



**HAND BOOK FOR
PRESIDING OFFICER
AND
ASSISTANT PRESIDING OFFICER
IN RELATION TO
PANCHAYAT ELECTIONS**

STATE ELECTION COMMISSION
PUDUCHERRY
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HAND BOOK FOR
PRESIDING OFFICERS
AND
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IN RELATION TO
PANCHAYAT RAJ ELECTIONS

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CHAPTER-I BROAD OUTLINES OF DUTIES

1.1. As a Presiding Officer/Assistant Presiding Officer you have an important role to play in the conduct of poll. You enjoy full legal power to control the proceedings in the polling station under your charge. It is your primary duty and responsibility to ensure a free and fair poll at your polling station. It is necessary for this purpose to equip yourself fully with the law and procedure and the relevant instructions and directions of the Commission in relation to the conduct of elections so as to enable. You to act strictly in accordance with them and give no room for any reasonable complaint.

1.2. The provisions of the law which have a bearing on your duties as a Presiding Officer are reproduced in Annexure 1.1;1.1(a) and 1.2; 1.2(a) of this Handbook. While detailed instructions and guidance are contained in the various Chapters at this Handbook, some of the salient and important aspects of your duty are reproduced below for your guidance:-

- (i) You must acquaint yourself with members of your polling party and keep contact with them right from your appointment as Presiding Officer.
- (ii) You must keep in ready possession all relevant instructions of the Retuning Officer.
- (iii) You must have a clear idea of the location of your polling' station and your itinerary to and from the polling station.
- (iv) You should attend all rehearsals and training classes without fail.
- (v) While collecting election materials, you should ensure that all items have been handed over to you. The most important items are Electronic Voting Machine(s), marked copy of electoral roll and other copy, arrow cross mark rubber stamp for voting distinguishing mark, statutory / non-statutory forms, sealing wax and indelible ink etc..
- (vi) On arrival at the polling station, you should have clear idea of the arrangements to be made for setting of a proper polling station especially to secure secrecy of voting, regulation of queue of voters, protection of poll proceedings free from outside interference etc.
- (vii) You are required to sign your name in full on the back of each ballot paper before issue for tendered votes (but not on the counterfoil of the ballot paper). To enable the commencement of poll at the appointed time, you should keep in advance some ballot papers signed.
- (viii) You are also required to affix on the back of each Tendered ballot paper and its counterfoil distinguishing mark of your polling station with the rubber stamp given to you.
- (ix) The identity of an elector should be properly verified by the Assistant Presiding Officer and the unofficial identity slips carried by an elector should not be accepted as a matter of routine and Voters slip issued on that basis.
- (x) The instructions for establishing the identity of the elector should be followed carefully. The Assistant Presiding Officer is not required' to check the left little finger of the elector with a view to seeing whether there is any indelible ink mark, faint or otherwise. This work will be done by the first polling officer.
- (xi) After an elector is identified with reference to his entry with particulars in the electoral roll, his left little finger should be marked with the indelible ink. His signature or thumb-impression should also be obtained on the Register of Voters and then only he should be issued with the voter slip.

- (xii) In order to ensure that the indelible ink mark put on the voter's finger has properly dried up and developed into a distinct indelible ink mark it may be necessary that his left little finger is again checked up by the last polling officer before the elector leaves the station. If the ink mark is not distinct or found removed, the elector's left little finger should again be marked with the indelible ink.
- (xiii) After an elector has been identified in the marked copy of the electoral roll, the entry relating to the elector should be underlined. A tick mark (✓) will also be put in the case of a female elector.. If an elector refuses to put his signature or thumb- impression on the Register he should not be issued a Voter slip.
- (xiv) If you consider an elector to be much below the minimum age of voting *i. e.* 18 years, but otherwise satisfied about his identity and the fact of inclusion of name in the electoral roll you should obtain a declaration from him about his age *vice* Form of Declaration in Annexure 1.3.
- (xv) if an elector to whom a voter slip is being issued refuses even after warning given to him to observe the procedure relating to the maintenance of secrecy of voting within the polling station, the voter slip issued to him shall whether he has recorded his vote or not, be taken from him by you or under your direction and thereafter cancelled.
- (xvi) There are declarations to be filled by you and signed by polling agents present in the polling station at the commencement, during and at the end of the poll.
- (xvii) You have to go on recording the relevant events as and when they occur in the Presiding Officer's diary given to you and which is serially numbered.
- (xviii) You have to regulate the proceedings in the polling station for peaceful and smooth conduct of poll. You require much tact but at the same time should be firm and impartial.
- (xix) You are required to grant authenticated copies of Account of Votes Recorded to the agent of each candidate present at the close of the poll.
- (xx) You should ensure that after the closing hour of poll nobody is allowed to join the queue and for that purpose you should distribute slips to all electors standing in the queue starting the distribution from the end of the queue.
- (xxi) You should follow carefully the instructions for sealing election papers in different covers so that no avoidable mistake is committed which cannot be rectified later.
- (xxii) It is your responsibility to hand over the EVMs and other election materials after poll under proper receipt.

1.3. Your duties in brief at various stages are given in Annexure 1.4 under five different heads for your convenience.

1.4 To ensure that you have fulfilled the various statutory requirements in connection with the election, Commission has drawn up a check memo for you as given in Annexure 1.5 The said check memo should be maintained by you.

ANNEXURE 1.1

THE PONDICHERRY VILLAGE AND COMMUNE PANCHAYATS ACT, 1973

27. Corrupt Practices and Electoral Offences:- The Provisions of Sections 123, 125, 126, 127, 127A, 128, 129, 130, 131, 132, 134, 135 and 136 of the Representation of People Act, 1951 (Central Act 43 of 1951) shall have effect as if—

- (a) reference therein to an election were reference to an election under this Act;
- (b) references therein to a constituency included reference to the area within the jurisdiction of a village Panchayat or a ward thereof; and
- (c) in sections 134 and 136, for the words "by or under this Act", the words and figures "by or under the Pondicherry Village and Commune Panchayat Act, 1973" had been substituted.

ANNEXURE 1.1(a)

ELECTORAL OFFENCES UNDER. REPRESENTATION OF PEOPLE ACT, 1951

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 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 of elector within the meaning of this clause;

- (b) 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 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, 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 symbols allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purpose 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 a 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 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.

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 candidate, being a statement reasonably calculated to prejudice the prospects of the 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 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 or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by an 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 authorizing 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 the candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely:--

- (i) gazetted officer,
- (ii) stipendiary judges and magistrates;
- (iii) members of the armed forces of the Union;
- (iv) members of the police forces;
- (v) excise officers;
- (vi) Revenue officers other than village revenue officers known as lambardars, malguzars, 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
- (vii) 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 arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or by any other person acting with the consent of 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 elections.

(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 prospects 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.
- (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.

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.

125A. *Penalty for filing false affidavit, etc.*—A candidate who himself or through his proposer, with intent to be elected in an election,—

- (i) fails to furnish information relating to sub-section (1) of section 33A; or
- (ii) gives false information which he knows or has reason to believe to be false; or
- (iii) conceals any information, in his nomination paper delivered under sub-section (1) of section 33 or in his affidavit which is required to be delivered under sub-section (2) of section 33A, as the case may be, shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

126. *Prohibition of public meetings during, period of forty-eight hours ending with hour fixed for conclusion of 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.

126A. *Restriction on publication and dissemination of result of exit polls, etc.*— (1) No person shall conduct any exit poll and publish or publicize by means of the print or electronic media or disseminate in any other manner, whatsoever, the result of any exit poll during such period, as may be notified by the Election Commission in this regard.

(2) For the purpose of sub-section (1), the Election Commission shall, by a general order, notify the date and time having due regard to the following, namely:—

(a) in case of a general election, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the poll in all the States and Union territories;

(b) in case of a bye-election or a number of bye elections held together, the period may commence from the beginning of the hours fixed for poll on and from the first day of poll and continue till half an hour after closing of the poll;

Provided that in case of a number of bye elections held together on different days, the period may commence from the beginning of the hours fixed for poll on the first day of poll and continue till half an hour after closing of the last poll.

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

Explanation.- For the purposes of this section,-

- (a) “exit poll” means an opinion survey respecting how electors have voted at an election or respecting how all the electors have performed with regard to the identification of a political party or candidate in an election;
- (b) “electronic media” includes internet, radio and television including Internet Protocol Television, Satellite, terrestrial or cable channels, mobile and such other media either owned by the Government or private person or by both;
- (c) “print media” includes any newspaper, magazine or periodical, poster, placard, handbill or any other document;
- (d) “dissemination” includes publication in any “print media” or broadcast or display on any electronic media.

126B. Offences by companies.- (1) Where an offence under sub-section(2) of section 126-A has been committed by a company, every person who, at the time 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 offence.

(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 neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that 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 individual; and
- (b) “director”, in relation to a firm, means a partner in the firm.

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 purpose 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, or with both.

(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.

127 A. 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 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) in 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 of multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, handbill 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 handbill, 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 authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions 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 as Assistant Returning Officer or a Presiding Officer or a polling officer at an election, or an officer or clerk appointed by the Returning Officer or the 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 stations.-(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 metres 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; or
- (d) persuading any elector not to vote at the election; or
- (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 stations.***-(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 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 neighbourhood thereof so as to cause annoyance to any person visiting the polling station for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully 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 thereupon the police officer shall arrest him,

(4) Any police officer may take such steps and use such force as may 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 of 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 presiding 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 failure to observe procedure for voting.-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 proceeding 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 persons appointed to perform any duty in connection with receipt of nominations or withdrawal of candidature, 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 acts as an election agent or a polling 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 a polling station.- (1) No person other than the 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 under 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 sub-section (2) shall be cognizable.

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

(1) Any person who at any election unauthorized 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 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, he 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 20-B, "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 elections.

(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 affect 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. *Grant of paid holiday to employees on the day of poll.*- (1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at 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 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 provisions 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 shall be sold, given or distributed at a hotel, eating 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 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 therefore.- (1) A person shall be guilty of an electoral. offence if at any election, he-

- (i) fraudulently defaces or fraudulently destroys any nomination paper; or
- (ii) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or
- (iii) 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
- (iv) 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
- (v) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (vi) 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
- (vii) 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 a 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 purpose 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 1.2

EXTRACT OF THE PONDICHERRY VILLAGE AND COMMUNE PANCHAYAT

(CONDUCT OF ELECTION OF MEMBERS OF COMMUNE PANCHAYAT COUNCILS AND PRESIDENTS AND MEMBERS OF VILLAGE PANCHAYAT) RULES, 1978

8. Appointment of Presiding Officer, and Polling Officer.- (1) The Returning Officer shall appoint one Presiding Officer for each polling station but he shall not so appoint any person who is in the employ of the respective commune Panchayat or Panchayat.

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

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

9. General duty of the Presiding officer.- *It* shall be the general duty of the Presiding Officer at a polling station to keep order thereat and to ensure that the poll is freely taken.

PART-I POLL

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

19A. Admission to polling stations.- The presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude there from all persons other than-

- (a) polling Officers;
- (b) public servants on duty in connection with the election;
- (c) Persons authorised by the State Election Commission;
- (d) Candidates, their election agents and subject to the provisions of rule 20, one polling agent for each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help;
- (g) Such other persons as the Returning Officer or the Presiding Officer may employ under sub-rule (2) of rule 24 or sub-rule (1) of rule 25,

20. Appointment of election agents and polling agents and their functions.-

(1) A candidate at an election may appoint in Form 7 anyone person other than himself to be his election agent and when any such appointment is made, notice of the appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.

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

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

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

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

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

21. Arrangements at polling stations.- (1) Outside each polling station, there shall be displayed prominently-

- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be setup one or more voting compartments in which electors can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles, necessary for electors to mark the ballot paper.

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

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant there for in the ballot boxes and shall then secure and seal the box in such manner that the slit for the insertion of the ballot paper there in to remains open.

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

(4) Where it is not necessary to use paper seals for securing the ballot boxes , the Presiding Officer shall secure and seal the ballot boxes in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

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

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

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

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

(2) Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any entries other than those made in pursuance of rule 29.

24. Facilities to women electors.-(1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternatively in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors and in particular to help in searching any woman elector in case it becomes necessary.

25. Identification of electors.-(1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assists him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer or the polling officer authorised by him in this behalf shall check the elector's 'name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the polling station is situated in a constituency, electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the Presiding Officer or the polling officer authorised by him in this behalf.

(4) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in any entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

25A. Facilities for public servants on election duty.-(1) The provisions of rule 25 shall not apply to any person who produces at the polling station an election duty certificate in Form 12 B and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate, the Presiding Officer shall-

- (a) obtain thereon the signature of the person producing it;
- (b) have the person's name and electoral number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at that polling station.

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

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

(2) If any elector-

(a) refuses to allow his left little finger to be inspected or marked in accordance with sub-rule (1) or has already such mark on his left little finger or does any act with a view to removing the ink mark, or

(b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 25, he shall not be supplied with any ballot paper or allowed to vote.

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

(4) Any reference in this rule to the left little finger of an elector shall, in the case where the elector has his left little finger missing, be construed as a reference to any other finger or fingers of his left hand, and shall in case where all the fingers of his left hand are missing, be construed as a reference to the little finger or any other finger or fingers of his right hand, and shall in case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm, as he possesses.

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

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

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

28. Issue of ballot papers and voting procedure.-(1) At the time of issuing a ballot paper to an elector, the polling officer shall-

(a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll,

(b) Obtain the signature or thumb impression of that elector on the said counterfoil and

(c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to that elector.

(2) No person in the polling station shall note down the serial number of to ballot paper issued to particular electors.

(3) Every elector to whom a ballot paper has been issued under this rule or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(4) The elector on receiving the ballot paper shall forthwith-

(a) proceed to the voting compartment, and if there are more than one ting compartments to one of the voting compartments,

(b) there, make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol for which intends to vote.

(c) fold the ballot paper so as to conceal his vote,

(d) if required, show the Presiding Officer the distinguishing mark on the ballot paper

(e) insert the folded ballot paper into the ballot boxes,

(f) quit the polling station.

(5) No elector shall be allowed to enter a voting compartment when a *elector* is inside it.

(5) Every elector shall vote without undue delay. He shall not placing except a ballot paper in the ballot box. Anything other than ballot paper found in the box at the time of counting of votes, shall be forfeited to the Government.

(6) If an elector to whom a ballot paper has been issued refuses earning given by the Presiding Officer to observe the procedure as laid down in sub-rule (4), the ballot issued to him shall whether he has recorded his vote thereon or not, be taken back from him by presiding Officer or a Polling Officer under the direction of the Presiding Officer.

(7) After the ballot paper has been taken back, the Presiding Officer shall record on its back, the words "cancelled: voting procedure violated" and put his signature below those words.

(8) All the ballot papers on which the words "cancelled: voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: voting procedure violated."

(9) Without prejudice to any other penalty to which an elector from whom a ballot paper has been taken back under sub-rule (6), may be liable, the vote, if any, recorded shall not be counted.

28A. *Persons entitled to vote by post.*- The following person shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post at an election in a village Panchayat ward, namely:-

- (i) service voters;
- (ii) voters on election duty; and
- (iii) electors subjected to preventive detention.

29. *Intimation by voters on election duty.*-(1) A voter on election duty who wishes to vote by post at an election shall send an application in Form 11 to the Returning Officer so as to reach him at least seven days or such shorter period as the Returning Officer may allow before the date of poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

(2) Where such a voter, being a polling officer, Presiding Officer or other public servant on election duty in the ward of which he is an elector, wishes to vote in the person at an election in a village Panchayat ward and not by post, he shall send an application in Form 12A to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the ward, he shall-

- (a) issue to the applicant an election duty certificate in Form 12B;
- (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him; and
- (c) ensure that he is not allowed to vote at polling station where he would otherwise have been entitled to vote.

29A. *Electors under preventive detention.*- The Election Authority shall, within 15 days of the calling of an election ascertain and intimate to the Returning Officer the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

(2) Any elector subjected to preventive detention may, within 15 days of the calling of an election, send intimation to the Returning Officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

(3) The Returning Officer shall issue a postal ballot paper to every elector Subjected to preventive detention whose name has been intimated to him under sub-rule (1) or sub-rule (2).

29B. Form of postal ballot paper.-(A postal ballot paper shall be in the same form as the ordinary ballot paper with the words "postal ballot paper" stamped on the reverse. Every postal ballot paper shall have a counterfoil attached thereto and the said ballot paper and counterfoil shall be in such form and the particulars therein shall be in such language as the Election Authority may direct.

29C. Issue of ballot paper.-(1) A postal ballot paper shall be sent by post under certificate of posting to the elector together with-

- (a) a declaration in Form 13;
- (b) a cover in Form 13A;
- (c) a large cover addressed to the Returning Officer in Form 13B; and
- (d) instructions for the guidance of the elector in Form 13C.

Provided that the Returning Officer may in the case of a voter on election duty deliver the ballot paper and forms, or cause them to be delivered, to such voter personally.

(2) The Returning Officer shall at the same time-

(a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the Marked copy of the electoral roll;

(b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector: and .

(c) ensure that the elector is not allowed to vote at a polling station.

(3) every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the address without delay.

(4) After ballot papers have been issued to all the electors entitled to vote by post, the Returning Officer shall seal up in a packet that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant part of the marked copy to the several Presiding Officers for recording the serial numbers of ballot papers issued to the electors at the polling stations.

29D. Recording of vote.-(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot papers in accordance with the directions contained in Part I of Form 13C and then enclose it in the cover in Form 13A.

(2) The elector shall sign the declaration in Form 13 in the presence of and have the signature attested by a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified :-

(a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) in the case of a voter on election duty, any Gazetted Officer or the Presiding Officer of the Polling Station at which he is on election duty;

(c) in the case of an elector under preventive detention, the Superintendent of the jail in which the elector is under detention; and

(d) in any other case, such officer as may be notified in this behalf by the Government.

29E. Assistance to illiterate or infirm voters.-(1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot papers together with the declaration and the covers received by him to an Officer competent to attest his signature under sub-rule (2) of rule 29D and request the officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form 13.

30. Recording of votes of blind or infirm voters.- (i) If the Presiding Officer is satisfied that owing blindness or other physical infirmity an elector is unable to recognise symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in the ballot paper so as to conceal the vote and inserting it into the ballot box.

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the companion shall be required to declare in Form 130 that he shall keep the secrecy of the vote recorded by him on behalf of the elector, and that he has not already acted as the companion of any other elector, at any polling station on that day

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

30A. Re-issue of ballot paper.-(1) When a postal ballot paper and other papers sent under rule 29C are for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently death with the ballot paper or any of the other papers sent to him under rule 29C in such a manner as they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoilt papers and satisfied the Returning Officer of the in advertence.

(3) The Returning Officer shall cancel the spoilt papers so returned and keep them in separate packet after' noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

30B. Return of ballot paper.-(1) After an elector has recorded his vote and made his declaration under rule 29D or rule 29E, he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Part II of Form 13C so as to reach the Returning Officer before the hour fixed for commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

30C. Challenge of identity.-(1) Any contesting candidate, election agent or polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such Challenge.

(2) on such deposit being made, the Presiding Officer shall-

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry ;

(c) enter his name and address in the list of challenged votes in Form 14A; and

(d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the Challenge and may for that purpose-

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of this identity;

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the Challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

30.D. Tendered votes.-(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter referred to in these rules as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 14B.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be.-

(a) Serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) along with the counterfoil endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer who shall place it in a cover specially kept for the purpose.

Explanation.- In cases falling under this rule to which rule 30C is also applicable, the provisions of this rule as well as rule 30C shall be followed.

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

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "returned: cancelled" by the Presiding Officer.

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

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

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

(3) The election authority shall thereupon order-

(a) that the poll be resumed at the polling station for the number of hours for which it was not held on the previous occasion; or

(b) that the proceedings of the poll held at the polling station on the previous occasion be ignored, and that a fresh poll be held at such polling station for the full number of hours;

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

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

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

(i) the date on which and the hours between which the resumed poll or fresh poll, as the case may be, shall be held; and

(ii) the date on which and the place and hour at which the Returning Officer shall commence the counting of votes under rule 36.

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

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

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

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

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

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

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

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

33. Fresh poll in the case of destruction etc., of ballot boxes.-(1) If at an election:-

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed, or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained, or

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

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

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

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

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

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

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

(b) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer whose decision shall be final.

