offence punishable under section 171 E or 171 F of the Indian Penal Code (Annexure 2.8) or under section 125 or 135 or clause (a) of sub-section (2) of section 136 of the Representation of People Act, 1951 (Annexure 2.5) shall be disqualified for voting.

(iv) In the case of a person found guilty of a corrupt practice by an order under section 99 of the Representation of People Act, 1951, he will be disqualified for voting for the same period as determined under sub-section (1) of section 8A for disqualification for standing for election.

(v) Under proviso to sub-section (4) of section 17 of the Pondicherry Village and Commune Panchayat Act, 1973, no person shall vote for election of member if he—

- (a) has been adjudged to be of unsound mind or is a deaf-mute or
- (b) has voluntarily acquired the citizenship of a foreign state or
- (c) has been sentenced by a criminal court for an electoral offence punishable under section 27 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election and five years have not elapsed from the date of such sentence or disqualification provided that the disqualification under this clause may, at any time, be removed by the Government if it thinks fit.

2.8 All the important points relating to qualifications and disqualifications have been mentioned in this chapter and you should carefully read the provisions mentioned above because a perusal of this Handbook will help you to understand the provisions of the Constitution and the law.

2.9. You must make a declaration about conviction, if any, as per order at Annexure 2.9.



## ANNEXURE 2.1

### EXTRACTS FROM THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

[ 20 of 1963 ]

**14. Disqualification for membership.**—(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of the Union territory—

- (a) if he holds any office of profit under the Government of India or the Government of any State or the Government of the Union territory, other than an office declared by law made by Parliament or by the Legislative Assembly of the Union territory, not to disqualify its holder ; or
- (b) if he is for the time being disqualified for being chosen as, and for being a member of either House of Parliament under the provisions of sub-clause (b), sub-clause (c) or sub-clause (d) of clause (1) of article 102 or of any law made in pursuance of that article.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of the Union territory by reason only that he is a Minister either for the Union or for such State or Union territory.

(3) If any question arises as to whether a member of the Legislative Assembly of the Union territory has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.

(4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

**14.A. Disqualification on ground of defection for being a member.**—The provisions of the Tenth Schedule to the Constitution shall, subject to the necessary modifications including modifications for construing references therein to the Legislative Assembly of a State, article 188, article 194 and article 212 as references, respectively, to the Legislative Assembly of the Union territory, section 11, section 16 and section 37 of this Act, apply to and in relation to the members of the Legislative Assembly of the Union territory as they apply to and in relation to the members of the Legislative Assembly of a State, and accordingly,—

- (a) the said Tenth Schedule as so modified shall be deemed to form part of this Act ; and
- (b) a person shall be disqualified for being a member of the Legislative Assembly of the Union territory if he is so disqualified under the said Tenth Schedule as so modified.

\* \* \* \*

## CONTRACTS AND SUITS

55. For the removal of doubts it is hereby declared that—

- (a) all contracts in connection with the administration of the Union territory are contracts made in the exercise of the executive power of the Union ;
- (b) all suits and proceedings in connection with the administration of the Union territory shall be instituted by or against the Government of India.

ANNEXURE 2.2  
GOVERNMENT OF PONDICHERRY  
LAW DEPARTMENT

No. 63 / Leg. / 94—LD.

Pondicherry, the 21st November 1994.

The following Act of the Legislative Assembly, Pondicherry received the assent of the Administrator, Pondicherry on the 17th November 1994 and is hereby published for general information :—

**THE PONDICHERRY MEMBERS OF THE  
LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) ACT, 1994**  
(Act No. 13 of 1994)

[17-11-1994]

AN

ACT

***to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being members of the Legislative Assembly of Pondicherry.***

Be it enacted by the Legislative Assembly of Pondicherry in the Forty-fifth Year of the Republic of India as follows :—

1. (1) **Short title and commencement.**—(1) This Act may be called the Pondicherry Members of the Legislative Assembly (Prevention of Disqualification) Act, 1994.

(2) It shall come into force at once.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

- (a) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance, such allowance not exceeding the amount of daily allowance to which a member of the Legislative Assembly is entitled under the Salary, Allowances and Pension of Members of the Legislative Assembly (Pondicherry) Act, 1964, any conveyance allowance, house rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office ;
- (b) "non-statutory body" means any body of persons other than a statutory body ;
- (c) "Schedule" means the Schedule appended to this Act ; and
- (d) "Statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force.

3. It is hereby declared that none of the offices specified in the Schedule shall disqualify the holder thereof for being chosen as, or for being a Member of the Legislative Assembly of Pondicherry.

## **SCHEDULE**

(See section 3)

The Office of Chairman, President, Vice-Chairman, Vice-President, Director or Member of any of the following Statutory or non-statutory bodies, namely :—

- (a) The Pondicherry Distilleries Limited ;
- (b) The Pondicherry Agro Service and Industries Corporation Limited ;
- (c) The Pondicherry Agro Products, Food and Civil Supplies Corporation Limited ;
- (d) The Pondicherry Tourism and Transport Development Corporation Limited ;
- (e) The Pondicherry Adi Dravidar Development Corporation Limited ; and
- (f) The Pondicherry Legal Aid and Advice Board

Provided that the holder of any such office is not in receipt of, or entitled to, any fee or remuneration other than compensatory allowance.

**V. NARAYANASAMY,**  
Deputy Secretary to Government.

## ANNEXURE – 2.3

### EXTRACTS OF THE CONSTITUTION OF INDIA

102. **Disqualifications for membership.**—(1) A person shall be disqualified for being chosen, as and for being, a member of either House of Parliament—

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder ;

(b) if he is of unsound mind and stands so declared by a competent court ;

(c) if he is an undischarged insolvent ;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a Foreign State, or is under any acknowledgment of allegiance or adherence to a Foreign State.

(e) if he is so disqualified by or under any law made by Parliament.

*Explanation.*—(1) For the purposes of this clause a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State.

(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.

ANNEXURE – 2.4

**THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) ACT, 1959**

(10 of 1959)

[4th April, 1959]

**An**

**Act**

***to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, Members of Parliament.***

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Parliament (Prevention of Disqualification) Act, 1959.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

- (a) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance such allowance not exceeding the amount of daily allowance to which a member of Parliament is entitled under the Salaries and Allowances of members of Parliament Act, 1954 (30 of 1954), any conveyance allowance, house rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office ;
- (b) "statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force ;
- (c) "non-statutory body" means any body of persons other than a statutory body.

3. **Certain offices of profit not to disqualify.**—It is hereby declared that none of the following offices in so far as it is an office of profit under the Government of India or the Government of any State, shall disqualify the holder thereof for being chosen as, for being, a member of Parliament, namely :—

- (a) any office held by a Minister, Minister of State or Deputy Minister for the Union or for any State, whether ex-Officio or by name ;
  - (aa) the office of a Leader of the Opposition in Parliament ;
- (b) the office of Chief Whip, Deputy Chief Whip or Whip in Parliament or of a Parliamentary Secretary ;
- (c) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948 (31 of 1948), the Territorial Army Act, 1948 (56 of 1948), or the Reserve and Auxiliary Air Forces Act, 1952 (62 of 1952) ;
- (d) the office of a member of a Home Guard constituted under any law for the time being in force in any State ;
- (e) the office of sheriff in the city of Bombay, Calcutta or Madras ;

(f) the office of chairman or member of the syndicate, senate, executive committee, council or court of a university or any other body connected with a university ;

(g) the office of a member of any delegation or mission sent outside India by the Government for any special purpose ;

(h) the office of chairman or member of a committee (whether consisting of one or more members), set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of , any such matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance;

(i) the office of chairman, director or member of any statutory or non-statutory body other than any such body as is referred to in clause (h), if the holder of such office is not entitled to any remuneration other than compensatory allowance, but excluding (i) the office of chairman of any statutory or non-statutory body specified in Part I of the Schedule, (ii) the office of chairman or secretary of any statutory or non-statutory body specified in Part II of the Schedule and (iii) the office of deputy chairman of the non-statutory body specified in Part III of the Schedule ;

(j) the office of village revenue officer, whether called a lambardar, malguazar, patel, deshmukh or by any other name, whose duty is to collect land revenue and who is remunerated by a share of, or commission on, the amount of land revenue collected by him, but who does not discharge any police functions.

*Explanation 1.*—For the purposes of this section, the office of chairman or secretary shall include every office of that description of whatever name called.

*Explanation 2.*—In clause (aa), the expression “Leader of the Opposition” shall have the meaning assigned to it in the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977).

**4. Temporary suspension of disqualification in certain cases**—If a person being a member of Parliament who immediately before the commencement of this Act held an office of profit declared by any law repealed by this Act not to disqualify the holder thereof for being such member, becomes so disqualified by reason of any of the provisions contained in this Act, such office shall not, if held by such person for any period not extending beyond a period of six months from the commencement of this Act disqualify him for being a member of Parliament.

**5. Repeals**—The Parliament (Prevention of Disqualification), Act, 1950 (19 of 1950), the Parliament Prevention of Disqualification Act, 1951 (68 of 1951), the Prevention of Disqualification Act, 1953 (1 of 1954), and any provision in any other enactment which is inconsistent with this Act are hereby repealed.

## **THE SCHEDULE**

[See section 3(i)]

### **PART-I**

#### **BODIES UNDER THE CENTRAL GOVERNMENT**

Air India International Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953).

Air Transport Council constituted under section 30 of the Air Corporations Act, 1953 (27 of 1953).

Board of Directors of the Export Risks Insurance Corporation Limited.

Board of Directors of the Heavy Electricals Limited.

Board of Directors of the Hindustan Cables Limited.

Board of Directors of the Hindustan Insecticides Limited.

Board of Directors of the Hindustan Machine Tools Limited.

Board of Directors of the Hindustan Shipyard Limited

Board of Directors of Hindustan Chemicals and Fertilizers Limited

Board of Directors of the National Coal Development Corporation (Private) Limited.

Board of Directors of the National Industrial Development Corporation Limited.

Board of Directors of the National Instruments Limited.

Board of Directors of the National Small Industries, Corporation Limited.

Board of Directors of the Neyveli Lignite Corporation (Private) Limited.

Board of Directors of the Sindri Fertilizers and Chemicals Limited.

Board of Directors of the State Trading Corporation of India Limited.

Central Warehousing Corporation established under section 17 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956).

Coal Board established under section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952).

Coal Mines Labour Housing Board constituted under section 6 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947).

Commissioners for the Port of Calcutta.

Committee for the allotment of land in the township of Gandhidham.

Advisory Committee for the Indian Airlines Corporation Appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953).

Central Silk Board constituted under section 4 of the Central Silk Board Act, 1948 (61 of 1948).

Coffee Board constituted under section 4 of the Coffee Act, 1942 (7 of 1942).

Coir Board constituted under section 4 of the Coir Industry Act, 1953 (45 of 1953).

Development Council for Acids and Fertilizers established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Alkalis and Allied Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Bicycles established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Drugs, Dyes and Intermediates established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Food Processing Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Heavy Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Internal Combustion Engines and Power Driven Pumps established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Light Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Machine Tools established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Non-ferrous Metals including alloys established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

### **Madhya Pradesh**

Madhya Pradesh Housing Board Constituted under section 3 of the Madhya Pradesh Housing Board Act, 1950.

Mahakoshal Housing Board.

### **Tamil Nadu**

Committee to select Books for study for S.S.L.C. Examination.

Landing and Shipping Fees Committees for Minor Ports.



## **BODIES UNDER STATE GOVERNMENTS**

### **Andhra Pradesh**

Agricultural Improvement Fund Committee constituted under section 3 of the Hyderabad Agricultural Improvement Act, 1952.

Co-operative Agricultural and Marketing Development Fund Committee.

Livestock purchasing Committee.

### **Assam**

Adhi Councilation Boards constituted under section 2A for the Assam Adhiars Protection and Regulation Act, 1948.

Assam Evacuee Property Management Committee constituted under section 12 of the Assam Evacuee Property Act, 1951.

Assam Text Book Committee.

### **Bihar**

Mining Board for Coal Mines.

Text Book and Education Literature Committee:

### **Bombay**

Allocation Committee (Allopathic) under the Employees' State Insurance Scheme.

Allocation Committee (Ayurvedic ) under the Employees' State Insurance Scheme:

Board to conduct over-all supervision of the business and affairs of the Narsinggiriji Mills, Sholapur.

Bombay Housing Board constituted under section 3 of the Bombay Housing Board Act, 1948.

Bombay State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948).

Bombay State Electricity Consultative Council constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948).

Medical Service Committee under the Employees' State Insurance Scheme.

Pharmaceutical Committee under the ; Employees' State Insurance Scheme.

Regional Transport Authority for Ahmedabad, Aurangabad, Bombay, Nagpur, Poona, Rajkot and Thana Constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).

Saurashtra Housing Board constituted under section 3 of the Saurashtra Housing Board Act, 1954.

State Transport Authority Constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).

Vidarbha Housing Board Constituted under section 3 of the Madhya Pradesh Housing Act, 1950.

### **Kerala**

Board of Examiners appointed under rule 8 of the Travancore-Cochin Boiler Attendants Rules, 1954.

Panel of Assessors constituted under rule 63 of the Travancore-Cochin Boiler Attendants Rules, 1954.

Panel of Assessors constituted under the Travancore-Cochin Economiser Rules, 1956.

Sub-Committee to select books for Educational Expansion Department.

U.P. Sugar and Power Alcohol and Labour Housing Board constituted under section 10 of the U.P. Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act, 1950.

### **West Bengal**

Licensing Board constituted under the regulations made under rule 45 of the Indian Electricity Rules, 1956.

West Bengal Housing Board constituted under the West Bengal Development Corporation Act, 1954.

### **Bodies in Union Territories**

Delhi Development Authority Constituted under section 3 of the Delhi Development Act, 1957 (61 of 1957).

Delhi Electricity Power Control Board constituted under section 5 of the Bombay Electricity (Special Powers) Act, 1946, as applied to Delhi.

Delhi State Electricity Council constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948).

## **PART-II**

### **Bodies Under The Central Government**

Advisory Committee for the Air-India International Corporation appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953).

Advisory Committee for the Indian Airlines Corporation Appointed under section 41 of the Air Corporations Act, 1953 (27 of 1953).

Central Silk Board constituted under section 4 of the Central Silk Board Act, 1948 (61 of 1948).

Coffee Board constituted under section 4 of the Coffee Act, 1942 (7 of 1942).

Coir Board constituted under section 4 of the Coir Industry Act, 1953 (45 of 1953).

Development Council for Acids and Fertilizers established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Alkalis and Allied Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Bicycles established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Drugs, Dyes and Intermediates established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Food Processing Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Heavy Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Internal Combustion Engines and Power Driven Pumps established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Light Electrical Engineering Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Machine Tools established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Non-ferrous Metals including alloys established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

### **Madhya Pradesh**

Madhya Pradesh Housing Board Constituted under section 3 of the Madhya Pradesh Housing Board Act, 1950.

Mahakoshal Housing Board.

### **Tamil Nadu**

Committee to select Books for study for S.S.L.C. Examination.

Landing and Shipping Fees Committees for Minor Ports.

Local Committee constituted under regulation 10A of the Employees' State Insurance (General) Regulation, 1950.

Madras Board of Transport.

Tamil Nadu Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948).

Madras State Electricity Consultative Council constituted under section 16 of the Electricity (Supply) Act, 1948 (54 of 1948).

Port Conservancy Boards.

Port Trust Boards of Minor Ports.

State Board of Communications.

Text Books Committee.

### **Karnataka**

Board of Management, Mysore Iron and Steel Works, Bhadravathi.

Board of Management of Industrial Concerns.

### **Orissa**

Appeal Committee under the Board of Secondary Education.

Orissa Board of Communications and Transport.

Regional Transport Authority Constituted under section 44 of the Motor Vehicles Act, 1939 (4 of 1939).

State Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939, (4 of 1939).

### **Punjab**

Punjab State National Workers (Relief and Rehabilitation) Board.

### **Rajasthan**

City Improvement Trust, Kota, Constituted under the City of Kota Improvement Act, 1946.

Excise Appellate Board, Ajmer.

Rajasthan State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948).

Urban Improvement Board, Jaipur.

### **Uttar Pradesh**

Government Cement Factory Board.

Local Committees for Agra, Kanpur, Lucknow and Saharanpur appointed under section 25 of the Employees' State Insurance Act, 1948 (34 of 1948).

Development Council for Oil-based and Plastic Industries established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Sugar Industry established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Textiles made of artificial Silk including artificial silk yarn established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Textiles, made of artificial Silk including artificial silk yarn established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Development Council for Textiles made of wool including woollen yarn, hosiery, carpets and druggets established under section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Durgah Committee, Ajmer, constituted under section 4 of the Durgah Khwaja Saheb Act, 1955 (36 of 1955).

Indian Central Arecanut Committee.

Indian Central Coconut Committee constituted under section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944).

Indian Central Cotton Committee constituted under section-4 of the Indian Cotton Cess Act, 1923 (14 of 1923).

Indian Central Jute Committee.

Indian Central Oilseeds Committee constituted under section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946).

Indian Central Sugarcane Committee.

Indian Central Tobacco Committee.

Indian Lac Cess Committee constituted under section 4 of the Indian Lac Cess Act, 1930 (24 of 1930).

Rubber Board constituted under section 4 of the Rubber Act, 1947 (24 of 1947).

Tea Board constituted under section 4 of the Tea Act, 1953 (29 of 1953).

## **Bodies Under State Governments**

### **Andhra Pradesh**

Market Committee constituted under section 4 of the Hyderabad Agricultural Market Act, No. 11 of 1939 F.

Market Committee constituted under section 4A of the Madras Commercial Crops Markets Act, 1933.

### **Bihar**

Bihar State Board of Religious Trusts.

Bihar Subai Majilis Awqaf.

Bodh Gaya Temple Advisory Committee constituted under section 15 of the Bodh Gaya Temple Act, 1949.

Bodh Gaya Temple Management Committee constituted under section 3 of the Bodh Gaya Temple Act, 1949.

### **Kerala**

Administration Committee for Coir Purchase Scheme.

Malabar Market Committee constituted under section 4A of the Madras Commercial Crops Markets Act, 1933.

Tapioca Market Expansion Board.

### **Tamil Nadu**

Area Committee for Hindu Religious and Charitable Endowments constituted under section 12 of the Madras Hindu Religious and Charitable Endowments Act, 1951.

Madras State Waqf Board constituted under section 9 of the Waqf Act, 1954 (29 of 1954).

### **Punjab**

State Marketing Board Constituted under section 3 of the Patiala Agricultural Produce Markets Act, 2004.

## **PART III**

### **Body Under the Central Government**

Planning Commission

## ANNEXURE 2.5

### EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

**4. Qualifications for membership of the House of the People**—A person shall not be qualified to be chosen to fill a seat in the House of the People unless—

(a) in the case of seat reserved for the Scheduled Castes in any State, he is a member of any of the Scheduled Castes, whether of that State or of any other State, and is an elector for any Parliamentary constituency ;

(b) in the case of a seat reserved for the Scheduled Tribes in any State (other than those in the autonomous districts of Assam), he is a member of any of the Scheduled Tribes, whether of that State or of any other State (excluding the tribal areas of Assam), and is an elector for any Parliamentary constituency ;

(c) in the case of seat reserved for the Scheduled Tribes in the autonomous districts of Assam, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency in which such seat is reserved on for any other Parliamentary constituency comprising any such autonomous district ;

(cc) in the case of the seat reserved for the Scheduled Tribes in the Union territory of Lakshadweep, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary constituency of that Union territory ;

(ccc) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim ;

(d) in the case of any other seat, he is an elector for any Parliamentary constituency.

**5. Qualifications for membership of a Legislative Assembly**—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless—

(a) in the case of seat reserved for the Scheduled Castes or for the Scheduled Tribes of that State, he is a member of any of those castes or of those tribes, as the case may be, and is an elector for any Assembly constituency in that State;

(b) in the case of a seat reserved for an autonomous district of Assam, he is a member of a Scheduled Tribe of any autonomous district, and is an elector for the Assembly constituency in which such seat or any other seat is reserved for that district; and

(c) in the case of any other seat, he is an elector for any Assembly constituency in that State :

Provided that for the period referred to in clause (2) of article 371A, a person shall not be qualified to be chosen to fill any seat allocated to the Tuensang District in the legislative Assembly of Nagaland unless he is a member of the regional council referred to in that article.

**5A. Qualifications for membership of Legislative Assembly of Sikkim—**

(1) Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution) unless—

(a) in the case of seat reserved for Sikkimese of Bhutia - Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas;

(b) in the case of a seat reserved for Sikkimese of Nepali origin, he is a person of Nepali origin and is an elector for any Assembly constituency in the State;

(c) in the case of a seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim Subjects Act, 1974 and is an elector for any Assembly constituency in the State; and

(d) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency.

(2) Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of the State of Sikkim, to be constituted at any time after the commencement to the Representation of the People (Amendment) Act, 1980 (8 of 1980), unless—

(a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas ;

(b) in the case of a seat reserved for Scheduled Castes, he is a member of any of those castes in the State of Sikkim and is an elector for any Assembly constituency in the State ;

(c) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency ; and

(d) in the case of any other seat, he is an elector for any Assembly constituency in the State ;

*Explanation,—*In this sub-section “Bhutia” includes Chumbipa, Dophapa, Dukpa, Kagatey, Sherpa, Tibetan, Trompa and Yolmo.

**8. Disqualification on conviction for certain offences.—**(1) A person convicted of an offence punishable under—

(a) section 153A (offence of promoting enmity between different groups on ground, of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) of section 171E (offence of bribery) or section 171F (offence of undue influence on personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offences relating to rape) or section 498A (offence of cruelty towards a woman by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860), or



(b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of "untouchability", and for the enforcement of any disability arising therefrom ; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962) ; or

(d) sections 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) ; or

(e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973) ; or

(f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987) ; or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988) ; or

(i) section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act, or

(j) section (6 offence of conversion of a Place of worship) of the Places of Worship) (Special Provisions) Act, 1991, or

(k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971;

shall be disqualified for a period of six years from the date of such conviction.

(2) A person convicted for the contravention of —

(a) any law providing for the prevention of hoarding or profiteering; or

(b) any law relating to the adulteration of food or drugs; or

(c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961); or

(d) any provisions of the Commission of Sati (Prevention) Act, 1987 (3 of 1988).

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(4) Notwithstanding anything in sub-section (1), sub-section (2) or sub-section (3) a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

*Explanation.*—In this section—

(a) “law providing for the prevention of hoarding or profiteering” means any law, or any order, rule or notification having the force of law, providing for—

- (i) the regulation of production or manufacture of any essential commodity ;
- (ii) the control of price at which any essential commodity may be bought or sold ;
- (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity ;
- (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale ;

(b) “drug” has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940) ;

(c) “essential commodity” has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955).