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

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

(3) The presiding officer shall then make up into separate packets and seal with his own seal and seals of such candidates or agents as may desire to affix their seals :-

- (i) the marked copy of the electoral roll
- (ii) the counterfoils of the used ballot papers;
- (iii) the ballot papers signed in full by the Presiding Officer under sub-rule (2) of rule 27 not issued to the voters;
- (iv) any other ballot papers not issued to voters;
- (v) ballot papers cancelled for violation of voting procedure under rule 28
- (vi) any other cancelled ballot papers;
- (vii) the cover containing the tendered ballot papers and the list in Form 14B;
- (viii) the list of challenged votes; and
- (ix) any other papers directed by the Election Authority to be kept in a sealed packet.

(4) Each packet shall be numbered and shall bear a note as to its contents, the number and the name of the polling station and the number of the ward. Where no vote has been recorded at any polling station, the Presiding Officer shall submit a nil report together with the statement in Form 15 referred to in sub-rule (5).

(5) The packets shall be accompanied by a statement in Part I of Form 15 made by the Presiding Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers received, not used, issued to voters, candidate and tendered ballot papers and enclosed in a separate cover with the words "Ballot Paper Account" super scribed thereon.

35. **Transmission of ballot boxes etc., to the returning officer.**-(1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct:-

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

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

ANNEXURE: 1.2(a)
THE PONDICHERRY VILLAGE AND COMMUNE PANCHAYATS (AMENDMENT)
ACT, 2001.

[22-10-2001]

AN

Act

Further to amend the Pondicherry Village and Commune Panchayats Act, 1973.

BE it enacted by the Legislative Assembly of Pondicherry in the Fifty-second year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Pondicherry Village and Commune Panchayats (Amendment) Act, 2001.

(2) It shall come into force at once.

2. Insertion of new section 37-A.- .. In the Pondicherry Village and Commune Panchayats Act, 1973 (Act NO.10 of 1973) (hereinafter referred to as the principal Act), after section 37, the following section shall be inserted, namely:-

- (a) for the marking with indelible ink on the little finger of every elector who applies for a ballot paper or ballot papers for the purpose of voting at a polling station before delivery of such paper or papers to him;
- (b) for the production before the presiding officer or a polling officer of a polling station by every such elector as aforesaid of his identity card before the delivery of a ballot paper or ballot papers to him, if electors of the wards of the village Panchayat in which the polling station is situated have been supplied with identity cards with or without their respective photographs attached thereto; and
- (c) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his little finger or does not produce on demand his identity card before the presiding officer or a polling officer of the polling station."

Insertion of new section 37-B :-

3. In the principal Act, after section 37-A as so inserted, the following section shall be inserted, namely:-

Voting machines at elections.-

"37-B. Notwithstanding anything contained in this Act or the rules made there under, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such Panchayat Ward or Wards as the Election Commission may, having regard to the circumstances of each case, specify.

*Explanation.-*For the purpose of this section, 'voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made there under shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election."

Amendment of Section 38:-

4. In the principal Act, in sub-section(2) of section 38,-

(a) after clause

(I) the following clause shall be inserted, namely:-

(II) the manner of giving and recording votes by means of voting machines and the procedure as to voting to be followed at polling stations where such machines are used."; and

(b) After clause (m), the following clause shall be inserted, namely:-

"(mm) the procedure as to counting of votes recorded by means of voting machines."

**JOHN CLAUDE POMPEI MARIADASSOU,
Deputy Secretary to Government.**

GOVERNMENT OF PONDICHERRY
LOCAL ADMINISTRATION SECRETARIAT

G.O. Ms. No. 14/LAS/2002-03

Pondicherry, the 03-5-2002

NOTIFICATION

In exercise of the powers conferred by sub-clauses (11) and (mm) of clause (a) of sub-section (2) of section 38 of the Pondicherry village and commune Panchayats Act, 1973 (No. 10 of 1973) and of all other powers enabling her in this behalf, the Lieutenant-Governor, Pondicherry hereby makes the following rules further to amend the Pondicherry Village and Commune Panchayats (Conduct of Election of Members of Commune Panchayat Councils and Presidents and Members of village Panchayats) Rules, 1978, namely:-,

1. Short title and commencement:- (1) These rules may be called the Pondicherry Village and Commune Panchayats (Conduct of Election of Members of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Amendment Rules, 2002.

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

2. Amendment of Rules 19:- In the Pondicherry Village and Commune Panchayats (Conduct of Election of Members of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Rules, 1978 (Hereinafter referred to' as the said rules) in rule 19:-

(a) the brackets and figurer "(1)" in the existing sub-rule (1), shall be omitted: and

(b) for sub-rule (2), the following rule shall be inserted, namely:-

"19A. Admission to polling stations:- The presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than:-

(a) Polling Officers:

(b) Public servants on duty in connection with the election:

(c) Persons authorised by the State Election Commission:

(d) Candidates, their election agents and subject to the provisions of rule 20, one polling agent for each candidate.

(e) a child in arms accompanying an elector:

(f) a person accompanying a blind or infirm elector who cannot move without help: and

(g) such other persons as the returning officer or the presiding officer may employ under sub-rule (2) of rule sub-rule (1) of rule 25".

2. **Amendment of rule 21:-**In the said rules, for rule 21, the following shall be substituted, namely:-

"21. **Arrangements at polling stations:-** (1) Outside each polling station there shall be displayed prominently

(a) A notice specifying the polling area the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors of the electors so entitled: and

(b) A copy of the list of contesting candidates.

(2) 'At each polling station, there shall be set up one or more voting compartments in which electors can record their votes screened from observation.

(3) The returning officer shall provide at each polling stations a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles, necessary for electors to mark the ballot paper.".

3. **Amendment of rule 25:-** In the said rules, for rule 25, the following rule shall be substituted, namely:-

"25. Identification of electors:- (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the polling station is situated in a constituency, electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.

(4) In deciding the right of a person to obtain a ballot paper; the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates."

4. Insertion of new rule 25A:-In the said rules, after rule 25, the following rule shall be inserted, namely:-

"25A. Facilities for public servants on election duty:-

(1) The provisions of rule 25 shall not apply to any person who produces at the polling station an election duty certificate in Form 12B and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate, the presiding Officer shall

- (e) Obtain thereon the signature of the person producing it;
- (f) have the person's name and electoral number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (g) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at that polling station."

5. Amendment of rule 26:- In the said rules, for sub-rule (2) of rule 26, the following shall be substituted, namely:-

"(2) If any elector-

- (a) refuses to allow his left little finger to be inspected or marked in accordance with sub-rule (1) or has already such mark on his left little finger or does any act with a view to removing the ink mark, or
- (b) fails or refuses to produce his identity card as required by, sub-rule (3) of rule 25, he shall not be supplied with any ballot paper or allowed to vote."

6. Amendment of rule 28:- In the said rules, for rule 28, the following rule shall be substituted, namely:-

"28. **Issue of ballot papers and voting procedure:-** (1) At the time of issuing a ballot paper to an elector, the polling officer shall

(a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll,

(b) obtain the signature or thumb impression of that elector on the said counterfoil: and

(c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to that elector.

(2) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular elector.

(3) Every elector to whom a ballot paper has been issued under this rule or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure herein after laid down.

(4) The elector on receiving the ballot paper shall forthwith:-

(a) proceed to the voting compartment, and if there are more than one voting compartments to one of the voting compartments,

(b) there, make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol for which he intends to vote.

(c) fold the ballot paper so as to conceal his vote,

(d) if required, show the Presiding Officer the distinguishing mark on the ballot paper,

(e) insert the folded ballot paper into the ballot boxes,

(f) quit the polling station.

(5) No elector shall be allowed to enter a voting compartment when another elector is inside it.

(5) Every elector shall vote without undue delay: He shall not place anything except a ballot paper in the ballot box. Anything other than ballot paper found in the box at the time of counting of votes shall be forfeited to the Government.

(6) If an elector to whom a ballot paper has been issued refuses after warning given by the presiding officer to observe the procedure as laid down in sub-rule (4), the ballot paper issued to him shall, whether he has recorded his vote thereon or not; be taken back from him by the presiding officer or a polling officer under the direction of the presiding officer.

(7) After the ballot paper has been taken back, the presiding officer shall record on its back, the words "cancelled voting procedure violated" and put his signature below those words.

(8) All the ballot papers on which the words "cancelled voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers voting procedure violated".

(9) Without prejudice to any other penalty to which an elector from whom a ballot paper has been taken back under sub-rule (6), may be liable, the vote, if any, recorded shall not be counted".

7. Insertion of new rule 28A:-In the said rules, after rule 28 as so amended, the following rule shall be inserted, namely:-

"28A. Persons entitled to vote by post:- The following persons shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post at an election in a village Panchayat ward, namely:-

- (i) Service voters:
- (ii) Voters an election duty: and
- (iii) Electors subjected to preventive detention."

8. Amendment of rule 29.-In the said rules, for rule 29, the following shall be substituted, namely:-

29. Intimation by voters on election duty:- (1) A voter on election duty who wishes to vote by post at an election shall send an application in Form 11 to the Returning Officer so as to reach him at least seven days or such shorter period as the Returning Officer may allow before the date of poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

(2) Where such a voter, being a polling officer, Presiding, Officer or other public servant on election duty in the ward of which he is an elector, wishes to vote in person at an election in a village Panchayat ward and not by post, he shall send an application in Form 12A to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the ward, he shall

- (a) issue to the applicant an election duty certificate in Form 12B.
- (b) mark 'EDC' against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him: and
- (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote."

9. **Insertion of new rules 29A, 29B, 29C, 29D and 29E:-** In the said rules, after rules 29 as so amended, the following rules shall be inserted, namely:-

"29A. **Electors under preventive detention:-** The Election Authority shall, within 15 days of the calling of an election ascertain and intimate to the Returning Officer the names of the elector, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

(2) Any elector Subjected to preventive detention may, within 15 days of the calling of an election, send intimation to the Returning Officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

(3) The Returning Officer shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or sub-rule (2).

29B. **Form of postal ballot paper: -** A postal ballot paper shall be in the same form as the ordinary ballot paper with the words" postal ballot paper" stamped on the reverse. Every postal ballot paper shall have a counterfoil attached thereto and the said ballot paper and the counterfoil shall be in such form and the particulars therein shall be in such language as the Election Authority may direct.

29C. **Issue of ballot paper: -** (1) A postal ballot paper shall be sent by post under certificate of posting to the Elector together with

- (a) a declaration in Form 13
- (b) a cover in Form 13-A
- (c) a large cover addressed to the Returning Officer in Form 13-B : and
- (d) Instruction for the guidance of the elector in Form 13-C

Provided that the Returning Officer may in the case of a voter on election duty delivers the ballot paper and forms, or cause them to be delivered, to such voter personally.

(2) The Returning Officer shall at the same time

- (a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll;
- (b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and

(c) ensure that the elector is not allowed to vote at a polling station.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(4) After ballot papers have been issued to all the electors entitled to vote by post, the Returning Officer shall seal up in a packet that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant part of the marked copy to the several Presiding Officers for recording the serial numbers of ballot papers issued to the electors at the polling stations.

29D. Recording of vote:- (1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Part I of Form 13-C and then enclose it in the cover in Form 13-A.

(2) The elector shall sign the declaration in Form 13 in the presence of, and have signature attested by a stipendiary magistrate or such other Officer specified below as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified:-

- (a) in the case of a service voter, such officer as may be appointed in this behalf by the commanding officer of the unit, ship or establishment in which the voter or her husband as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;
- (b) in the case of a voter on election duty, any gazetted Officer or the Presiding Officer of the polling station at which he is on election duty
- (c) in the case of an elector under preventive detention, the Superintendent of the jail in which the elector is under detention: and
- (d) in any other case, such officer as may be notified in this behalf by the Government

29E. Assistance to illiterate or infirm voters:- (1) If an elector is unable through illiteracy, blindness or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot papers together with the declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of rule 29D and request the officer to record his vote and sign his declaration on his behalf.

(2) Such Officer shall there upon mark the ballot paper in accordance with the wishes the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form 13."

10. Amendment of rule 30:- In the said rules, in rule 30,

(a) for sub-rule (1), the following shall be substituted, namely:-

"(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, if necessary, for folding the ballot paper so as to conceal the vote and' inserting it into the ballot box provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day: Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the companion shall be required to declare in Form 13D that he shall keep the secrecy of the vote recorded by him on behalf of the elector, and that he has not already acted as the companion of any other elector, at any polling station on that day."

11. Insertion of new rules 30A, 30B, 30C and 30D:- After rule 30 of the said rules as so amended, the following rules shall be inserted, namely:-

30A. Re-issue of ballot paper:- (1) when a postal ballot paper and other papers sent under rule 29c are for any reason returned undelivered, the Returning Officer may reissue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 29C in such a manner as they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoilt papers and satisfied the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the spoilt papers so returned and keep them in separate packet after noting there on the particulars of the election and the serial numbers of the cancelled ballot papers.

30B. Return of ballot paper:- (1) After an elector has recorded his vote and made his declaration under rule 29D or rule 29E, he shall return the ballot paper and declaration to the returning Officer in accordance with the instructions communicated to him in Part II of Form 13C so as to reach the Returning Officer before the hour fixed for commencement of counting of votes.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

30C. Challenge of identity:- (1) Any contesting candidate, election agent or polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall

- (a) warn the person challenged of the penalty for personation
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 14A ; and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the Challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the Challenge is frivolous or has not been made 'in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

30D. Tendered Votes:- (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (here matter referred to in these rules as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 14B

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be

- (a) Serially the last in the bundle of ballot papers issued for use at the polling station: and
- (b) Along with the counterfoil endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and signed by him.

(4) The elector, after marking tendered ballot paper in the voting compartment and folding it, shall; instead of putting it into the ballot box, give it to the Presiding officer who shall place it in a cover specially kept for the purpose.

Explanation:- In cases falling under this rule to which rule 30C is also applicable, the provisions of this rule as well as rule 30C shall be followed.

12. Amendment of rule 31 :-In the said rules, in sub-rule (2) of rule 31, after the words "and the ballot paper so returned", the words "and the counterfoil of such ballot paper" shall be inserted.

13. Amendment of rule 34:-In the said rules, for sub-rules (3), (4) and (5) of rule 34, the following shall be substituted namely:-

"(3) The Presiding Officer shall then make up into Separate packets. and seal with his own seal and seals of such candidates or agents as may desire to affix their seals:-

- (i) the marked copy of the electoral roll:
- (ii) the counterfoils of the used ballot papers:
- (iii) the ballot papers signed in full by the presiding officer under sub-rule (2) of rule 27 not issued to the voters;
- (iv) any other ballot papers not issued to voters;
- (v) ballot papers cancelled for violation of voting procedure under rule 28;

- (vi) any other cancelled ballot papers;
- (vii) the cover containing the tendered ballot papers and the list in Form 14B
- (viii) the list of challenged votes; and
- (ix) any other papers directed by the Election Authority to be kept in a sealed packet.

(4) Each packet shall be numbered and shall bear a note as to its contents, the number and the name of the polling station and the number of the ward. Where no vote has been recorded at any polling station, the Presiding Officer shall submit a nil report together with the statement in Form 15 referred to in sub-rule (5).

(5) The packets shall be accompanied by a statement in Part I of Form 15 made by the Presiding Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers received, not used, issued to voters, cancelled and tendered ballot papers, and enclosed in a separate cover with the words "Ballot paper Account" super scribed thereon."

14. Amendment of rule 35:-In the said rules, the existing rule 35 shall be renumbered as sub-rule (1) thereof and after the said sub-rule (1) as so renumbered, the following shall be inserted, namely:-

"(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes."

15. Insertion of new rules 35A to 35X: - In the said rules, after rule 35, the following rules shall be inserted, namely:-

VOTING BY ELECTRONIC VOTING MACHINES

35A. Design of electronic Voting Machines:- Every electronic voting machine (here in after referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Election Commission.

35B. Preparation of voting machine by the returning Officer:-

(1) The balloting unit of the voting machine shall contain such particulars and in such language or languages as the Election Commission may specify.

(2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates.

(3) 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.

(4) subject to the foregoing provisions of this rule, the returning officer shall,

- (a) fix the label containing the names and symbols of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their elector agents present as are desirous of affixing the same;
- (b) Set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

35C. Arrangements at the Polling Stations:- (1) Outside each polling station there shall be displayed prominently:-

- (a) a notice specifying the polling area, the electors of which are entitled to 'vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled, and
- (b) a copy of the list of contesting candidates

(2) At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.

(3) The returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary from taking the poll

(4) Without prejudice to the provisions of sub-rule(3) the Returning Officer may, with the previous approval of the state Election commission, provide one common voting machine for two or more polling stations located in the same premises.

35D. Admission to polling stations:- The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than

- (i) Polling Officers:
- (ii) Public servants on duty in connection with the election
- (iii) persons authorised by the State Election Commission;
- (iv) candidates, their election agents and subject to the provisions of rule 20 one polling agent of each candidate;
- (v) a child in arms accompanying an elector;
- (vi) a person accompanying a blind or infirm elector who cannot move without help: and
- (vii) such other person as the Returning Officer or the Presiding Officer may employ under sub-rule (2) of rule 35G or sub-rule (1) of rule 35H

35E. Preparation of voting machine for poll:- (1) The control unit and balloting unit of every voting machine used at polling station shall bear a label marked with

- (a) the serial number, if any, and the name of the ward
- (b) the serial number and name of the polling station or stations as the case may be;
- (c) the serial number of the unit, and
- (d) the date of poll

(2) Immediately before the commencement of the poll, the presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (4)

(3) A paper seal shall be used for securing the control unit of the voting machine, and the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant there for in the control unit of the voting machine and shall secure and seal the same.

(5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal.

(6) The control unit shall be closed and secured and placed in full view of the presiding officer and the polling agents and the balloting unit placed in the voting compartment.

35F. Marked copy of electoral roll:- Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain;-

(a) any entry other than that made in pursuance of clause (b) of sub-rule (2) of rule 29 and

(b) Any mark other than the mark made in pursuance of clause (b) of sub-rule (20) of rule 29C

35G. Facilities for women electors:- (1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches,

(2) The Returning Officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and in particular to help frisking any woman electors in case it become necessary.

35H. Identification of electors:- (1) The presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the polling station is situated in a constituency electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules 1960 the elector shall produce his identity card before the presiding officer or the polling officer authorised by him in this behalf.

(4) In deciding the right of a person to cast his vote, the presiding officer or the polling officer, as the case may be shall overlook the clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

35I. Facilities for public servants on election duty:- (1) The provisions of rule 35H shall not apply to any person who produces at the polling station an election duty certificate in Form 128 and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

(2) On production of such certificate, the presiding Officer shall:-

- (a) obtain thereon, the signature of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station

35J. Challenging of Identity:- (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made the presiding officer shall:-

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry.
- (c) enter his name and address in the list of challenged votes in Form 14-A; and
- (d) require him to affix his signature in the said list

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose:-

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath, and
- (c) administer an oath to the person challenged and any other person offering to give evidence

(4) If, after the inquiry, the presiding officer considers that the challenge has not been established he shall allow the person challenged to vote, and if he considers that the challenge has been established, he shall debar the person challenged to vote, and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government and in any other case, returned to the challenger at the conclusion of the inquiry.

35K. Safeguards against personation:- (1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left little finger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on the back of the left little finger immediately above the root of the nail on the skin.

(2) If any elector:-

(a) Refuse to allow his left little finger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left little finger or does any act with a view to removing the ink mark or

(b) Fails or refuses to produce his identity card as required by sub-rule (3) of Rule 35H he shall not be allowed to vote.

(3) Any reference in this rule to the left little finger of an elector shall, in the case where the elector has his left little finger missing, be construed as a reference to any other finger to his left hand, and shall, in the case where all the fingers on his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the little finger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

35L. Procedure for voting by voting machines:- (1) Before permitting an elector to vote, the polling Officer shall:-

- (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 15A;
- (b) obtain the signature or the thumb impression of the elector on the said register of votes; and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that he has been allowed to vote provided that an elector shall be allowed to vote unless he has his signature or thumb impression on the register of votes

(2) Notwithstanding anything contained in sub-rule (3) of rule 2 it shall be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the register of voters.

35M. Maintenance of secrecy of voting by electors within the polling station and voting procedures:-

(1) Every elector who has been permitted to vote under rule 35L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote the elector shall proceed to the presiding officer or the polling officer in-charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote

(3) The elector shall thereafter forthwith-

(a) Proceed to the voting compartment;

(b) Record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and

(c) Come out of the voting compartment and leave the polling station.

(4) Every elector shall vote without undue delay

(5) No elector shall be allowed to enter the voting compartment when another elector is inside it

(6) If an elector who has been permitted to vote under rule 35L or rule 35-P refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (3) of the said rules, the presiding officer or a polling officer under the direction of the presiding officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6) a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form-15A by the Presiding Officer under his signature.

35N. Recording of votes of blind or infirm electors:-

(1) If the presiding officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognise the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes;

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day.

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.

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

. 35O. **Elector deciding not to vote:-** If an elector, after his electoral number has been duly entered in the register of voters in Form-15-A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 35L decided not to record his vote, a remark to this effect shall be made against the said entry in Form. 15-A by the presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

35P Tendered Votes:- (1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be of such design and the particulars of which shall be in such language or languages as the state Election Commission may specify,

(2) Every such elector shall before being supplied with tendered ballot paper write his name against the entry relating to him in Form 14B.

(3) On receiving the ballot the shall forthwith-

- (a) proceed to the voting compartment;
- (b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument of article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote.
- (c) fold the ballot paper so as to conceal his vote
- (d) show to the presiding officer, if required, the distinguishing mark on the ballot paper.
- (e) give it to the presiding officer who shall place it in a cover specially kept for the purpose; and
- (f) leave the polling station

(4) If owing to blindness or physical infirmities, such elector is unable to record his vote without assistance, the presiding officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 35N for recording the vote in accordance with his wishes.

35Q. Presiding Officer's entry in the voting compartment during Poll:- (1) The Presiding Officer may whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

(2) If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Where the presiding officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

35R. Closing of Poll:- (1) The presiding officer shall close a polling station at the hour fixed in that behalf under sub clause (v) of clause (d) of sub-rule (1) of rule 10 or clause (a) of sub-rule (2) of rule 33 and shall not thereafter admit any elector into the polling station;

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the presiding officer and his decision shall be final.

35S. Account of votes recorded:- (1) The presiding officer shall be at the close of the poll prepare an account of votes recorded in Form 15-B and enclose it in a separate cover with the words Accounts of votes Recorded super scribed thereon.

(2) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form 15-B after obtaining a receipt from the said polling agent there for and shall attest it as a true copy.

35T. Sealing of voting machine after poll:- (1) As soon as practicable after the closing of the poll, the presiding officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from control unit.

(2) The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

(3) The polling agents present at the polling station, who desire the affix their seals, shall also be permitted to do so.

35U. Seal of other packets:- (1) The presiding Officer shall then make into separate packets,-

- (a) The marked copy of the electoral roll;
- (b) the register of voters in Form 15A;
- (c) the cover containing the tendered ballot papers and the list in Form 14B;
- (d) the list of challenged votes; and'
- (e) any other papers directed by the State Election Commission to be kept in a sealed packet

(2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or his election agent of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

35V. Transmission of voting machines, etc., to the returning Officer:- (1) The presiding Officer shall then deliver or cause to be delivered to the Returning officer at such place as the returning officer may direct,-

- (a) the voting machine;
- (b) the account of votes recorded in Form 15B
- (c) the sealed packets referred to in rule 35U; and
- (d) all other papers used at the poll

(2) The returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

35W. Procedure on adjournment of poll:- If the poll at any polling station adjourned under sub-rule (1) of rule 32, the provision of rules 35S to 35V shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 10.

(2) When an adjourned poll is recommended under sub-rule (2) of rule 32 the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 15A and a new voting machine.

(4) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors who are allowed to vote at the adjourned poll.

(5) The provisions of rules 35A to 35V shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

35X. Closing of voting machine in case of booth capturing:- Where the presiding officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

16. Insertion of new rules 41A to 41D:- In the said rules, after rule 41, the following rules shall be inserted, namely:-

41A. Counting of votes where electronic voting machines have been used - in relation to counting of votes at a polling station where voting machine has been used:-

(1) The provisions of rules 36,41,44,45,46 and 47 and in lieu of rules 37, 38, 39, 40 and 43 the following rules shall respectively apply, namely:-

41 B. Scrutiny and inspection of voting machines- (1) The returning Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The returning officer shall satisfy himself that none of the voting machines has in fact been tampered with,

(4) If the returning officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 32 or rule 33 as may be applicable in respect of the polling station where that machine was used.

41 C. Counting of votes:- (1) After the returning officer is satisfied that a voting machine has in fact not been tampered with, he shall have, the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the propose in the unit

(2) As the votes polled by each candidate are displayed on the control unit, the returning officer shall have,-

- (a) the number of such votes recorded separately in respect of each candidate in Part-II on Form 15-B.
- (b) Part-I of Form 15-B completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and
- (c) corresponding entries made in a result sheet in Form-17 and the particulars so entered in the result sheet announced.

41 D. Sealing of voting machines:- (1) After the result of voting recorded in a control unit has been ascertained candidate wise and entered in Part II of Form 15-B and Form 17 under rule 41 C the returning officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix the seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the returning officer shall record the following particulars, namely:-

- (a) the name of the constituency;
 - (b) the particulars of polling station or station where the control unit has been used
 - (c) Serial number of the control unit,
 - (d) Date of poll; and
 - (e) Date of counting;
- (ii) the provisions of rules 37(5) (a) and 41 and 42 shall so far as may be apply in relation to voting by voting machines and any reference in those rules to
- (a) ballot paper shall be construed as including a reference to such voting machine
 - (b) any rule shall be construed as a reference to the corresponding rules 35-A to 35- X or as the case may be to rules 41 B or 41C or 41 D."

ANNEXURE 1.3

FORM OF DECLARATION BY ELECTOR ABOUT AGE

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 of 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/Husband's Name.....

.....

Part number of elector roll.....

Dated.....

Serial number of elector.....

Certified that the above declaration was made and subscribed by the elector above named before me.

Signature of the Presiding Officer

.....

Dated.....

Number and name of polling station

ANNEXURE 1.4

OUTLINES OF FUNCTIONS TO BE PERFORMED BY PRESIDING OFFICERS AT VARIOUS STAGES

- (i) On Appointment
- (ii) On the day previous to the day of Poll
- (iii) On arrival at the Polling Station on the day of Poll
- (iv) During the hours of Poll
- (v) After the completion of Poll.

1. On appointment

1.1 When a polling station is assigned to you, please check up carefully and examine:-

- (a) The name and number of your polling station;
- (b) The name of the ward within which the polling station is situated;
- (c) The exact location of your polling station. Try to contact your Polling

Officers and keep their residential and office addresses with you and give your residential and office address to them. Attend as many training classes as you can. Never rely on your memory and past experience as they may betray you. The instructions are being changed considerably from time to time.

1.2. Read the Hand Book for presiding Officers very carefully:-

1.3. Familiarise yourself with the items of Polling materials given in Annexure 3.1.

1.4. Study carefully the manner and the method in which the EVMs can be closed and opened.

1.5. Read carefully the different forms statutory and non-statutory.

1.6. Read very carefully the relevant sections of the Pondicherry Village and Commune Panchayat Act, 1973 and relevant rules under the Pondicherry Village and Commune Panchayat (Conduct of election of members of Commune Panchayat Councils and Presidents and members of Village Panchayats) Rules, 1978. If you have any doubt, approach your Returning Officer and get your doubt clarified. Never be in a confused mind.

II. On the day previous to the day of poll.

2.1 On the day previous to the day of poll, you will be asked to collect the materials for use at the polling station. Please ensure that :-

- (a) EVMs given to you can be operated smoothly.
- (b) All the items mentioned in Annexure 3.1 have been given to you.
- (c) Please count the ballot papers given to you very carefully and ensure that they are of the ward in which your polling station is included and their serial numbers also tally. Any missing number or ballot paper with duplicate number should be brought to the notice of the Returning Officer. Also compare that the numbers on the counterfoil of the ballot paper and on the ballot paper are identical. You will be given ballot papers 20 in numbers for the purpose of "Tendered Votes" if any in the Polling Station.

- (d) Check up the number of paper seals
- (e) Check up the electoral roll to ensure that-
 - (i) the copies of the supplements are given.
 - (ii) the part number of the rolls and the supplement are correctly given.
 - (iii) page numbers in the marked copies of the roll are given serially.
 - (iv) the printed serial numbers of voters are not corrected and no new numbers are substituted for them.
 - (v) all deletions of names and corrections of clerical or other errors as per the supplements have been incorporated.
- (f) Check the copy of the list of contesting candidates given to you. The names and symbols of the candidates given in the list must tally and should be in the same serial order in which they appear on the ballot papers affixed on the Balloting Unit.
- (g) Check up that the phial of indelible ink supplied to you contains sufficient quantity of indelible ink and that its cap is perfectly sealed; if not re-seal the cap with candle / wax.
- (h) Check up the distinguishing mark rubber stamp and all the arrow cross mark rubber stamps and your brass seal. Ensure that all the arrow cross mark rubber stamps have seals affixed on both the sides and that the stamp pads are not dry.

If you have any doubt about your movement programme, route to be followed to reach the polling station get them cleared and make sure of the time, the place of departure and mode of transport for reaching the polling station.

2.2 (a) Reach your polling station latest by 2.00 p.m. or at the time informed to you by your Returning Officer, Sector Officer or Assistant to Sector Officer on the day preceding the day of poll and ensure that-

- (i) there is enough space for the voters to wait outside the polling station and for separate queues for male and female voters;
- (ii) there are separate passages for entry and exit of voters;
- (iii) there are one or more voting compartments for voters to mark the ballot papers and that they are well lighted ;
- (iv) a notice showing the polling area and details about voters is prominently kept;
- (v) the copy of the list of contesting candidates is prominently displayed.

(b) Stamp the distinguishing mark rubber stamp on the counterfoil and at the top right-hand corner on the back of the ballot paper. Ensure that no smudges appear.

(c) Appoint persons whom you will require to assist in identifying the voters including female assistant.

(d) Decide the place where you, your Polling Officers and Polling Agents of the candidates will sit and the voting machines would be placed.

(e) Remove any photograph of any leader belonging to any political party hung in the polling station or cover them fully.

2.3 The Electronic voting machines and the polling materials delivered to you should remain in your custody throughout, till the poll is completed and the materials are handed over by you. Either you or one of the Polling Officers selected by you should remain in the polling station in charge of the materials from the moment you arrive there. The polling materials should not be left in the custody of the Police Guard on duty at the polling station or any person other than yourself or a Polling Officer selected by you .

III. On arrival at the Polling Station on the day of poll:

3.1 Ensure that you and other members of your polling party reach the polling station 60 minutes before the hour fixed for starting the poll. On arrival, open the room / Voting machines and check the articles.

3.2 Check up the appointment letters of polling agents and explain to them provisions of section 128 of the Representation of People Act, 1951. Assign them seats and issue them entry passes for their movements. Read out the declaration at Annexure 10.1.

3.3 Make arrangements to appoint a Polling Officer if one from your party has not turned up.

3.4 Start preparing the Electronic Voting Machine in presence of the polling agents present. Take their signature on the Green Paper Seal.

3.5 Place the phial of indelible ink in such a way that the ink does not spill out.

3.6 Ensure that you sign on the back of the ballot paper and not of the counterfoil. Your signature should only be on the back of the ballot papers and should not even partly extend to counterfoil.

IV. During the hours of poll:

4.1 Ensure that the polling starts sharp at the appointed time. Even if all formalities have not been completed, admit some voters in the polling station at the appointed time.

4.2 While poll is in progress, unusual complex cases are likely to crop up. Deal with them yourself leaving the Polling Officers to carry on their normal duties. Such cases will be.-

- (a) Voting by blind or infirm voters (Chapter XV).
- (b) Challenge to a voter (Chapter XII)
- (c) Voting by minors (Chapter XII)
- (d) Tendered votes (Chapter XVII)
- (e) Breach in secrecy of voting (Chapter XV)
- (f) Disorderly conduct at the booth and removal of disorderly persons (Chapter XI)
- (g) Adjournment of poll because of riot or any other cause (Chapter XVIII).

4.3 As soon as an EVM gets struck, start preparing a new EVM. The voting machine in use should be replaced when you consider it necessary. Close the voting machine slit of the ballot box, secure it and keep it at a safe place in presence of polling agents.

4.4 Collect information for compilation in appropriate item of your diary regarding polling every two hours.

4.5 Close the poll at the appointed hour even if it has started a few minutes late. Give slips with your signature to those persons who are in queue at this hour. Ensure that no additional person joins the queue after the appointed hour.

V. After the completion of poll:

5.1 Close the poll by pressing “Close “button on the control unit in the presence of polling agents available there. Close both the balloting unit and control unit and keep it in their respecting carrying cases duly affixing seals as per the instructions given in Chapter XIX and XX.

5.2. Ascertain the number of total voters and female voters who *have voted*.

5.3 Complete Form 15B and paper seal account. Furnish to *every* polling agent present at the close of the poll, an attested true copy of Form 15B after obtaining from him a receipt for it on the declaration form at Annexure 10.1. Then complete the declaration in other respects.

5.4. Complete your diary

5.5. Prepare first packet of 8 statutory *covers*

5.6. Prepare second packet of 6 *covers*

5.7. Prepare third packet of 8 items

5.8. Prepare fourth packet of all other items

5.9 Follow the programme of return journey to the Collection Centre for depositing the sealed EVMs and packets or await for the arrival of team for collection of the sealed EVMs and other Packets. It is your personal responsibility to *deliver* the boxes and other packets at the Collection Centre intact and obtain a receipt. Note that you *have* to hand *over* fourteen different items. *viz*;

1. The sealed EVMs ;
2. The unused EVMs if any ;
3. The unused *canvas* bag(s) or cloth, as the case may be;
4. Cover containing the Account of votes recorded;
5. Cover containing the Register of voters;
6. Cover containing the green paper seal account;
7. Cover containing the declarations of the Presiding Officer;
8. Cover containing the Presiding Officer's Diary ;
9. First packet super scribed statutory *covers* containing *eight covers*;
10. Second packets super scribed 'non-statutory *covers*' containing 6 *covers*;
11. Third packet containing 8 items of election material, etc ;
12. Fourth packet containing all other *items*, if any
13. Materials for voting compartments
14. Waste paper basket

ANNEXURE 1.5
CHECK MEMO FOR PRESIDING OFFICERS

Item No. (1)	Action to be taken (2)	Remarks (3)
1	Obtaining and keeping in possession all relevant instructions from the Returning Officer.	Whether obtained and kept?
2	Familiarisation with the other members of the polling party and maintenance of close relationship with them.	Whether done?
3	Collection of election materials	Whether ensured that all the election materials and that too in sufficient quantities and numbers have been collected?
4	Checking up of tendered ballot papers, voting machines, marked copies of the electoral roll, arrow cross mark rubber stamps, distinguishing mark etc.	Whether done?
5	Separate entrance and exit for voters at polling stations	Whether ensured?
6	Display of notice specifying the polling area and the numbers of electors assigned and also a copy of the list of contesting	Whether displayed?
7	Address tag to be put on the Voting Machines	Whether done?
8	Declaration to be made at the Commencement of the poll	Whether made?
9	Signing of ballot papers and affixing the distinguishing mark	Whether done?
10	Reading out the provisions of the Sec. 128 of R.P. Act, 1951 with regard to the secrecy of voting to be done by the Presiding Officer at the beginning of poll.	Whether done?
11	Allowing polling agents to note the first and last serial number of ballot paper.	Whether allowed?
12	Allowing polling agents to note down the number of green paper seals used	Whether allowed?
13	Marking of indelible ink on left little finger and obtaining the signature/thumb impression on the counterfoils of ballot papers.	Whether being properly done?
14	Declaration from under-aged electors	Whether obtained?
15	Maintenance of Presiding Officer's diary	Whether events are recorded from time as and when they occur?
16	Account of Votes Recorded	Whether attested copies given to all the polling agents?
	17. Securing of Register of Voters	
18	Declaration to be made at the close of poll	Whether made?
19	Sealing of election papers	Whether done according to instructions?

CHAPTER-II

FORMATION OF POLLING PARTY AND REHEARSALS

Polling Party:

2.1. At the simultaneous elections of Ward member of Village Panchayat, President of Village Panchayat and ward member of Commune Panchayat Council, your party will consist of yourself, one Assistant Presiding Officer and three polling officers. The Assistant Presiding Officer is authorised to perform the duties of the Presiding Officer in case you are unavoidably absent from the polling station.

2.2. The Assistant Presiding Officer is in-charge of identification of the elector and marked copy of the electoral roll. The First Polling Officer is in charge of indelible ink. The Second Polling Officer is in charge of Register of Voters and issue of voter's slips. The Third Polling Officer is in-charge of control unit and arrow cross mark rubber stamps.

Polling rehearsals:

2.3. Attend as many polling rehearsals as you can. This is essential for obtaining a clear idea of the procedure to be followed and for understanding the provisions of the law.

2.4. You must take with you the Assistant Presiding Officer authorised to perform your duties in your unavoidable absence to these rehearsals. It is very necessary that you and such authorised Assistant Presiding Officer should do the various operations with the EVMs yourself/himself and should not be content with simply watching the demonstration. Both of you should also familiarise yourselves with the fixing of the green paper seals. You should also familiarise with the use of 'Multi-Post' EVMs and their settings.

2.5. You should also prepare a sample Account of Votes Recorded and green paper seal account.

2.6. Even in case you had worked as a Presiding Officer or a polling officer in some earlier election, you must attend the training classes/rehearsals as the election law and procedure are being amended from time to time and it is necessary that you should follow the revised procedure as otherwise the conduct of election may not be in accordance with the latest procedures or instructions. Further it is always advantageous to refresh your memory even if there is no change in the law and procedure. This will be the first Multi-post EVM used Local Bodies Election in the Puducherry U.T.

Application for postal ballot paper or Election Duty Certificate:

2.7. You and your polling officers may be electors in the same ward in which you are posted on duty or in some other ward. The order of appointment as Presiding Officer/Assistant Presiding Officer will be issued in duplicate and along with this order, the Returning Officer will send you Form 11 and 12A [Annexure 2.1. and 2.1 (a)]. If any of you is an elector in the same ward, you can apply in Form 12A for election duty certificate to the Returning Officer. If any of you is an elector from a ward other than the one where you are posted, you may fill in Form-11 and apply for a postal ballot paper. The filled in applications from voters on election duty for permission to vote by, postal ballot are required by law to be made at least seven days or such shorter period as the Returning Officer may allow before the day of poll or the first day of the poll in the constituency. Applications for election duty certificates are required to be made at least four days or such shorter period as the Returning Officer may allow before the date of poll.

2.8. A copy each of the electoral rolls for all the wards will be made available for inspection by the Returning Officer at the centre(s) for rehearsal and training classes so that you can note down the particulars of electoral roll numbers which you have to furnish in your application.

2.9. If the Returning Officer is satisfied that you are a *voter* on election duty and you are entitled to a postal ballot paper, he shall send you-

- (a) a postal ballot paper
- (b) a declaration in form 13 (Annexure 2.2)
- (c) cover in Form 13A (Annexure 2.3)
- (d) a larger cover addressed to the Returning Officer in Form 13B (Annexure 2.4)
- (e) Instructions for your guidance in Form 13C (Annexure 2.5)

2.10. You may record your record by making a mark on the ballot paper in accordance with the directions contained in Part of Form 13C and then enclose it in Form 13A.

2.11. You shall sign the declaration in Form 13 (Annexure 2.2) in the presence of, and have the signature attested by a stipendiary magistrate or a Gazetted Officer of the Government. You shall not show the ballot paper to the attesting officer nor tell him how you voted.

2.12. You shall then enclose the ballot paper in an envelope in Form 13A provided for this purpose and stick the envelope and secure it by seal or otherwise.

2.13. You shall then enclose the envelope in Form 13A containing the marked ballot paper in an outer cover in Form 13-B provided for this purpose, as well as the election duty certificate and the declaration aforesaid duly attested and sent it to the Returning Officer forthwith by post or by messenger so as to reach the Returning Officer before the commencement of the counting of votes.

2.14 If the Returning Officer is satisfied that you are a voter on election duty in the ward of which you are an elector and you are entitled to election duty certificate in Form 12-B [(Annexure 2.1 (b))], he shall issue to you election duty certificate on production of which, the Presiding Officer shall obtain your signature thereon, have your name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll and issue to you a ballot paper and permit you to vote in the same manner as for an elector entitled to vote at that polling station.

ANNEXURE 2.1

FORM-11

APPLICATION BY AN ELECTOR ON ELECTION DUTY TO VOTE

[See rule 29 (1)]

To

The Returning Officer

Ward No.....Village Panchayat
.....
.....Village Panchayat
.....Commune Panchayat Council.