(d) “food” has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

**8A. Disqualification on ground of corrupt practices.**—(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be, after such order takes effect, by such authority as the Central Government may specify in this behalf; to the President for determination of the question as to whether such person shall be disqualified and if so, for what period :

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may, if the period of such disqualification has not expired, submit a petition to the President for the removal of such disqualification for the unexpired period of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.

**9. Disqualification for dismissal for corruption disloyalty.**—(1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal.

(2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of that fact :

Provided that no certificate to the effect that a person has been dismissed for corruption or disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

**9A. Disqualification for Government contracts, etc.**—A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

*Explanation.*—For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

**10. Disqualification for Office under Government company.**—A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five per cent, share.

**10A. Disqualification for failure to lodge account of election expenses.**—If the Election Commission is satisfied that a person—

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

## CHAPTER IV

### DISQUALIFICATIONS FOR VOTING

**11A. Disqualification arising out of conviction and corrupt practices.**—(1) If any person, after the commencement of this Act, is convicted of an offence punishable under section 171E or section 171F or the Indian Penal Code (45 of 1860), or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act, he shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for voting at any election.

(2) Any person disqualified by a decision of the President under sub-section (1) of section 8A for any period shall be disqualified for the same period for voting at any election.

(3) The decision of the President on a petition submitted by any person under sub-section (2) of section 8A in respect of any disqualification for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State shall, so far as may be, apply in respect of the disqualification for voting at any election incurred by him under clause (b) of sub-section (1) of section 11A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), as if such decision were a decision in respect of the said disqualification for voting also.

**99. Other orders to be made by the High Court.**—(1) At the time of making an order under section 98 the High Court shall also make an order.

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording—

- (i) a finding whether any corrupt practice has not been proved to have been committed at the election, and the nature of that corrupt practice ; and
- (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice ; and

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid ;

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless—

(a) he has been given notice to appear before the High Court and to show cause why he should not be so named ; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the High Court and has given evidence against him, of calling evidence in his defence and of being heard.

(2) In this section and in section 100, the expression “agent” has the same meaning as in section 123.

## CHAPTER III

### ELECTORAL OFFENCES

**125. Promoting enmity between classes in connection with election.**—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

**135. Removal of ballot papers from polling station to be an offence.**—(1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

**136. Other offence and penalties therefor.**—(1) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or fraudulently destroys any nomination paper ; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of returning officer ; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot ; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper, or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in ; or

(f) without due authority destroys, takes opens or otherwise interferes with any ballot box or ballot papers then in use for purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts

(2) Any person guilty of an electoral offence under this section shall,—

(a) if he is a Returning Officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(b) if he is any other person, be punishable with imprisonment for term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

ANNEXURE 2.6

**EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950**

2. **Definitions :** In this Act, unless the context otherwise requires :—

(a) "article" means an article of the Constitution ;

\* \* \* \*

16. **Disqualifications for registration in an electoral roll.**—(1) A person shall be disqualified for registration in an electoral roll if he :—

(a) is not a citizen of India ; or

(b) is of unsound mind and stands so declared by a competent court ; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included ;

Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.

## ANNEXURE 2.7

### EXTRACTS FROM THE PONDICHERRY VILLAGE AND COMMUNE PANCHAYAT ACT, 1973

19. **Qualification of candidates.**—No person shall be qualified for election as a member of a panchayat, unless his name appears on the electoral roll of the panchayat.

20. **Disqualification of officers and other employees of Government and local bodies.**—A person who has been convicted and sentenced by a criminal court to imprisonment for any offence involving moral delinquency or for an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955) shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration of the sentence.

21. **Disqualification of persons convicted of election offences.**—Every person convicted of an offence punishable under Chapter-IX-A of the Indian Penal Code (Central Act 45 of 1860) or under any law or rule relating to the infringement of the secrecy of an election shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a village panchayat or of a member of a Commune Panchayat Council for a period of five years from the date of his conviction.

22. **Disqualifications of candidates.**—(1) A person who has been sentenced by a criminal court to imprisonment for any offence involving moral delinquency (such sentence not having been reversed), shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof.

(2) a person shall be disqualified for election as a member if, at the last date for filing of nomination or at the date of election, he is—

(a) of unsound mind, or a deaf, mute;

(b) an applicant to be adjudicated as insolvent or an undischarged insolvent ;

(c) interested in subsisting contract made with or any work being done for any village panchayat or any commune panchayat council except as a shareholder (other than director) in a company ;

(d) employed as paid legal practitioner on behalf of the village panchayat or commune panchayat council or as legal practitioner against the village panchayat or the commune panchayat council;

(e) an Honorary Magistrate under the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), with jurisdiction over any part of the village panchayat ;



(f) already a member of the village panchayat or, whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the village panchayat or whose term of office has not yet commenced ; or

(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the village panchayat or the commune panchayat council up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired.

**23. Disqualifications of members.**— A person shall be disqualified for being chosen as, and for being a member of President of a Panchayat, if he—

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 22.

(b) becomes of unsound mind or deaf-mute ;

(c) applies to be adjudicated, or is adjudicated, as insolvent ;

(d) acquires any interest in any subsisting contract made with or work being done for any village panchayat or any commune panchayat council except as a shareholder (other than a Director) in a company or except as permitted by rules made under this Act ;

(e) is employed as paid legal practitioner on behalf of the village panchayat or the commune panchayat council or accepts employment as legal practitioner against the village panchayat or the commune panchayat council ;

(f) is appointed as an officer or other employee under this Act ;

(g) is appointed as an Honorary Magistrate under the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) with jurisdiction over any part of the village panchayat ;

(h) ceases to reside in the panchayat village;

(i) fails to pay arrears of any kind due by him (Otherwise than in a fiduciary capacity) to the village panchayat or the commune panchayat council within three months after a bill or notice has been served on him in pursuance of rules made under this Act, or where in the case of any arrear, such rules do not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the President of the village panchayat or the commissioner to serve at the earliest possible date) has been duly served upon him by the President or Commissioner ; or

(j) absents himself from the meeting of the village panchayat or the commune panchayat council, as the case may be, for a period of three months reckoned from the date of the last meeting which he attended or of his restoration to office as member under sub-section (1) of section 24, as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date ;

Provided that no meeting from which a member absented himself shall be counted against him under this clause if—

- (i) due notice of that meeting was not given; or
  - (ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meetings; or
  - (iii) the meeting was held on a requisition of members;
- (k) becomes a member of the Legislative Assembly of Pondicherry or of Parliament except to the extent provided in section 9;
- (l) is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislative Assembly of the Union territory;

Provided that no person shall be disqualified on the ground that he is less than twenty- five years of age, if he has attained the age of twenty-one years;

- (m) is so disqualified by or under any law made, by the Legislative Assembly of the Union territory.

## ANNEXURE 2.8

### **Extracts of Indian Penal Code, 1860**

**171E.—Punishment for bribery.**—Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Provided that bribery by treating shall be punished with fine only.

*Explanation.*—“Treating” means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

**171F.—Punishment for undue influence or personation at an election.**—Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**ANNEXURE 2.9**  
**STATE ELECTION COMMISSION**

No. 1-3/SEC/Elections/2001.

Pondicherry, the 21st August 2001.

**ORDER**

Whereas in a democratic polity, elections are the medium through which the nation not only elects its Legislators and Members of Parliament but also elects its representatives to the local bodies viz. the Village Panchayats, Commune Panchayats and Municipal Councils ;

Whereas in the elections to the various Local Bodies there are certain common features in regard to the qualifications and disqualifications of voters and candidates, the manner of conducting elections and the election disputes ;

Whereas the co-operation of all the citizens be they voters, election agents, officers with election duties in various capacities and officers controlling the conduct of election at various levels is absolutely indispensable if elections are to be held in accordance with the laws governing them and the purity in elections has to be maintained ;

Whereas with a view to maintain purity in these elections, it is essential that only persons with integrity and desirable character contest and get elected as representatives, to the Local Bodies ;

Whereas the relevant laws in respect of elections to the Local Bodies which are in operation in the Union Territory of Pondicherry lay down the conditions under which a person would be disqualified on grounds of conviction for contesting election to Local Bodies;

Whereas the relevant laws or the rules made thereunder or the form of nomination paper prescribed thereunder do not provide for the filing of an affidavit or the declaration and for furnishing the information by the candidate as to the details of conviction, if any, which renders him disqualified for contesting elections;

And whereas to enable the Returning Officer/Assistant Returning Officer at these elections to effectively scrutinise the nomination of the candidates, it is expedient to make suitable supplemental and incidental provisions in regard to obtaining information about the conviction of any of the candidates;

Now, therefore, in exercise of the powers conferred by Articles 243-K and 243-ZA of the Constitution of India read with section 9A of the Pondicherry Village and Commune Panchayat Act, 1973, section 15A of the Pondicherry Municipalities Act, 1973 and all other powers enabling it in this behalf, and in relation to holding of elections under these provisions under the superintendence, direction and control of the State Election Commission, Pondicherry, the State Election Commission, Pondicherry makes the following order :—

1. **Short title, extent, application and commencement.**— (1) This order shall be called the Pondicherry Local Bodies Elections (Supplemental and Incidental Provisions with regard to Nomination of Candidature) Order, 2001.

(2) It shall be applicable to all elections held under the Superintendence, direction and control of the State Election Commission, Pondicherry.

(3) It shall come into force at once.

2. **Information to be furnished by the candidate.**—Having regard to the provisions made in the relevant laws providing for disqualification of a person convicted for any of the offences as specified in any such relevant law for contesting election for any seat in the Village Panchayat, Commune Panchayat or Municipal Council under such relevant laws, every candidate shall, while submitting the nomination paper, or in any case before the commencement of scrutiny of nomination furnish before the Returning Officer a declaration as in Appendix-I furnishing therewith information in the Proforma as in Appendix-II.

3. **Direction to the Returning Officers.**—(a) The disqualification for contesting elections under any of the relevant law on account of conviction for offences mentioned in any such relevant laws, shall take effect from the date of conviction by the trial court, irrespective of whether the convicted person is released on bail or not during the pendency of appeal or revision petition.

(b) All the Returning Officers shall, at the time of scrutiny of nominations and having regard to this legal provision, decide about the validity or otherwise of the candidature of of the candidate under the provisions of relevant laws.

(c) The Returning Officers or, as the case may be, the Assistant Returning Officers, in-charge of receipt of the nomination shall handover to the candidate the enclosed Memo as in Appendix-III together with *pro forma* of affidavit annexed thereto, to ascertain at the time of scrutiny of nomination as to whether the candidature is valid from the angle of the provision of relevant laws providing for disqualification of a person convicted of any of the offences specified therein.

*Explanation :* The expression "Relevant Law"—

(a) in relation to election to Panchayat means the Pondicherry Village and Commune Panchayat Act, 1973 (No. 10 of 1973).

(b) in relation to election to Municipalities means the Pondicherry Municipalities Act, 1973 (No. 9 of 1973).

**N. RAJASEKHAR,**  
State Election Commissioner.

## APPENDIX-I

### BEFORE THE RETURNING OFFICER / ASSISTANT RETURNING OFFICER

Election of { Member of ward No. .... of ..... Village Panchayat  
President of ..... Village Panchayat  
Member of ..... Commune Panchayat Council

Election of { Councillor of ward No. .... of ..... Municipal Council  
Chairman of ..... Municipal Council.

### DECLARATION

I, ..... son/daughter/wife of  
..... aged ..... years, resident of .....  
..... do hereby solemnly affirm and declare as follows :

- (1) That I have filed my nomination paper(s) for the above election.
- (2) That in connection with my candidature for the above election, I am submitting herewith the information in the prescribed proforma as required by the Pondicherry Local Bodies Elections (Supplemental and Incidental Provisions with regard to Nomination of Candidature) Order, 2001 of the State Election Commission, Pondicherry.
- (3) That the information furnished in the Proforma is true to the best of my knowledge and belief and that nothing material has been concealed therefrom.

Signature of the candidate.

Verified before me.

Place :

Date :

(Signature of the Returning Officer/  
Assistant Returning Officer with seal)

## APPENDIX-II

Proforma for furnishing information by every candidate at an election of member of ward No..... of .....Village Panchayat/President of .....Village Panchayat/member of ..... Commune Panchayat Council or election of Councillor of ward No..... of ..... Municipal Council / Chairman of Municipal Council as required by the provisions of the Pondicherry Local Bodies Elections (Supplemental and Incidental Provisions with regard to Nomination of Candidature) Order, 2001 of the State Election Commission, Pondicherry.

Name of the candidate :

Father / Mother / Husband's Name :

(1) Have you ever been convicted  
in any case by a Court of Law

(i) in any case specified in sub-  
section (1) of section 8 of the  
Representation of the People  
Act, 1951? :

(ii) in any case specified in sub-  
section (2) of the said section 8  
of the Representation of the  
People Act, 1951? :

(2) Have you ever been convicted in any  
case referred to in the relevant  
laws for disqualification? :

(3) If yes, give details (in each case  
separately) as below :

(i) Name of the Court by which  
convicted :

(ii) Date of conviction :

(iii) Were you a sitting Member of  
Parliament or of a State  
Legislature or of Local Bodies  
on the date of such conviction :

(iv) If yes, give exact details of  
such status :

- (v) Nature of offence committed  
(with details of the relevant Act  
and Section) :
- (vi) Punishment imposed :
- (vii) Period for which undergone  
imprisonment, if any :
- (viii) Date of release from prison :
- (4) Was any appeal/application for  
revision filed against the above  
conviction : Yes/No
- (i) Reference No. of appeal/  
application for revision filed, if  
any :
- (ii) Date of filing of such appeal/  
application for revision :
- (iii) Name of the court before which  
the appeal/application for  
revision filed :
- (iv) Whether the said appeal/  
application for revision has been  
disposed of or pending : Disposed/Pending
- (v) If disposed of—  
A. Date of disposal :  
B. Nature of order passed :
- (vi) Whether any bail granted  
during the pendency of appeal/  
application for revision :
- (vii) If yes, period during which  
remained on bail :

Place :

Date :

Signature of candidate.



APPENDIX-III

Memo No.

Date :

From  
Returning Officer/Assistant Returning Officer  
for.....

To  
.....  
.....  
.....  
(Name and address of candidate)

Election of { Member of ward No. .... of ..... Village Panchayat  
President of ..... Village Panchayat  
Member of ..... Commune Panchayat Council

Election of { Councillor of ward No. .... of Municipal Council  
Chairman of ..... Municipal Council.

Your attention is invited to the Pondicherry Local Bodies Elections (Supplemental and incidental provisions with regard to nomination of candidature) Order, 2001.

(2) In order to be satisfied that you are not suffering from disqualification under section 8 of the Representation of the People Act, 1951 and under any of the provisions of the relevant laws you are required hereby to furnish the information as asked for in the enclosed proforma, which should be supported by a declaration under your signature.

(3) It should be noted that furnishing of any wrong information by you will render you liable for action as per law.

(4) It should also be noted that the required information must be furnished by you together with the nomination paper or in any case before commencement of scrutiny of nominations.

Returning Officer.

## CHAPTER-III

### NOMINATIONS AND ALLOTMENT OF SYMBOLS

3.1 You have perhaps found that you possess all the requisite qualifications for standing as a candidate and for being elected as a member and do not suffer from any of the disqualifications for such membership and, therefore, you want to stand as a candidate for the election. This you can do on two occasions. You can stand as a candidate either at General Election or you may stand as a candidate at a bye-election which will be held for the purpose of filling any casual vacancy.

3.2. (a) If you stand for election as a member of Village Panchayat you shall not be eligible to stand for election as President of Village Panchayat or as a Member of Commune Panchayat Council ;

(b) If you stand for election as President of Village Panchayat you shall not be eligible to stand for election as a Member of Village Panchayat or as a Member Commune Panchayat Council.

(c) If you stand for election as a Member of Commune Panchayat Council, you shall not be eligible to stand for election as a Member of Village Panchayat or as a President of Village Panchayat.

Provided also any person currently holding any of the above offices shall not be eligible to stand for any one of the above three elections.

3.3 The process for an election is set in motion by the issue of notices by the State Election Commission / Returning Officer.

3.4 For election of a member of a Commune Panchayat Council, the State Election Commission shall issue a programme of election fixing relevant dates and direct the Returning Officer to conduct election accordingly. Returning Officer issues notice.

3.5 In pursuance of the direction of State Election Commission, the Returning Officer publishes 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 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 he considers necessary for giving wide publicity.

3.6 Such notice of election shall contain the following particulars :—

(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 dates 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 voters of the electors will be taken, 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.

3.7 The notice of election of President of Village Panchayat and members of Village Panchayat, issued by the Returning Officer shall also contain the above particulars. While fixing the programme of election, there is a condition imposed that the date of poll or the first date of poll shall not be earlier than the tenth day after the last date for the withdrawal of candidatures.

3.8 **Form of Nomination Paper :** The nomination paper must be in the prescribed form 1 (Annexure 3.1).

3.9 **You must read carefully the following points in relation to your nomination :**

(1) **Qualification and disqualifications :** You must possess all the requisite qualifications and must not suffer from any of the disqualifications. You have been given elaborate guidance in this direction in the earlier chapter.

(2) **Information about Convictions if any :** As already instructed in the previous chapter, you must furnish along with your nomination paper the particulars relating in convictions, if any, under section 8 of the Representation of the People Act, 1951, in the prescribed format together with the required affidavit (See Annexure-2.9). If for any reason this information is not furnished along with the nomination paper, it must be forwarded in any case, before the date and time fixed for the scrutiny of nominations, failing which your nomination paper is liable to be rejected by the Returning Officer.

(3) **Candidate's name in the nomination paper :** You should give your name in the nomination paper as it is entered in the electoral roll. However, if you consider that your name is incorrectly spelt or is otherwise incorrectly shown in the electoral roll, you should give your correct name in the nomination paper. The Returning Officer will overlook such mistake in the electoral roll. In such a case it would be advisable for you to submit also an application to the Returning Officer stating the above fact about the mistake of your name in the electoral roll along with your nomination paper.

(4) **The date on which the nomination paper in the prescribed form should be filed :** The nomination paper in the prescribed Form may be filed as soon as may be after the notice fixing the time table of election under rule 10 is published or any day thereafter including the last date for making nomination.

**N.B. :** But no nomination paper can be filed on any such date if it is public holiday under the Negotiable Instruments Act, 1881.

(5) **Time for filing nomination :** Nomination Paper can be filed only between 11'O clock in the forenoon and 3'O clock in the afternoon on any of the abovementioned days.

(6) **By whom a nomination paper can be presented :** Your nomination paper may be presented either by you personally or by any of your proposers and by no one else. You may note this very particularly. Wherever possible, it is advisable that you should personally present the nomination paper so that no unforeseen hitch or difficulty may arise and endanger your candidature. You or your proposer cannot send the nomination paper by post.

(7) **To whom a nomination paper should be presented :** Your nomination paper must be delivered to the Returning Officer of the constituency or to such Assistant Returning Officer as is authorised by the Returning Officer in this behalf. This authorised Assistant Returning Officer is specified in the public notice of election issued under rule 10.

(8) **Where a nomination paper should be delivered :** The nomination paper must be delivered at the place specified in the notice aforesaid and at no other place. The nomination paper cannot be delivered at the residence of the officer specified or outside the place mentioned in the notice. If it is delivered at any other place, it will be rejected.

(9) **By whom your nomination paper should be signed :** If you look at the Form of nomination paper, you will find that it must bear the signature of your proposer(s) as well as your own signature. The signature of your proposer(s) and your own signature must be in the proper places shown in the Form of nomination paper for such signature. Be careful not to put your signature in the space indicated for the signature of the proposers or to put the signature of the proposers (s) in the space indicated for the signature of the candidate. Always remember that a nomination paper is a very important document and meticulous care should be taken to fill it as accurately as possible. If he himself is a candidate, he shall not sign any nomination paper as proposer.

3.10. Your proposer(s) must be an elector for the ward from which you are seeking election. Make sure that the name of your proposer(s) is registered in the electoral roll of the ward from which you are seeking election. If his name is not there, then another person whose name appears in the electoral roll should be your proposer and sign your nomination paper as proposer.

#### **Declarations to be made by you in the nomination paper.**

3.11. While assenting to your nomination made by your proposer you are required to make a declaration in the nomination paper itself.

(a) Firstly, as to your age, it has already been pointed out that you must not be less than twenty-one years of age. You should give your correct age in the nomination paper. If you find that your age is not correctly mentioned in the electoral roll, you should give only your present age in the nomination paper and not the wrong age as shown in the electoral roll.

**N.B. :** If your age is near the legal minimum, that is to say, if you are just twenty-one years of age or a little more than that and there is an apprehension that an objection may be raised by a rival candidate regarding your age, arm yourself with sufficient proof of your age.

(b) Secondly, as to the correct spelling of your name and the name of your father/husband as given in the nomination paper.

(c) Thirdly, apart from the declaration in respect of the matters mentioned above, you are to make a further declaration in the nomination paper if you stand as a candidate for election from a constituency reserved for the Scheduled Castes. If you belong to a Scheduled Caste, you should make a declaration to that effect in your nomination paper even if you contest an election from a general constituency as this will entitle you to the concessional amount of security deposit even in that general constituency. Be very particular in making the declaration as accurately as possible. It is not necessary to furnish, alongwith the nomination paper, any certificate (original or otherwise) in proof of the fact that you belong to a Scheduled Caste. But it is necessary to produce the same before the date and time fixed for scrutiny.

**3.12. How many nomination papers can be filed by you for standing as a candidate from the same ward :** You can file as many as four nomination papers for standing as a candidate in the same constituency ; in other words, you cannot file more than four nomination papers in respect of the same constituency.

**3.13. Security deposits and when such deposits should be made :** (1) The law requires that a candidate at an election must make the prescribed security deposit. The failure to make the deposit will invalidate your nomination. The amounts to be deposited for election of Member of Panchayat, President of Panchayat and Member of Commune Panchayat are Rs. 250, Rs. 500 and Rs. 500 respectively. If the candidate is a member of Scheduled Caste, the deposit is half of the above.

**N.B :** Please note that a Scheduled Caste Candidate need deposit only the lesser amount even if he contests the election for a seat not reserved for Scheduled Caste i.e., a general seat.

(2) It has already been pointed out that from the same constituency you can file as many as four nomination papers but in such a case you shall not have to make four different deposits. It will be enough if you make only one deposit in respect of the first nomination paper. In the case of other nomination papers no deposit is necessary. You are only to attach to the first nomination paper that you file, the original treasury receipt or challan for the deposit. A true copy of the original receipt or challan for the deposit may be attached to every subsequent nomination paper which may be filed by you. Always retain the official duplicate of the treasury receipt or challan which you receive from the bank operating the government account with you for your future reference and use.

(3) You should note particularly that the deposit may be made in two ways. Either the amount may be deposited with the Returning Officer in cash at the time of filing your nomination paper or you may deposit the amount in the bank operating Government account. You must do so before you file your nomination paper with Returning Officer and you must, as already pointed out, attach the treasury receipt or challan which you will receive in duplicate from the bank operating Government account to your nomination paper. If you do not deposit the amount in cash with the Returning Officer at the time of filing your nomination paper or if you do not attach to your nomination paper the treasury receipt or challan, then your nomination paper will be rejected.

(4) The deposit should be made under the following Head of Account.

"8443-Civil Deposits-121 deposits in connection with election-1 Deposits in connection with Local Body Elections".

(5) Unless, forfeited, the deposit will be returned as soon as practicable.

(a) if a candidate is not shown in the list of contesting candidates, after the publication of the list.

(b) if a candidate dies before the commencement of the poll, after his death.

(c) if a candidate secures votes exceeding one sixth of the total number of valid votes polled by all the candidates divided by the number of candidates to be elected.

(d) if he contests in more than one ward to the extent of only one deposit.

**3.14. Election Symbols :** (1) On looking at the form of the nomination paper you will find that you have no choice of symbols. Symbols notified (Annexure 3.2) will be allotted by the Returning Officer in the order in which names appear in the list of contesting candidates. How the names are arranged can be seen in Chapter V.

(2) After the time of withdrawal of candidatures is over and there are more candidates in the field than one whose nominations have been found to be valid, then the Returning Officer shall immediately after the expiry of the time of withdrawal prepare the list of contesting candidates and allot, subject to any direction issued by the Election Commission, a different symbol to each contesting candidate.

**3.15. Preliminary scrutiny :** On the presentation of a nomination paper, the Returning Officer will satisfy himself that the name and the electoral roll number of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls.

**3.16 Mistakes, printing errors, etc., in electoral roll or in nomination paper :** The law says that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place mentioned either in the electoral roll or in the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of the candidate or his proposer or any other person in the electoral roll or in the nomination paper shall affect the full operation of the electoral roll or the nomination paper. The law also requires the Returning Officer to permit any such misnomer, inaccurate description or error to be corrected or to overlook, where necessary, such misnomer, inaccurate description or error in the electoral roll or the nomination paper. Still you are well-advised to take particular care that no such misnomer or inaccurate description or clerical, technical or printing error in regard to your name or the name of your proposer or any other person or in regard to any place remains in the electoral roll or in the nomination paper. You are well-advised to look into the electoral rolls in which your name and the name of your proposer appear well in advance before notice for election is issued because it is presumed that you must have decided well in time to stand as a candidate. And if after looking into the electoral roll well in advance of the issue of the notice for election you find that there is any misnomer, inaccurate description or any error in the electoral roll either in relation to you or your proposer or any other person (e.g. your father's name) or any other matter, then you must take immediate steps for the correction of the error, etc.

**3.17. Receipt for nomination paper and notice for scrutiny and allotment of symbols :** You will find from the form of nomination paper that a part of it requires the Returning Officer or the Assistant Returning Officer before whom it is filed to fill in and sign a certificate of delivery. While filing the nomination paper make sure that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed enters in your presence its serial number and properly fills in and signs the form of certificate of delivery of nomination paper.

**3.18.** You will also find from the nomination paper that the Returning Officer or the Assistant Returning Officer before whom the nomination paper is filed, is required to hand over to you or your proposer presenting the nomination paper a receipt for the same which also contains a written notice of the date, time and place fixed for the scrutiny of nomination papers. Do not forget or overlook to obtain receipt for nomination paper containing also the notice of the time, date and place fixed for the scrutiny. Therefore do see that the certificate of delivery in the form given on the nomination paper is duly made in your presence by the Returning Officer or the Assistant Returning Officer to whom you have delivered the nomination paper and do not hesitate to ask from him for the receipt of nomination paper which he is bound to give to you or your proposer before leaving the place where the nomination paper is filed.

**3.19. Examination of the notices of nominations :** The Returning Officer is required to cause to be fixed in some conspicuous place in his office a notice of the nominations received by him on each of the dates fixed for making of nominations. This notice is in Form 3 under the rules 13 (3) and 13 (4). You are well advised to study and examine the notices of the nominations in respect of the various candidates who have filed such nomination papers, affixed by the Returning Officer or the Assistant Returning Officer in some conspicuous place of his office the law as aforesaid to find out if there is any defect the nomination papers of your rival candidates. If you find such defects, then you may take objection, if you like, against any of your rival candidates at the time of scrutiny of nominations.

ANNEXURE 3.1

FORM-I

**NOMINATION PAPER**

(See rule 11)

Election as a Member to Ward No. .... of the .....  
Village Panchayat / President to the ..... Village Panchayat/  
Member to the ..... Commune Panchayat Council.

(To be filled in by the proposer)

I hereby nominate ..... as a candidate for the  
election from Ward No. .... of the ..... Village Panchayat/  
..... Village Panchayat / ..... Commune/  
Panchayat Council.

1. Full name of the proposer :
2. Electoral roll number of the proposer\* :
3. Name of candidate's father/husband :
4. Full postal address of 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 candidate as the case may be has been entered; and
- (iv) The serial number of the entry in that part or street.

Illustration—

- (i) Thirukanur Village Panchayat.
- (ii) No. 9
- (iii) Part 9
- (iv) No. 358.



(To be filled by the candidate)

I, the abovementioned candidate assent to this nomination and hereby declare that I have completed ..... years of age.

Date :

Signature of the Candidate

**Note :** (1) It should be clearly understood that under section 41 of the Pondicherry Village and 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 Panchayat) 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.

- (2) 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.

**Further declaration to be made by a scheduled caste candidate**

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

Pondicherry

Date :

Signature of the Candidate

(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 Member of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Rules, 1978 and decide as follows:

Date :

Returning Officer

**RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY**

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

Serial No. of nomination paper :

The nomination paper of.....a candidate  
for election from Ward No.....of the.....  
Village Panchayat/.....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.

**ANNEXURE 3.5**  
**STATE ELECTION COMMISSION**  
**PUDUCHERRY**

No. SEC/1-6(P)/Civic Elec/2012/231

Puducherry, the 10/10/2012

**NOTIFICATION**

In exercise of the powers conferred under rule 4 of the Pondicherry Commune Panchayat Councils (Conduct of Election of Chairman of Commune Panchayat Councils) Rules, 2005 and rule 16A, 16B and 16C of the Pondicherry Village and Commune Panchayat (Conduct of Election of Member of Commune Panchayat Councils and Presidents and Member of Village Panchayats) Amendment Rules, 2004 and Notification No. 56/2011/PPS-II, dated 28-12-2011 of the Election Commission of India and in supersession of Notification No. SEC/1-16/Civic Elec./2006, dated 03-5-2006 of the State Election Commission hereby notifies:-

- a) In Table I, the list of National Parties and the respective symbols reserved for them;
- b) In Table II, the list of State Parties and the respective symbols reserved for them;
- c) In Table III, the list of registered unrecognized political parties;
- d) In Table IV, the list of free symbols for (a) election of Member of Commune Panchayat Council, (b) election of President of Village Panchayats and (c) election of Member of Village Panchayats.

**TABLE – I the list of National Parties and the respective symbols reserved for them.**

Sl. No.	National Parties	Symbol reserved	Postal address of central office	Party's local address
1	2	3	4	5
1	Bahujan Samaj Party	Elephant	12, Gurudwara, Rakabanj Road, New Delhi – 110 001	No. 1, Gandhi Road, (Commune Panchayat Building Upstairs), Puducherry
2	Bharathiya Janatha Party	Lotus	11, Asoka Road, New Delhi – 110 001	Thamarai Illam, No. 26A, II Cross, Anna Nagar, Puducherry
3	Communist Party of India	Ears of Corn and Sickle	Ajoy Bhavan, Kotta Marg, New Delhi – 110 002	V. Subbiah Illam, No. 66, Cuddalore Road, Mudaliarpet, Puducherry
4	Communist Party of India (Marxist)	Hammer, Sickle and Star	A.K.Gopalan Bhavan, 27-29, Bhal Vir Singh Marg, New Delhi – 110 001	Moogambigai Nagar, (Aziz Nagar), Reddiarpalayam, Puducherry
5	India National Congress Party	Hand	24, Akbar Road, New Delhi – 110 001	No.169,Calve Subbraya Chetty Street, , Puducherry
6	National Congress Party	Clock	10, Bishambhar Das Marg, New Delhi – 110 001	No. 6, Nehru Street, Ananda Nagar, Kadirkamam Puducherry

**TABLE- II, the list of State Parties and the respective symbols reserved for them.**

Sl. No.	National Parties	Symbol reserved	Postal address of central office	Party's local address
1	2	3	4	5
1	All India Anna Dravida Munnetra Kazhagam	Two leaves	275, Avvai Shanmugam Salai, Royapettah, Chennai – 600 014	Next to Uppalam Guest-house, 12, Dr. Ambedkar Salai, Uppalam Main Road Puducherry
2	All India N.R.Congress	Jug	No. 51, JJ Complex, 100 Feet Road, Ellapillaichavady, Nellithope Post, Puducherry – 605 005	No. 51, JJ Complex, 100 Feet Road, Ellapillaichavady, Nellithope Post, Puducherry – 605 005
3	Dravida Munnetra Kazhagam	Rising Sun	"Anna Arivalayam", 268-269, Anna Salai, Chennai - 600 018	No.16-A, Ambour Salai, Puducherry
4	Pattali Makkal Katchi	Mango	63, Nattu Muthu Naicken Street, Vanniya Teynampet, Chennai – 600 018	94-A, Swaminatha Naicker Street, Ariankuppam, Puducherry

**TABLE - III, the list of Registered unrecognized Political Parties;**

Sl. No.	Political Parties	Party's local address
1	Dravida Peravai	69, Rangapillai Street, Puducherry – 605 001
2	Pondicherry Manila Makkal Munnani	17, Kumaran Street, Kamaraj Nagar, Puducherry – 605 001
3	Puducherry Padaipali Makkal Katchi	No. 4, First Street, Thendral Nagar, Puducherry – 605 013

**TABLE- IV, the list of free symbols for (a) election of Member of Commune Panchayat Council**

Sl. No.	Name of the free symbol
1	Almirah
2	Auto Rickshaw
3	Balloon
4	Bat
5	Battery torch
6	Black Board
7	Bucket
8	Camera
9	Candles
10	Ceiling Fan
11	Coconut
12	Cot
13	Cup & Saucer
14	Harmonium
15	Hat
16	Hockey & Ball
17	Iron
18	Kite
19	Sewing Machine
20	Table Lamp

**TABLE-IV, the list of free symbols for (b) election of President of Village Panchayats**

Sl. No.	Name of the free symbol
1	Air Conditioner
2	Basket containing Fruits
3	Brief Case
4	Cake
5	Carrom Board
6	Chess Board
7	Electric Pole
8	Flute
9	Glass Tumbler
10	Helmet
11	Ice Cream
12	Table
13	Television
14	Violin
15	Water Tap

**e) TABLE-IV, list of free symbols (c) election of Member of Village Panchayat**

Sl. No.	Name of the free symbol
1	Belt
2	Bread
3	Brush
4	Carrot
5	Cauliflower
6	Diesel Pump
7	Dish Antenna
8	Frock
9	Grapes
10	Kettle
11	Mixie
12	Pot
13	Pressure Cooker
14	Ring
15	Slate

(UDDIPTA RAY)  
STATE ELECTION COMMISSIONER

## CHAPTER-IV

### SCRUTINY OF NOMINATIONS

4.1 You have filed the nomination paper and other candidates would have also done so. The next stage in the election process is the scrutiny of nomination papers by the Returning Officer. The Returning Officer is required by law to hold the scrutiny of all nomination papers received by him on the date fixed for scrutiny in the election time table issued under rule 10.

4.2 The scrutiny of nomination takes place on the day immediately following the last date for filing nominations. Thus, if today is the last date for nominations then tomorrow will be the date for scrutiny of nominations. But, if tomorrow is a public holiday then the scrutiny of nominations will take place day after tomorrow provided it again is not a public holiday. In other words, scrutiny of nomination papers cannot be held as pointed out already on a public holiday.

4.3 **By whom scrutiny of nomination papers is held :** The scrutiny of nomination papers is done only by the Returning Officer. This function has not been delegated to an Assistant Returning Officer.

4.4 **Who may attend scrutiny of nominations :** According to law only three persons in the case of each candidate may attend at the place where scrutiny takes place. These three persons are : (1) the candidate himself, (2) one proposer of the candidate and (3) one other person authorised in writing by the candidate. Even if you have filed the maximum number of nomination papers from the same constituency, namely, four nomination papers and there are different proposers, even then only one proposer can be present at the scrutiny. Thus only three persons for each candidate can be present, and if there are, say, for example, ten candidates who have filed nomination papers from a particular constituency then in all thirty persons can be present at the scrutiny. It will be better for you if the third person to be authorised by you in writing at the time of scrutiny is a lawyer conversant with election law so that he may adequately protect your interests at the time of scrutiny. It will also be to your interest if you yourself can be present at the scrutiny.

#### 4.5 Reasonable facilities for examination of nomination papers.

The three persons (including yourself) who can be present on your behalf at the time of scrutiny have a right to have all reasonable facilities for examining the nomination papers of all the candidates which are taken up for scrutiny by the Returning Officer. This is a valuable right for you and the two other persons who may be present along with you, namely, one of your proposers and the person authorised by you.

4.6 (1) **Objections which may be raised :** You should not raise any flimsy or technical objections in regard to any nomination paper. Similarly you or the person representing you should oppose any objection raised against your nomination on flimsy or technical ground. Rule 14 (5) clearly lays down that the Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

Therefore, if any of your opposing candidates raises any objection regarding a defect which is not of a substantial character you or any of the persons who may be present on your behalf may oppose it. It has already been pointed out that on the presentation of a nomination paper the Returning Officer will satisfy himself that the names and the 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. The Returning Officer may not therefore reject your nomination paper on the ground of any misnomer or any inaccurate description or clerical or technical or printing error in regard to your name or the name of your proposer or any other person or in regard to any place mentioned in the electoral roll or nomination paper, etc., provided that such description in regard to any name and place is such as to be commonly understood. If at the time of scrutiny any objection is raised regarding such misnomer or inaccurate description etc., you may draw immediate attention to the proviso to sub-rule (3) of rule 11.

(2) In a word, when any objection is raised against your nomination paper you should try to impress upon the Returning Officer that he should not reject the nomination paper on any flimsy or technical ground. If he is satisfied as to the identity of the candidate and of the proposer then he should not reject the nomination paper only on ground of any technical defect or inaccurate description in the name of candidate or the proposer or the inaccurate description of any place.

(3) Tell the Returning Officer that if he rejects any nomination paper or any such technical unsubstantial or flimsy ground then that may be regarded as an improper rejection of a nomination paper which may have the effect of voiding the entire election thus involving a huge waste of public money, public time and public energy.

**4.7 Omission of age of the candidate in the nomination paper is a defect of a substantial character :** Remember that the omission to specify your age in the nomination paper is a defect of a substantial character and is sure to lead to the rejection of your nomination paper.

**4.8 Ground for rejection of nomination paper :** Remember that the Returning Officer will be justified in rejecting your nomination paper on any one of the following grounds namely;

- (a) If you are clearly not qualified to contest the elections; or
- (b) If you are clearly disqualified in law to contest the election; or
- (c) If your nomination paper has not been delivered in time; or
- (d) If your nomination paper has been delivered to the Returning Officer or to an authorised Assistant Returning Officer by a person other than yourself or your proposer; or

- (e) If your nomination paper has not been delivered at a place specified in the public notice issued by the Returning Officer; or
- (f) If your nomination paper has been delivered to a person other than the Returning Officer or any of his authorised Assistant Returning Officer; or
- (g) If your nomination paper is not substantially in the prescribed form; or
- (h) If your nomination paper has not been subscribed by your proposer or has not been signed either by you or by your proposer(s) or by both in the places meant for such signatures in the nomination paper; or
- (i) If the proper security deposit has not been made by you in accordance with the law already explained; or
- (j) If your signature or the signature(s) of your proposer(s) on the nomination paper is/are not genuine; or
- (k) If you do not belong to that class of persons for whom the seat in your constituency is reserved, e.g. if you do not belong to Scheduled Caste and you file nomination paper to contest a seat reserved for the Scheduled Castes ; or
- (l) For election as ward member of village panchayat, if the proposer is not an elector of that ward; For election as President of village panchayat, if the proposer is not an elector of that village panchayat and for election as ward member of commune panchayat council, if the proposer is not an elector of the commune panchayat.
- (m) If the Returning Officer is satisfied that, you have been nominated as a candidate for any one or both the elections in violation of rule 4(6) simultaneously.
- (n) If you fail to furnish alongwith your nomination papers the particulars relating to convictions, if any, in the prescribed format together with required affidavit (See annexure 2.9)

4.9 If your nomination paper is rejected for any reason you must get a certified copy of the order of the Returning Officer containing reasons for such rejection. You are entitled to get a copy immediately after the Returning Officer has passed an order rejecting your nomination paper for which you need not pay any fee or charges but you have to apply for a copy in writing.

4.10 You may apply for time to rebut any objection. If you find that any objection has been raised against your nomination as a candidate and to rebut that objection you require some time you may immediately apply to Returning Officer for time. In such a case the Returning Officer may allow adjournment upto two days because the law says that if the candidate wants time to rebut any objection then he "may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny". Thus if today has been the date fixed for scrutiny, then the Returning Officer has the power to grant you time till day after tomorrow".

**4.11<sup>\*</sup> Rejection of one nomination paper not to affect your nomination if any other nomination paper is found valid :** It has already been mentioned that from the same constituency you can file as many as four nomination papers. If any of these four nomination papers is found to be valid, then that itself will be enough for your valid nomination even though the other three are rejected. It is, therefore, advisable for you to file maximum number of nomination papers, namely, four.

**4.12 Documents and other materials with which you should be present at the time of scrutiny :** To meet possible objections against your nomination, take with you to the place of scrutiny the following documents, namely :—

- (a) A copy of the current electoral roll or a copy of the relevant part of the electoral roll or a certified copy of the entry in that electoral roll bearing your name the name of your proposer ;
- (b) Satisfactory evidence regarding your age;
- (c) Where deposit has been made in cash, the receipt given to you by Returning Officer or an authorised Assistant Returning Officer and where deposit has been made in a bank operating Government Account the duplicate copy of the challan.
- (d) The receipt for nomination paper and notice of scrutiny which was handed over to you by the Returning Officer or the authorised Assistant Returning Officer on your presenting the nomination paper ; and
- (e) A copy of the affidavit filed by you in prescribed format regarding particulars of convictions ; and
- (f) Any other evidence or material which may be necessary to repel and rebut any objection which has been or may be raised against your nomination.

**4.13 List of validly nominated candidates :** Immediately after all the nomination papers have been scrutinised, the Returning Officer will prepare a list of candidates whose nominations have been found valid. The names of the candidates will be shown in this list in Form 3 (Annexure 4.1) as they appear in the nomination papers. If however, 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. The Returning Officer on being satisfied as to the genuineness of the request shall make the necessary correction in the list of validly nominated candidates and adopt that form and spelling in the list of contesting candidates.

**4.14** Under the Model code of conduct (Annexure 4.2.) certain Do's and Don'ts have been prescribed. It is your responsibility to ensure that neither you nor the political party which has set you up nor your agents, workers, supporters and sympathizers indulge in any acts of commission or omission which may amount to violation of the said Code or of these Do's and Don'ts.



ANNEXURE 4.1  
FORM—3  
LIST OF NOMINATIONS RECEIVED

[ See RULES 13 (3) & 13 (4) ]

Village Panchayat

Commune Panchayat

List of nominations received on.....(date) for election  
of

Member to Ward No.

Village Panchayat

President to

Village Panchayat

Member to

Commune Panchayat Council

Sl No.	*Name of candidate	Father's / Husband's Name	Community (Scheduled Caste or not)	Address
(1)	(2)	(3)	(4)	(5)

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

*Returning Officer or other*

\* Instruction-Letter and brackets(s) be added after the name if the candidate is a woman.

**authorised person.**

## ANNEXURE 4.2

### STATE ELECTION COMMISSION

No. SEC/1-2/Election/2001.

Pondicherry, the 21st August 2001.

#### ORDER

In exercise of the powers conferred on him under clause (1) of Articles 243K and 243-ZA of the Constitution of India and under sub-section (1) of section 9-A of the Pondicherry Village and Commune Panchayats Act, 1973 (No. 10 of 1973) and 15A of the Pondicherry Municipalities Act, 1973 as amended from time to time and for ensuring free, fair, smooth and peaceful conduct of elections to members to Commune Panchayat Councils and Presidents and members of the Village Panchayats and councillors and chairman of municipal council, the State Election Commissioner makes the following order for strict observance by the contesting candidates and political parties.

1. This order shall be known as Model Code of conduct for contesting candidates and political parties.

2. This code shall come into force from the day of the announcement of election to the Local Bodies and shall be in force till the end of poll day.

#### 3. I General Conduct.

(1) No candidate shall indulge in any activity which will aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

(2) Criticism shall be confined to policies and programmes, past record and work. Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers. Criticism based on unverified allegations or on distortions shall be avoided.

(3) There shall no appeal to caste or communal feelings for securing votes. Mosques, churches, temples or other places of worship shall not be used as forum of election propaganda.

(4) All candidates shall avoid scrupulously all activities which are corrupt practices and offences under the election laws such as :-

- (a) the bribing of voters ;
- (b) intimidation of voters ;
- (c) personation of voters ;
- (d) canvassing within 100 metres of a polling station.

- (e) holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll ;
  - (f) the transport and conveyance of voters to and from polling stations.
  - (g) appealing for vote or not to vote on the basis of religion, caste, language or community and to use any religious symbols for soliciting votes ;
  - (h) printing and publishing any poster, pamphlets, leaflets, circulars or advertisements without mentioning the names and address of the printers and publishers;
  - (i) publishing a statement or news item which is false or not believed to be true with respect to a candidate, or his or her personal conduct or character with a view to adversely affect the prospect of his or her election.
  - (j) to personate a voter or attempt to cast vote under the false name of a voter.
- (5) The right of every individual for peaceful and undisturbed home life shall be respected. Organising demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.
- (6) No candidate shall permit his followers to make use of any individual's land, building, compound wall, etc., without his permission for erecting flag staff, suspending banners, pasting notices, writing slogans, etc.
- (7) Candidates shall ensure that their supporters do not create obstruction in or break up meetings and processions organised by another candidate by putting question orally or in writing or by distributing leaflets. Processions shall not be taken out by one candidate along the places at which meetings are being held by another candidate. Posters issued by a candidate shall not be removed by workers of another candidate.
- (8) No contesting candidate shall incur expenditure if he is contesting the election:
- (a) for member of the commune panchayat council by more than Rs. 20,000.
  - (b) for president of the village panchayat by more than Rs. 10,000.
  - (c) for ward member of the village panchayat by more than Rs. 5,000.
  - (d) for councillor of municipal council Rs. 25,000.
  - (e) for chairman of municipal council Rs. 1,00,000.
- (9) The contesting candidate shall maintain day to day expenditure record in the prescribed register which will be supplied to him free of cost on the date of his filling nomination.