Sir,

I have been posted for election duty at the ensuing election of member to the Ward Noof theVillage Panchayat/ president to theVillage Panchayat/member to theCommune Panchayat Council at Polling Station No.....situated in.....Village Panchayat.

I hereby declare that I am an elector of Ward No.....of theVillage Panchayat. I have been enrolled under serial number..... of part numberin the electoral roll of theVillage Panchayat.

I request that a certificate in Form-12 'with a ballot paper may be sent to me to the' address given below to enable me to cast my vote at the election of; Member to the Ward Noof the.....Village Panchayat President to the.....Village Panchayat member to the..... Commune Panchayat Council.

.....
.....
.....

Yours Faithfully

Place :

Date :

Signature of elector on
election duty

ANNEXURE 2.1 (a)

FORM 12-A

[See rule 29 (2)]

To

The Returning Officer for the Ward No. of the.....

Sir,

I intend to cast my vote in person in the ensuing election to the.....
from the Ward No.....of.....

My name is entered at serial number..... in Part No.....of
the electoral roll for ward No..... of.....

I request that an Election Duty Certificate in Form 12-B may be issued to enable me to
vote at the polling station where I may be on duty on the polling day. It may be sent to me at the
following address:-

.....

.....

Yours faithfully,

Place :

Date :

ANNEXURE 2.1 (b)

FORM 12-B

(See rule 29 (2) (a))

ELECTION DUTY CERTIFICATE

Certified that.....is an elector
in the Ward No.....has electoral roll number
that by reason of his being on election duty, he is unable to vote at the polling station where he is
entitled to vote and that he is therefore hereby authorised to vote at any polling station in the said
ward where he may be on duty on the date of poll.

Place:

Signature:

Date:

Returning Officer

15.

ANNEXURE 2.2
FORM-13
DECLARATION BY ELECTOR
[See rule 29(2)]

Election of { Member to Ward No..... Village Panchayat
President to..... Village Panchayat
Member to..... Commune Panchayat Council
(This portion is to be used only when the elector signs the declaration himself)

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

Date :

Signature of elector

Address :

ATTESTATION OF SIGNATURE

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

Signature of identifier, if any
Address:

Signature of Attesting Officer.

Designation :

Address :

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

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

Date :

Signature of Attesting Officer
on behalf of elector

Address of Elector:

CERTIFICATE

I hereby certify that-

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

Signature of identifier, if any.....

Address :

Date :

Signature of Attesting Officer.

Designation :

Address :

* Strike off the inappropriate alternative.

ANNEXURE 2.5

FORM – 13C

INSTRUCTIONS FOR THE GUIDANCE OF ELECTIONS

See rule 29C(1) (d)

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

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

PART-I DIRECTIONS TO ELECTORS.-

- 1.The number of members to be elected is one.
- 2.You have only one vote.
- 3.You must not vote for more than one candidate: if you do, your ballot paper will be rejected.
- 4.Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.
- 5.The marks should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote: If the mark is so placed as to make doubtful to which candidate you have given the vote that vote will be invalid.
6. An elector shall obtain the attestation of his signature on the declaration in Form 13 by a stipendiary magistrate or
 - (a) If he is a member of the armed forces of the Union or of an armed police Force of a State but is serving outside the State, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed, or if he is employed under the Government of India in a post outside India, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;
 - (b) If he is on election duty, by any Gazetted Officer or by the Presiding Officer of the Polling Station in which he is on election duty; and
 - (c) If he is under preventive detention, by the Superintendent of Jail in, which his under detention

* Appropriate particulars of the election to be inserted here,

PART II-INSTRUCTIONS FOR ELECTORS

(a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

(b) You have then to sign the declaration in Form 13 also sent herewith, in the presence of a stipendiary magistrate or any other officer competent to attest your signature (see direction 6 above) . Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

(c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity. you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary corticated in this behalf.

(d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form 13 is also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the Returning Officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B' but ne postage stamp need be affixed by you.

(e) You must ensure that the cover reaches the Returning Officer before*.....p.m. on

(f) Please note that:-

(i) If you fall to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected: and

(ii) If the cover reaches the Returning Officer after *p.m. on the your vote will not be counted.

*Here specify the hour and date fixed for the close of the poll.

ANNEXURE 2.3

FORM-13A

See rule 29C (1) (b)

A

NOT TO BE OPENED BEFORE COUNTING ELECTION

to the*

POSTAL BALLOT PAPER

Serial Number of ballot paper

* Appropriate particulars of the election to be inserted here.

ANNEXURE 2.4

FORM – 13B

COVER

See rule 29C (1) (c)

COVER B	<p>(Every Officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay-Rule 29C (3) of the Pondicherry Village and Commune Panchayats. (Conduct of Election of Member of Commune Panchayat Council and Presidents and Members of Village Panchayats) Rules, 1978.</p> <p>ELECTION-IMMEDIATE POSTAL BALLOT PAPER</p> <p>For* the Ward Noof the Village Panchayat/Commune Panchayat of</p> <p>(NOT TO BE OPENED BEFORE COUNTING).</p> <p style="text-align: right;">To **The Returning Officer</p> <p>Signature of sender</p>	SERVICE UNPAID
--------------------------	---	---------------------------------

*Returning Officer to insert here the name of the appropriate Ward No .
..... of the Village/Commune Panchayat.

** Returning Officer to mention here his full postal address.

CHAPTER-III

COLLECTION OF POLLING MATERIALS

Polling Materials:

3.1. On the day previous to the poll or on the day of departure to the polling station you will be supplied with all the election materials, a list of which is set out in Annexure 3.1. Make sure that you have received all the items. Check in particular that each of the EVMs is in working order, that there is sufficient quantity of indelible ink in the phial supplied to you and that the stamp pad is not dry. Compare the two copies of the electoral rolls carefully and see that all the copies are identical in every respect, except the marking of the postal ballot papers in the marked copy and that-

- (a) the relevant part given to you pertains to the area for which the polling station has been set up and that it is complete in all respects along with the supplements, in every copy;
- (b) all deletions of names and corrections of clerical or other errors as per the supplement have been incorporated in all the copies;
- (c) all the pages in each copy of the roll have been serially numbered;
- (d) the printed serial numbers of the voters are not corrected and no new numbers are substituted for them;
- (e) give the marked copy of the roll to the Assistant Presiding Officer and keep the other copy with you.

3.2. The Returning Officer will supply you one self-inking pad of purple colour for putting the distinguishing mark on the back of the ballot paper and its counterfoil and for taking the thumb-impression of the voter on the counterfoil of the ballot paper and for marking the ballot paper by arrow cross mark rubber stamp for the purpose of Tendered Votes. Check that the ink on the pads has not dried.

3.3. Check also that the EVM supplied to you are for the ward in which the polling station assigned to you is situated and that they are not defective in any respect. You should also check that the serial numbers tally with the details supplied to you. You must meticulously check each and every EVM.

3.4. Also check that the EVMs supplied to you have their serial numbers duly engraved on them. Do not accept any EVM which is not so numbered.

3.5. Check the photocopies of specimen signatures of the contesting candidates and their election agents are also given to you. This will help you in verifying genuineness of the signature of the candidate/ his election agent in the appointment letter of polling agent(s) at the polling station.

ANNEXURE-3.1

LIST OF MATERIAL REQUIREMENTS PER POLLING STATION

Sl. No.	Material	Purpose	Scale of supply for 3 simultaneous Panchayat Elections
(1)	(2)	(3)	(4)
For setting up the polling stations:			
1.	Furniture	For seating polling personnel, polling agents, for setting up 2 voting compartments and for placing EVMs.	As required
2.	Voting compartments	To ensure secrecy of voting	2
3.	Candles	For use in case of power failure	
4.	Electoral Roll	To note down EVMs numbers in marked copy and reserve copy is for reference	Marked copy.. 1 Reserve copy..1 Total..2
5.	Ball point pen	to mark on the electoral rolls and for signing by voters on the Register of Voters	
6.	EVMs	To cast votes in	1 C.U +3 B.U
7.	Green Paper seal	To act as seal to indicate whether the EVMs has been tampered with or not	1 per ballot box + extras
8.	Cardboard strip	To be placed below the green paper seal to strengthen it	1 strip of 16.5 x 20.3 cms. per ballot box + extra 2
9.	Gum paste	For pasting	1 tube
10	Sealing wax	For sealing EVMs and covers	150gm.
11	Candles	Do.	1 box
12	Match box	Do.	1 box
13	Label	To be pasted inside and outside the EVMs for identification of the elections and polling station	6
14	Address tag	To indicate polling station particulars, the polled EVMs	4
15	Thin wire	For securing- the EVMs before and after poll	2
16	Polythene cover	To wrap the election papers to protect them from rain	1
17	Metal seal	For sealing the EVM	1

(1)	(2)	(3)	(4)
18.	White twine	For tying and stitching	1
19.	Canvas bag	For keeping election materials	
20.	Ballot papers	To cast Tendered Votes	
21.	Rubber stamp bearing the distinguishing mark of the polling station	To stamp the reverse side of the ballot paper to establish the identity of the polling station	1
22.	Metal ruler	For detaching the ballot paper from the counterfoil	1
23.	Self-inking stamp pad (purple)	To ink the arrow cross mark; for getting the thumb-impression of the voter	1
24.	Stamp pad ink (purple)	For inking stamp pad	1
25.	Arrow cross mark	For the voter to mark his preference on the ballot paper	3
26.	Pusher	For pushing the ballot paper into the ballot box	1
27.	Indelible ink phial	For placing on voters finger tips	1 (sec)
28.	Cup	For setting the indelible ink phial	1
29.	Cloth or waste cotton	For removing grease from the finger tips of voters	½ meter
30.	Pencil		1
Stationery for record purposes:			
31.	White paper		10 nos.
32.	Blotting paper		1 sheet
33.	Carbon paper		1 + No. of candidates
34.	Posters	(i) To indicate polling area	1 no.
		(ii) To indicate names of contesting candidates and their symbols	1 no.

(1)	(2)	(3)	(4)
		(iii) Way to polling booth	1 no.
		(iv) Way in	1 no.
		(v) Way out	1 no.
		(vi) Polling Booth	1 no.
		(vii) Marking compartment	2 no.
		(viii) Presiding Officer	1 no.
		(ix) Assistant Presiding Officer	1 no.
		(x) Polling officers	2 no.
		(xi) Polling agents	1 no.
35.	Badges	(i) For Presiding Officer	1 no.
		(ii) For Assistant Presiding Officer	1 no.
		(iii) For polling officers	3 no.
		(iv) For polling agents	No. of candidates
36.	Passes for polling agents		No. of candidates
37.	Hourly statistical Data		1 no.
	FORMS AND COVERS		
	Statutory Forms for Panchayat Elections:		
38.	Form 8	Appointment of polling agents	1
39.	Form 13D	Declaration by companion of blind or infirm voters	5
40.	Form 14	List of blind and infirm voters	1
41.	Form 14A	List of challenged voters	1
42.	Form 14B	List of tendered votes	1
43.	Form 15B	Account of votes recorded	2+No. of contesting candidates
	Non-Statutory Forms for Panchayat Elections:		
44.	Revocation of appointment of polling agents		1
45.	Paper seal account		5
46.	Declaration by the poll and at the end of the poll		1
47.	Presiding Officer's Diary		1
48.	Declaration by voters about their age		5

(1)	(2)	(3)	(4)
Covers:			
49.	Cover for signed but unused ballot papers	1 no.	
50.	Cover for any other ballot paper not issued to voters	1 no.	
51.	Cover for counterfoils of used ballot paper	1 no.	
52.	Cover for ballot papers cancelled for violation of voting procedure	1 no.	
53.	Cover for tendered ballot papers and list of tendered votes	1 no.	
54.	Cover for the list of challenged votes and receipt book	1 no.	
55.	Cover for unused and damaged paper seals	1 no.	
56.	Cover for account of votes recorded	1 no.	
57.	Cover for paper seal account	1 no.	
58.	Cover for marked copy of the electoral roll	1 no.	
59.	Cover for reserved copy of the electoral roll	1 no.	
60.	Cover for Presiding Officer's Diary	1 no.	
61.	Cover for miscellaneous materials	1 no.	
62.	Cover for declaration by the companion of blind and infirm voters	1 no.	
63.	Cover for any other cancelled ballot papers	1 no.	
64.	Cover for appointment letters of polling agents	1 no.	
65.	Cover for list of blind and infirm voters	1 no.	
66.	Cover for declaration by the Presiding Officer before the commencement of the poll and at the end of the poll	1 no.	
67.	Cover for declaration by the voters about their age	1 no.	
68.	Cover for the list of voters from whom declaration as to their age have been obtained/who have refused to make declaration as to their age	1 no.	
69.	Cover for any other paper directed by the Returning Officer to be kept in a sealed cover	1 no.	
Miscellaneous Polling Materials:			
70.	Gem clips		
71.	Brown packing papers		
72.	Pins		
73.	Blade		
74.	Country twine		
75.	Hand-book for Presiding Officer	1 no.	
76.	Waste paper Basket	1 no.	

ANNEXURE-3.2

FORM – 15B

[See rule 35 (S)]

PART – ACCOUNT OF VOTES RECORDED

Election as { Member of Ward No.of..... Village Panchayat
President of.....Village Panchayat
Member of Ward No.....ofCommune Panchayat Council

Number and Name of Polling Station:.....

Part No. of electoral roll

Identification Number of voting Machine used at the Polling Station:

Control Unit

Balloting Unit

Detachable Memory Module(DMM):

1. Total number of electors assigned to the Polling Station:
2. Total number of voters as entered in the Register for Voters:.....
3. Number of voters deciding not to record votes under rule 35-O:
4. Number of voters not allowed to vote under rule 35-M:.....
5. Total number of votes recorded as per voting machine
6. Whether the total number of votes as shown against item 5 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4(i.e. 2-3-4) or any discrepancy noticed
7. Number of voters to whom tendered Ballot papers were issued under rule 35P
8. Number of tendered Ballot papers:

	Total	From	Sl. No. To
(a) received for use
(b) issued to electors
(c) not used and returned
9. Account of green papers seals

Signature of polling agents

 - (a) Paper seals supplied for use: Total No.....
No. from..... To.....
 - (b) Paper seals used: Total No
No. from..... To.....
 - (c) Unused paper seals returned to R.O (a-b)
No. from..... To.....
 - (d) Damaged paper seal, if any:.....

Date

Place

Signature of Presiding Officer
Polling Station No.....

Sl. No	Name of Polling Agents	Signature
1.
2.
3.
4.
5.

PART II- RESULT OF COUNTING

Sl. No. of candidate	Name of candidate	Number of votes recorded
1	2	3
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10		
N.	NOTA	
Total		

Whether the total number of votes shown above tallies with the total number of votes shown against item 5 of Part I or any discrepancy noticed between the two totals.

Place
Date

Signature of Counting Supervisor

Sl. No	Name of candidate/election agent/counting agent	Full signature
1.		
2.		
3.		
4.		
5.		

Place
Date

Signature of Returning Officer

CHAPTER-IV

SET UP OF POLLING STATIONS

Itinerary ;

4.1 Have a clear idea of the routes and timing that you have to follow to reach your station or stations. Details of the itinerary including the means of transport for yourself and for the other members belonging to your party will be made known to you in advance.

Arrival at the polling station:

4.2. You should be at the polling station with your party on the After Noon of the day preceding to the poll day itself and make your team ready at least 60 minutes before the poll is due to commence on poll day.

Delegation of duties of Presiding Officer:

4.3. If you yourself have to be absent from the polling station on account of illness or other unavoidable reason, the Assistant Presiding Officer will act in your place. He will exercise all the powers and duties of the Presiding Officer.

Set up of polling stations:

4.4. On your arrival at the place where the polling station is to be set up, inspect the building proposed for the purpose. Diagrams of model polling stations Showing the layouts when the polling parties consist of 4 Assistant Presiding Officer/polling officers at a simultaneous election, are set out in Annexure 4.1. It is open to you to make minor modifications, in the actual set-up of the polling station, but make sure-

- (i) that there is enough space for the voters to wait outside the polling station;
- (ii) that there is separate waiting space for men and women as far as practicable;
- (iii) that there is separate entrance and exit for voters; this purpose can be achieved by tying a rope to make separate entrance and exit through the same door;
- (iv) that there is easy flow of voters from the time they enter the polling station to the time they leave it and there is no criss-cross movement within the polling station;
- (v) that the polling agents should be seated in such a way that they can see the face of an elector as and when he enters the polling station and is identified by the Assistant Presiding Officer. But they should not in any event be seated in a place where they have the chance of seeing voter actually recording votes on the symbol of his/her choice;
- (vi) the seating arrangement of all the Officers should be such that they are not in a position to see the voter actually recording his/her vote;
- (vii) Even if there is only one door to the room housing the polling station, separate entrance and exit can be provided with the help of bamboos and ropes in the middle of the door-way. Make sure that the inside of the voting compartments is sufficiently lighted.

4.5 If sufficiently large number of Pardanashin women electors are assigned to your polling station, you should make special arrangements for their identification and application of indelible ink on their left little finger by a lady polling officer in a separate enclosure having due regard to privacy, dignity and decency. For such special enclosure you may use locally available but absolutely inexpensive devices and using local ingenuity such as use of charpoys or cloth such as bed spreads.

different parts of the space in front of each polling station in the building, you should

4.6. If more polling station than one are located in the same building, you should satisfy yourself that necessary arrangements have been made for segregating the voters and making them wait in different parts of the space in front of each station without causing confusion.

4.7 If the polling station is located in a private building, the building and the area around it up to a radius of 200 metres should be under your control. No watch and ward or other personnel connected with the owner, whether armed or unarmed, should be allowed to remain either at the polling station or within a radius of hundred metres around it. The security arrangements at the polling station and within the above area will be entirely the responsibility of the Police under your control.

4.8 No photos of leaders of political parties or slogans having a bearing on elections should be exhibited and if they are already there, you should take steps to remove them till poll is over.

4.9 No cooking or lighting of fire for any purpose should be allowed inside the polling station during the day of the poll.

Display of notice:

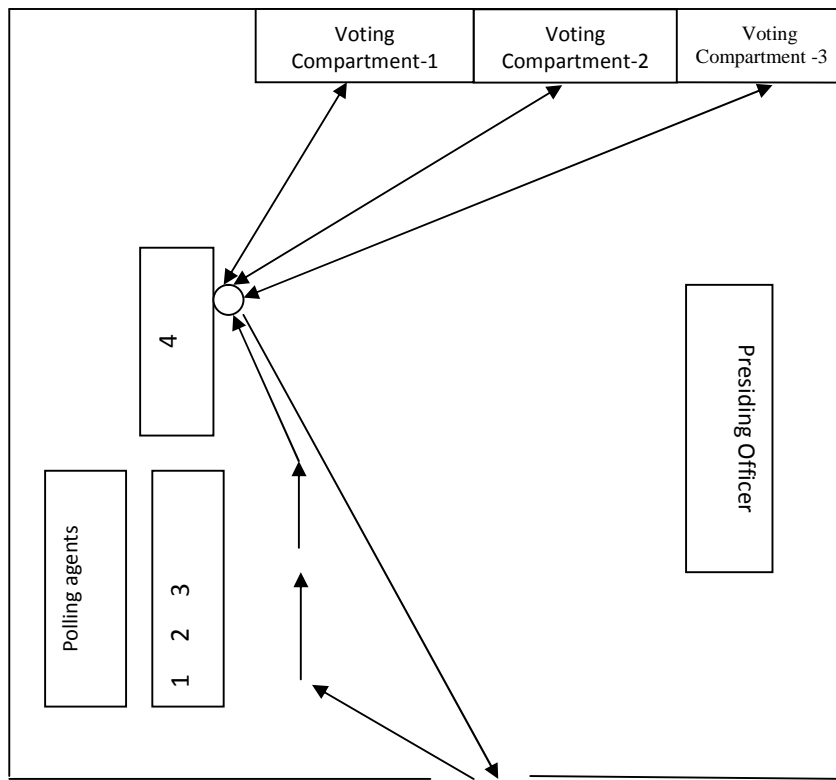
4.10 Display prominently outside each polling station-

(a) a notice specifying the polling area or the particulars of electors to be served by the polling station: and

(b) a copy of the list of contesting candidates in Form 6 and the distinctive symbol assigned to each candidate in respect of each election (Annexure 4.2)

4.11 The language of the notice should be the same as for the list of contesting candidates and the order of the names should also be the same.