(10) Every contesting candidate shall within 30 days of declaration of results shall submit the election expenditure account in the prescribed register to the Returning Officer.

(11) A public servant shall remain absolutely impartial during the elections and he shall not indulge in any campaign activity or against any contesting candidate.

(12) No candidate is allowed to use rest houses, circuit houses and other Government accommodations or their campus for the purpose of election propaganda.

(13) Ordinarily, all meetings organised during election are treated as election meetings and no Government fund should be spent on them. No Government servant shall attend any such meeting except those in charge of maintenance of law and order or those deployed on security duties.

(14) If a Minister undertakes a tour of any area where elections take place, such tours shall be deemed to be an election tour and no Government Servant except those who are deployed for security purposes shall accompany the Minister. No Government vehicles or any other facility shall be made available for such tour.

(15) No vehicle belonging to Government or local bodies or public undertakings or co-operative institutions or any other institutions receiving Government grants shall be provided to any Minister, member of Parliament or the Legislative Assembly or a candidate for canvassing in election in any manner from the date of announcement of election to the date of announcement of results.

(16) The ministers shall not combine their official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicles for furtherance of interests of any candidate.

(17) Ministers and other authorities shall not sanction grants out of discretionary funds from the time election is announced till the date of announcement of results in any area where the election is to take place. They should not sanction any new scheme or make an announcement of such scheme. Laying of foundation stones or opening of any scheme or project shall not be done during the period of election.

(18) Issue of advertisement at the cost of public exchequer in the newspaper and other media during the election period for partisan coverage intended to furthering the prospects of any candidate shall be scrupulously avoided.

(19) The violation of any of these provisions is punishable under various laws. The Returning Officers, the police and other authorities empowered under the law in force are authorized to initiate prosecution against violators of this code before the competent criminal court under intimation to the State Election Commissioner.

## **II. Meetings :**

(1) The candidates shall get prior permission from the local police authorities for holding public meetings giving details of the venue, date and time thereof.

(2) A candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly.

(3) If permission or licence is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the candidate shall apply to the authority concerned well in advance and obtain such permission or licence.

(4) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organisers themselves shall not take action against such persons.

## **III. Processions :**

(1) A candidate organizing a procession shall decide beforehand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall be no deviation from the programme.

(2) The organisers shall give advance intimation to the local police authorities of the programme and get their prior permission.

(3) The organisers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions. Traffic regulations and restrictions shall be strictly adhered to.

(4) The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable lengths, so that at convenient intervals, especially at points where the procession has to pass road junctions, the passage of held-up traffic could be allowed by stages thus avoiding heavy traffic congestion.

(5) Processions shall be so regulated as to keep as much to the left of the road as possible and the direction and advice of the police on duty shall be strictly complied with.

(6) If two or more candidates propose to take processions over the same route or parts thereof at about the same time the organisers shall establish contact well in advance and decide upon the measures to be taken to see that the processions do not cause hindrance to traffic. The assistance of the local police shall be availed of for arriving at a satisfactory arrangement. For this purpose, the candidate shall contact the police at the earliest opportunity.

(7) The candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements, especially in moments of excitement.

#### **IV. Polling day :**

- (1) All candidates shall-
  - (i) co-operative with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstructions.
  - (ii) supply to their authorised workers suitable badges or identity cards.
  - (iii) agree that the identity slips supplied by them to voters shall be on plain white paper and shall not contain any symbol and name of the candidate.
  - (iv) Refrain from serving or distributing liquor on polling day and during the 24 hours preceding it;
  - (v) Not allow unnecessary crowds to be collected near the camps set up by the candidates near the polling booths so as to avoid confrontation and tension among workers and sympathizers of the candidates;
  - (vi) Ensure that the candidates' camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda materials. No eatables shall be served or crowds allowed at the camps; and
  - (vii) Co-operate with the authorities in complying with the restrictions imposed on the plying of vehicles on the polling day and obtain permits for them which shall be displayed prominently on those vehicles.

#### **V. Polling Stations :**

Excepting the voters, the contesting candidates, election agents, one agent of the contesting candidates at a time, the police, children in arm accompanying a voter, persons accompanying a blind or infirm voter who cannot move without help, public servants on election duty and such other persons admitted by the returning officer or presiding officer for the purpose of identification of the electors or in searching women electors or of assisting the poll authorities otherwise in taking the poll and such other persons as may be authorized by the State Election Commission, no one shall enter the polling stations.

VI. The State Election Commission appoints General Observers and Expenditure Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of the election, they may bring the same to the notice of the observers on matters of their respective jurisdiction.

(Sd./-)

(N. RAJASEKHAR)

(State Election Commissioner)

## CHAPTER V

### WITHDRAWAL OF CANDIDATURES

#### **Withdrawal of Candidature :**

5.1 If your nomination paper is accepted you become a validly nominated candidate. But even then, you may like to withdraw from the contest for several reasons. Such reasons may be personal or political. It is neither necessary nor possible to go into them. You may kindly note that the withdrawal of your candidature can be done only after the scrutiny of nominations is over and not at any stage before.

#### **Notice of withdrawal :**

5.2 If you have decided to withdraw your candidature even after your nomination paper has stood the test of scrutiny by the Returning Officer, then you must do so by a notice in writing and such notice shall be in form 4 (Appendix 5.1) You will fill in this form very carefully and after you have signed, it must be delivered to the Returning Officer not later than 3 p.m. on the last date fixed under rule 10 for the withdrawal of candidatures by you in person or by any of your proposers. Such proposer presenting your notice of withdrawal should be authorised by you in this behalf in writing; otherwise, such notice will not be accepted by the Returning Officer. The notice of withdrawal should not, in any case, be sent by post.

#### **Requirements for valid withdrawal :**

5.3 The points to be noted in this connection are repeated for your convenience.

- (a) the notice of withdrawal shall be in the prescribed form (Form 4)
- (b) It must be signed by you only and by no one else on your behalf;
- (c) It must be delivered to the Returning Officer not later than 3 O'clock on the last date for withdrawal of candidatures; and
- (d) Such delivery must be made either by you in person or by one of your proposers who signed your nomination paper as proposer but if it is delivered by your proposer then such proposer must be authorised by you in writing in this behalf.

#### **Notice of withdrawal to be final :**

5.4 You must also note very carefully that once you have given a notice of withdrawal of your candidature to the Returning Officer, it becomes final under rule 15 (3) and you will not be allowed under any circumstances to cancel the notice. Therefore be very careful and circumspect before the notice of withdrawal is actually delivered to the Returning Officer.

5.5 But if you have decided to withdraw from the contest you have to take particular care that all the conditions mentioned above are fulfilled. Otherwise, the withdrawal of your candidature will not be regarded as withdrawal in the eye of law and your name will be included by the Returning Officer in the list of contesting candidates prepared by him under rule 17 (2) with the result that even if you do not actually contest, you cannot get a refund of the money which you deposited along with your nomination paper and you will be required to file your account of election expenses. But if the notice of withdrawal is a good and valid one and accepted by the Returning Officer, then you will be entitled to get back the money you deposited along with nomination paper and you need not file your account of election expenses.

**Receipt of notice withdrawal :**

5.6 After the notice of withdrawal has been delivered by you or on your behalf by your proposer as authorised by you in writing, please wait there for some time to have the receipt for the notice of withdrawal. This receipt will be handed over to you by the Returning Officer. Do not leave the Office of the Returning Officer without getting this receipt because this receipt will help you in getting back your deposit money.

5.7 In this connection it may be pointed out that any corrupt withdrawal of candidatures is a corrupt practice under the election law. In this connection your attention is drawn to section 123 (1) of the Representation of the People Act, 1951.

**List of contesting candidates :**

5.8 If you decide to contest the election and do not withdraw your candidature, you will be regarded as a contesting candidate. Immediately after 3 p.m. on the last date for the withdrawal of candidatures, the Returning Officer will proceed to allot different symbols to each contesting candidate in the manner explained in detail in paragraph 3.12 of chapter III. The Returning Officer will then draw a list of the contesting candidates in Form 6 (Annexure 5.2) which will show the names of the contesting candidates, their addresses as given in the nomination papers and the symbols allotted to them. The Returning Officer will give a copy of such list to each contesting candidate or his election agent and will also cause a copy thereof to be published.

- (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 election is to be held in the case of election of President of Panchayat;
- (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.



### **Arrangement of names in the list of Contesting Candidate :**

5.9 (1) The Returning Officer will determine the arrangement of the names of candidates in tamil alphabetical order in the list of validly nominated candidates, the list of contesting candidates and also in ballot papers on the basis of the first letter of name irrespective of whether the name given is the proper name or surname. The initials, if any, prefixed to the name of a candidate shall be ignored for the aforesaid purpose. Thus in the case of a candidate given his name as "T.K. Reddy" the place of that candidate according to alphabetical order shall be determined with reference to the letter "R" and not "T". However, if two candidates in the same category have the same names but different initials, for example P.S. Reddy and T.K. Reddy then the two names will be arranged inter-se with reference to the first letter of the initials. Further, if two or more such candidates have the same names but different surnames, then their names shall be arranged inter-se in alphabetical order with reference to the surname.

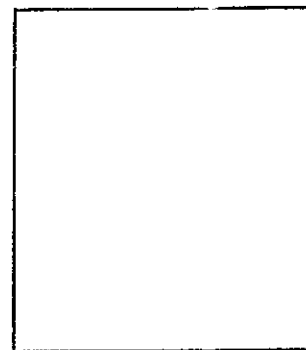
(2) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. In such case the arrangement of names of those candidates falling under the same category in the list of validly nominated candidates and contesting candidates and the ballot paper will be with reference to the distinguishing names of the candidates.

(3) There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate, but such title shall on no account be taken into consideration, in the arrangement of names in alphabetical order in the list of validly nominated candidates or contesting candidates and in ballot paper.

### **Issue of identity cards to contesting candidates :**

5.10.1) After the finalisation of the list of contesting candidates, the Returning Officer will issue an identity card to each contesting candidate in the form given below :

## CANDIADATE'S IDENTITY CARD



Shri..... is a contesting candidate for election of  
member to ward No.....  
of village panchayat of .....  
President of Village Panchayat of .....  
Member to ward No..... of Commune Panchayat Council.

.....  
(Signature of the Candidate)

Attested by

Place.....

Date.....

.....  
(Returning Officer)

(2) In all elections, the identity cards issued to contesting candidates shall bear their photographs. For this purpose, you should furnish two copies of your recent photographs to Retrurning Officer as soon as the list of contesting candidates is finalised on the last date for withdrawal of candidatures. The identity cards will be prepared in duplicate so that the duplicate copy is kept as office copy for the purpose of record by the Returning Officer and one copy of the same duly attested will be supplied to you.

(3) Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 7 itself will serve the purpose of such identity card. You should affix the photographs also of your election agent on the right top portion of both the copies of his appointment letter in Form 7 (Annexure 5.3). These photographs will be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of yours in sub-para 2 above.

(4) You should not fail to collect your identity card from the Returning Officer and you should always keep it with you. During the election campaign, on the day of the poll and on the date of counting, there will arise various occasions, on which your identification as a candidate will be necessary and this identity card will readily establish your identity as a candidate.

ANNEXURE 5.1

FORM—4

NOTICE OF WITHDRAWAL

[See rule 15 (1)]

Member to Ward No. .... of the .... Village Panchayat  
Election of President to the .... Village Panchayat  
Member to the .... 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 :

Signature of candidate

Date :

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

**Returning Officer.**

**RECEIPT FOR NOTICE OF WITHDRAWAL**

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by ..... a  
candidate of the Election of member to ward No. .... of  
..... Village Panchayat Election of President  
to ..... Village Panchayat/Election of members  
to ..... Commune Panchayat Council was delivered to  
me by the candidate/candidate's proposer at my office at .....  
(hour) on ..... (date).

**Returning Officer.**

ANNEXURE 5.2

FORM—6

[See rule 17 (2)]

..... Village Panchayat /Commune Pnachayat

List of contesting candidates for election of

Member to Ward No. .... of the ..... Village Panchayat

President to the ..... Village Panchayat

Member to the .....Commune Panchayat Council

Sl. No.	Name of candidate	Sex of candidate	Whether the candidate belongs to Scheduled Caste or not	Address of 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*

ANNEXURE 5.3

FORM—7

APPOINTMENT OF ELECTION AGENT

[See rule 20 (1)]

Election of Member to Ward No. . . . . of the . . . . . Village Panchayat  
President to the . . . . . Village Panchayat  
Member to the . . . . . Commune Panchayat Council.

To  
The Returning Officer

I, . . . . ., a candidate 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.**

## CHAPTER VI

### ELECTION AGENTS

6.1 As a candidate, you may appoint any person other than yourself to be your election agent. It is not however incumbent on you to appoint an election agent. Such appointment may, if you so desire, be made at any time you like after you have been nominated as a candidate or not at all. Every such appointment has to be made by a formal communciation in form 7 (Appendix 5.3) in duplicate by you and forwarded to the Returning Officer. The Returning Officer will retain one copy thereof and return the second copy to the election agent after affixing thereon his signature in token of his approval of the appointment.

6.2.1. Any person who is for the time being disqualified under the constitution or under the Representation of the People Act, 1951 or the Government of Union Territories Act, 1963 or the Pondicherry Village and Commune Panchayat Act, 1973 etc., for being a member/President of Village Panchayat or member, Commune Panchayat Council or for voting at election shall so long as the disqualification subsists, also be disqualified for being an election agent at any election.

2. Further, a Minister shall not be appointed as an election agent, as his personal security shall be jeopardised with such appointment, because his security personnel will not be permitted to accompany him into polling stations, counting hall, etc.,

6.3 You may revoke the appointment of your election agent in writing in form at Annexure 6.1 under your signature by lodging the revocation with the Returning Officer. It shall operate from the date on which it is lodged with the Returning Officer. In the event of such revocation or the death of an election agent, you may appoint another election agent in his place. You should give notice of such appointment in writing in Form 7 to the Returning Officer and state the facts therein.

6.4 An election agent may perform such functions in connection with your election as are authorised by the Pondicherry Village and Commune Panchayat Act, 1973 and the rules made thereunder. In particular, you or your election agent must keep a full account of your election expenses incurred on each item from day to day duly supported by vouchers which should be lodged along with the account of election expenses. It is also pointed out that any corrupt practice (mentioned in section 123 of the R.P. Act, 1951) committed by your election agent will be regarded in law as having been committed by you and that will vitiate your election. Therefore, take proper care in selecting your election agent. Ask your election agent to carefully go through the provisions of section 123 of the Act regarding corrupt practices. You are responsible for the actions done by him on your behalf.

6.5 Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 7 itself will serve the purpose of such identity card. You should affix the photographs also of your election agent on the right top portion of both the copies of his appointment letter in Form 7. These photographs will be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of yours in para 5.10.2 of Chapter V.

ANNEXURE 6.1

REVOCATION OF APPOINTMENT OF ELECTION AGENT

Election to the\*

To

The Presiding Officer,

I, .....

hereby revoke the appointment of my\* Election/ Polling agent/Counting agent,

Thiru/Tmt. ....

Place :

Date :

Signature of person revoking.

.....

\* Appropriate particulars of the election to be inserted here.

## CHAPTER—VII

### CAMPAIGN PERIOD

#### **Introductory :**

7.1. (1) The election law provides for an interval of not less than ten clear days between the last date fixed for the withdrawal of candidatures and the poll. This period should be properly utilized for canvassing and educating the voters and for training the large number of workers and agents that you will have to employ.

(2) As you are a contesting candidate you should utilise this period fully for educating the voters as to how they have to record their votes. Similarly, the persons proposed to be appointed by you as your polling and counting agents should also be asked to thoroughly acquaint themselves with the voting and counting procedures to be followed. For their guidance, the Commission has brought out separate handbooks for them which they should study carefully.

#### **Corrupt practices and electoral offences :**

7.2.1 While undertaking your electioneering campaign, you should ensure that the highest standard of morality and purity are maintained, as that would in turn ensure free and fair election. The most potent cause which tends to mar the smooth conduct of an election and disturb the atmosphere of friendly contest that should prevail during the election is the violation of the statutory provisions of election law relating to corrupt practices and electoral offences. The election law has enumerated various corrupt practices and electoral offences in sections 123 to 136 of the Representation of the People Act, 1951 and chapter IX-A of IPC. For your convenience, the above mentioned provisions are reproduced in Annexure 7.1. The commission of any such corrupt practices and offences by your agents and workers may vitiate your election. You should, therefore, keep in check your overenthusiastic agents and workers from indulging in any objectionable activities. Even a single proved instance of corrupt practice may be enough to unseat you, if you are successful in the election.

#### **(2) In particular, do not permit, on your behalf :**

(i) Any bribery or undue influence by way of coercion or intimidation of voters or otherwise or personation ;

(ii) Any arrangement, direct or indirect, to convey any voter to or from polling station by any kind of vehicle used for transport (this is also a criminal offence) ;

(iii) Any act to promote or attempt to promote on grounds of religion, caste community or language, feeling of enmity or hatred between different classes of citizens of India is a corrupt practice and which may render your election void and entail disqualification and which is also an electoral offence punishable with imprisonment for a term which may extend to three years, or with fine or both ;



(iv) Any assistance from any government servant to help your prospects in the election, except that a government servant may, if he so desires, cast his vote for you ;

**N.B. :** Such assistance on the part of a Government servant is a corrupt practice as well as an offence. If you instigate him to do so, you will be liable criminally for abetment. Provided that where any person in the service of the Government and belonging to any of the specified classes in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities, or does any other act or thing, for to or in relation to any candidate, or his election agent, or any other person, acting with the consent of the candidate, or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(v) your election expenses to exceed the legal maximum ;

**N.B. :** Any expenditure incurred or authorized in connection with the election of candidate by any association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be expenditure in connection with the election incurred or authorised by the candidate or by his election agent.

(vi) any removal of ballot paper from the polling station or tampering with the ballot boxes by use of force or otherwise (those are criminal offences) ;

(vii) any appeal by you or by your agent or any person with your consent or with the consent of your election agent to vote or refrain from voting for any person on grounds of his religion, race, caste, community or language or the use of or appeal to religious symbols or the use of or appeal to National Symbols such as National flag or the National emblem which is a corrupt practice under the law. (However, no symbol allotted to a candidate shall be deemed to be a religious symbol or a National symbol) ;

(viii) the publication of any statement of fact which is false in relation to the personal character or conduct of any candidate ;

(ix) booth capturing as defined in section 135A of the Representation of the People Act, 1951. Booth capturing is both a corrupt practice and an electoral offence punishable with imprisonment of not less than six months and upto two years and with fine.

### **Model Code of Conduct for guidance of candidates :**

7.3 (1) Apart from the abovementioned corrupt practices and electoral offences, the election campaigns may take different forms which may create feeling of bitterness, irritation, confrontation and resentment among the candidates, and vitiate the atmosphere. For maintaining a healthy and peaceful atmosphere conducive to the conduct of smooth election, the Commission has devised a Model Code of Conduct for the guidance of political parties and candidates.

(2) The model code of conduct comes into operation from the day the Commission announces the programme for election in your constituency. The code is reproduced in Annexure 4.2.

(3) If this code is scrupulously followed by contesting candidates and also by their workers, there will be hardly any cause for ill-will or friction among them and the election can be conducted by the Officers charged with the task smoothly and fairly. These officers would thus require your co-operation in this noble task.

#### **Committees for observance of Model Code of Conduct :**

7.4 For the due observance of the above said Model Code of Conduct, there should be Standing Committee in each Commune Panchayat under the Chairmanship of the Returning Officer and will consist of all contesting candidates or their authorised representatives, besides the station House Officers. The committee will meet quite frequently, if possible from day-to-day. It will act as a watch-dog to see that the Model Code of Conduct is followed. Any instances of violation of such code that have come to your notice should be reported by you to the committee for such remedial or punitive action as is considered necessary.

#### **Processions and meetings :**

7.5.1 You should obtain well in time the required permission from the proper authority for the holding of a meeting at any public or private place. Public maidans, meeting halls, etc., should be made available to all candidates equally and no undue favour or preference should be shown in this regard to any particular candidates. Temples, mosques, churches or other places of worship should not be used as forum for such meeting or for any election propaganda. Similarly, permission should also be obtained for conducting processions. The application should be made in time to enable the local police authorities to make necessary traffic and security arrangements. Taking out a procession on the same roads or routes on which some other candidate is also taking out a procession on the same day should be avoided. Pictorial representations should be sober and moderate and of real educative value to voters. A high standard of decency and decorum should be maintained while making speeches or raising slogans.

(2) No Loudspeakers should be used for any such meetings or processions or for general propaganda without the prior written permission of the authorities concerned and beyond the hours fixed.

(3) No Loudspeaker fitted on vehicles of any kind or in any other manner whatsoever should be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll in any polling area.

#### **Defacement of public or private property :**

7.6 The Pondicherry Open Places (Prevention of Disfigurement) Act, 2000 is in force in the whole of Pondicherry since 20-12-2000 (Annexure 7.2). It prohibits, on any place open to public view, any objectionable advertisement or any advertisement

without the written consent of the owner, etc. Defacement includes impairing or interfering with the appearance of beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever. The offence is cognizable and punishable with imprisonment or with fine or with both. You must ensure that you or your agents, etc. do not violate the provisions of this law.

**Prohibition of public meetings and processions during 48 hours immediately before the close of the poll :**

7.7.1 The law provides that no person shall-

(a) Convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(b) Display to the public any election matter by means of cinematograph, television or other similar apparatus; or

(c) Propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto. In any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

2. Any person who contravenes the above provisions shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

3. The expression 'election matter' means any matter intended or calculated to influence or affect the result of an election.

4. You should keep these provisions in view while holding public meetings, or taking on any processions, etc.

**Disturbance in the public meetings**

7.8 If any supporter of a rival candidate or any one opposed to you creates disturbance in any of your election meetings, the chairman of the meetings may request any police officer who may be present to ascertain the name and address of the person who disturbs the meeting. The police will take action to prosecute the offender under section 127 of the Representation of the People Act, 1951 which has been reproduced at Annexure 7.1. The offence under section 127 is cognizable. Similarly, your workers, agents and supporters should also be told not to disturb public meetings of rival candidates.

**Restrictions on printing and publishing of election pamphlets**

7.9. (1) Your attention is also invited to section 27 of the Pondicherry Village and Commune Panchayat Act, 1973 and section 127-A of the Representation of the People Act, 1951 which impose restrictions on the printing and publishing of election pamphlets and posters. This section provides that-

(a) Every election pamphlet, hand-bill, placard or poster, which is printed or multigraphed by any process (except copying by hand) must bear on the front the name and address of the printer and the name and address of the publishers.

(b) the printer of any such document must obtain from the intending publisher a declaration (in duplicate) regarding his identity signed by him and attested by two persons to whom he is personally known.

(c) As soon as the document is printed the printer must send one copy of the declaration and one copy of the document to the Chief Electoral Officer, if the document is printed at the capital of the State, and to the District Magistrate of the district in which it is printed in any other case ;

(d) Contravention of any of the provisions of the section is punishable with imprisonment up to six months or fine up to two thousand rupees or with both;

(e) These restrictions, however, do not apply to any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(2) In order that there is strict observance of and compliance with, the requirements of the abovementioned provisions of law the State Election Commission has issued detailed order on 20-9-2001 (Annexure 7.3). The order mainly provides as follows :-

(a) The printer should send four copies of the printed material, instead of one as mentioned in sub para (c) above and one copy of the declaration of the publisher to the Additional District Magistrate/Sub-Divisional Magistrate of the concerned region within 3 days of its printing, the failure of which should be treated as a violation of the above provisions.

(b) The printer should furnish along with the declaration and copies of the printed material, full particulars regarding number of copies of the pamphlets, etc., printed and the price charged for such job in the proforma prescribed by the Commission, duly signed and authenticated by such printer. A copy of the proforma prescribed for the purpose is reproduced in Appendix B, Annexure 7.3.

(c) The Additional District Magistrate/Sub-Divisional Magistrate shall exhibit at some conspicuous place in their office all the election pamphlets, etc., received by them from the printing press so that the candidates and other interested persons may be able to check in respect of which documents the requirements of law have been complied with so as to enable them to bring to the notice of the authorities concerned the cases of other election posters, pamphlets etc., in respect of which the above requirement of law have been violated.

(d) The Additional District Magistrate/ Sub-Divisional Magistrates and other authorities charged with the detection and investigation of offences should initiate prompt action and investigation, if any case of publication of election poster, pamphlet, etc., in violation of the abovementioned provisions of section 127-A of the Representation of the people Act, 1951 either comes, or is brought, to their notice. In all such cases prosecutions should be launched against the offenders expeditiously.

(3) You must see that all the above requirements of law and the Commission's directives are invariably complied with in respect of the election pamphlets and posters printed and published by you or on your behalf. This is essential for ensuring healthy election campaigns and maintaining purity of election. Also, don't hesitate to report to the authorities concerned any instances which come to your notice or knowledge about the publication of any election posters or pamphlets in contravention of the above provisions of law.

### **Unofficial identity slips**

7.10 (1) The candidates may issue unofficial identity slips containing the following information to the voters—

- (i) the name and serial number of the voter in the electoral roll;
- (ii) the number of the part of the electoral roll;
- (iii) the serial number and name of the polling station; and
- (iv) date of poll.

(2) The identity slips should be on white paper and should not contain the name of the candidate and/or the election symbol of the candidate or his party. The slips should not also contain any slogans or any exhortation to vote for a party or for a candidate since these slips if carried by the voters to the polling stations would amount to canvassing within the polling station which is not permissible. The circulation of any slips within 100 meters of the polling station would also amount to canvassing which is not permissible under the law.

### **Educating the electors about the voting procedure :**

7.11 (1) Your workers should educate the electors about the voting procedure. The electors should be advised to give their signatures or thumb impressions without any fear. This will not in any way violate the secrecy of their vote or disclose their identity. The packets of counterfoils of ballot papers containing the signatures/thumb impressions of electors will be sealed, immediately after the close of the poll, with the seals of the Presiding Officers and polling agents of the candidates and such sealed packets shall not thereafter be opened or inspected by any person except under the order of a competent court.

(2) Your workers should also familiarize the electors about the other details of voting procedure followed at the polling station.

(3) Briefly the voting procedure is as follows :-

When an elector enters a polling station he will proceed direct to the Asst. Presiding Officer who will be incharge of the identification of electors and of the marked copy of the electoral roll. After his identity has been established and there is no challenge to his identity by any of the polling agents, the elector's left little finger will be marked with indelible ink. This will be done by the first Polling Officer. The elector will then proceed to the next Polling Officer who will be incharge of the ballot papers. That Polling Officer will note down the electoral roll number of the elector on the counterfoil of the ballot paper, obtain the signature or thumb impression of the elector on that counterfoil, detach the ballot paper from its counterfoil and pass it on to the last Polling Officer. The last Polling Officer will be incharge of the rubber stamps for marking the ballot papers and of the ballot box. That Polling Officer will fold the ballot paper twice, first vertically and then horizontally, then unfold the ballot paper and give it to the elector along with an inked rubber stamp.

(4) The elector will then proceed to one of the screened voting compartments for marking his ballot paper with the rubber stamp supplied to him for the purpose. After marking his ballot paper and folding it along the lines on which it was folded by the Polling Officer so as to conceal his voting mark, he will come out of the voting compartment and insert his ballot paper into the ballot box placed in front of the last Polling Officer. Before the voter is allowed to leave the polling station, the last Polling Officer will again check the left little finger of the voter in order to ensure that there is a clear indelible ink mark and if such mark is not clearly visible or the indelible ink has been wiped off, he shall again mark the voter's left little finger with indelible ink.

(5) With a view to prevent personation of electors so as to make the right of genuine electors to vote all the electors shall have to produce any one of the documents specified below for establishing their identity in order to exercise their franchise, when they come to the Polling Stations for voting provided that the document has a laminated tamper proof photo of the elector to the satisfaction of the Presiding Officer.

- (i) Electoral Photo Identity Card (EPIC) provided under the authority of the Election Commission of India.
- (ii) Passport
- (iii) Driving Licence
- (iv) Income Tax Identity (PAN) Card.
- (v) Service Identity Card issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or other Private Industrial Houses.
- (vi) Bank/Kisan/Post Office passbook.
- (vii) Ration card issued prior to the first January.
- (viii) SC/ST/OBC Certificate issued by competent authority.
- (ix) Students Identity Card.
- (x) Property Document such as patta, Registered Deeds, etc.,
- (xi) Arms Licence.
- (xii) Conductor Licence issued by Transport Authority.
- (xiii) Pension Document such as Ex-Servicemen's Pension Book/Pension Payment Order.
- (xiv) Ex-servicemen's Widow/Dependent Certificate.
- (xv) Railway/Bus Pass.
- (xvi) Certificate of Physical handicap.
- (xvii) Freedom Fighter Identity Card.

(6) If the elector fails to produce any one of said documents ballot papers should not be supplied to him and he should not be permitted to vote.

**Symbol :**

7.12 For the convenience of voters, you may print copies of your symbol and distribute them, but the voters cannot carry with them the paper containing the symbol to the polling station.

**List of dead, absent and bogus voters**

7.13 (1) In the course of canvassing for votes on your behalf, your workers and agents may find that some of the voters whose names appear in the electoral roll are dead, that some voters have more or less permanently left the locality and yet others are not real persons. Your workers may be asked to prepare a list of such dead, absent or bogus voters for each polling station separately. If possible get a list of such voters agreed to by all the contesting candidates and arrange to deliver the agreed list to the Returning Officer at least 7 days before the first day of the poll in the constituency. Even if the list cannot be agreed to by all the contesting candidates, get as many of them to agree as possible, or failing even that, supply the Returning Officer with your own list.

(2) The list should be correctly prepared. Care should be taken that the name of no real voter is included therein. It will cause annoyance if any real voter is wrongly included in the list of dead, absent or bogus voters and his right to vote is questioned at the polling station.

(3) Make over to your polling agent for each polling station a copy of the list of such dead, absent or bogus voters for that polling station so that he may watch for any person coming to vote in the name of any such voter on the polling day and may draw the attention of the Presiding Officer to the fact.

(4) By following the above instructions diligently, you will not only help yourself but also assist the election authorities materially in preventing bogus voting.

**Death of a candidate before poll**

7.14 (1) If a report of the death of a candidate whose nomination has been found valid on scrutiny and who has not withdrawn his candidature is received before the publication of the list of contesting candidates or if the report of the death of a contesting candidate is received before the commencement of the poll, the Returning Officer may, upon being satisfied of the fact of death, countermand the poll and report the fact to the State Election Commission.

(2) Further proceedings will be commenced afresh in all respects as if for a new election provided that

(a) no fresh nomination is necessary in case of a person who was a contesting candidate at the time of countermanding of the poll.

(b) a person who has given a notice of withdrawal of his candidature before the countermanding of the poll shall be eligible for being nominated as a candidate after such countermanding.

(c) a contesting candidate at the time of countermanding of the poll may give a notice of withdrawal as if he is nominated afresh as a candidate for the election after such countermanding.

(3) Further stages of the election will continue as per the received schedule notified by the Commission.



## ANNEXURE 7.1

### (EXTRACT FROM REPRESENTATION OF THE PEOPLE ACT, 1951)

#### [Corrupt Practices and Electoral Offences]

##### Chapter-I.-Corrupt Practices

123. **Corrupt practices.**—The following shall be deemed to be corrupt practices for the purposes of this act :—

[(1) "Bribery", that is to say—

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) An elector for having voted or refrained from voting;

(b) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward

(a) by a person for standing or not standing as, or for withdrawing or not to withdrawing from being a candidate or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation—for the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses referred to in section 78.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right :

Provided that—

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community ; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of publication, or the mere exercise of legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate :

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(3B) The propagation of the practice or the commission of *sati* or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

*Explanation.*-For the purpose of this clause, "*sati*" and "*glorification*" in relation to *sati* shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.

(4) The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false, or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidature, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided under section 25 or a place fixed under sub-section (1) of section 29 for the poll ;

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle not propelled by mechanical power ;

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.-In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorising of expenditure in contravention of section 77.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the government and belonging to any of the following classes, namely:-

- (a) gazette officers ;
- (b) stipendiary judges and magistrate ;
- (c) members of the armed forces of the Union ;
- (d) members of the police forces ;
- (e) excise officers ;

(f) revenue officers other than village revenue officers known as *lambardars*, *malguzar*, *patels*, *deshmukhs* or by any other name, whose duty is to collect land revenue and who are remunerated by a share of or, commission on, the amount of land revenue collected by them but who do not discharge any police functions; and

(g) such other class of persons in the service of the government as may be prescribed :- Provided that where any person, in the service of the government and belonging to any of the classes aforesaid, in the discharge or purported discharge of his official duty, makes any arrangement or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(8) Booth capturing by a candidate or his agent or other person.

*Explanation*—(1) In this section, the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the projects of a candidate's election if he acts as an election agent of that candidate.

(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof.

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person ceased to be in such service with effect from the said date.

(4) For the purposes of clause (8), "booth capturing" shall have the same meaning as in section 135A.

### CHAPTER III

#### ELECTORAL OFFENCES

**125. Promoting enmity between classes in connection with election**—Any person who in connection with an election under this act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

**126. Prohibition of public meetings during period of forty-eight hours ending with hours fixed for conclusion of the poll**—

(1) No person shall—

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or

(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.

**127. Disturbances at election meetings :** (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purposes of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees,

(1A) An offence punishable under sub-section (1) shall be cognizable.

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

**127A. Restrictions on the printing of pamphlets, posters, etc.,**—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and the addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) Unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) Unless within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,—

(i) Where it is printed in the capital of the state, to the Chief Electoral Officer; and

(ii) any other case, to the district magistrate of the district in which it is printed.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be constructed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purposes of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

**128. Maintenance of secrecy of voting,—**(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

**129 Officers, etc., at elections not to act for candidates or to influence voting,—**(1) No person who is (a district election officer or a returning officer), or an assistant returning officer, or a presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour.

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

**130. Prohibition of canvassing in or near polling station—**(1) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely :—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector ; or
- (c) persuading any elector not to vote for any particular candidate ;
- (d) persuading any elector not to vote at the election ;
- (e) exhibiting any notice or sign (other than an official notice) relating to the election ;

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

### **131. Penalty for disorderly conduct in or near polling station :**

(1) No person shall, on the date or dates on which a poll is taken at any polling station.

(a) Use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhoods thereof so as to cause annoyance to any person visiting the polling station for the poll, or as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest, such person, and there upon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

### **132. Penalty for misconduct at the polling station :**

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

**132A. Penalty for illegal hiring or procuring of conveyances at elections :**

If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.

**133. Penalty for illegal hiring or procuring of conveyances at elections :**

If any person is guilty of any such corrupt practice as is specified in clause (5) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

**134. Breaches of official duty in connection with elections :**

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(1A) An offence punishable under sub-section (1) shall be cognizable.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the district election officers, returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression 'official duty' shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

**134A. Penalty for Government servants for acting as election agent, polling agent or counting agent :**

If any person in the service of the government act as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

**134B. Prohibition of going armed to or near polling station :**

No person, other than returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959, where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under Section 17 of that Act.

4. An offence punishable under section (2) shall be cognizable.



**135. Removal of ballot papers from polling station to be an offence :**

(1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a polling station or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

Provided that, when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

**135A. Offence of booth capturing :**

(1) Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

*Explanation—* For the purposes of this sub-section and section 20B, "booth capturing" includes, among other things, all or any of the following activities, namely-

(a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of election:

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(c) Coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote.

(d) seizure of a place for counting of votes by any person or persons making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(e) doing by any person in the service of government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

(2) An offence punishable under sub-section (1) shall be cognizable.

**135B. (1) Grant of paid holiday to employees on the day of poll :**

(1) Every person employed in any business, trade, industrial undertaking or any of the establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provision of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

**135C. Liquor not to be sold, given or distributed on polling day :**

(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, catering house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person on who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

**136. Other offences and penalties therefor.**

(1) A person shall be guilty of an electoral offence if at any election he-

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces or fraudulently destroys any list, notice or other document affixed by or under the authority of a Returning Officer.
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or
- (d) Without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall :—

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this act.

(4) An offence punishable under sub-section (2) shall be cognizable.

## **EXTRACTS FROM THE INDIAN PENAL CODE**

(Act 45 OF 1860)

**153A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony :—(1) whoever—**

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or all any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb the public tranquillity, or

(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence against any religious, racial, language or regional groups or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

**Offence committed in place of worship, etc.-(2)** Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious workshop or religious ceremonies shall be punished with imprisonment which may extend to five years and shall be liable to fine.

**153B. Imputations, assertions prejudicial national intergration-** (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise.-

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law establish or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied of their rights as citizens of India, or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons. shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

## **OFFENCE RELATING TO ELECTIONS**

**171A. "Candidate," "Electoral right" defined** - For the purpose of this chapter—

(a) "Candidate" means a person who has been nominated as a candidate at any election ;

(b) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being a candidate or to vote or refrain from voting at an election.

**171B. Bribery** - (1) Whoever—

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right ; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery :

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

**171C. Undue influence at elections.-** (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1) whoever-

(a) threatens any candidate or voter, or any person in, whom a candidate or voter is interested, with injury of any kind, or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

**171D. Personation at elections.-** (1) Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

**171E. Punishment for bribery.-** Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both ;

Provided that bribery by treating shall be punished with fine only.

*Explanation*-"Treating" means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

**171F. Punishment for undue influence or personation at an election.-** Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**171G. False statement in connection with an election.-** Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

**171H. Illegal payments, in connection with an election.**—Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meetings, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees ;

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

**171 I. Failure to keep election accounts.**— Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.

**505. Statements conducive to public mischief.**— (1) Whoever makes, publishes or circulates any statement, rumour or report—

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air force of India to mutiny or otherwise disregard of fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the tranquillity; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

**(2) Statements creating or promoting enmity, hatred or ill-will between classes.**—Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feeling of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine or with both.

**(3) Offence under sub-section (2) committed in place of worship, etc.**—Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

**Exception.**—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

ANNEXURE 7.2  
**THE PONDICHERRY OPEN PLACES**  
**(PREVENTION OF DISFIGUREMENT) ACT, 2000**  
**(Act No. 6 of 2000)**

(20-12-2000)

An  
Act

to prevent disfigurement by objectionable or unauthorised advertisements of places open to public view in the Union territory of Pondicherry

Whereas it is expedient to prevent disfigurement by objectionable or unauthorised advertisements of places open to public view in the Union territory of Pondicherry

Be it enacted by the Legislative Assembly of Pondicherry in the Fifty-first Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*- (1) This Act may be called the Pondicherry Open Places (Prevention of Disfigurement) Act, 2000.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall come into force at once.

2. *Definitions.*- In this Act, unless the context otherwise requires,—

(a) “advertisement” includes an effigy or any bill, notice, document, paper or other thing containing any words, signs or visible representations;

(b) “defacement” includes impairing or interfering with the appearance of beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word “deface” shall be construed accordingly;

(c) “Government” means the Administrator of the Union territory of Pondicherry appointed by the President under article 239 of the Constitution;

(d) “objectionable advertisement” means any advertisement which is likely to—

(i) incite any person to commit murder, sabotage or any offence involving violence; or

(ii) seduce any member of any of the armed forces of the Union or of the police forces from the allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or

(iii) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or which—

(iv) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or

(v) is grossly indecent, or is scurrilous or obscene or intended for blackmail.

*Explanation.*—An advertisement shall not be deemed to be objectionable merely because words or signs or visible representations are used—

(1) expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means;

(2) criticising any social or religious practices without malicious intention and with an honest view to promote social or religious reform or social justice;

(e) "place open to public view" includes any private place or building, monument, statue, post, wall, fence, tree or other thing or contrivance visible to a person being in or passing along, any public place;

(f) "public place" means any place (including a road, street or way, whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.

**3. No person to affix to or inscribe or exhibit on any place open to public view any objectionable advertisement, etc.,—** On and from the commencement of this Act, no person shall affix to, or inscribe or exhibit on, any place open public view,—

(i) any objectionable advertisement, or

(ii) any advertisement without the written consent of the owner or occupier or person in the management of the property in which such place is situated.

**4. Government to specify by notification any area where no person shall deface any place open to public view.**—Notwithstanding anything contained in this Act, or any other law for the time being in force, the Government may, if satisfied, that it is necessary or expedient so to do for purpose of preventing defacement, by notification in the official gazette, direct that from such date and in such area as may be specified in the notification, no person shall deface any place open to public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property and for such other purposes, as may be specified in the said notification.

**5. Penalty for disfigurement by objectionable advertisements.**—Whoever affixes to, or inscribes or exhibits on, any place open to public view any objectionable advertisement shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.



**6. Penalty for unauthorised disfigurement by advertisement.**—Whoever affixes to, or inscribes or exhibits on, any place open to public view any advertisement without the written consent of the owner or occupier or person in management of the property in which such place is situated shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both.

**7. Penalty for contravention of notification issued under section 4.**—Whoever defaces any place open to public view in contravention of the notification issued under section 4 shall be punishable for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

**8. Punishment of abettors.**—Whoever in any manner whatsoever causes, procures, counsels, aids, abets or is accessory to, the commission of any offence under section 3, section 4 or section 5, shall be punished with the punishment provided for the offence.

**9. Burden of proof in certain cases.**—Where a person is prosecuted for committing an offence under section 6, the burden of proving that he has the written consent referred to in that section shall be on him.

**10. Offences by companies.**—(1) Where an offence has been committed by a company, every person who, at the time when the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offences.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on the part of any director, manager, secretary or other officer of the company, such Director, manager, secretary or other officer of the company, shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purpose of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

**11. Offences under the Act to be cognizable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974), any offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

**12. Indemnity.**—No suit, prosecution or other legal proceeding shall lie against the Government, any local authority or person for anything which is in good faith done or intended to be done under this Act.

**13. Power of Government to erase writing etc.—(1)** The Government or any officer authorised in this behalf may, by notice require the owner or the person having control over any place open to public view, to erase any writing, free any defacement or remove any mark from such place within such time as may be specified in such notice.

(2) If such erasing, freeing or, as the case may be, removing is not carried out within the time specified in the notice given under sub-section (1), the Government or such authorised officer may cause such erasing, freeing or removing to be done and the expenses incurred shall be paid by the owner or such other person and in default of such payment, such expenses shall be recovered from such owner or such other person as if they were arrears of land revenue.

**14. Other laws not affected.**—The provisions of this Act, are in addition to, and not in derogation of, the provisions of any other law for the time being in force.

**15. Power to make rules.—(1)** The Government may, by notification, make rules to carry out the provisions of this Act.

(2) All rules made and all notifications issued under this Act, shall as soon as possible, after they are made or issued, be placed on the Table of the Legislative Assembly of the Union Territory and shall be subject to such modification by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session;

Provided however that any modification or annulment shall not affect the validity of anything already done and acted upon under such rules and notifications.

**JOHN CLAUDE POMPEI MARIADASSOU,**  
Deputy Secretary to Government.

ANNEXURE 7.3  
STATE ELECTION COMMISSION

No. SEC/1-1/2001/429

Pondicherry, dated 20th September 2001.

**ORDER**

**Subject :** Restrictions on the printing of pamphlets posters, etc.

In order that there is strict observance of, and compliance with, the requirements of section 127A of the Representation of People Act, 1951, read with section 27 of the Pondicherry Village and Commune Panchayat Act, 1973, the State Election Commission, in exercise of its power under Article 243K of the Constitution, and section 9A of the Pondicherry Village and Commune Panchayat Act, 1973, hereby directs as follows :

(1) As soon as any election as member/President of a Village Panchayat and or member of a Commune Panchayat Council is announced by the State Election Commission, the Sub-divisional Magistrates, of Pondicherry and Karaikal shall, within three days of such announcement of election, write to all printing presses in their jurisdictions.

(a) pointing out to them the requirements of above mentioned Section 127A and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters or such other material printed by them ;

(b) asking the printing presses to send the copies of the printed material (alongwith three extra copies of each such printed material) and the declaration obtained from the publisher as required under Section 127A (2) within three days of its printing;

(c) impressing on them in clear terms that any violation of the provisions of Section 127A and the above directions of the State Election Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws, would be taken.

(2) Before undertaking the printing of any election pamphlets or posters, etc. the printer shall obtain from the publisher a declaration in terms of Section 127A (2) in the proforma prescribed by the State Election Commission in Appendix-A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to Sub-Divisional Magistrates.

(3) As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher, within three (3) days of the printing thereof. Alongwith such printed material and the declaration, the printer shall also furnish the information regarding number of copies of the document printed and the price charged for such printing job, in the proforma prescribed by the State Election Commission in the Appendix-B hereto. Such information shall be furnished by the printer, not collectively but separately, in respect of each election pamphlet, poster, etc., printed by him within three (3) days of the printing of each such document.

(4) As soon as a Sub-Divisional Magistrate receives any election pamphlets or posters, etc, from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the State Election Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the cases of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.

(5) The Sub-divisional Magistrates shall initiate prompt action for investigation forthwith if any case of publication of election pamphlets, posters etc. in violation of the above mentioned provisions of said Section 127A and/or the Commission's above direction either comes, or is brought, to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the courts concerned.