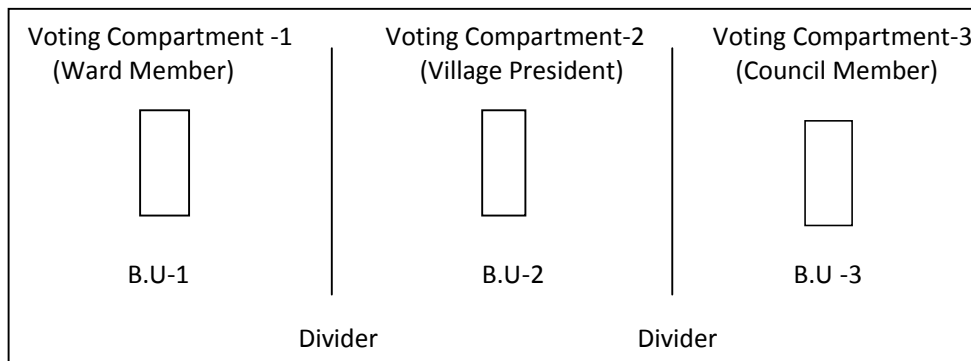
ANNEXURE 4.1
Layout of Polling Stations where EVMs are used (Commune Panchayat)



1-Assistant Presiding Officer
 2 to 4- Polling Officers

ANNEXURE 4.1 (a)

Illustration of Voting Compartments (Commune Panchayats)



Compartment Table

ANNEXURE 4.2

FORM-6

[See rule 17 (2)]

..... Village Panchayat/Commune Panchayat

List of contesting
Candidate for election of { Member to ward No.....of the.....Village Panchayat
President to theVillage Panchayat
Member to the.....Commune Panchayat Council

Serial No.	Name of Candidate	Sex of candidate	Whether the candidate belongs to scheduled caste or not	Address of candidate	Distinctive assigned to the candidate
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

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

Place :

Date :

Returning Officer.

CHAPTER - V

ASSIGNMENT OF DUTIES TO POLLING OFFICERS

Voting procedure in polling station and duties of Polling Officers:

5.1 For efficient and smooth conduct of poll at your polling station, you should be thoroughly conversant with the procedure that is to be followed from the time an elector comes into the polling station and till he leaves it after casting his vote. Such voting procedure and the duties which each Polling Officer has to perform in the whole operation are explained below:

Assistant Presiding Officer:

5.2 On entering the polling station the elector will proceed direct to the Assistant Presiding Officer who will be *in-charge* of the marked copy of the electoral roll and responsible for identification of the electors as required under Rule 35H. Usually each voter comes in with an unofficial identity slip which he has received from a candidate. The slip should be on plain white paper and may contain the name of the elector, his serial number in the electoral roll, the number of the electoral roll part and the number and name of the polling station where he is to cast his vote. The slip should not contain the name of the candidate and/or the name of his party and/or facsimile of symbol allotted to him. If the voter does not have any such identity slip, Assistant Presiding Officer will himself ascertain his name, house number, etc., and will then locate his name from the electoral roll kept by him. The elector should not be compelled to bring an identity slip, nor should he be turned away solely because he has not brought such a slip. The Assistant Presiding Officer should not treat the identity slip brought by an elector as a conclusive proof of his identity. The procedure in this regard has been explained in Chapter XII.

5.3 In case no identity slip is brought by the elector, the Assistant Presiding Officer will himself locate the name of the elector in the electoral roll and after checking it with the particulars in the relevant entry in the roll, will call out loudly the page number, the part number, the serial number and the name of the elector to the hearing of the polling agents and the second polling officer.

5.4 In case an elector brings an identity slip, his identity is to be established under the procedure as explained in Chapter XII. Thereafter, the identity slip brought by the elector should be torn into pieces and put in the waste paper basket supplied.

5.5 Such torn slips should not be thrown on the floor. If there is no challenge as regards the identity of the voter, the Assistant Presiding Officer will underline in every case the entry relating to the elector in the marked copy of the electoral roll with him and where the elector is a female, put a

(✓) mark also on the left hand side of the name of the female elector. Such tick marking will not be necessary at a polling station set-up exclusively for women.

N.B. - At the end of the day's polling he should count the number of men and women voters who have voted and record the result in the Presiding Officer's diary. One easy method of doing this would be to write down all the serial numbers from 1 to 200 or 300 on two separate sheets of paper before the commencement of the poll. One such sheet may be used for recording the number of men voters and the other for women voters. The serial number on the relevant number sheet should be struck off in consecutive order, according to the sex of the voters as and when they come to vote. This will also help in ascertaining instantly the total number of men and women voters who have voted up to particular hour.

5.6 The voter will then move to the first polling officer.

First Polling Officer:

5.7 The first polling officer will be in-charge of indelible ink. He will inspect the voter's left little finger to see that it does not bear any signor trace of indelible ink and then put a mark with the indelible ink above the root of the nail in such a way that the ink also spreads on the ridge between the skin and the root of the nail and a clear mark is left on the little finger. Note that the voter need not be touched at the time of applying the indelible ink on his left little finger. While applying, excess ink should not be taken with the whole length of the rod. Only the tip of the rod should be dipped in the ink. This will avoid excess intake of the ink. The glass (plastic) rod after dipping in the ink should be gently pressed on the finger and rotated so that a clear mark is left on the finger. It must be ensured that the voter's little finger is perfectly in the horizontal position at the time of the application of the ink and for at least thirty-seconds immediately after the application of the ink so that the solvent gets evaporated. If the rod is only lightly touched or rubbed against the voter's finger it will merely leave a smudge which is not sufficient. In case it is noticed that an elector has applied any oily or greasy substance on his finger in order to neutralise the indelible ink mark to be put on his finger such oily or greasy substance should be removed by the polling officer with the help of the piece of cloth or rag supplied, before putting indelible ink mark on the finger of the elector. The voter should not be allowed to rub off the mark for at least half a minute after it has been applied on the finger. If an elector has no left little finger, then indelible ink should be applied on any such finger which he has on his left hand. If he does not have any finger on his left hand the ink should be applied on his right little finger and if he has no right little finger, on any other finger which he has on his right hand starting with his right little finger. If he has no finger on either hand, ink should be applied on such extremity (stump) of his left or right hand as he possesses.

5.8. Second polling officer:

5.8 As the Assistant Presiding Officer reads aloud the part number and serial number of the elector: the Second polling officer will record on the Register of Votes the electoral roll part number and the serial number of the elector, as entered in the marked copy of the electoral roll. The Second Polling Officer will then obtain the signature/thumb-impression of the voter on the Register of Votes. For the purpose of obtaining the thumb-impression the stamp pad of purple colour supplied to your polling station should be used and for obtaining signature the copying pencil/ball-point pen should be used. For the use of voters whose thumb-impression has been taken on the Register of Voters, a wet piece of cloth may be kept on the table of this polling officer for removing the ink. The Voter's Slip will then be issued to the elector. It will thereafter be delivered to the third polling officer by the voter. On receipt of the Voter's Slip from the elector and after verifying the indelible ink mark at the left hand little finger of the elector, the third polling officer direct the elector to proceed to the voting compartment for recording his / her vote. No voter's slip should be delivered to an elector unless he has put his signature or thumb-impression on the Register of Voters. It is not necessary to have the Thumb-impression of the elector on the Register of Voters attested by the Presiding Officer or a polling officer or by any other officer.

5.9 At the time of fresh poll/ countermanded poll/re-poll the marking with indelible ink made at the original poll should be ignored and fresh marking with indelible ink should be put at the root of the nail of the voter's left middle finger in such a way that a portion of the ink also spreads on the ridge between the skin and the root of the nail and a clear mark is left.

Third Polling Officer:

5.10 The third polling officer will be in-charge of the Control Unit. After perusing the voters slip and the indelible ink mark at the elector he will Press the ballot button on the control unit for making ready for voting the balloting unit, ask the elector to proceed to the voting compartment for recording vote. After recording his vote, the elector will come out of the voting compartment. This will be repeated in simultaneous elections as required. The Elector after recording his vote in the first Voting Compartment for the candidate contesting for ward member of Village Panchayat, will again move to second Compartment for recording his vote to the candidate contesting for the President Village Panchayat and then the elector moves to third voting compartment for recording his vote to the candidate contesting for council members of the Commune Panchayat Council. All the three voting compartments will be located on the same table with a divider between three balloting units (Polling Station Layout at Annexure 4.1 & 4.1(a)).

5.11 Before the voter leaves the polling station, the third polling officer will examine the left little finger of the elector and satisfy that the indelible ink mark is clearly impressed on the skin. If the voter has removed the mark or the mark is not clear, the voter should be marked again in such a way that the marking is clear and is not immediately removed.

CHAPTER-VI
REGULATION OF ENTRY INTO AND SEATING ARRANGEMENTS IN THE
POLLING STATION

Persons entitled to enter the Polling Stations:

6.1 Apart from the electors assigned to your polling station, the following persons can be admitted into the polling station:-

- (i) Assistant Presiding Officer and Polling Officers;
- (ii) Each candidate, his election agent and one polling agent of each candidate at a time;
- (iii) Persons authorised by the Commission;
- (iv) Public servants on duty in connection with election;
- (v) Observers appointed by the Commission;
- (vi) A child in arms accompanying an elector;
- (vii) A person accompanying a blind or an infirm voter who cannot move without help; and
- (viii) Such other persons as you may from time to time admit for the purpose of identifying voters or otherwise assisting you in taking the poll.

6.2 The Returning Officers have been asked to issue identity cards to the contesting candidates. In case a necessity arises, you may ask for its production. Similarly, the election agents of the candidates can be asked to produce the attested duplicate copy of their appointment letters. The attestation is made by the Returning Officer.

6.3 You should note that the term "Public servant on duty in connection with election" does not normally include police officers. Such officers, whether in uniform or in plain clothes, should not, as a general rule, be allowed to enter inside the polling booth, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the polling booth without any compelling reason may give rise to complaints by some candidates or parties who may allege that the agents had been overawed by unnecessary show of force.

6.4 Similarly, security personnel accompanying, if any, an elector or candidate or his election agent or polling agent should also not be allowed to enter the polling station.

6.5 You should also note that the above expression "Public servant on duty in connection with election" does not include the Ministers, State Ministers and Deputy Ministers of the Union, the States and Union Territories.

6.6 Entry of persons should be strictly regulated as detailed above. Otherwise, the smooth and orderly conduct of poll may be vitiated. You should allow only three or four electors to enter the polling station at a time.

6.7 If you have a reasonable doubt about the presence of any person about whose credentials you have a reasonable suspicion in the polling booth you can have him searched, if necessary, even though the person concerned may be in possession of a valid authority letter to enter the polling booth.

6.8 In the performance of your duties, you are only bound by the instructions of the State Election Commission. You are not to take orders from or show any favour to your official superiors or political leaders including Ministers. Even in the matter of requests for entry into the polling booth from them, you should allow them only if they are in possession of a valid authority letter issued by the State Election Commission.

6.9 A village officer or other officer or a women attendant employed by you for helping you in the identification of electors or to assist you otherwise in taking the poll should normally be seated outside the entrance to the polling station. He/she should be admitted into the polling station only when he/she is required for identification of a particular voter or for assisting you for a particular purpose in connection with the taking of the poll. No one inside the polling station should be allowed to influence or try to influence the voters by words or gestures to vote in a particular way.

Attendance of polling agents:

6.10 The polling agent of the candidates should be asked to reach the polling station at least 60 minutes before commencement of poll in order to be present when you are going through the preliminaries. If any part of these preliminaries has already been gone through, the proceedings need not be commenced *de novo* to accommodate any late-comer.

6.11 The law does not specify any time limit for the appointment of polling agents and even if a polling agent turns up late at a polling station he should be allowed to participate in the further proceedings at the polling station.

Production of appointment letters by polling agents:

6.12 Every polling agent must produce before you the appointment letter in Form 8 (Annexure- 6.1) by which the candidate or his election agent has appointed him. Check that the appointment is for your polling station. The polling agent should then complete the document and sign the declaration therein in your presence and then deliver it to you before he can be admitted into the polling station. Preserve all such appointment letters and at the end of the poll send them in a cover to the Returning Officer along with other documents.

Passes for polling agents:

6.13 Each candidate can appoint one polling agent and two relief polling agents at each polling station. However, only one polling agent of a candidate should be allowed inside the polling station at any given time. Give every polling agent who is admitted into the polling station a permit or pass on the authority of which he can come in and go out of the polling station as may be necessary.

Seating of polling agents:

6.14 Give the polling agents seats close behind the polling officer's *in-charge of* marked copy of the electoral roll and Voter's Slip. Where this is not practicable because of the situation of the door for entrance they may be given seat just opposite these polling officers. In any seating arrangement they should be provided opportunity of seeing the faces of the electors and challenging their identity whenever necessary. They should not be allowed to move about in the polling station.

Facilities to press representatives and photographers:

6.15 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.

6.16 No Returning Officer is empowered to authorise any person who is not an elector or who is not required to assist you in taking the poll, to enter a polling station. Any such person including publicity officials of the State Government should not be allowed inside a polling station without a letter of authority from the Commission. In no circumstances will any photographer be allowed to be taken of a voter marking his ballot paper.

Facilities to Observers appointed by Commission:

6.17 During the day of poll, some Observers appointed by the Commission might visit your polling station. It is quite possible that he may start his round of the ward with the visit to your polling station and may be present there when you are going through the preliminaries before the commencement of poll. You should show him due courtesy and regard when he visits your polling station and should furnish him with such information as he may require from you for the purpose of his report to the Commission. He will only observe the poll being taken at your polling station, but will not give you any direction. If, however, he makes any suggestion with a view to providing more convenience to electors or making the poll process at your polling station smoother you should give due consideration to such suggestion. In case, you are facing any particular problem or feeling any difficulty at your polling station, you may bring it to his notice, as he might be of help to you in solving that problem or removing that difficulty by bringing the matters to the notice of the Returning Officer or other concerned authorities for necessary remedial action.

6.18 Observers will be wearing badges issued by the Commission on their person and will also be carrying appointment letters and authority letters issued by the Commission.

Wearing of badges etc., inside the polling station:

6.19 No person should be allowed within the polling station or within 100 metres thereof wearing badges, emblems, etc., bearing the names of candidates or political leaders and/or their symbols or pictorial representation thereof.

6.20 The polling agents may, however, display on their person a badge showing the name of the candidate whose agents they are,

ANNEXURE 6.1
FORM-8
*** APPOINTMENT OF POLLING
AGENT**

[See rule 20 (4)]

Election of the 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 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 :

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.

CHAPTER-VII

PREPARATIONS ON THE EVM BY THE PRESIDING OFFICER BEFORE COMMENCEMENT OF POLL:

7.1.. Before an Electronic Voting Machine is put in actual use at the polling station, certain preparations have to be done by the Presiding Officer at the polling station in the presence of the candidates/their agents. The Presiding Officer should start the preparations about 60 minutes before the time fixed for the commencement of the poll. If any polling agent is not present, the preparations by the Presiding Officer will not be postponed so as to await the arrival of the polling agent. Nor will he start the preparations again if any of the polling agent turns up late. Details of preparations are given in the Hand Book for Presiding Officers.

The Presiding Officer shall ensure that

- (i) the voting compartment has been set up in such corner of the room that the voter is able to record his vote in that compartment in complete secrecy.
- (ii) it should not be placed in front or near a window lest any person from outside should see a voter casting vote.
- (iii) each member of polling party must take his position in the Polling Station at least one hour before the time fixed for the commencement of poll.
- (iv) all the polling agents have reached the Polling Station in time and their identity were verified.
- (v) the Electronic Voting Machine in the Polling Station is in order. If any polling agents arriving late there is no need to do the preparations again.
- (vi) No Mobile phone is allowed within the Polling Station.
- (vii) The Presiding Officer shall inform the Sector Officer on his preparedness in all aspects.

CHAPTER-VIII

PREPARATION OF ELECTRONIC VOTING MACHINE AND PROCEDURE FOR USE OF ADDITIONAL EVM

Preparation of EVM:

8.1 You may begin preparing the Voting Machine for the poll, at least 60 minutes before the hour fixed for the commencement of poll. The instructions for operating the Voting Machine are contained in Annexure 8.1. Allow the Voting Machines to be inspected by the polling agents and demonstrate to them that it is empty.

Identification of EVM:

8.2 Fix with the machine an addressed tag and label duly filled up with all the details for identification in case the necessity arises at the time of counting. Also firmly attach on the handle of the carrying case an addressed tag showing all the details.

8.3.1 The addressed tag will be in the following from:-

From:	To
The Presiding Officer,	The Returning Officer,
Polling Station No. And Name	
Sl. No. & Name of Ward No:.....
.....
Control Unit No.....	Village Panchayat/Commune.....
DMM No.....	Panchayat Council.....
Balloting Unit No.....	
Date of Poll.....	

8.3.2 The label will be in the following form:

Election to the { Member of Wards No.....of theVillage Panchayat
President ofVillage Panchayat
Member of.....Commune Panchayat council
No. of polling station.....
Name of station.....
Serial number and Name ward.....
Sl. No. of Balloting used.....
Sl. No. of Control used.....
Sl. No. of Detachable Memory Module (DMM) used:.....

Date of Poll.....

8.4 The Addressed tag and label fixed with the machine will give the serial number and name of the ward, serial number and name of the polling station and the date of the poll, but not the serial number of the Voting Machine.

8.5 The addressed tag and label fixed outside the carrying case will give the above particulars and in addition it will also show the serial number of the voting machines as indicated below :-

8.6 The serial number of Voting Machine should be a fractional number giving the serial number of the machine as well as the total number of voting machines used. Thus if three voting machines have been used at a polling station, the serial number for a voting machine will be entered as follows:-

- | | |
|------------------------|-----|
| (i) On the first EVM | 1/3 |
| (ii) On the second EVM | 2/3 |
| (iii) On the third EVM | 3/3 |

8.7 The serial numbers on the Electronic Voting Machines(EVMs) should be given at close of poll.

Fixing of Green Paper seal in the Control Unit:

8.8 Fix the Green paper seal, where it is necessary, in position in the frame so that the green background shows through the window of the Control Unit. You should note that only one paper seal will be used. Take the signatures of the polling agents present and affix your own signature on the white surface of the paper seal. See that the signatures of the polling agents tally with their signatures on their letters of appointment. Verify that the paper seal cannot be shifted from the position by softly pulling it at the end. Do not use a damaged paper seal. As the green paper seal will be 10 inches in length you should take care to fold the two ends so that the paper seal does not hang loose inside the Control Unit.

Account of paper seals:

8.10 Keep a record of the paper seals in the following:-

FORM

PART-I

Record of Green paper seals used at Election as member/President of Village Panchayat/member, Commune Panchayat Council..Polling Station Number.....

Serial Number of EVM used	Serial Number of paper seal used	Remarks
(1)	(2)	(3)
1.		
2.		

PART-II

Account of Green Paper Seals

- | | |
|---|--|
| 1. Serial numbers of green paper seals
Supplied from Sl. No. to
Sl. No. | Signature of Polling Agents :
1. |
| 2. Total numbers supplied | 2. |
| 3. Number of green paper seals used. | 3. |
| 4. Number of unused green paper seals returned to
Returning Officer (Deduct item 3 from item 2)... | 4.
5. |
| 5. Serial number of damaged green paper seals, if
any. | 6. |

Date:

Signature of Presiding Officer

Place:

N.B.:- Parts I and II are parts of the same form and should be printed on the same sheet of paper. They should not be detached from each other.

8.11 Allow every candidate or his agent to take note of the serial numbers of paper seals and to affix his signature in Part II of the form at the end of the poll after the other particulars have been filled in by you. Thereafter, forward the completed form to the Returning Officer in a separate cover along with the Account of Votes Recorded in Form 15B (Annexure 3.2) and your declarations.

Defective EVM:

8.12 Before the commencement of poll, if a EVM is found to be defective or materially damaged, you should substitute the defective or damaged EVM by another one in good condition as arranged by Sector Officer from the Reserve EVMs. The Defective EVM shall be kept in its carrying case and seal it in the presence of candidates or his election agent/Polling agent etc., duly observing with due formalities. You should report every such case to the Returning Officer in writing.

Procedure for use of additional Voting Machines:

8.13 If you find at any time during the poll that the EVM in use is getting struck, you may prepare another EVM in the same manner as the first one during the course of the poll but sufficiently in advance. When you place the second EVM for polling the first EVM should be closed immediately, sealed in the manner as indicated in Chapter XX and kept aside at a safe place. There should be only one machine in use at any point of time and a second machine should be pressed into service only when the first machine in use is full. All the preliminaries like demonstration that the Control Unit is empty, declaration, fixing of green paper seals etc. should be gone through as in the case of the first machine.