**N. RAJASEKHAR**

State Election Commissioner.

APPENDIX -A

*Proforma* for Declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.  
[See Section 127-A of the Representation of the People Act, 1951].

I.....son/daughter/wife of.....  
resident of.....Village/town hereby declare that I am the  
publisher of .....(give brief particulars of election poster, pamphlet, etc.)  
being printed.....at ..... (name of printing press)

Place :

Date :

(Signature of Publisher)

Full Address.....

Attested by (persons personally known to publisher)

1. Signature  
(Name and address)

2. Signature  
(Name and address)

Countersigned by

3. Signature  
(Name and address of Printer)

APPEDIX-B

PROFORMA FOR SUBMISSION OF INFORMATION REGARDING PRINTING OF ELECTION  
POSTER, PAMPHLETS, ETC.

1. Name and address of printer.....  
.....  
.....
2. Name and address of publisher.....  
.....  
.....
3. Date of the printing order of the publisher .....
4. Date of the declaration of the publisher .....
5. Brief particulars of election poster, pamphlet, etc.....
6. Number of copies of the above document printed.....
7. Date of printing.....
8. Printing charges (including cost of paper) being charged from the publisher in respect  
of the above document .....

Place :

Date :

(Signature of printer)

Seal of the Printer

## CHAPTER-VIII

### POLLING DAY

#### INTRODUCTORY

8.1. Poll is the most important event in the election process. It is through the poll that the electors express their choice of the candidate to represent them in Local Bodies.

#### Prohibition of canvassing :

8.2. The election law prohibits canvassing in or near polling stations on polling day. No person shall commit any of the following acts within a polling station or in any public or private place within a distance of 100 meters of a polling station, namely :-

- (a) canvassing for votes;
- (b) soliciting the vote for any elector;
- (c) persuading any elector not to vote for any particular candidates;
- (d) persuading any elector not to vote at the election;
- (e) exhibiting any notice or sign (other than an official notice) relating to the election;
- (f) using or operating within or at the entrance of the polling station or in any public or private place in its neighbourhood any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; and
- (g) shouting or otherwise acting in a disorderly manner within or at the entrance of a polling station or in any public or private place in the neighbourhood.

N.B. : The distance from which a loudspeaker, etc., is used is immaterial. The offence will be committed even if it is used from a distance of more than 100 meters if it causes annoyance to any person visiting the polling station for the poll or interference with the work of officers and other persons on duty at the polling station.

#### Candidates' Election Booths :

8.3. No election booths of the candidates should be allowed to be set up near the polling station on the day of poll, as such booths pose many difficulties in the way of holding free, fair and smooth elections by creating obstructions to voters, confrontation among various party workers and law and order problems. However, the candidates may provide one table and two chairs for the use of their agents and workers for the distribution of unofficial identity slips to voters beyond a distance of 200 meters from the polling station with an umbrella or a piece of tarpaulin over their head to protect from the sun/rain. No crowd should be allowed to collect around such tables.

#### Prevention of voters from voting :

8.4. It is cognisable offence to detain any voters in a camp or any other place whether with or without his consent or obstruct his way to polling station or to prevent him from voting in any manner. If you receive informations that any person is so detained or obstructed or

prevented you should report the matter to the Presiding Officer, or to the nearest police station or to the Returning Officer who will take effective action to enable the person who are wrongly detained or obstructed or prevented to exercise their franchise even if the detention or obstruction is done in a private place.

### **Removal of ballot papers from polling station to be an offence :**

8.5. If you or your agents honestly suspect that any voter is illegally taking any ballot paper out of polling station or unauthorisedly or fraudulently tampering with the same, draw the attention of the Presiding Officer to the matter immediately for necessary action on his part.

### **Removal of Disorderly persons :**

8.6. Any person who misconducts himself or fails to obey lawful directions of the presiding Officer during the poll may be removed from the polling station under his order by any police officer or other persons authorised by him.

### **Polling Agents :**

8.7.1. It will be physically impossible for you or your election agent to be present during poll at every polling station in your constituency. Someone should, therefore, be present to watch your interest at every polling station. The law permits you to appoint a polling agent and two relief agents at each polling station. They are all known as polling agents. It is, however, not obligatory on your part to appoint polling agents to any or all the polling stations. Your election agent may also make any of these appointments on your behalf. Only one of three polling agents for a polling station is, however, entitled to be present at a time inside the polling station. They can relieve one another from time to time. It should be noted that a minister shall not be appointed as polling agent as his personal security shall be jeopardised with such appointment because his security personnel will not be permitted to accompany him into the polling station.

2. The appointment of polling agents is made in writing in form 8 (Annexure 8.1). You are not required to send a copy of the appointment order to the Returning Officer. The polling agent should produce the appointment order in original at the polling station so that the Presiding Officer may admit him into the polling station. A polling agent should sign the letter of appointment in form 8 in token of his agreement to act as your polling agent. It is advisable that his signature is placed in your presence or in the presence of your election agent, if the latter makes the appointment. The polling agent will also have to sign again in the presence of the Presiding Officer at the polling station. He should be asked to sign before the Presiding Officer in the same manner as he signed before you or your election agent so that there will be no discrepancy in his signature. This will help in his identity being readily accepted.

3. To enable the Presiding officer of a polling station to verify the signature of the candidate or his election agent as given in appointment letter in Form 7, your specimen signature or that of your election agent shall be obtained by the Returning Officer on the format (Annexure 8.2) and copies thereof in sufficient number shall be supplied to each Presiding Officer. If you have not appointed any election agent, then in the column meant for the signature



of the election agent the words "No Election agent appointed" shall be recorded in the said Format. You are at liberty to revoke the appointment of an election agent and to appoint another person in his place. If such a change in the appointment is made at the last moment when the Presiding Officer has already been supplied with the copy of the Format (Annexure 8.3) containing the specimen signatures as originally furnished by you, then it shall be your responsibility to supply a copy of form (Annexure 8.4) revoking the appointment of the election agent and to supply a copy of Form 7 appointing the new election agent to the Presiding Officer.

4. You or your election agent may revoke the appointment of any of your polling agents in writing in Form (Annexure 8.5) and lodge the revocation order with the Presiding Officer of the polling station. If a polling agent happens to die before the poll, you or your election agent should inform the Presiding Officer. In the case of revocation or death, you or your election agent may appoint another polling agent by a fresh letter of appointment in Form 8 in the same manner as before, but in such a case, state in the letter the facts leading to such appointment.

### **When polling Agent should reach the polling station :**

8.8. The polling agent should reach the polling station at least 30 minutes before the commencement of the poll. This will enable him to be present when the Presiding Officer goes through the other preliminary arrangements before the commencement of the poll. If any part of these preliminaries has already been gone through, the proceeding will not be commenced de-novo to accommodate any late-comer. Each polling agent will be supplied by the Presiding Officer with a pass on the authority of which the polling agent can go in and out of the polling station as may be necessary.

### **Duties of polling Agent :**

8.9.1. The main duty of your polling agent is to see that your interests are safeguarded at the polling station, for which he has been appointed as your polling agent. His other duties are—

- (a) to help the Presiding Officer to detect and prevent impersonation of voters by challenging persons who try to impersonate voters;
- (b) to help in having the ballot boxes properly secured and sealed according to the rules before, during and after the poll.
- (c) to take a copy of the account of votes recorded and paper seal account (Annexure 8.6) from the Presiding Officer after the close of the poll; and
- (d) to see that the documents relating to the poll are also secured and sealed properly as required by law.

2. The commission has brought out a separate "Handbook for polling Agents" for distribution among the polling agents, if considered necessary. These are available with the Returning Officer.

### **Things to be brought by polling Agent :**

8.10.1. The polling agent should provide himself with the following items when he comes to the polling station :—

- (a) his letter of appointment;
- (b) a copy of the electoral roll for the polling station;
- (c) a list of the names of the dead, absent or bogus voters included in the list;
- (d) a small brass seal; and
- (e) pen, paper and pencil.

#### **Wearing of badge by the polling agents :**

2. The polling agent is prohibited from wearing any badge containing the photograph of the candidate or any other political leader and also displaying any slogan or exhortation to vote within the polling station or one hundred meters thereof. If he does so, his act will amount to a cognizable offence punishable with fine which may extend to Rs. 250. He should, however, display on his person the identity pass issued to him by the Presiding Officer.

#### **Arrangement at polling stations :**

8.11. Outside each polling station there will be displayed prominently a notice specifying the polling area, the electors who are entitled to vote at the polling station and the list of the contesting candidates.

#### **Admission to polling stations :**

8.12. Apart from the electors, only the following persons can be admitted into the polling station by the Presiding Officer :

- (a) Assistant Presiding Officers, Polling Officers.
- (b) each candidate, his election agent and one polling agent of each candidate at a time;
- (c) persons authorised by the State Election Commission.
- (d) public servants on duty in connection with the election:

**N.B. :** The expression "public servants on election duty" would not include Ministers, Ministers of State and Deputy Ministers of the Union or the State/Union Territories.

- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or an infirm voter who cannot move without help; and
- (g) such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting the Presiding Officer in taking the poll.

**N.B. :** No security personnel accompanying, if any, an elector, candidate or his election agent or polling agent shall be allowed to enter the polling station.

### **Seating of polling agents :**

8.13. The Presiding Officer will make arrangements to provide seats to the polling agents at such place from where they will have adequate opportunity of identifying electors, seeing the entire operation and also seeing the movement of the elector from the Assistant Presiding Officer's table to the voting compartment and the elector leaving the polling station after he has recorded his vote in the voting compartment and inserting the ballot paper(s) in the ballot box.

### **Preliminaries before the commencement of poll :**

8.14. About 30 minutes before the time fixed for the commencement of poll, the Presiding Officer will start going through the preliminary preparations for the conduct of poll. The Presiding Officer will—

- (a) demonstrate to the polling agents and other persons present that ballot box(es) to be used is/are empty;
- (b) demonstrate to the polling agents and other persons present that the marked copy of the electoral roll (copy of the electoral roll to be used for marking the names of electors who are allowed to vote) does not contain any remarks other than those made for issuing postal ballot papers and election duty certificates; and
- (c) allow the polling agents to note the first and the last of the serial numbers of the ballot papers and also the serial numbers of ballot boxes which will be used at the polling station.

### **Preparation of the Ballot Box :**

8.15.1. The Presiding Officer will start preparing the ballot box for the poll 30 minutes before the hour fixed for the commencement of poll. He will first demonstrate to all present that the ballot box is empty and will thereafter proceed to seal and secure it to put it in the balloting position, i.e. the box will be closed and sealed, but the slit for insertion of ballot papers will be kept open.

2. If any of the polling agents of a contesting candidate wants to note down the serial nos. of Ballot boxes supplied for use at the polling station and of the ballot box(es) actually used, he shall be allowed by the Presiding Officer to note down such serial Nos. of the ballot boxes.

### **Paper seals for Ballot boxes of Godrej type :**

- 8.16. (a) In Godrej type ballot boxes, a green paper seal specially printed by the State Election Commission is used for sealing and securing it. The Polling agent should see that no damaged paper seal is used to seal any ballot box. He is permitted to put his signature on the paper seal before it is inserted at the appropriate place in the ballot box. He is also permitted to note down the number of the paper seal so used.

- (b) The Presiding Officer will prepare an account of green paper seals at the end of the poll. The polling agents should sign it. They should satisfy themselves that the entries in the account are correct. They may also take notes of any entry in that account for being passed on to the candidates for the purpose of verification at the time of opening of the ballot boxes for the counting of votes.

### **Preparation of Ballot Papers for Issue :**

8.17.1. The Presiding Officer will be supplied with ballot papers with counterfoils equal to number of voters allotted to the polling station rounded off to the next 10. The ballot papers will be ordinarily in bundles of 50 each. The Presiding Officer will permit the polling agents to note the first and the last of the serial numbers of these ballot papers.

2. Every ballot paper before issue to an elector is required to be

- (i) stamped on the back as well as on the back of its counterfoil with a distinguishing mark and
- (ii) signed in full on its back by the Presiding Officer.

3. There is a distinct distinguishing mark for every polling station which is to be affixed by means of rubber stamp on the top right hand corner on the back of the ballot paper and also on the back of the counterfoil. Such distinguishing mark consists of the name of commune panchayat in short, the serial number of the village panchayat and the serial number of the ward of the village panchayat as well as the serial number of the polling station in that village panchayat e.g. AKM/1/IV where AKM stands for Ariankuppam Commune Panchayat, 1 indicates the serial number of the village panchayat and IV indicates the serial number of the ward of the village panchayat as well as the serial number of the polling station in that village.

4. Where for any unavoidable reason it is not found possible to affix the above distinguishing mark by means of a rubber stamp, the Presiding Officer is authorised to note by hand in ink the above distinguishing mark on each ballot paper and its counterfoil but circle need not be drawn.

5. In order that the poll proceeds smoothly and uninterruptedly, the Presiding Officers may sign about one or two bundles of 50 ballot papers each a few minutes before the commencement of poll. They will shuffle these bundles at random so as to ensure that the ballot papers issued to electors are not in consecutive serial numbers.

### **Maintenance of secrecy of voting :**

8.18.1. Every polling agent is required by section 128 of the Representation of the People Act, 1951 to maintain and aid in maintaining, the secrecy of voting and should not

communicate to any person any information calculated to violate such secrecy. Any person contravening the above provisions of law is punishable with imprisonment for a term which may extend to 3 months or with fine or with both.

2. Before commencing the poll, the Presiding Officer will bring to the notice of all present the provisions of aforesaid section 128 regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

### **Declaration by the Presiding Officer before the commencement of poll :**

8.19. After the Presiding Officer has gone through the preliminaries, as stated above he will make a declaration in the prescribed form (Annexure 8.7 Part -I) to the effect that he has completed those preliminaries. He will read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration and will also obtain thereon the signatures of such of the polling agents as are present and willing to affix the same. The polling agents should sign that declaration as it would satisfy all that the poll had commenced in free and fair manner. If any polling agent refuses to sign that declaration the presiding Officer will make a note of his name in the paragraph provided for that purpose in the form of said declaration.

### **Commencement of poll :**

8.20.1. The poll will be commenced at the stroke of the hour fixed for the purpose. By that time the preliminaries would have been completed by the Presiding Officer. If for any unforeseen reasons the preliminaries are not over, the Presiding Officer may admit about 3 or 4 voters at the hour fixed for the commencement of the poll and let the Polling Officers deal with them so as to enable them to go through the process of voting.

2. In any event, the Presiding Officer cannot extend the appointed closing time, except for allowing such of the voters to vote who have already reached the polling station before the appointed closing time and taken their place in the queue for voting.

### **Entry of voters into polling station :**

8.21.1. Normally there will be separate queues for men and women voters. The persons who arrange the queues will allow 3 or 4 voters into the polling station at a time as the Presiding Officer may direct. Other voters waiting to come in will be made to stand in queue outside. Men and women voters will be admitted into the polling station in alternate batches. The Presiding Officer may, however, give precedence, if he thinks fit, to infirm voters and women voters with babies in arms over others. The polling agents should not object to it.

### **Facilities to press representative and photographers :**

2. Subject to the maintenance of peace and order, there is no objection to any photographer taking photographs of a crowd of voters lining up outside the polling station.

However, no one including the publicity officials of the Government shall be allowed inside a polling station without a letter of authority from the State Election Commission. In no circumstances, will any photograph be allowed to be taken of a voter recording his vote.

### **List of Dead, Absent and Allegedly suspicious voters :**

8.22. It is expected that a polling agent will have with him a copy of the electoral roll and also a list of the names of the dead, absent and allegedly suspicious voters which might have been prepared by the candidate. A copy of this list should be supplied to the Presiding Officer also. If any person claims to be a voter whose name is mentioned in that list, the polling agent should draw the Presiding Officer's attention to that fact. This will not amount to a formal challenge. The Presiding Officer will check that person's identity. Clerical and printing errors in the electoral rolls shall be overlooked.

8.23. The particulars in respect of a voter as entered in the electoral roll are sometime incorrectly printed or have become out of date, for example, the age of the voter. The polling agent should overlook mere clerical or printed errors in any entry relating to a voter and should not raise objection about such voter, if he is otherwise satisfied about the identify of that voter.

### **Formal Challenge to Voter's Identity :**

8.24.1. The polling agent may formally challenge the identity of the person provided he is satisfied that the person concerned is impersonating a voter.

2. Even the name of a voter is not mentioned in the above list of dead, absent a allegedly suspicious voters, but a polling agent has personal knowledge that the person claiming to be the voter is not the real voter, the polling agent may formally challenge that person's identity.

3. Every person whose name is entered in the electoral roll is entitled to vote at the election and a person claiming to be a voter and giving out the name and other details correctly is normally presumed to be that voter. Therefore, the polling agents are advised to challenge the identity of a voter only when they are sure about their identity of the person challenged.

### **Challenge Fee :**

8.25. The Presiding Officer will not entertain any challenge by a polling agent, until the challenger pays him Rs. 2 in cash. After the amount has been paid, the Presiding Officer will furnish a receipt therefor to the challenger.

### **Summary Inquiry into a Challenge :**

8.26.1. When the identity of an elector is formally challenged by a polling agent, the Presiding Officer will warn the person challenged about the penalty for personation, read out the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry, enter his name and address in the list of challenged votes (Annexure 8.10) and ask him to sign or affix his thumb impression thereon. If the person challenged refuses to do so, the Presiding Officer will not allow him to vote.

2. After the Presiding Officer has completed the entries in the list of challenged votes and obtained the signature or thumb impression of the person challenged in the relevant column in the said list, he will ask the challenger to produce evidence to show that the person challenged is not the voter that he claims to be. If the challenger fails to adduce prima facie evidence in support of his challenge, the Presiding Officer will disallow the challenge and allow the person challenged to vote. If the challenger succeeds in making out a prima facie case that the person challenged is not the voter in question, the Presiding Officer will call upon the latter to produce evidence to rebut the challenge, i.e., to prove that he is the voter he claims to be. In the course of the inquiry the Presiding Officer is free to ascertain the true facts by putting to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer him on oath. He may also take evidence of any person whom he thinks to be helpful in his inquiry like the village officer, the neighbours of the voter in question or any other person present. While taking such evidence he may administer oath to the person challenged or any other person offering to give evidence.

3. After the completion of the inquiry, if the Presiding Officer considers that the challenge has not been established, he should allow the person challenged to vote. Where, however, he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting. In that case the Presiding Officer has also to hand over the person concerned to the police man on duty together with a complaint addressed to the SHO of Police Station in the jurisdiction of which the polling station falls for prosecution of the person concerned for committing the offence of personation.

#### **Return of Forfeiture of Challenge Fee :**

8.27.1. After the inquiry is over, the Presiding Officer will return the challenge fee of Rs. 2 to the challenger after taking his receipt in the appropriate column (column 10) in the list of challenged votes, referred to above (Annexure 8.10) and on the counterfoil of the relevant receipt in the receipt book.

2. Where, however, the Presiding Officer is of the opinion that the challenge was frivolous or was not made in good faith, he will forfeit the challenge fee to Government and will not return it to the challenger.

#### **Clerical and Printing Errors in the Electoral Rolls to be overlooked :**

8.28. The particulars in respect of a voter as entered in the electoral roll are sometime incorrectly printed or have become out of date, for example, the age of the voter. The polling agent should overlook mere clerical or printing errors in any entry in relation to a voter and should not raise objection about such voter, if he is otherwise satisfied about the identity of that voter.

#### **Eligibility of voter not to be questioned :**

8.29. Every person whose names is entered in the marked copy of the electoral roll is entitled to vote at the election. So long as there is no doubt about the identity of such person, no question can be raised by a polling agent at the polling station before the Presiding Officer about the eligibility of such a person to be registered as a voter.

### **Precautions Against Voting by under age Voters :**

8.30.1. As stated above, the eligibility of a person to be voter whose name is included in the electoral roll cannot be questioned or enquired into by the Presiding Officer at the polling station. However, if the Presiding Officer is *prima facie* satisfied about the identity of a voter and also about the fact of inclusion of the name in the electoral roll, but considers such person to be below the minimum voting age the Presiding Officer has to obtain a declaration in form (Annexure 8.8) from the person concerned about his age. Before obtaining the declaration from such elector the Presiding Officer will inform him of the penal provisions in section 31 of the Representation of the People Act, 1950 for making a false declaration relating to the inclusion of his name in electoral roll.

2. The polling agents may bring to the notice of the Presiding Officer such cases of voters whose names are included in the electoral roll but who seem to be much below the voting age so that the Presiding Officer may take action in respect of such voters as mentioned above.

### **Application of indelible ink :**

3. Under Rule 26(1), the left little finger of every elector about whose identity the Presiding Officer or the Assistant Presiding Officer, as the case may be, is satisfied shall be marked with indelible ink. This will be done by the first Polling Officer.

4. The application of indelible ink is a vital safeguard against personation and to ensure that the same voter does not vote more than once. If any elector refuses to allow his left little finger to be inspected or marked with indelible ink or he has already such a mark on his left little finger, or he does any act with a view to removing the ink mark, he shall not be allowed to vote.

5. The left little finger of the voter, should be marked with indelible ink soon after his identity is verified by the Assistant Presiding Officer and before his signature or thumb impression is obtained on the counterfoil of ballot paper by the Second Polling Officer. The underlying purpose of this instruction is that there should be a sufficient time gap for the indelible ink to dry and leave a proper indelible mark on the voter's little finger before he leaves the polling station. His little finger should again be checked before he leaves the polling station in order to verify that there is a clear indelible ink mark on the finger. If the voter has wiped off the ink or there is no proper ink mark visible, his little forefinger should again be marked with indelible ink.

### **Voting by Blind or infirm voters :**

8.31.1. If the Presiding Officer is satisfied that owing to blindness or any physical infirmity a voter is unable to recognise the symbols on the ballot paper or to make a mark on it without assistance, he will permit the voter to take with him an adult companion of not less than 18 years into the voting compartment for recording the vote on his behalf and in accordance with his wishes. But the illiteracy of voter is not a sufficient cause for giving him assistance of a companion to record vote on his behalf.



2. A candidate, his election agent or polling agent (provided he is not less than 18 years of age) can also act as such companion to a blind or infirm voters. But he can act as such companion of only one elector on that day. The person acting as such companion is required to make a declaration in a form (Annexure 8.9) to the effect that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as a companion of any other elector at any polling station on that day.

### **Tendered votes :**

8.32. It may happen that a person representing himself to be a particular elector comes forward to vote after some other person has already voted as such elector. In that case if the Presiding Officer is satisfied about the identity of such persons to be the real voter after necessary questioning, the Presiding Officer will permit him to vote by means of a tendered ballot papers. For that purpose the Presiding Officer will make necessary entry in the list of tendered votes in Form 14B (Annexure 8.11) and obtain the signature or thumb impression of the voter therein. The voter will be supplied with an ordinary ballot paper used at the polling station, except that it will be issued from the last serial number in the bundle of ballot papers supplied for use at that polling station and the words "tendered ballot paper" will be written and signed on the back of each such ballot paper and its counterfoil by presiding officer. Such tendered ballot papers after it is marked by the voter, in the voting compartment and folded, will be not put into the ballot box, but shall be placed by the Presiding Officer separately in a cover specially kept for the purpose.

### **Electors deciding not to vote :**

8.33. If an elector, after receiving the ballot paper decides not to record his vote, he shall not be forced or compelled to record his vote. A remark to the effect that he has decided not to record his vote shall be made in the marked copy of the electoral roll. The ballot paper and the counterfoil of such ballot paper should be cancelled by writing on it the words "Returned : cancelled". Such cancelled ballot paper shall be kept in the cover for cancelled ballot paper.

### **Violation of secrecy of voting :**

8.34. Every elector who has been allowed to record his vote is required to maintain secrecy of voting within the polling station and to observe the prescribed voting procedure. If any elector refuses, after warning given to him by the Presiding Officer to maintain the secrecy of voting and observe the voting procedure, he will not be allowed to vote by the Presiding Officer or by a polling officer under his direction. The ballot paper issued to such elector shall be taken back from him. The Presiding Officer will record on its back and the counterfoil the words "cancelled : voting procedure violated". Such cancelled ballot papers shall be kept in the cover for cancelled ballot papers.

### **Voting by persons present at closing hour :**

8.35. The Presiding Officer will close the polling station at the hour fixed in that behalf and will not thereafter admit any elector into the polling station. But all electors present at the polling station before it is closed will be allowed to cast their votes, even if for that purpose the polling is to be continued beyond the specified closing hour. For the above purpose, the Presiding Officer will distribute to all voters, who are standing in the queue and waiting to vote at the specified closing hour, slips signed by him in full and serially numbered from S.No. 1 onwards. He will not thereafter allow any person to join the queue and for ensuring this he has to start distribution of the above slips to such voters from the tail end of the queue and proceeding backward towards its head.

### **CLOSING OF BALLOT BOXES**

8.36. (a) After completion of poll, the Presiding Officer will close the slit of the ballot box and secure it in the presence of the polling agents so as to ensure that no further ballot papers can be inserted into it.

(b) After closing and securing the ballot box or boxes (if more than one ballot box is used at the polling station), the Presiding Officer will run a ribbon or tape on the four sides of the box, lengthwise and breadthwise crossing each other on the lid passing under the handle, and tie the knot firmly and seal the knot on a piece of thick paper or cardboard with his seal. The polling agents are also allowed to affix their seals or their signatures, if they so desire. After this, the ballot box will be either (1) placed in a strong canvas bag with provision for closing it with a strong rope or other locking arrangement and the bag will be closed and sealed by the Presiding Officer, or (ii) wrapped with a new cloth which will be sewn and the seams sealed by the Presiding Officer. In either case, the polling agents present are permitted to affix their own seals, in addition to the seals of the Presiding Officer, if they so desire.

### **Furnishing of copy of Ballot Paper Account by the Presiding Officer :**

8.37. The Presiding Officer should at the close of the poll, prepare a ballot paper account in the prescribed form 15. He is also required to furnish to every polling agent present at the close of the poll an attested copy of the ballot paper account after obtaining a receipt therefor from the polling agent. The polling agents should, therefore, ensure that they receive a copy of the ballot paper account from the Presiding Officer, as such account will be greatly needed by their candidates at the time of the counting of votes. Every polling agent who receives a copy of the ballot paper account from the Presiding Officer, should affix his signature on the form of declaration (Annexure 8.7 Part III) prescribed by the Commission which the Presiding Officer has to make at the close of the poll. If any polling agent refuses to accept a copy of the ballot paper account, the Presiding Officer will note down the name of each such polling agent in the above mentioned declaration.

## **SEALING OF ELECTION PAPERS-AFFIXATION OF SEALS THEREON BY POLLING AGENTS**

8.38. After the close of poll, the Presiding Officer will seal all the election papers in separate packets in accordance with the rule and the instructions of the Election Commission. The polling agents present at polling station are also permitted to affix their seals, in addition to the seal of the Presiding Officer, on the envelopes and packets containing the following documents :-

- (i) the marked copy of the electoral roll;
- (ii) the counterfoils of used ballot papers;
- (iii) the signed but unused ballot papers with counterfoils, if any;
- (iv) the other unused ballot papers with counterfoils;
- (v) the ballot papers cancelled for violation of voting procedure;
- (vi) the returned and other cancelled ballot papers;
- (vii) the cover containing the tendered ballot papers and the list in Form 14B.
- (viii) the list of challenged votes.
- (ix) any other papers that the Returning Officer has directed to be kept in a sealed packet.

2. The Polling agents are advised in the interest of the interest of their candidates to affix their seals on the above packets of election papers.

### **Transmission of ballot boxes and election papers to the collection/storage centre :**

8.39 1. After the ballot boxes and all election papers have been sealed and secured by the Presiding Officer, he will deliver them or cause them to be delivered at the collection/storage centre.

### **Accompanying vehicles carrying voting machines :**

2. The polling agents are permitted to accompany the vehicle in which the ballot box and election papers are carried to the collection/storage centre. But they will have to make their own transport arrangements and will not be permitted to travel in the vehicle carrying the ballot boxes and election papers.

### **Custody of ballot boxes where counting is not done on the polling day itself :**

3. After the completion of poll in a constituency the ballot boxes will be taken to the place of storage and kept in safe custody under proper guard till they are taken to the counting place. You will be informed in advance by the Returning Officer about the programme and route of the collection parties that will be sent by him for the collection of the polled ballot boxes from the polling stations and for bringing them to place of storage. If you want, you

may ask your agents to accompany those collection parties. You will, however, have to make your own arrangement for their transport as they would not be allowed to travel in the official vehicle. If you like you may also post an agent to keep watch at the place, where the ballot boxes are kept, and the agent will be allowed to affix his seal on the doors and windows of the building in which the ballot boxes are stored in addition to the seal that may be affixed by the Returning Officer. In case the candidate or his election agent is not himself putting up such seals, the candidate should give full particulars of the agent who would put such seals, to enable the verification of his identity. After all the ballot boxes have been received and stored and the room has been locked, no one will be allowed to go in until the morning of the day fixed for counting. If during the interval, the room is to be opened for some reason, the Returning Officer will inform the candidates and open the room in their presence and immediately after the purpose for which the room is opened has been served, the candidate or their representatives will be again allowed to seal the doors and windows. A log book will also be maintained in order that a full record is available of persons entering the room, the purpose of the visit, time of entry, time of exit etc.,

#### **Adjournment of Poll for Riot, etc. :**

8.40 1. The Presiding Officer of a polling station is empowered to adjourn the poll on account of—

- (i) a natural calamity like flood, a severe storm and the like, or
- (ii) disturbance of peace at the polling station making it impossible to take the poll, or
- (iii) any other sufficient cause.

2. If there is a riot or any attempt of open violence, use the police to control the same. If, however, it cannot be controlled and it is impossible to continue the poll, the Presiding Officer will adjourn the poll. The poll should also be adjourned if the taking of the poll is rendered impossible on account of any natural calamity or other sufficient cause. A passing shower of rain or strong wind would not be a sufficient cause for adjournment of poll. The discretion given to the Presiding Officer to adjourn the poll should be exercised most sparingly and only in cases where it has become physically impossible to take the poll.

3. In every case of adjournment of poll, the Presiding Officer will report immediately the full facts to the Returning Officer. Wherever a poll is adjourned, he will announce formally to all present that the poll will be taken on a day to be notified subsequently by the State Election Commission.

4. The Presiding Officer will seal and secure ballot box(es) used, ballot papers yet to be used, counterfoils of used ballot papers and all election papers in the presence of polling agents as if the poll has come to a close in the normal way and return to the Returning Officer

- (i) the sealed ballot box(es);
- (ii) the sealed ballot paper account;
- (iii) the sealed packet containing the marked copy of the electoral roll;
- (iv) the sealed packet containing the counterfoils of the used ballot papers;
- (v) the sealed packet containing the ballot papers signed in full by the Presiding Officer under sub-rule (2) of rule 27 not issued to the voters;
- (vi) the sealed packet containing any other ballot papers not issued to voters;
- (vii) the sealed packet containing the ballot papers cancelled for violation of voting procedure under rule 28;
- (viii) the sealed packet containing any other cancelled ballot papers;
- (ix) the sealed packet containing the tendered ballot papers and the list in Form 14B;
- (x) the sealed packet containing the list of challenged votes; and
- (xi) the sealed packet containing any other papers directed by SEC to be kept in sealed packet;
- (xii) all other packets and the marking or stamping articles used at the poll.

5. When two or more elections are held simultaneously, a common packet for all the elections under items (iii) to (v) referred above can be made.

#### **Completion of adjourned poll :**

6. Where the poll has been adjourned at a polling station, the adjourned poll will recommence on the date and time fixed by the State Election Commission from the stage at which it was left immediately before the adjournment, i.e., the electors who have not already voted before the poll was adjourned will alone be permitted to vote at the adjourned poll. The Returning Officer will return to the presiding officer of the polling station, at which such adjourned poll is taken, all the sealed packets and materials received earlier by him from the presiding officer.

7. Before the re-commencement of the adjourned poll, the sealed packet containing the marked copy of the electoral roll shall be reopened by the Presiding Officer in the presence of the candidates or their agents who may be present at the polling station and this very marked copy of the electoral roll shall be used for adjourned poll.

8. The Returning Officer will also supply to the Presiding Officer the packets containing counterfoils of the ballot papers used at the polling station before the poll was adjourned. These packets should not be opened unless it becomes absolutely necessary.

9. If the State Election Commission directs a fresh poll to be taken at the polling station, such fresh poll shall be taken in the same manner as the original poll.

**Stoppage of poll due to destruction of ballot papers, etc. :**

10. The State Election Commission is competent to declare the poll at a polling station to be void and direct a fresh poll, if at that polling station.

- (i) any ballot paper or ballot box has been unlawfully taken away by any unauthorised person, or
- (ii) any ballot paper or ballot box has been accidentally or intentionally destroyed or lost or damaged or tampered with and the result of the poll at that polling station cannot be ascertained for that reason, or
- (iii) any error or irregularity in procedure as is likely to vitiate the poll has been committed.

11. If any such thing happens at your polling station, you should report full facts forthwith to the Returning Officer to enable him to report the matter to the State Election Commission for its directions.

12. After considering all material circumstances, if the Commission directs fresh poll to be taken at a polling station, such fresh poll shall be taken in the same manner as the original poll.

13. All electors entitled to vote at the polling station in question will be entitled to vote again at the fresh poll. The marks of the indelible ink made at the original poll should be ignored at the fresh poll. To distinguish the marks to be made at the fresh poll from those already made at the original poll, the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

14. If it is 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, the State Election Commission may give direction as deemed proper for further conduct and completion of the election. The directions of the Commission shall be followed by the Presiding Officer/Returning Officer.

ANNEXURE 8.1

FORM—8

**\*Appointment of Polling Agent**

[(See rule 20 (4))]

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

I, ..... a candidate/election agent of  
..... who is a candidate at at the above election,  
do hereby appoint ..... of .....  
as a polling agent to attend 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 authorised  
by law, communicate to any person any information showing directly or indirectly for which  
candidate any voter has voted.

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.

ANNEXURE 8.2

FORM — 7

**Appointment of Election Agent**

[See rule 20 (1) ]

Election of { Member to Ward No.....of..... Village Panchayat.  
President to the ..... Village Panchayat.  
Member to the ..... Commune Panchayat Council.

To

The Returning Officer,

I, \_\_\_\_\_ of \_\_\_\_\_, a candidate  
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.



# ANNEXURE 8.3

## FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES AND THEIR ELECTION AGENTS

\* Election of { Member to Ward No.....of..... Village Panchayat.  
 President to the ..... Village Panchayat.  
 Member to the ..... Commune Panchayat Council.

(\*Delete whatever is not applicable)

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letter of appointment of polling Agents at the time of poll :-

Name of the contesting candidate	Specimen signature	Name of his/her Election agent	Specimen signature
1. Shri.Smt./Ms. (Candidate No. 1)	.....	Shri.Smt./Ms.	.....
2. Shri.Smt./Ms. (Candidate No. 2)	.....	Shri.Smt./Ms.	.....
3. Shri.Smt./Ms. (Candidate No. 3)	.....	Shri.Smt./Ms.	.....
etc.			
etc.			

Place :

Date :

Signature

(Seal)  
Returning Officer

ANNEXURE 8.4

**REVOCATION OF APPOINTMENT OF ELECTION AGENT**

Election to the\*

To  
The Presiding Officer

I .....

hereby revoke the appointment of my Election agent.

Thiru/Tmt. ....

Place :

Date :

Signature of candidate.

---

\*Appropriate particulars of the election to be inserted here.

ANNEXURE 8.5

REVOCATION OF APPOINTMENT OF POLLING AGENT

Election to the\*

To  
The Presiding Officer

I .....  
hereby revoke the appointment of my Polling agent.

Thiru/Tmt.....

Place :

Date :

Signature of person revoking.

---

\*Appropriate particulars of the election to be inserted here.

ANNEXURE 8.6

FORM

PAPER SEAL ACCOUNT

Election as a { Member to Ward No.....of the Council.  
President to the.....Village Panchayat  
Member to the .....Commune Panchayat Council

PART-I

RECORD OF PAPER SEALS USED AT THE WARD

Polling station No.....

Name of Polling station

Serial number of ballot boxes used	Serial number of paper seal used	Remarks
1.		
2.		
3.		
4.		
etc.		

**PART-II**  
**ACCOUNT OF PAPER SEALS**

Signature of polling Agents

- |   |    |
|---|----|
| 1. Serial number of paper seals supplied :  | 1. |
| From .....  |    |
| To.....   |    |
| 2. Total numbers supplied :   | 2. |
| 3. Number of paper seals used :   | 3. |
| 4. Number of unused paper seals returned<br>to Returning Officer (Deduct item 3 from<br>item 2) | 4. |
|   | 5. |
| 5. Serial number of damaged paper seals, if<br>any :  | 6. |

Place :

Date :

*Signature of Presiding Officer.*

ANNEXURE 8.7

FORM

PART-I

DECLARATION BY THE PRESIDING OFFICER BEFORE  
THE COMMENCEMENT OF THE POLL

Election of { Member to Ward No. .... of Village Panchayat.  
President to ..... Village Panchayat.  
Member to Ward No. .... of Commune Panchayat Council of .....

Serial No. and name Ward No. of Village Panchayat/Commune Panchayat Council.

Date of poll

I hereby declare—

1. that I have demonstrated to the Polling Agents and other persons present that the ballot box to be used for the poll is empty;
2. that on the paper seal used for securing the ballot box, I have affixed my own signature and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same and I have permitted them to note down the number of paper seal so used;
3. that I have demonstrated 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 marks other than those used for issuing postal ballot papers; and
4. that I have allowed the Polling Agents to note the first and the last serial numbers of the ballot papers which will be used at the Polling Station.

Signature of Polling Agents :

1. .... (of candidate.....)
2. .... (of candidate.....)
3. .... (of candidate.....)
4. .... (of candidate.....)
5. .... (of candidate.....)

6. ....(of candidate.....)
7. ....(of candidate.....)
8. ....(of candidate.....)
9. ....(of candidate.....)
10. ....(of candidate.....)
11. ....(of candidate.....)
12. ....(of candidate.....)
13. ....(of candidate.....)
14. ....(of candidate.....)
15. ....(of candidate.....)

The following Polling Agents declined to affix his/their signatures on this declaration :

1. ....(of candidate.....)
2. ....(of candidate.....)
3. ....(of candidate.....)
4. ....(of candidate.....)
5. ....(of candidate.....)

Date :

*Presiding Officer*

PART—II

DECLARATION BY THE PRESIDING OFFICER AT THE TIME OF USE OF SUBSEQUENT  
BALLOT BOX (ES)

.....

Date of Poll

I hereby declare —

1. that I have demonstrated to the Polling Agents and other persons present that the second ballot box to be used for the poll is empty; and
2. that on the paper seal used for securing the ballot box, I have affixed my own signature and obtained thereon the signatures of such of the Polling Agents as are present and desirous of affixing the same and I have permitted them to note down the number of the paper seal so used.

*Presiding Officer*

**Signature of Polling Agents :**

1. .... (of candidate.....)
2. .... (of candidate.....)
3. .... (of candidate.....)
4. .... (of candidate.....)
5. .... (of candidate.....)
6. .... (of candidate.....)
7. .... (of candidate.....)
8. .... (of candidate.....)
9. .... (of candidate.....)
10. .... (of candidate.....)
11. .... (of candidate.....)



12 .....(of candidate.....)

13 .....(of candidate.....)

14 .....(of candidate.....)

15 .....(of candidate.....)

The following Polling Agent(s) declined to affix his/their signature(s) on this declaration :

1. ....(of candidate.....)

2. ....(of candidate.....)

3. ....(of candidate.....)

4. ....(of candidate.....)

5. ....(of candidate.....)

Date :

*Presiding Officer*

PART—III  
**DECLARATION AT THE END OF POLL**

I have furnished to the Polling Agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in the ballot paper account in Form 15 as required under rule.

Date

*Presiding Officer.*

Received an attested true copy of the entries made in the ballot paper account.

**Signature of Polling Agents :**

1. .... (of candidate.....)
2. .... (of candidate.....)
3. .... (of candidate.....)
4. .... (of candidate.....)
5. .... (of candidate.....)
6. .... (of candidate.....)
7. .... (of candidate.....)
8. .... (of candidate.....)
9. .... (of candidate.....)
10. .... (of candidate.....)
11. .... (of candidate.....)
12. .... (of candidate.....)
13. .... (of candidate.....)
14. .... (of candidate.....)
15. .... (of candidate.....)

The following Polling Agent(s) who was/were present at the close of the poll declined to receive an attested copy of the ballot paper account and to give a receipt therefor and so on attested copy of the ballot paper account was not supplied to them.

1. .... (of candidate.....)
2. .... (of candidate.....)
3. .... (of candidate.....)
4. .... (of candidate.....)
5. .... (of candidate.....)

Date :

*Presiding Officer.*

ANNEXURE 8.8

FORM OF DECLARATION BY ELECTOR

I hereby solemnly declare and affirm that my age was more than 18 years on the first January..... i.e. the qualifying date with reference to which the existing electoral roll at the constituency was prepared/revised.

I am aware of the penal provisions of Section 31 of the Representation of the People Act, 1950 for making any false declaration in connection with the inclusion of any name in the electoral roll or the preparation, revision or correction of the electoral roll.

Signature/Thumb impression of the elector

Father/Mother's/Husband's Name.....

Part Number of Electoral Roll

Serial Number of Elector.....

Date : .....

Certified that the above declaration was made and subscribed by the elector above named before me.

.....  
Signature of Presiding Officer

Number and name of Polling

Station.....

Date : .....

ANNEXURE 8.9

**DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR**

[See rule 30 (1) ]

Election to the \*

No. and name of Polling station :

I \_\_\_\_\_ son of \_\_\_\_\_  
resident of † \_\_\_\_\_ aged \_\_\_\_\_

hereby declare that —

- (a) I have not acted as companion of any other elector at any Polling Station today; and
- (b) I will keep secret the vote recorded by me on behalf of ††.

Signature of Companion.

---

\* Appropriate particulars of the election to be inserted here.

† Full address to be given

†† Name and electoral roll number of elector to be given.

**ANNEXURE 8.10**

**FORM – 14A**

( See.rule 30C )

**LIST OF CHALLENGED VOTES**

Election to the\*

Polling Station

Sl. No. of entry	Name of elector	Sl. No. of		Signature or thumb impression of the person challenged	Address of person challenged
		Part of roll	Elector's name in that part		
(1)	(2)	(3)	(4)	(5)	(6)

Name of Identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
(7)	(8)	(9)	(10)

Place :

Date :

Signature of Presiding Officer

\* Appropriate particulars of the election to be inserted here.

## ANNEXURE 8.11

**FORM - 14B**

( See rule 30D )

## LIST OF TENDERED VOTES

Election to the \*

Number and Name of Polling Station

Part number, serial number and name of elector	Address of elector	Serial number of tendered ballot paper	Serial number of the ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)

Date :

Signature of Presiding Officer

\* Appropriate particulars of the election to be inserted here.

## CHAPTER IX

### COUNTING

#### **Appointment of Counting Agents :**

9.1.1. Appointment of a counting agent is to be made either by the candidate himself or by his election agent. Such appointment is made in Form 16 (Annexure 9.1) The name and address of the counting agent will be filled in that form and the candidate or his election agent will personally sign that form. The counting agent will also sign that form in token of his acceptance of the appointment. Two copies of such forms will be prepared and signed, in all cases. One copy of that form is to be forwarded by the candidate/election agent to the Returning Officer, while the other copy is given to the counting agent for the production before the Returning Officer.

2. A candidate may appoint all his counting agents by a single letter of appointment in Form 16. In that case, all the counting agents are required to sign that letter of appointment in token of having accepted the appointment.

#### **Time Limit for making Appointment of Counting Agent :**

9.2.1. In all constituencies, irrespective of the number of contesting candidates in the constituency, the candidates should submit the lists of their counting agents with photographs of such agents to the Returning Officer, latest by 17-00 hours on the day three days prior to the date fixed for counting of votes. The Returning Officer will prepare identity cards for each such agent and issue the same to the candidate.

2. The counting agents must produce these identity cards along with their letter of appointment when they come to attend the counting.

3. The letter of appointment along with the Identity card of counting agent must be produced before the Returning Officer at least one hour before the time fixed for counting of votes. The Returning Officer will not accept any appointment letter which is received after the aforesaid time.

#### **Revocation of Appointment of Counting Agent :**

9.3.1. The candidate or his election agent may revoke the appointment of a counting agent.

2. Such revocation of appointment becomes operative from the time at which it is lodged with the Returning Officer. In such a case, the candidate is authorised to appoint another counting agent in place of one whose appointment has been revoked, at any time before the commencement of counting. Once the counting has commenced, no appointment of fresh counting agent can be made.

3. Appointment of such fresh counting agent is to be made in the same manner as explained in para 9.1 above.

#### **Admission of Counting Agents to the Counting Hall :**

9.4.1. On production of his letter of appointment and the identity card before the Returning Officer, the counting agent will be required to sign before the Returning Officer the declaration contained in his letter of appointment regarding maintenance of secrecy of voting. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the counting agent to enter the counting hall.

2. The Returning Officer is empowered to subject any counting agent to search of his person before entry into the counting hall.

#### **Badges for Counting Agents :**

9.5. Each Counting agent will be given a badge by the returning officer indicating whose agent he is and showing the serial number of the table at which he will watch the counting. He should keep sitting at the table allotted to him and will not be allowed to move about all over the hall. However, the candidate, his election agent and in their absence only his polling agent at the Returning Officer's table will be allowed to go around all counting tables.