ANNEXURE-8.1
(CHAPTERS VIII AND XX)

INSTRUCTIONS FOR OPERATING ELECTRONIC VOTING MACHINES

(Multiple Posts/Ballots & Multiple Seats)

The Electronic Voting Machine Produced by the Central Government undertaking namely Electronic Corporation of India limited Hyderabad is being used in the Local Bodies Elections. The Voting Machines have been so designed as to keep intact the salient features of a present system under which the Ballot Papers and Ballot Boxes are used. The operational details of Electronic Voting machine will be given separately to the needy officials on Election duty.

CHAPTER-IX
COMMENCEMENT OF THE POLL

Commencement of the poll:

9.1. Commence the poll at the stroke of the hour fixed for the purpose. Your preliminaries should be over by then. If unfortunately the preliminaries are not over, admit about half a dozen voters at the hour fixed for the commencement of the poll and let the Polling Officers deal with them in regard to their identification, etc. until the preliminaries by you are over. This sort of overlapping of preliminaries is very undesirable and every effort should be made to avoid it. Even if for any unforeseen reason you do not commence the poll at the appointed hour, you should not extend the appointed closing time except as provided in Chapter XIX.

Warning about secrecy of voting:

9.2. Before commencing the poll, explain to all present the provisions of section 128 of the Representation of people Act, 1951 (Annexure 9.1) regarding their duty to maintain the secrecy of the vote and the penalty for any breach thereof.

CONDUCT OF MOCK POLL

- 9.3.1. The Presiding Officer shall start Mock Poll one hour before the commencement of poll. All contesting candidates should be informed in writing by the Returning Officer well in advance that mock poll would start one hour before the commencement of poll.
- 9.3.2. Polling agents of at least two candidates should be present at the time of mock poll.
- 9.3.3. If the polling agents of at least two candidates are not present, the Presiding Officer may wait for 15 minutes before conducting mock poll.
- 9.3.4. He need not wait beyond 15 minutes and start mock poll if there is one Polling Agents present.
- 9.3.5. Mock poll is to be done for at least 50 votes and 3 votes for every un masked button.
- 9.3.6. For mock poll, Balloting unit(s) should be placed in the voting compartment and control unit on the table of the Presiding Officer/Polling Officer who will operate Control Unit.
- 9.3.7. The Presiding Officer should show to all present that all counts have been set to “zero” by pressing “Clear” button in the “Result Section” of the Control Unit.
- 9.3.8. Press “Close” button on Control Unit at the end of mock poll, Presiding Officer will ascertain the result of mock poll by pressing the “Result” button of the Control Unit.

- 9.3.9. The Presiding Officer shall ensure that the data of the mock poll is cleared from Control Unit by pressing “Clear” button on Control Unit before sealing without fail. This is my entered step before start of actual poll.
- 9.3.10. In switch off position, the Presiding Officer shall fix the green paper seal to secure the inner compartment of the “Result Section”.
- 9.3.11. On the outer portion (white surface) of the Green paper seal, the Presiding Officer, and candidate or his agent shall sign before fixing it in the Control Unit.
- 9.3.12. If any seal gets damaged in the process, not to use it, replace by new one.
- 9.3.13. After fixing Green paper seal, the door of the inner compartment should be closed.
- 9.3.14. After the Green paper seal has been fixed and secured, the door of the inner compartment over the “CLEAR” button and “RESULT” button should be pressed fit and closed.
- 9.3.15. Then the inner door should be sealed with special tags which contain the serial number of the Control Unit duly signed by the Presiding Officer on the back side of the special tag.
- 9.3.16. Candidate or his election agents are permitted to sign on the special tag.
- 9.3.17. The outer cover of the “Result Section” of the Control Unit should be pressed fit for closing that section.
- 9.3.18. The “Result Section” should be sealed from outside completely with the outer strip seal so that this section cannot be opened without damaging the strip seal. Now the machine is ready for taking poll.
- 9.3.19. Immediately after conducting mock poll, the Presiding Officer will sign Mock Poll Certificate. The above are necessary safe guards for ensuring “free and fare” election.

**THE DECLARATION, BY THE PRESIDING OFFICER, BEFORE COMMENCEMENT
OF THE POLL**

- 9.4.1. The Presiding Officer should read out a declaration prescribed by the commission before the commencement of poll.
- 9.4.2. The Presiding Officer should read the declaration aloud to the hearing all people present in the Polling Station and sign the declaration should also obtain the signature of the Polling Agents are present and willing to affix the same.

9.4.3. Before commencement of poll, the Presiding Officer should also explain to all present provisions of section 128 of the Representation of People Act 1951 regarding their duty to maintain secrecy of the vote and warns them of the penalty for any breach thereof.

9.4.4. Now the Presiding Officer should commence the poll at the stroke of the hour fixed for this purpose.

Demonstration of Marked Copy of Electoral Roll (Rule - 49F) and Register of Voters (Rule – 49 L):

9.5.1. Before commencing the poll, the Presiding Officer should demonstrate to the candidates and polling agents present that the marked copy of the electoral roll to be used at the polling station does not contain any entry or mark other than PB/EDC to show that the Postal Ballot Paper or Election Duty Certificates has been issued to any elector.

Declaration by the Presiding Officer before the commencement of the poll:

9.6.1. In order to ensure that the Presiding Officer has duly carried out the foregoing instructions about the demonstration of the marked copy of the electoral roll and obtaining the signatures of the candidates/polling agents on the green paper seal and allowing them to note down their serial numbers, which are necessary safeguards for ensuring free and fair election; he is required to read out a declaration prescribed by the Commission (Annexure 10.1)

9.6.2. Before the commencement of the poll. The Presiding Officer should read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration. He should also obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. If any polling agent declines to affix his signature on the declaration, the Presiding Officer should record the name of such polling agent in that declaration.

Commencement of the poll:

9.7.1. The Presiding Officer should commence the poll at the stroke of the hour fixed for the purpose. He must complete all formalities before the said hour. If for any unforeseen or compelling reason he is not in a position to commence the poll at the appointed hour, he has no authority to extend the polling hours and the poll must close at the appointed closing time, except that the voter who are present at the polling station at the closing time shall be allowed to vote even if polling continues for some more time.

Precautions for indelible ink:

9.8.1. Ask the polling officer in-charge of indelible ink to take adequate precautions to see that the phial containing the indelible ink is kept in such manner that it does not get tilted and the ink split during the poll. For that purpose take some sand or loose earth in a cup or an empty cigarette tin or some such broad-bottomed vessel, and push the phial down three-quarters of its length into the centre of the vessel so that it is steadily embedded in the sand on earth. Also ensure that the plastic rod attached to the cork is left standing in the phial and not taken out except for the purpose of marking the voter's little finger. The rod should always be held with its marking end pointing vertically downwards. Otherwise some of the ink will drip down the rod and spoil the fingers of the person using it.

Marked copy of the electoral roll:

9.9.1. Before the commencement of poll, you should also show to the polling agents and others present at the polling station that the copy or copies of electoral roll intended to be used as the marked copy or copies do not contain any marks or entries other than the marks "PB/EDC" against the names of those voters to whom election duty certificates have been issued and against the entries of those voters to whom postal ballot papers have been issued.

Entry of voters to Polling Station to be regulated:

9.10.1. There should be separate queues for men and women voters. The person who enforces the queues will allow three or four voters into the polling station at a time as you direct. Other voters waiting to come in should be made to stand in queue outside. Infirm voters and women voters with babies in arms may be given precedence over other voters in the queue. Men and women voters should be admitted into the polling station in alternate batches. The formation of more than one queue for men voters or for women voters should not be allowed.

Verification of number of voter's slips issued to voters:

9.11.1. At the end of the day's poll, the Assistant Presiding Officers in-charge of marked copy of electoral roll and the polling officer in-charge of Register of voters should check that the total number of electors to whom voter's slips have been issued by them according to the marked copy of electoral roll and the total number of tendered ballot papers as entered in the list of tendered votes and the total number of voter's slips issued in lieu of spoiled voter's slips tallies with the number of voter's slips actually issued to voters and they should record it in Presiding Officer's diary with their signatures. The Assistant Presiding Officer should also be required to find out the number of women voters and put it in the record.

Preparation of Account of Votes Recorded:

9.12.1. After the close of poll, the Presiding Officer is required to prepare under Rule 49S, a Account of Voters Recorded in Form 15B. Such account shall be prepared in Part-I of Form 15B Annexure 12.6.

9.12.2. The Account of Votes Recorded in Form 15B should be kept by the Presiding Officer in a separate cover with the words "Account of Votes Recorded" superscripted thereon.

Supply of attested copies of account of votes recorded to polling agents:

9.13.1. Every Presiding Officer is required to furnish to every polling agent present at the close of the poll, a true attested copy of the account of votes recorded as prepared by him in Form 15B, after obtaining a receipt from these polling agents. Copies of the accounts should be furnished to every polling agent present even without asking for it.

Declaration to be made at the close of poll:

9.14.1. In order to ensure that above mentioned requirements regarding furnishing of copies of account of votes recorded by polling agents, are fulfilled by the Presiding Officer the Commission has devised a declaration (Part - III Annexure 12.10.) which should be made by the Presiding Officer at the close of Poll. .

Sealing of election papers (Rule 35U):

9.15.1. After the close of poll, all election papers relating to the poll should be sealed by the Presiding Officer in accordance with the instructions contained in Chapter XX of the Hand Book for Presiding Officers.

9.15.2. Each packet containing election papers shall be sealed with the seal of the Presiding Officer. The candidates or their agents present at the polling station shall also be allowed to affix their seals on such packets if they so desire.

Transmission of EVMs and election papers to the Returning Officer (Rule 35V):

9.16.1. After the Electronic Voting Machine(s) and all election papers have been sealed and secured by the Presiding Officer, the Presiding Officer has to deliver them or cause them to be delivered at such place as you may direct.

9.16.2. You should make proper arrangements for the safe transportation and custody of EVMs and other election papers and materials after the close of the poll from the polling stations to the storage centre, where the EVMs and election papers will be stored pending the counting. In this connection, the following instructions should be particularly taken note of and followed:

(a) It will be desirable to take the sealed EVMs and other election papers and materials after the completion of the poll direct to the place fixed for counting of votes. This arrangement would ensure that the sealed EVMs are handled only once before the votes are counted. It must be ensured that there are sufficient arrangements for the safe transportation and custody of voting machines.

(b) You should inform the candidates or their election agents sufficiently in advance about the programme of the collecting parties being sent by you, if any, and the route chart for the collection of the Polled EVMs and other election materials from the polling station after the conclusion of the poll, so that the candidates may make arrangements, if they so desire, for sending their agents to accompany such collecting parties. The agents of the candidates should, however, make their own arrangements for their transport and they in no case, should be allowed to travel in the same vehicles in which the Voting Machines and other election materials and polling parties are transported.

Safe custody of Polled EVMs after poll:

9.17.1 All Presiding Officer or Collecting Parties should deposit the Polled EVMs and election papers and materials at the storage centres without any avoidable delay. Any officer who defaults in this respect will make him-self liable to disciplinary action.

9.17.2 You may earmark inside the storage room or building, specified parts of the floor space in the form of squares in advance for stacking the voting machines received from particular polling stations. The arrangements for this should follow the serial number of polling stations.

9.17.3. The Account of voters Recorded and the paper seal account of each polling station should be kept on the top of the EVMs along with the sealed cover containing the “Detachable Memory Module” pertaining to the polling station.

9.17.4 Sufficient space should be left between rows of EVMs as they are being stacked so that other boxes received subsequently out of turn (from the point of view of serial numbers of the polling stations) may be, kept at their appropriate allotted space without the necessity of have to shift any of the Voting Machines received and stacked earlier in point of time.

9.17.5 If any of the contesting candidate so desire, he may be permitted to post an agent to keep watch at the place where the EVMs are stored pending the counting and allow him to affix his own seals to the doors and windows of the building in which EVMs have been stored in addition to the seals that may be affixed by you. It should also be ensured that immediately after all the EVMs have been received and stored, the room is locked forthwith. Thereafter, no one is allowed to go in until the morning of the day fixed for counting. If during this interval for some unavoidable reasons, the room has to be opened you should send for the candidates, or their authorised representatives and open the room in their presence and immediately after the purpose for which the room is opened is over, the candidates or their representatives should again be allowed to seal the doors and windows.

9.17.6. Whenever it is necessary to open the room where the EVMs are stored, proper entries should be made in the log book giving details of the persons entering the room, the purpose of such entry, time of entry, time of exit, signature of guards, etc.

9.17.7. These instructions will also apply *mutatis mutandis* to the storage of the EVMs during the interval between the original count and the recount, if any.

Safe custody of metal seals, rubber stamps etc:

9.18.1. According to the instruction issued by the Commission (1) the metal seal of the Presiding Officer and (2) the arrow cross mark rubber stamp for marking Tendered ballot papers used at the polling station will be put by the Presiding Officer inside the third bigger packet. Before placing them inside the bigger packet, these items of election materials should be first put inside separate envelopes on the outside of which the names of the articles should be superscripted and you should arrange to collect the packets containing these articles. These articles after they are returned by the Presiding Officer and duly accounted for can be used at any subsequent election, if still serviceable.

Allegation against polling staff:

9.19.1. Whenever specific allegations of a serious nature are made in writing against the Presiding Officer or the Polling Staff about his conduct during polling at an election, you should inquire into the matter as soon as practicable and send the papers together with your report to the State Election Commission. Where, however, the complaint is anonymous, you should exercise your discretion in deciding whether it deserves to be inquired into or not.

Adjournment of Poll for Riot, etc.

9.20.1. The Presiding Officer of a polling station is empowered to adjourn the poll on account of-

- (ix) 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.

9.20.2. If there is a riot or any attempt of open violence, the Presiding Officer may use the police to control the same. If, however, it cannot be controlled and it is impossible to continue the poll, you should 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 the poll should be exercised most sparingly and only in cases where it has become physically impossible to take the poll.

9.20.3. In every case of adjournment of poll, the Presiding Officer should immediately report the full facts to the Returning Officer. Wherever poll is adjourned, he should announce formally to all present that the poll will be taken on a day to be notified subsequently by the State Election Commission.

9.20.4. He shall seal and secure EVMs used, ballot papers yet to be used for Tendered Votes, Register of Voters and all election papers etc. in the presence of the polling agents as if the poll has come to a close in the normal way and return to the Returning Officer.

- (i) The sealed Electronic Voting Machine(s)
- (ii) The sealed Account of Votes Recorded.
- (iii) The sealed packets containing the marked copy of the electoral roll.
- (iv) The Sealed packets containing the working copies of the electoral roll.
- (v) The sealed packet containing the Register of Voters.
- (vi) The sealed packet containing unused/cancelled voter's slips or any other papers directed by SEC be kept in seal packet.
- (vii) All other packets and the marking or stamping articles used at the poll.

9.20.5. 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:

9.21.1. Where the poll has been adjourned at a polling station, the adjourned poll will recommends 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.

9.21.2. Before the recommencement 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 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.

9.21.3. The Returning Officer will also supply to the Presiding Officer the packets containing Register of Voters used at the polling station before the poll was adjourned. The packets should not be opened unless it becomes absolutely necessary when a person comes to the polling station claiming to be an elector in whose place somebody else has already voted and a tendered ballot paper is to be issued to the aforesaid person for which purpose the serial number of the ballot paper already issued to the person who voted in his place by impersonation is required to be mentioned in Form 14B.

9.21.4. 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 or Voting Machine(s) etc.

9.22.1. The State Election Commission is competent to declare the poll at a polling station to be void direct a fresh poll, if at that polling station -

(i) Any ballot paper or Voting Machine(s) has been unlawfully taken away by any unauthorised person, or

(ii) Any ballot paper or Voting Machine(s) 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, or

9.22.2. If any such thing happens at any polling station, the Presiding Officer should report full facts forthwith to the Returning Officer to enable him to report the matter to the State Election Commission for its directions.

9.22.3. 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.

9.22.4. 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 Commission has directed that the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

9.22.5. 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.

FORM 15 A

(See rule 35L)

REGISTER OF VOTERS

Election to the Member of Village Panchayat/President of Village Panchayat/ Member of Commune Panchayat Council of the State/Union Territory from ward number and Name of the polling station Part.....no. of electoral roll

S. No.	Serial no. of elector in the electoral roll	Details of the documents produced by the elector in proof of his/her identification	Signature/ thumb impression of elector	Remarks
1	2	3	4	5
1				
2				
3				
4				

Signature of the Presiding Officer

1. On each page of the Register, there should be provision for recording the electoral roll serial numbers and obtaining of the signatures/thumb impressions of the electors.
2. Both sides of the paper should be used for printing the Register.
3. The Register should get bound in advance in two sizes, namely, (1) Containing 25 sheets and (2) containing 50 sheets. The Register containing 25 sheets will have provision for recording electoral roll numbers and obtaining signatures of 500 electors and the other with 50 sheets will have similar provision for 1000 electors. Each page of the Register shall be machine numbered. Each polling party will be supplied one or more of such Registers depending upon the number of voters assigned

VOTER'S SLIP

1. The record of every elector who comes to vote at a polling station and is allowed to vote shall be maintained in the above-mentioned Register of Voters. The first column in that Register will show the order in which the electors have been identified and allowed to vote after putting their signatures/thumb impressions on that register. It is absolutely essential that they record their votes in the voting machine exactly in the same sequence in which they have been entered in the Register of Voters. In order to ensure this, each elector after he/she has signed/put thumb impression on the Register of Voters should be given a voter's slip by the Polling Officer in- charge of the Register of Voters.
2. The slip should contain the following particulars:

STATE ELECTION COMMISSION PUDUCHERRY	
CIVIC ELECTIONS – 2021	
VOTER'S SLIP	
Date of Poll:.....	Polling Station No:
Ward No.of.....Municipality / Panchayat	
Serial number of elector as per Column 1 of the Register of Voters.....	
Serial number of elector as entered in the electoral roll.	
Initials of Polling Officer	

3. The elector will go to the Presiding Officer or Polling Officer in-charge of the Control Unit of the voting machines with this Voters' Slip and the latter will allow him/her to vote exactly in the same serial order as in the Register of Voters on the basis of that slip.
4. These voters' slips should be got printed in sufficient numbers well in advance on a paper of half the dimension of a post card. These slips should also be stitched into bundles of 50 slips and 100 slips and should be supplied to the polling parties having regard to the number of electors assigned to the polling station.

MOCK POLL CERTIFICATE

This is certified that I Presiding Officer at the Polling Station No.....of Panchayat,.....Ward

.....region conducted the mock poll at AM today, the poll day i.e. (date), following scrupulously all the instructions issued by the State Election Commission, Puducherry, using -

CU of Serial No. (as printed on back-side of CU).....

BU of Serial No. (as printed on back-side of BU).....

DMM Serial Number(as printed over the DMM).....

1. A total of.....votes were cast for each candidate and also for NOTA.
2. It was verified that the LED light was getting lit up against the correct candidate/NOTA button, when the button was pressed and beep sound was properly heard.
3. The candidate-wise detail of votes polled during mock poll and result displayed, is as under:

Sl. No.	Name of the Candidate	Number of votes cast during mock poll	Number of votes displayed in CU on checking the result	Number of Printed Paper slips, as per counting on checking mock poll result	Votes cast and Result displayed & tallied with each other (YES/ NO)
	NOTA				
	TOTAL				

4. I have cleared the memory of the EVM after mock poll and verified that the memory has been cleared, by pressing the Total button and seeing the Total as shown as '0'.
5. At the time of mock poll, the following polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.
6. Poll Start Date and Time seen on the display of CU at the start of actual poll

S. No.	Name of Polling Agent	Name of Party	Name of Candidate	Signature of Polling Agent

OR

At the time scheduled for the mock poll, no polling agent was present/the agent of only one contesting candidate was present. After waiting for fifteen more minutes, I conducted the mock poll along with other polling staff at.....AM.

Signature of Micro-Observer (if posted at the polling station)

Date:

Time:

Name and signature of the Presiding Officer

Polling Station No

Polling Station Name

ANNEXURE 9.1.