#### **Maintenance of discipline and order in the Counting Hall :**

9.6. Every one will be required to fully cooperate with the Returning Officer in maintaining strict discipline and order inside the counting hall. They should carry out all directions given by the Returning Officer. They should note that the Returning Officer may send out of the counting hall any person who persists in disobeying his directions.

9.7. No counting agents and others will be allowed to go outside counting hall during counting process. In other words, when once counting agents and others are inside the counting hall, they will ordinarily be allowed to go outside only after the declaration of result.

#### **Arrangements for Barricading of Counting Tables :**

9.8. In each counting hall, barricades will be provided for each counting table so that the ballot papers are not handled by the counting agents. However, counting agents will be provided all reasonable facilities to see the whole counting process at the counting table. The Returning Officer will ensure that the barricades are transparent or that the space in between or above the bamboos or other material used for purpose of erecting barricades is adequate to permit full viewing of the counting process. The exact manner in which barricades may be erected is left to the discretion of the Returning Officer who has to adopt such approach as he may deem fit for attaining the objective of ensuring that the ballot papers are not handled by unauthorised persons or tampered with in any manner in process of counting.

#### **Maintenance of Secrecy :**

9.9.1. Every person inside the counting hall is required by law to maintain, and aid to maintaining, the secrecy of voting and should not communicate to any person any information calculated to violate such secrecy. They should note that any person contravening the provisions of law in this respect is liable to be punished with imprisonment for a term which may extend to 3 months or with fine or with both (Section 128 of the R.P. Act, 1951).

2. Before the commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the above mentioned section 128 for the information of all present and for compliance on their part.

#### **Counting to be Continuous :**

9.10. The counting of votes will, as far as practicable, be proceeded with continuously till it is over.



### **Counting of postal Ballot papers first :**

9.11.1. The counting of postal ballot papers will be taken up first. This will be done by the Returning Officer himself at the place of counting of votes.

2. Each postal ballot paper received from a voter will be contained in an inner cover. This cover along with the declaration of the elector in Form 13 will be contained in a larger cover addressed to the Returning Officer.

3. The Returning Officer will not open the larger outer cover containing a postal ballot paper which he may have received late, that is, after the time fixed for the commencement of counting. He will make a suitable endorsement for this purpose on the outer cover. The votes contained in these covers will not be counted. He will make a packet of all such covers and seal the packet.

4. All covers containing postal ballot papers which were received in time by the Returning Officer will be opened by him, one after another. The declaration by the voter in Form 13 will be found inside each cover. Before opening any of the inner covers containing the postal ballot papers proper, the Returning Officer will check the declarations (Form 13). He will reject a ballot paper without opening its inner cover in any of the following cases.—

- (a) if the declaration in Form 13 is not found in the cover;
- (b) if the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective;
- (c) if the serial number of ballot paper appearing on the declaration is different from the serial number as endorsed on the inner cover;

5. All such rejected inner covers will be suitably endorsed by the Returning Officer, and will be replaced with the respective declarations in the larger covers; All such larger covers will be kept in a separate packet which will be sealed by the Returning Officer and full particulars, such as the name of the Constituency, the date of counting and a brief description of the contents will be noted thereon for identifying the packet.

6. Thereafter, the Returning Officer will proceed to deal with the remaining covers, other than those rejected as aforesaid. In order that there may be no risk of the secrecy of the postal votes being violated, all the declarations in Form 13, which are found by the Returning Officer on scrutiny to be in order will first be placed in a separate packet and sealed. Identifying particulars will be noted on the packet. It is necessary to put these declarations away in a sealed packet before any ballot papers proper are brought out of their covers, as the declarations contain the names of the voter along with the respective serial numbers of their postal ballot papers.

7. After the above procedure has been completed, the Returning Officer will proceed to open the covers one after another and the postal ballot papers contained in them will be brought out. The Returning Officer will scrutinise every such ballot paper and decide its validity.

8. / postal ballot paper will be rejected—

- (a) if no vote is recorded thereon ; or
- (b) if votes are given on it in favour of more than one candidate; or
- (c) if it is a spurious ballot paper; or
- (d) if it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (e) if it is not returned in the cover sent along with it to the elector by the Returning Officer; or
- (f) if the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given; or
- (g) if it bears any mark or writing by which the voter can be identified.

9. There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned. Again a vote recorded on a postal ballot paper will not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once for the same candidate, if the intention that the vote should be for a particular candidate clearly appears from the way the paper is marked.

10. The valid votes will then be counted and each candidate credited with the votes given to him at column 2 and at Sr. 2 of Part II of the Ballot Paper Account in Form 15, as and when received by the Returning Officer from the Counting Supervisor at the end of counting at his table. While doing this the entries made by the counting supervisor will not be struck off or tampered with. The Returning Officer will enter the candidate wise postal votes polled and rejected postal votes by means of plus signs and then work out the final tally in Form 15. Thereafter, the final figure will be transferred to Form 17 and announced for the information of the candidates/election agents/counting agents.

11. Thereafter, all the valid postal ballot papers and all the rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the Returning Officer and seals of such of the candidates, their election agents or counting agents (not exceeding two in respect of any one candidate) as may desire to affix their seals thereon.

### **Counting of votes polled at polling Stations :**

9.12.1. While the postal ballot papers are being counted by the Returning Officer at his table, the counting of votes recorded at polling stations will also be taken up by the Assistant Returning Officer(s) at the other tables provided in the counting hall. For that purpose, the ballot boxes received from the polling stations will be distributed to the various counting tables beginning with the ballot box(es) of polling station No. 1 being distributed to table No. 1 and so on.

2. In the counting hall, there will be three rows of tables not exceeding fifteen tables in a row. Seating facilities will be provided for Counting Supervisors, Counting Assistants and the counting agents for each table. The counting personnel sitting at the centre row are responsible for counting of votes for the Members of Commune Panchayat Councils the counting personnel sitting on the left row are responsible for counting of votes for the President of village Panchayats and the counting personnel sitting on the right row are responsible for counting of votes for the Members of Village Panchayats.

3. Ballot papers for the Members of Commune Panchayat Councils will be green in colour. Ballot papers for President of Village Panchayats will be pink in colour and the ballot papers for Members of Village Panchayats will be white in colour

4. Sealed ballot box/boxes with canvas bag along with the Ballot Paper Accounts for the three elections viz., Members of commune panchayat councils, President of village panchayats and Members of village panchayats and one paper Seal Account will be placed on each table of the centre row in one lot. However only one box will be opened at a time. Before opening the box, all the Counting Supervisors in the side rows will assemble near the centre table. The Counting Supervisor of the centre row will keep the Ballot Paper Account for Members of Commune Panchayat Councils with him and give the Ballot Paper Account for President of Village Panchayats and ballot paper account for members of village panchayats to the Counting Supervisors of left and right rows respectively.

5. Before any ballot box is opened, the counting agents will be allowed to satisfy themselves that the seals on the ballot box are intact and they have not been tampered with.

6. Where for closing a ballot box either a paper seal is used or inner metal seals are used, the outer seals of the ballot boxes are not vital and even if these outer seals are missing or damaged, but the inner paper seal/ metal seals is/are intact, the inference is obvious that the contents of the ballot box could not have been tampered with. In such cases the counting agent should not raise any objection in respect of these outer seals. If they do so, their objection will be frivolous and liable to be rejected.

### **Opening of Ballot Boxes :**

9.13.1. As each ballot box is opened, the counting agents will be allowed to check the identity of the box with reference to —

- (a) the engraved serial number of the ballot box;
- (b) the identity marks on the paper seal or the identity card put in the ballot box, as the case may be;
- (c) the serial number of the paper seal (where such paper seal is used for sealing a ballot box)

2. Where paper seals are used, the serial number on the paper seal used in each box will be compared with the serial number as given in the paper seal account. The counting agents will also be allowed to verify these serial numbers. For the purpose of such verification the counting agents should obtain from their candidates the serial numbers of paper seal used at the polling station which they would have received from their polling agents. In case the serial number of the paper seal does not tally with the one given in the paper seal account it does not necessarily mean that the box has been tampered with. It is quite possible that the serial number has not been correctly noted in the paper seal account. The counting supervisor or assistant will, therefore, check the unused paper seals pertaining to that polling station to find out whether the serial number has been noted correctly or wrongly. If there is only a mistake in noting the serial number that should be overlooked as it would mean that the box has not been tampered with.

3. It may be noted that if any ballot box is found to have been tampered with, the Returning Officer will not adjourn the entire counting. He will not, of course count any of the ballot boxes received from the polling station at which such tampered ballot box was used, but he will proceed with the counting of ballot boxes from all other polling stations. In the case of any ballot boxes found tampered with, the Returning Officer will report the matter to the State Election Commission, for its direction, whether a fresh poll may be taken at the affected polling station or the result of the election might be declared if the fresh poll at the affected polling station would not materially affect the result of election. The Returning Officer will then act according to the direction of the Commission.

#### **Detailed Procedure for Counting :**

9.14.1. After the seal and identity of the ballot box from a polling station have been checked and found to be in order, the contents will be taken out on the counting table. If more boxes than one have been used at a polling station, all the boxes will be not opened simultaneously. Only one box will be opened at a time. The counting agents will be allowed to satisfy themselves that all the ballot papers have been taken out from the box and that it is empty.

2. Ballot papers will then be sorted out colourwise at the table at the centre. The ballot papers (green in colour) will be retained by the counting supervisor at the table at the centre. He will hand over ballot papers (pink in colour) to the counting supervisor allotted table at the left and ballot papers (white) to the counting supervisor allotted table at the right. After checking the counting supervisors will go back to their respective tables.

#### **Scrutiny of ballot papers :**

9.15.1. The ballot papers will then be scrutinised for their validity by the counting supervisors and counting assistants. Each table will be supplied with a tray containing separate compartments for each candidate plus one for doubtful ballot papers.

2. All ballot papers found valid for a candidate will be put in the compartment meant for him. All ballot papers of which the validity is doubtful will be put in the compartment for doubtful papers. (Marked 'D')

3 It should be noted that a ballot paper is not to be taken as rejected if it is put in the compartment for doubtful papers. The counting supervisor/assistant has no right to reject a ballot paper on any account. All ballot papers put in the doubtful compartment will be separately scrutinised by the Returning Officer at his table in the presence of the candidates or their election agents or the counting agents. The Returning Officer/Assistant Returning Officer alone will decide whether such ballot paper is valid or not.

9.15.4 Ballot paper will be put in the compartment for "doubtful" ballot papers (Marked 'D') only—

- (i) when there is no mark at all or the mark is made by an instrument other than that provided for the purpose (i.e., arrow cross mark rubber stamp); or
- (ii) when the mark is in the blank area, that is to say, at the back or entirely in the shaded area; or
- (iii) when there are marks against two or more candidates; or
- (iv) when there is any writing or mark by which the voter can be identified; or
- (v) when the ballot paper is mutilated beyond recognition; or
- (vi) when the ballot paper is not genuine; or
- (vii) when the ballot paper does not bear the signature of Presiding Officer; or the distinguishing mark of the polling station; or
- (viii) when there is a dispute between the counting agents of the candidates as to whether the ballot paper is valid or as to the candidate to whom vote is given.

5. A ballot paper will not be put in the "doubtful" stack simply because:—

- (i) more than one mark has been made in the column of one candidate; or
- (ii) besides a clear mark in the column of one candidate, there are marks on the back and/or well inside the shaded area (the latter should be ignored); or
- (iii) the original mark is patently in the column of one candidate, but an impression due to wrong folding appears in the column of another candidate. (The impression can be examined with reference to arrow cross mark rubber stamp. If an impression is made due to wrong folding, the duplicate mark will be clock-wise and can be easily distinguished from the original mark which will be anti clock-wise); or
- (iv) there is a clear mark in the column of one candidate, but a smudge appears against that of another candidate; or
- (v) the mark is only partially within the column of one candidate and the rest of the mark is in the blank area.

### **Illustrative pamphlet showing valid and invalid Ballot Papers :**

9.16. The State Election Commission has published separately an illustrative pamphlet showing cases of valid and invalid ballot papers-both postal ballot papers and ordinary ballot papers -for the guidance of counting personnel. A copy of that pamphlet will be available with the counting supervisor at each table. The counting agents may also study that pamphlet and in case of any doubt about the validity or otherwise of a ballot paper may refer to that pamphlet for clarification of their doubts.

### **Counting of Ballot Papers candidate wise and tallying of Ballot Paper account :**

9.17.1. After all the ballot boxes used at a polling station have been opened one after another, the ballot papers contained therein scrutinised, sorted candidate-wise and put in their respective trays, the counting supervisor and the counting assistants will count the total number of ballot papers polled by each candidate and also the total number of doubtful ballot papers kept in the compartment marked 'D' for such ballot papers. The counting supervisor will then enter the result of counting in Part II of Form 15. Result of Counting (Annexure 9.2) pertaining to that polling station showing separately the number of votes secured by each candidate. The number of doubtful ballot papers will be shown by the counting supervisor in item of rejected ballot papers of Part II of Form 15. However, this will not mean that all such doubtful ballot papers have been rejected. As has already been clarified above, it will be the Returning Officer/Assistant Returning Officer who will finally decide the validity or otherwise of such ballot papers.

2. The counting supervisor will also verify whether the total number of ballot papers taken out of the ballot box(es) used at the polling station and counted as aforesaid tallies with the total number of ballot papers which should have been found in the ballot box(es) as shown in item 6 of Part I of Form 15 (ballot paper account). If there is any discrepancy between the aforesaid two total numbers, he will note such discrepancy in the appropriate column of Part II of Form 15 mentioned above.

### **Bundling of valid and doubtful Ballot Papers :**

9.18.1. All valid ballot papers put in the compartment of each candidate will be made into bundles of, as far as possible, 50 each. All the bundles of ballot papers for each candidate will then be tied together with a rubber band or string. Likewise, the doubtful ballot papers will also be made into bundles. The bundles of the valid ballot papers of all the candidates and the bundles of doubtful ballot papers will thereafter be tied together into a single bundle for each polling station.

2. The counting supervisor will then deliver the packets of these ballot papers and Form 15 Part II duly filled and signed by him, to the Returning Officer/Assistant Returning Officer who will keep them in an appropriate pigeonhole in a shelf at his side.

### **Checking of packets and scrutiny of doubtful ballot papers by the returning officer :**

9.19.1. The returning officer will check the packets brought by the counting supervisors one by one as far as possible in serial order of the polling stations. He will examine them with reference to the result of counting as recorded in Form 15 and then scrutinise the ballot papers in the doubtful bundles.

2. If any ballot paper is going to be rejected by the Returning Officer, he will allow the candidates or their election agents or their counting agents present at his table to inspect the ballot paper in question. He will not, however, allow them to physically handle any ballot paper.

3. The Returning Officer will reject a ballot paper—

- (1) If it bears any mark or writing by which the elector can be identified; or
- (2) If it bears no mark at all; or
- (3) If it bears a mark in blank area, that is to say, at the back or entirely in the shaded area; or
- (4) If it bears mark made otherwise than with the instrument (arrow crossmark rubber stamp) supplied for the purpose; or
- (5) If votes are given in favour of more than one candidate; or
- (6) If the mark indicating the vote is placed in such a manner as to make it doubtful to which candidate the vote has been given; or
- (7) If it is spurious ballot papers; or
- (8) If it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established or
- (9) If it bears a serial number different from the serial number of the ballot papers authorised for use at the particular polling station; or
- (10) If it does not bear both the signature of the Presiding Officer and the distinguishing mark of the polling station.

4. The Returning Officer will not, however, reject a ballot paper for not bearing a distinguishing mark and/or signature of the Presiding Officer if he is satisfied that the above omission has been due to any mistake or failure on the part of the Presiding Officer or Polling Officer. He will also not reject a ballot paper 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.

### **Faint thumb impression of voters on Ballot Papers :**

9.20.1. Under the existing voting procedure which requires every elector to put his signature or thumb impression on the counterfoil of the ballot paper before it is issued to him, many electors

particularly in rural areas affix their thumb impression on the counterfoils of ballot papers. The ink from the thumb of the voter after he has put the thumb impression on the counterfoil should be removed with a wet piece of cloth. However, inspite of removing the ink from the thumb, some faint smudge impression or faint undecipherable thumb impression might be formed on the ballot paper while it is handled by the elector concerned. Such ballot papers will not be rejected by the Returning Officer.

**Noting of serial numbers of rejected Ballot Papers :**

9.21. The candidates or their election agents or counting agents present at the table of the Returning Officer will be permitted to note down the serial numbers of ballot papers which are rejected by the Returning Officer and also the ground of their rejection. Likewise, they may also note down the serial numbers of ballot papers which are accepted despite objection being raised about their validity.

**Announcement of result of counting of each polling station :**

9.22. After the Returning Officer has checked the bundles of ballot papers, scrutinized the doubtful ballot papers and taken final decision relating to such doubtful ballot papers relating to a polling station, he will make corrections, if necessary, in part II of Form 15, as filled by the counting supervisor, pertaining to that polling station and sign it. He will then announce the particulars giving the result of counting of that polling station.

**Tabulation of final result :**

9.23. Side by side, the work of tabulating the final result of counting will be done. The above mentioned Form 15 duly corrected and signed by the Returning Officer, will be passed on to an officer incharge of the Final Result Sheet (Form 17). That officer will fill in the result of counting of each polling station in that form.

**Adjournment of counting in case of fresh poll :**

9.24.1. Before taking any of the steps to declare the result, the Returning Officer will wait for the direction of the State Election Commission if, he has made any report to it about any ballot box having been found tampered with. Where the Commission directs a fresh poll to be taken at the affected polling station(s), the counting will be adjourned after the counting process in respect of all other polling stations has been completed. The counting so adjourned shall be recommenced after the fresh poll has been held, on such date and hour as the State Election Commission may fix in this behalf, and the final result computed after taking into account the votes polled at the fresh poll.

2. Observers appointed by the State Election Commission to watch the conduct of elections have the powers to direct the returning officer to stop the counting of votes at any time before the declaration of result or not to declare the result, if in their opinion booth-capturing has taken place at a large number of polling stations or at the counting place or the ballot papers are unlawfully taken out of the custody of Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with. The election proceedings in such cases shall proceed further in accordance with such directions of the State Election Commission as it may issue on the report of the Observers and after taking all material circumstances into account.



**Recount :**

9.25.1. After the entire counting is over, the Returning Officer will announce the result giving the total number of votes polled by each candidate as recorded in the Final Result (Form 17). After the announcement is made, a candidate, or in his absence his election agent or any of his counting agents, may apply in writing for a recount of all or any of the ballot papers stating the grounds on which he demands such recount. For this purpose, the Returning Officer will announce the exact hour and minute upto which he will wait for receiving the written application for recount. When such an application for recount is made, the grounds urged for the recount will be considered and a decision taken by the Returning Officer. He may allow the application in whole or in part if it is reasonable, or he may reject it in toto if it appears to be frivolous or unreasonable. The decision of the Returning Officer will be final. If, in any case, an application for recount either wholly or in part is allowed, the Returning Officer will direct counting of the ballot papers over again. The postal ballot papers may also be recounted if a request is made for their recount and such request is allowed by the Returning Officer. After such recount has been completed, the result sheet will be amended to the extent necessary and the amendments so made announced. After the total number of votes polled by each candidate has been announced, the result sheet will be completed and signed.

2. It should be noted that a candidate or his election agent or any of his counting agents has no right to demand a recount after the Returning Officer has completed and signed the result sheet. Any demand for a recount of votes made after the result sheet has been completed and signed will be rejected.

**Equality of votes :**

9.26.1. If there is equality of votes between two or more 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.

2. Any contesting candidate or his election agent or his counting agent, on application may be permitted to take a copy of extract from the statement in Form 17.

**Sealing of used Ballot Papers :**

9.27. After the completion of the counting of votes and the declaration of the result of election, the valid ballot papers of each candidate and the rejected ballot papers pertaining to a polling station will be bundled separately and several bundles made into a separate packet. Such packets will be sealed with the seal of the Returning Officer and the secret seal of the State Election Commission. The candidates/their election agents or counting agents are also permitted to affix their seals on those packets if they so desire. The counting agents are advised in the interest of the candidate whom they represent to ensure that they affix their seals on the above mentioned packets of ballot papers. It will satisfy their candidate that there is no possibility of the ballot papers contained in those packets being tampered with subsequently. Where, however, the candidate himself or his election agent has affixed such seal, the counting agents need not affix their separate seals.

ANNEXURE 9.1

FORM—16

APPOINTMENT OF COUNTING AGENTS

(See rule 36)

Election of { Member to Ward No..... of..... Village Panchayat.  
President to the ..... Village Panchayat.  
Member to the ..... Commune Panchayat Council.

To

The Returninbg 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 counting agent.

Place :

Date :

Signature of counting agent(s)

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 voter has voted.

Date :

Signature of counting agent(s)

Signed before me.

Date :

Returning Officer.

# ANNEXURE 9.2

## FORM—15

[See rule 34 (5) and 40 (3)]

Election as \* { Member from Ward No. .... of ..... Village Panchayat  
 President of ..... Village Panchayat  
 Council member from ..... Village Panchayat of ..... Commune Panchayat

\* Strike out whichever is not applicable.

### Part I—Ballot Paper Account

Name of commune panchayat

Name of village panchayat

Number and name of polling station

No. of ward

Serial Nos.

Total Nos.

From

To

1. Ballot papers received

2. Ballot papers unused  
(i.e. not issued to voters)---

(a) With the signature of Presiding Officer

(b) Without the signature of Presiding Officer

\* Total : (a+b)

3. \* Ballot papers used at the Polling Station  
(1-2=3)

4. \* Ballot papers used at the polling station  
but NOT INSERTED INTO BALLOT BOX

(a) Ballot papers cancelled for violation of  
voting procedure under rule 28(6)

(b) Ballot papers cancelled other reasons

(c) Ballot papers used as tendered  
ballot papers

\* Total : (a+b+c)

5. \* Ballot papers to be found in the ballot box  
(3-4=5)

\* (Serial numbers need not be given)

Date .....

Signature of the Presiding Officer.

**Part II—Result of Counting**

I. Name of candidate	Number of valid votes cast
1.	
2.	
3.	
4.	
5.	
etc.	
II. Rejected Pollot Papers	
III. TOTAL	

Whether the total number of ballot papers shown  
against item No. III above tallies with the total  
shown against item No. 5 of Part I or any  
discrepancy noticed between these two tallies.

Place .....

Date .....

Signature of the Counting Supervisor.

Place .....

Date .....

Signature of the Returning Officer.

\_\_\_\_\_

*Printed at :*

Government Central Press  
Puducherry - 605 009

109-S/108—1,000 Cps.(1767)—12-11-2012.