EXTRACT OF THE REPRESENTATION PEOPLE ACT,1951

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 voting and shall not (except for some purposes authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

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

CHAPTER-X
SAFEGUARDS FOR FREE AND FAIR ELECTION

Declarations by Presiding Officer as safeguards for ensuring free and fair election:

10.1 In order to ensure that you have duly carried out the instructions contained in the foregoing chapters which are necessary safeguards for ensuring free and fair election, you are required to read out the declaration prescribed in Annexure 10.1 Part-I before the commencement of the poll. This should be done immediately after reading out the provisions of section 128 of the Representation of the People Act, 1951 , regarding maintenance of secrecy of voting. You should read out the declaration aloud to the hearing of all persons present in the polling station and sign the declaration and obtain thereon the signatures of such of the polling agents as are present and are willing to affix the same. You should also record thereon the names of the polling agents who decline to affix their signatures on the declaration.

Procedure to be followed at the time of use of additional EVM:

10.2 During the course of poll, if it becomes necessary to use more than one EVM, you are again required to read out a further declaration, prescribed in Annexure 10.1-Part-II and every time a new EVM is taken up for use. At the end of the poll, you should record a further declaration in Annexure 10.1 Part-III in the same manner. The declaration will be put into a separate packet and delivered to the Returning Officer after the conclusion of the poll along with the account of votes recorded and the paper seal account. Where simultaneous elections are held, you are required to make separate declarations as the papers relating to the separate elections are required to be kept separately.

ANNEXURE 10.1
PART-I
DECLARATION BY THE PRESIDING OFFICER BEFORE THE COMMENCEMENT OF THE
POLL

Election from Commune Panchayat

Serial No. and name of polling station

Date of Poll

I hereby declare:

(1) That I have demonstrated to the polling agents and other persons present –

(a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;

(b) 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 election duty certificates;

(c) that the Register of Voters (Form 15A) to be used during the poll does not contain any entry in respect of any elector;

(2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.

(3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the back side of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.

(4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.

(5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature.....

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.....) |

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

- | | |
|----------------------------|-----------------------------|
| 1.....(of candidate | 2..... (of candidate.) |
| 3.(of candidate.....) | 4.(of candidate.....) |

Date

Signature.....

Presiding Officer

PART II

DECLARATION BY THE PRESIDING OFFICER AT THE TIME OF USE OF SUBSEQUENT VOTING MACHINE, IF ANY,

Election of

{	Member to Ward No	Village Panchayat
	President to	Village Panchayat
	Member to	Commune Panchayat Council

Serial No. and Name of Polling Station

Date of poll

I hereby declare:

- (1) that I have demonstrated to the polling agents and other persons present –
- (a) by holding a mock poll that the voting machine is in perfect working order and that no vote is already recorded therein;
- (b) 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 election duty certificates;
- (c) that the Register of Voters (Form 15A) to be used during the poll does not contain any entry in respect of any elector;
- (2) that I have affixed my own signature on the paper seal(s) used for securing the result section of Control Unit of the voting machine and obtained thereon the signatures of such of the polling agents as a represent and desirous of affixing the same.
- (3) that I have written the serial number of the Control Unit on the special tag, and I have affixed my signature on the backside of the special tag and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.

(4) that I have affixed my signature on the strip seal and also obtained thereon the signatures of such of the candidates/polling agents as are present and desirous of affixing their signature.

(5) that I have read out the pre-printed serial number of the special tag and asked the candidates/polling agents present, to note down the serial number.

Signature.....

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.....)

The following polling agent(s) declined to affix his/her/their signature(s), on this declaration:

1.....(of candidate	2..... (of candidate.)
3.(of candidate.....)	4.(of candidate.....)

Date.....

Signature.....

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 'Part-I- Account of Votes Recorded' of Form 15B as required under rule 35-S of the Pondicherry Village and Commune Panchayats (Conduct of Election of Members of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Amendment Rules 2002.

Signature.....

Presiding Officer

Date

Time

Received an attested copy of the entries in the accounts of votes recorded (Part I of Form 15B)

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.....)

The following polling agents who were present at the close of the poll declined to receive an attested copy of Part I of Form 15B and to give a receipt there for and so an attested copy of that Form was not supplied to them.

- | | |
|----------------------------|------------------------------|
| 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.....) |

Signature.....

Presiding Officer

Date

Time.....

CHAPTER-XI

ENFORCEMENT OF ELECTION LAW IN AND AROUND POLLING STATION

Impartially essential:

11.1 Your tact, firmness and impartiality, particularly the last, are the most important safeguards against any breach of the peace. Treat all parties and candidates equally and decide fairly and justly every disputed point. Needless to say, neither you nor any other officer at your polling station should do any act which could be interpreted as furthering the prospects of any candidates at the election.

Ban on canvassing:

11.12 It is an offence to canvass within one hundred metres of the polling station. Any person who does so may be arrested without warrant by the police and may be prosecuted under section 130 of the Representation of the People Act, 1951 (Annexure 1.1)

Candidates' election booths:

11.3 No election booths of the candidates should be allowed to be set up 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 un-official identity slips to voters beyond a distance of 200 metres from the polling station with an umbrella or a piece of tarpaulin over their head to protect them from the sun/rain. No crowd is allowed to collect around such tables. If any instance of violation of the above instructions of the Commission is brought to your notice, you should report the matter to the Sector Magistrate or other officials responsible for maintenance of law and order around your polling station for necessary remedial action by them.

Disorderly conduct in or near the polling station:

11.4. Enforce the provisions contained in section 131 of the Representation of the People Act 1951 (Annexure-1.1). If any person behaves in a disorderly manner, you can have him arrested then and there by a Police Officer and have him prosecuted. The police have the power to take such steps, and use such force, as may be reasonably necessary for preventing such, behaviour. These powers should, however, be resorted to only when persuasion and warning have proved ineffective. If the use of a megaphone or loudspeaker interferes with the work of the polling station, you should take steps to stop such use. The section does not prescribe any limit of distance. It is left to you to decide whether it is near enough and loud enough to disturb the proceedings at the polling station.

Removal of disorderly persons:

11.5. Any person who misconducts himself or fails to obey your lawful directions during the poll may be removed from the polling station on your orders by any Police Officer or other persons authorised by you (*see* section 132).

Illegal hiring of vehicles for the conveyance of voters:

11.6. If a complaint to that effect is made, tell the complainant that he may take action to prosecute the offender under section 133 or use the fact as a ground for filing an election petition against the offending candidate in due course. Forward any complaint filed before you to the sub divisional or other magistrate who has jurisdiction to deal with such cases with such remarks which you can make from your own observation and personal knowledge.

Removal of ballot papers or Voting Machine from polling station to be an offence:

11.7 Any person who at any election fraudulently takes or attempts to take a ballot paper or EVM out of a polling station, or wilfully aids or abets the doing of any such act is punishable. In this connection section 135 may be seen.

Breach of official duty by election officers:

11.8. Finally your attention is drawn to section 134 which provides that if any Presiding or Polling Officer is without reasonable cause guilty of any act, or even of any commission, in breach his official duty, he commits an offence.

VERIFICATION OF ELECTOR IDENTITY AND PROCEDURE IN CASE OF CHALLENGE

Verification of elector's identity:

12.1. As has already been explained in Chapter-Van elector on entering the polling station will proceed direct to the Asst. Presiding Officer who will be in-charge of the marked copy of the electoral roll and responsible for identification of electors. He should properly verify his identity with reference to the entry in the electoral roll.

12.2. Usually, each voter brings with him an unofficial identity slip which might have been issued to him by a candidate or his agent. This slip should be on a plain white paper and may contain the name of the elector, his serial number in the electoral roll, part number of the electoral roll and the number and name of the polling station where he is to cast his vote. This slip should not contain the name of the candidate and/or the name of the party and/or facsimile of symbol allotted to him. If any slip has been issued by a candidate or his party in violation of these instructions of the Commission and is brought to the polling station, it should be brought to the notice of the polling agent of the candidate concerned forthwith for putting an immediate end to such violation.

12.3. It should be noted that carrying of unofficial identity slip by an elector does not guarantee the identity of the voter, nor does it absolve the Assistant Presiding Officer of his duty and responsibility of satisfying himself about the identity of such voter.

12.4. The Asst. Presiding Officer *in-charge* of the marked copy of the electoral roll and identification of electors should not treat the identity of an elector established by the mere production of an 'Unofficial identity Slip' which he brings to the polling station. Though such a slip will help in locating the entries relating to an elector in the electoral roll, it cannot be automatically taken for granted that the person producing the slip is that particular voter. Further an illiterate voter cannot read the entries in the unofficial identity slip and satisfy himself that the slip held by him/her actually relates to him/her. Therefore, the Asst. Presiding Officer should simply take the slip and read out only the Serial number of the entry of the elector in the electoral roll and not read out his/her name and other particulars from the slip. Thereafter, the Assistant Presiding Officer should ask the person to announce his/her name loudly and if necessary other particulars relating to the entry so as to ensure that he/she is the genuine voter producing the identity Slip if full satisfaction is not obtained, the person may be directed to present himself before the Presiding Officer, who should make a further probe to satisfy himself about the identity of the elector.

12.5. With a view to prevent impersonation of electors, so as to make the right of genuine electors to vote all 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 Pass-Book
- (vii) Ration Card issued prior to the first January
- (viii) SC/ST /OBC Certificate issued by competent authority.
- (ix) Student Identity Card.
- (x) Property Document such as pattas, Registered Deeds etc.
- (xi) Arms Licence.
- (xii) Conductor Licence issued by the 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.

12.6. If the elector fails to produce anyone of the said documents, ballot papers should not be supplied to him and he should not be permitted to vote.

12.7. In case there are a large number of women electors especially 'Pardanashin' women, a woman polling officer should be appointed to carry out the above duties in a separate enclosure as instructed in Chapter -IV.

12.8. Though normally a voter coming to a polling station is presumed to be the genuine voter, this presumption is not irrefutable. If from the surrounding circumstances like the difference in the age of the elector given in the electoral roll and the age of the person as ascertainable from his appearance, the Assistant Presiding Officer entertains any doubt about the identity of the voter before him, he should satisfy himself about the real identity and the genuineness of the voter. In such a case he should not accept the identity of the voter on the mere production of the identity slip and should refer the matter to the Presiding Officer for his decision. Otherwise also, the Assistant Presiding Officer should make test check of identity of voters with reference to unofficial identity slips bought by them.

List of dead, absent and allegedly bogus voters:

12.9. It is expected that polling agents may bring with them a copy of the list of the names of dead, absent and allegedly bogus voters. The candidate or his party may supply similar list to you. If any person claims to be a voter whose name is mentioned in that list you shall check that person's identity rigorously. This will not amount to a formal challenge.

Challenging a voter's identity:

12.10. Every person whose name is entered in the electoral roll is entitled to vote at the election. Unless, there is a challenge by a candidate or his election-or polling agents, or unless you are clearly satisfied that he is a bogus voter it should normally be presumed that the person claiming to be a voter and giving out the name and other details correctly is that voter. If there is a challenge or if you feel any reasonable doubt about the identity of the person from the surrounding circumstances, you should hold inquiry and decide the question.

Challenge fee:

12.11. You should not entertain any challenge by a candidate or his election / polling agent of a voters identity until the challenger pays two rupees in cash. After the amount has been paid, furnish a receipt there for to the challenger in the Form prescribed in Annexure 12.1 Warn the person challenged about the penalty for personation, read 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 (Form 14A) and ask him to sign or affix his thumb impression thereon. If he refuses to do so do not allow him to vote.

Summary inquiry:

12.12. First 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 disallow the challenge and allow the person Challenged to vote. If the challenger succeeds in making out a *prima facie* case that the person is not the voter in question you should call upon the latter to produce evidence to rebut the challenge *i.e.* to prove that he is the voter he claims to be. If he proves his claim by such evidence allow him to vote. If he fails to do so hold that the challenge has been established. In the course of the inquiry, you are free to ascertain the true fact from the village officer, the neighbours of the voter in question and any other person present. While taking evidence you may administer an oath to the person challenged or any other person offering to give evidence. In case the challenge has been established you should hand over the person to the policeman on duty together with your complaint as in Annexure 12.3 addressed to the Station House Officer of Police Station in the jurisdiction of which your polling station falls.

Return of forfeiture of challenge fee:

12.13. Immediately after the inquiry is over return the challenge fee of two rupees to the person who made the Challenge after taking his receipt in Column 10 of Form 14A. List of Challenged Votes (Annexure 12.2) and on the counterfoil of the relevant receipt in the receipt book in every case except where you are of the opinion that the challenge was frivolous or was not made in good faith. In the latter case forfeit the challenge fee to Government and do not return it to the challenger and enter the word "forfeited" in Column 10 of Form 14A and the relevant counterfoil in the receipt book instead of taking the depositor's signature or thumb impression.

Clerical and printing errors in the roll to be overlooked:

12.14. The particulars in respect of a voter as entered in the electoral roll are sometimes incorrectly printed or have become out of date *e.g.*, regarding the exact age of the voter. You should overlook mere clerical and printing errors in any entry relating to a voter in the poll provided that you are otherwise satisfied about the identity of the person claiming to be the voter according to other particulars entered in electoral roll.

Eligibility of a voter not be questioned:

12.15. So long as the identity of a voter is established to your satisfaction he has the right to vote. No question can be raised at the polling station about the eligibility of such a person to be a voter. For instance you are not entitled to hold any inquiry into the question whether he is over 18 years of age or ordinarily resides in the ward.

Declaration of elector about his age:

12.16. But in the case of a person whom you consider much below the qualifying age, you must be clearly satisfied about his claim of being elector with reference to the entry in the electoral roll relating to him. If you are *prima facie* satisfied about his identity and the fact of inclusion of his name in the electoral roll but consider him to be below the minimum voting age, you should obtain a declaration as in Annexure-1.3 from that elector about his age on the 1st day of January of the year with reference to which existing electoral roll of the ward has been prepared/revised. Before obtaining the declaration from such elector, you should inform him of the penal provision in section at of the Representation of People' Act, 1950, for making false declaration.

12.17. Section 31 runs thus:

“31. Making false declarations: If any person makes in connection with -

- (a) the preparation, revision or correction of an electoral roll, or
- (b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both”.

12.18. You should also prepare a list of voters from whom you have obtained such declarations in Part I of Annexure-12.4. A list should also be maintained by you in Part II of the said Annexure-2.1 of those voters who refuse to give the aforesaid declaration and go away without casting their votes. After the close of the poll, the above-mentioned list and declarations should be kept together in a separate cover.

ANNEXURE 12.1

RECEIPT

FOR CHALLENGE FEE

Book No..... Page
No Officer for Polling Station No.
.....
of

Constituency

Received a sum of Rs. 2 (Rupees two only) in cash from Shri. ; candidate/Election Agent/Polling Agent on account of deposit for challenge under rule 30C 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.

Date: Presiding Officer.

Forfeited to Government

Presiding Officer

Received back the amount of Rs. 2 (Rupees two only) Under rule 30C(5) of the Pondicherry Village and Commune Panchayats (Conduct of election of members of commune Panchayat Councils and Presidents and members of village Panchayats) Rules, 1978

Name and Signature of
Candidate/Election Agent!
Polling Agent.

Date:

RECEIPT

FOR CHALLENGE FEE

Book No Page
No Officer for Polling Station No.
.....of
.....
Constituency

Received a sum of Rs. 2 (Rupees two only) in cash from Shri. candidate/Election Agent/Polling Agent on account of deposit for challenge under rule 30C 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.

Date:

Presiding Officer for Polling Station
No

Name and Signature of
Candidate/Election Agent!
Polling Agent.

Date:

ANNEXURE 12.2

“FORM-14A

(See rule 35J)

LIST OF CHALLENGED VOTES

Election to the *

Polling Station

Sl. No. Of entry.	Nam of elect or	Sl. No. of entry		Signature of thumb impression of the person challenged	Address of person challenged	Name of identifi er if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
		Part of roll	Elector' s name in that part						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Place:

Date:

Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here

ANNEXURE 12.3

LETTER OF COMPLAINT TO THE S.H.O. (POLICE)

To

The Station House Officer,

Sub : Election to

Impersonation at Polling Station
(Number and name) Date of Poll

Sir,

I am to report that Thiru..... son of Thiru..... and resident ofchallenged the identity of the person who is being handed over to.....This person claimed to be.....whose name appears in Serial No..... in part Noof the electoral roll of ward. He could not prove himself to be this elector. In my opinion he is an impostor. I am to request you to take necessary action as required under section 171-F of Indian Penal Code.

Yours faithfully,

Place:

Date :

Signature of Presiding Officer

Copy forwarded to the Returning Officer for. of

Signature of Presiding Officer

RECEIPT

The above letter and the person referred to therein were handed over to me at,.. (hour)
on (date) by the Presiding Officer.

Signature

ANNEXURE 12.4

Election to ,.....from(name of ward) No. and name of polling station.....

PART-I

LIST OF VOTERS FROM WHOM DECLARATION AS TO THEIR AGE HAVE BEEN OBTAINED

SI. No.	Name of voter	Part No. and Serial number in electoral roll	Age as entered in electoral roll	Age as assessed by the Presiding Officer
(1)	(2)	(3)	(4)	(5)
(1)				
(2)				
(3)				
(4)				
etc				

PART-II

LIST OF ELECTORS WHO HAVE REFUSED TO MAKE DECLARATIONS AS TO THEIR AGE

SI. No.	Name of voter	Part No. and Serial number in electoral roll	Age as entered in electoral roll	Age as assessed by the Presiding Officer
(1)	(2)	(3)	(4)	(5)
(1)				
(2)				
(3)				
(4)				
etc.				

Date.....

Signature of Presiding Officer,

CHAPTER-XIII

APPLICATION OF INDELIBLE INK AND OBTAINING SIGNATURE/THUMB- IMPRESSION OF ELECTOR BEFORE ISSUE OF BALLOT PAPER

Inspection of voter's left little finger and application of indelible Ink before issue of ballot paper:

13.1 As soon as may be after the identity of an elector has been verified by the Asst. Presiding Officer and if there is no challenge as to the elector's identity, his left little finger will be marked with indelible ink by the first polling officer in the manner described in Chapter-V. If any elector refuses to allow his left little finger to be inspected or marked in accordance with instruction or has already such a mark on his left little finger or does any act with a view to removing the ink, he shall not be supplied with any ballot paper or allowed to vote.

13.2 In case it is noticed that an elector has applied any oily or greasy substance on his finger in order to neutralise the indelible ink mark to be put on his finger, such oily or greasy substance should be removed by the polling officer with the help of a piece of cloth or rug before putting indelible ink mark on the finger of that elector.

13.3 Such mark is now required to be made before obtaining the signature/thumb-impression of the elector, so that by the time the elector leaves the polling station after casting his vote, there is sufficient time gap for the indelible ink to dry up and develop a distinct indelible mark.

13.4 Further, before the elector leaves the polling station, his left little finger should again be checked by the last polling officer and if the elector has removed the ink or the ink mark: is indistinct his left little finger should again be marked with indelible ink.

Application of ink at fresh poll:

13.5 At the time of fresh poll/countermanded poll/re-poll, the marking with indelible ink made at the original poll should be ignored and fresh marking with indelible ink should be put at the root of the nail of the voter's left middle finger in such a way that a portion of the ink also spreads on the ridge between the skin and the root of the nail and a clear mark is left. '

Application of indelible ink when elector has no left little finger:

13.6 If an elector has no left little finger, then indelible ink should be applied on any such finger which he has on his left hand. If he does not have any finger on his left hand, the ink should be applied on his right little finger and if he has no right little finger, on any other finger which he has on his right hand starting with his right little finger. If he has no fingers on either hand, ink should be applied on such extremity (stump) of his left or right hand as he possesses.

Signature/thumb-impression of elector before issue of Voter's slip:

13.7 After the left little finger of the elector has been marked with indelible ink as aforesaid, the polling officer in-charge of register of voters will obtain the signature or thumb-impression of the elector on the column of the register of voters which is to be issued to him and whereon his electoral roll number has been noted by the polling officer. If any elector refuses to put his signature or thumb-impression on the counterfoil of the ballot paper no ballot paper shall be issued to such elector.

13.8 The column in the register of votes of which the electoral roll number of such elector refusing to sign has already been noted by the polling officer or if an elector, after he has put his signature/thumb impression on the Register of Voters decides not to record his vote or partly exercised his voting rights by voting one or two post(s) out of three post, he shall not be forced or compelled to record his vote further. The Voter's Slip issued to him should be withdrawn from him and cancelled with the words "Cancelled: Returned" and the Presiding Officer should sign below these words, both on the Register of Voters and on the Voter's Slips. All such cancelled Voter's Slips should be kept in a separate cover which shall bear on its face the words "Other Voter's Slips cancelled" and accounted for in item 3 of Account of votes recorded in Part- I of Form 15B (Annexure-3.2).

Signature of elector on the register of voters:

13.9 A signature may be described as the writing of a person's name on a document with the intention of authenticating that document. A literate person, while signing register of voters, will be required to write his name, or by means of initials of that name or names. The preferable course in the case of a literate voter will be to request him to sign his name in full. If a literate person puts simply a mark and insists that, that mark should be taken as a signature, while claiming to be a literate person, then, that mark cannot be taken to be his signature because as stated, signature means, in the case of a literate person, the writing of the name of that person by himself in authentication of a document on which he writes his name. In such a case, if he refuses to sign his name in full as indicated above, then his thumb-impression should be taken. If he refuses to give his thumb-impression also, then no ballot paper should be given to him and such ballot paper should be cancelled.

Thumb-impression of elector on register of voters:

13.10 If an elector is unable to sign his name, the impression of his left thumb should be obtained on the register of voters. It should be noted that it is not necessary for the Presiding Officer or any polling officer to attest such thumb-impression on the register of voters.

13.11 If the left thumb of voter is missing, then the impression of right thumb should be taken. If both thumbs are missing, the impression of one of the fingers of the left hand starting from the forefinger should be taken. If there are no fingers on the left hand, the impression of the fingers of the right hand starting from the forefinger should be taken. If no fingers are available, the voter being unable to record his vote will necessarily have to seek assistance of a companion under rule 30 of the said rules. In that case the signature or thumb-impression of the companion may be taken on the register.

13.12 It is necessary that the thumb-impression on the register should be a clear thumb-impression. The thumb of the voter should not be inked so lightly from the stamping pad that it gives only a faint or undecipherable. Impression on the register. Nor should the thumb be inked so heavily that it gives a smudge impression instead of a clear thumb-impression on the register. While taking the thumb-impression it should also be ensured that no part of such impression extends beyond the entries available on their register of voters.

13.13 After taking the thumb-impression, the ink on the elector's thumb should be wiped off with the help of a wet piece of cloth.

Signature/Thumb-impression on the register of voters by blind or infirm voters:

13.14 Thumb-impression of a blind voter or a voter suffering from leprosy should be obtained on the register of voters. In case any such voter is literate he may be allowed to put his signature in place of thumb-impression. In case of infirm voter who cannot use either of his hands, his companion can put his signature or thumb-impression on the register of voters. A note may be made on such on register regarding signature or thumb-impression of the companion.

CHAPTER-XIV

ISSUE OF VOTER'S SLIPS AND INSTRUCTIONS TO VOTERS REGARDING VOTING PROCEDURE

Precaution against Voter's Slips sticking together:

14.1 Take care to see that two or more voter's slips do not stick together and as a result more voter's slips than one are issued to a voter. The best way to check this is for the Polling Officer in- charge of Register of voters and voter's slip to take out the voter's slip meant for a voter while the voter's identity is being checked and to see that the serial number of the voter's slip left at the top of the bundle is next to the serial number of the voter's slips taken out for issue.

Defective Voter's Slips:

14.2 While issuing Voter's Slip, if any Voter's slip is found defective, it should not be issued to any voter, but should be cancelled by you. Such defective Voter's slip cancelled by you in the polling station may also be kept in the cover containing cancelled voter's slips. The entries in the Register of Voters will remain in the register with an endorsement "Cancelled: defective Voter's Slips". It has to be accounted for in item 4 of Form 15 B, Account of Votes Recorded. (Annexure 3.2).

Pre-folding of Tendered ballot paper:

14.3 When a ballot paper is handed over to an elector for marking his vote thereon, the last polling officer in-charge of rubber stamps will first fold the ballot paper twice, first vertically and then horizontally, in such a way that the distinguishing mark affixed on the back of the ballot paper is clearly visible at the top right hand corner. He will then unfold the ballot paper and hand it over to the elector. The similar Ballot paper used in the Balloting Unit of the EVM will be issued to the Tendered Voter for recording his / her vote. No separate Ballot Paper will be printed for the purpose of Tendered Votes.

Instructions as to how the tendered ballot paper is to be marked:

14.5 The polling officer in-charge of the rubber stamps will handover to an elector the ballot paper folded twice, first vertically and then Horizontally as discussed at pre Para 14.3 and instruct the voter:-

- (a) to go inside a voting compartment.
- (b) to record there his vote by making a mark on the symbol of the candidate for whom, he wishes to vote with the inked rubber stamps given to him but no demonstration should be made by affixing the rubber stamp on any particular symbol on a specimen ballot paper or any other paper. If any assistance is required by any voter, the procedure for marking should be explained by affixing the stamp on a piece of plain paper without any symbols;
- (c) to refold the ballot paper along the pre-folded lines;
- (d) to bring it out of the voting compartment thereafter; and
- (e) to handover the folded ballot paper to the Presiding Officer.

CHAPTER-XV
PRECAUTIONS FOR MAINTAINING SECRECY

Violation of secrecy of voting:

15.1 If an elector to whom a voter's slip has been issued, refuses after warning given by you to observe the procedure as outlined in Chapter-XIV, the voter's slips issued to him shall, whether he has recorded his vote or not, be taken back from him by you or a polling officer under your direction. After the voter's slip has been taken back, you shall record on its back and on the register of voters of such voter's slip, the words "Cancelled: Voting Procedure Violated" and put your signature below those words. All such cancelled voter's slip are to be kept in a separate cover which shall bear on its face the words "voter's slips Cancelled: Voting Procedure Violated" and accounted for in item 4 of account of votes recorded in Part-I of Form-15B (Annexure-3.2)

Voting by blind or infirm voters:

15.2 If you are satisfied that owing to blindness or other physical infirmity a voter is unable to recognise the symbols on the balloting unit or record his vote without assistance you should permit the voter to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes. But you should ensure that no persons permitted to act as the companion of more than one elector at any polling station on the same day and that he makes a declaration 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 the companion of any other elector at any polling station on that day. The declaration' may be taken in the Form 13- D given in Annexure-15.1. You should also keep a record of all such cases in Form-14 (Annexure-15.2) and send this form along with declaration in a separate cover to the Returning Officer. Where a poll is taken simultaneously for election to the various seats., it is not necessary to maintain more than one. list of blind and infirm voters in Form-14. A single list will be sufficient for the elections. Voters with obviously defective eye-sight should be questioned in order to find out whether they can distinguish the symbols on the ballot paper and mark properly. Note that illiteracy of the voter is not a sufficient reason for giving him the assistance of a companion to record vote on his behalf. There should be no objection to a candidate or an election agent accompanying a blind or infirm voter as such companion subject to fulfilment of above requirement. A polling agent can act as companion of blind or infirm elector for not more than one elector at any polling station on same day provided he is not less than 18 years of age. You or any polling officer should not accompany any blind or infirm voter inside the voting compartment.

ANNEXURE 15.1

FORM-13D

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
aged resident of **
..... 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 votes recorded by me on behalf off ***

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 15.2

FORM – 14

LIST OF BLIND AND INFIRM VOTERS

[See rule 30 (2)]

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

Number and name of the Polling Station

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

Date :

Signature of Presiding Officer

CHAPTER -XVI

VOTING BY PUBLIC SERVANTS ON ELECTION DUTY CERTIFICATES

Facilities for voting to public servants on election duty:

16.1 You and your polling officers may be electors in the same ward in which you are posted on duty or in some other ward. The order of appointment as Presiding Officer / Assistant Presiding Officer will be issued in duplicate and along with this order, the Returning officer will send you Form - 11 and 12A [Annexures-2.1 and 2.1 (a)]. If any of you is an elector in the same ward, you can apply in Form 12A for election duty certificate to the Returning Officer. If any of you is an elector from a ward other than the one where you are posted, you may fill in Form 11 and apply for postal ballot paper. The filled in applications from voters on election duty for permission to vote by postal ballot are required by law to be made at least seven days or such shorter period as the Returning Officer may allow before the day of poll or the first day of the poll in the ward. Application for election duty certificate are required to be made at least four days or such shorter period as the Returning Officer may allow before the date of poll.

16.2 A copy each of the electoral rolls for all the wards will be made available for inspection by the Returning Officer at the centre (s) for rehearsal and training classes so that you can note down the particulars of electoral roll numbers which you have to furnish in your application.

16.3 If the Returning Officer is satisfied that you are a voter on election duty and you are entitled to a postal ballot paper, he shall send you

- (a) a postal ballot paper
- (b) a declaration in Form 13 (Annexure 2.2)
- (c) a cover in Form 13A (Annexure 2.3)
- (d) a larger cover addressed to the Returning Officer in Form 13 (Annexure 2.4)
- (e) Instructions for your guidance in Form 13C (Annexure 2.5)

16.4 You may record your vote on the ballot paper in accordance with directions contained in Part- I of Form 13C and then enclose it in cover in Form 13A.

16.5 You shall sign the declaration in Form-13 (Annexure-2.2) in the presence of, and have the signature attested by, a Stipendiary Magistrate or a Gazetted Officer of the Government. You shall not show the ballot paper to the attesting officer nor tell him how you voted.

16.6 You shall enclose the ballot paper in an envelope in Form 13A provided for this purpose and stick the envelope and secure it by seal or otherwise.

16.7 You shall enclose the envelope in Form 13A containing the marked ballot paper in an outer cover in Form 13-B provided for this purpose, as well as the election duty certificate and the declaration aforesaid duly attested and send it to the Returning Officer forthwith by post or by messenger so as to reach the Returning Officer before the commencement of the counting of votes.

16.8 If the Returning Officer is satisfied that you are a voter on election duty in the ward of which you are an elector and you are entitled to election duty certificate in Form 12-B [Annexure 2.1 (b)], he shall issue to you election duty certificate on production of which, the Presiding Officer shall obtain your signature thereon, have your name and electoral roll numbers as mentioned in the certificate entered at the end of the marked copy of the electoral roll and issue to you a ballot paper and permit you to vote in the same manner as for an elector entitled to vote at that polling station.

CHAPTER XVII

TENDERED BALLOT PAPERS AND CANCELLATION OF BALLOT PAPERS

Tendered votes:

17.1. It may happen that a person representing himself to be a particular elector comes forward to *vote* after another person has already voted as such elector. In that case you should put such questions to him as you may think necessary to satisfy yourself about his identity. If you are satisfied about his identity you should get his left little finger marked with indelible ink. You will then make necessary entry in the list of tendered votes (Form 14B) (Annexure 17.1) and obtain the signature or the thumb impression of the *voter* therein.

17.2. He shall then be supplied with an ordinary ballot paper which shall be just like any other ballot paper used at the polling station on the balloting unit of the Electronic Voting Machine. The Elector after signing the register of voters and receiving the ballot paper which is duly marked the words “Tendered Ballot Paper “ on its real side The voter shall then mark the tendered ballot paper in the voting compartment and fold it. He will then hand over the ballot paper to you and you should keep it in a cover provided you for this purpose and a list of such Tendered Votes shall be prepared in Form 14B in a cover specially kept for the purpose and seal it at the close of poll in the presence of polling agents.

17.3. A proper account of such tendered ballot papers should be kept in item 8 of account of votes recorded in Part I of Form 15 B (Annexure 3.2.).

Program of poll not to be interrupted

2. Deal with all cases of challenged votes or tendered votes yourself. Otherwise polling will be held up resulting in inconvenience and delay for the other voters who are waiting.

Cancellation of ballot paper

3. If a voter receiving' the ballot paper does not wish to vote, he may return it to you without marking it. 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 should be kept in the cover for cancelled ballot papers and accounted for in item 4 of ballot paper account in Form 1 of Form 15B.

Spoilt ballot papers

4. If any elector has marked a ballot paper wrongly-marks it in favour of one candidate in the first instance and on second thought wishes to vote in favour of another candidate or his spoilt it and returns it to you he may be given another ballot paper. In *every* such case the voter should satisfy you of his inadvertence. The ballot paper so returned and the counterfoils of such ballot paper shall be marked "Spoilt: cancelled". Keep a record of ail such cancelled ballot papers in item 4 of the account of votes recorded in Part I of Form 15B and put them in a separate cover which should be sealed at the close of the poll.

ANNEXURE 17.1

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 -XVIII
ADJOURNMENT / STOPPAGE OF POLL FOR RIOT, ETC.

Adjournment of Poll for Riot, etc.

18.1 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.

18.2 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, you should 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 you to adjourn the poll should be exercised most sparingly and only in cases where it has become physically impossible to take the poll.

18.3 In every case of adjournment of poll, report immediately the full facts to the Returning Officer. Wherever a poll is adjourned, announce formally to all present that the poll will be taken on a day to be notified subsequently by the State Election Commission.

18.4 Seal and secure EVMs used, ballot papers yet to be used, register of voters and all election papers in the presence of the polling agents as if the poll has come to a close in the normal way and return to the Returning Officer-

- (i) the sealed EVMs ;
- (ii) the sealed Account of votes recorded;
- (iii) the sealed packet containing the marked copy of the electoral roll ;
- (iv) the sealed packet containing voter's slip cancelled for violation of voting procedure
- (v) the sealed packet containing the register of voters;
- (vi) the sealed packet containing the ballot papers signed but not issued to voters;
- (vii) the sealed packet containing any other ballot papers not issued to voters;
- (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;
- (xi) the sealed packets containing any other papers directed by State Election Commission to be kept in sealed packet;
- (xii) all other packets and the marking or stamping articles used at the poll.

18.5 When two or more elections are held simultaneously, a common packet for all the elections under items (iii) and (x) referred above can be made.

Completion of adjourned poll:

18.6 Where the poll 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.

18.7 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.

18.8 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 when a person comes to the polling station claiming to be an elector in whose place somebody else has already voted.

18.9 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 or Voting Machines, etc:

18.10 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 Voting machine has been unlawfully taken away by any unauthorised person, or
- (ii) any ballot paper or voting machine has been accidentally or intentionally destroyed or lost or
- (iii) damaged or tampered with and the result of the poll at that polling station cannot be ascertained for that reason, or
- (iv) any error or irregularity in procedure as is likely to vitiate the poll has been committed.

18.11 . 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.

18.12. 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.

18.13. 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 Commission has directed that the mark of the indelible ink should be put on the voter's left middle finger at the fresh poll.

18.14. 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.

CHAPTER -XIX

CLOSE OF POLL

Voting by persons present at polling station at closing hour:

19.1. The poll should be closed at the hour fixed for the purpose, even if for certain unavoidable reason it had commenced somewhat later than, the hour appointed for the commencement of poll. However, all voters present at the polling station at the hour appointed for the close of poll should be permitted to cast their votes even if the poll has to be continued for sometime beyond the appointed closing hour.

19.2. A few minutes before the appointed closing hour of the poll, announce to all those within the limits of the polling station who are waiting to vote that they will be allowed to record their votes in turn. Distribute to all such electors, slips signed by you in full which should be serially numbered from serial No. 1 onwards according to the number of electors standing in the queue at that hour. Continue the poll even beyond the closing hour until all these electors have cast their votes. Depute police or other staff to watch that no one is allowed to join the queue after the appointed closing hour. This can be effectively ensured if the distribution of slips to all such electors is commenced from the tail of the queue and proceeded backwards towards its head.

Closing of poll:

19.3. After all the electors present at the polling station at the appointed closing hour have voted as provided in the preceding Para, you should formally declare the poll as closed and should not permit any person to vote thereafter in any circumstance.

CHAPTER-XX

CLOSING AND SEALING OF EVMs AND ELECTION PAPERS

Closing and sealing of control unit:

20.1 After completion of poll, close the voting machine (s) and secure it in the presence of the polling agents. Detailed instructions for closing of the machine(s) are given in Annexure-8.1. When a second voting machine is to be used by the reason of the first machine getting struck, the first machine shall be closed and sealed before the second machine is put to use.

20.2 After closing and securing the EVM or EVMs of the polling station according to instructions contained in Annexure-8.1. The polling agents present should also be asked to affix their seals or their signatures, if they so desire.

20.3 The polling agents present should be asked to affix their seals, if they so desire. Also attach firmly and in proper manner the address tag and the label on the canvas bag or the cloth cover, as the case may be. This address tag and the label should contain the very same particulars as the address tag outside carrying case referred to in Chapter-VIII. The address tag and label should be clearly filled-in to avoid any confusion at the collection centre and subsequently.

20.4 It is not sufficient to write the particulars contained in the address tag and label on the canvas bag or cloth cover. It is very necessary to use the address tags and labels.

Verification of number of voter's slip issued to voters:

20.5 At the end of the day's poll, the Asst. Presiding Officers in-charge of marked copy of electoral roll and the polling officer *in-charge* of register of voters should check that the total number of electors to whom voter's slip have been issued by them according to the marked copy of electoral roll and the total number of voter's slip issued *in-lieu* of spoiled voter's slip tallies with the number of voter's slip actually issued to voters and they should record it in Presiding Officer's diary with their signatures. The Asst. Presiding Officer should also be required to find out the number of women voters and put it in the record.

Preparation of account of votes recorded:

20.6 At the close of the poll, you should prepare a complete and accurate account of all ballot papers supplied to you and used at the polling station *i.e.*, voter's slip, (i) actually Issued to voters (ii) cancelled for one reason or the other, and being returned as unused. Such account of votes recorded should be prepared in Part-I of Form-15B and signed by you.

20.7 You should not forget that in the account of votes recorded the total number of ballot papers received by you must be equal to the sum total of-

1. Ballot papers unused:
 - (a) with the signature of Presiding Officer, if any,
 - (b) without the signature of Presiding Officer;
2. Ballot papers issued to voters (other than those cancelled on any account).
3. Ballot papers cancelled:
 - (a) for violation of the voting procedure;
 - (b) for any other reasons.
4. Total number of voter's slips received and total number of voter's slip issued to the electors (other than those cancelled on any account).

20.8 This account must be accurate; otherwise it will lead to serious difficulties at the time of counting of votes. Thus, it is necessary that due care and caution is taken by you while preparing the account of votes recorded.

20.9 A simple method of checking the correctness of the entries 'made in Form-15B is to see that the total number of Voter's slips used at the polling station as shown in item number 5 is equal to the total number of Voter's slips received by you minus the total number of voter's slips unused. In simple words, item 5 is equal to item 2 *minus* item 3 minus item 4 i.e. $5 = (2 - 3 - 4)$ but it is inclusive of item 4. The total number of Voter's slips actually issued to voters and which they ought to record in the Voting machine(s) shall be equal to item 5.

Furnishing of copy of account of votes recorded to polling agents :

20.10 You should note that you are required by rule 35 S to furnish to every polling agent present at the close of poll an attested true copy of the voters account prepared by you in Part-I of Form-15B after obtaining a receipt there for from the agent. You should, therefore, furnish to every polling agent (but only one polling agent of each candidate) present at the close of poll an attested true copy of account of votes recorded without their asking for it. Obtain their full signatures in token of receipt of such copy on the form of declaration prescribed in Annexure-10.1 Part-III which declaration you have to make in order to ensure that you have complied with this requirement. Also note in that declaration the name(s) of polling agent(s), if any, refusing to take a copy of the accounts of votes recorded and sign that declaration.

20.11 To enable you to make the required number of copies of accounts of votes recorded, you will be supplied with as many copies of the printed form (Form-15B) as the number of contesting candidates plus one or two more for the original account. If possible, you should prepare the required number of copies with the help of carbon paper, while filling in the entries in the original account itself, so that all such copies supplied to polling agents and the original account are identical in every respect.

Sealing of election papers:

20.12 After the close of poll, seal all the election papers in separate packets. All the packets so sealed except the covers containing (i) the account of votes recorded. (ii) Register of voters (iii) green paper seal account, (iv) the declarations by the Presiding Officer, and (v) the Presiding Officer's diary should be put in four large packets as explained in paragraph 20.14 and sent to the Returning Officer. The covers containing (i) account of votes recorded (ii) register of voters, (iii) green paper seal account, (iv) the declaration by Presiding Officer, and (v) the Presiding Officer's diary should, however, be sent separately to the receiving centre for election papers.

20.13 You should allow each candidate or his election agent or his polling agent who may be present at the polling station to affix their seals on the envelopes and packets containing the following documents :-

- (i) The marked copy of the electoral roll;
- (ii) Working copies of the electoral roll;
- (iii) Register of voters ;
- (iv) Unused voter slips ;
- (v) The counterfoils of used ballot papers (At the end of the poll);
- (vi) The signed but unused ballot papers with counterfoils, if any;
- (vii) The other unused ballot papers with counterfoils;
- (viii) The ballot papers/Voter's Slips cancelled for violation of voting procedure;
- (ix) The returned and other cancelled ballot papers;
- (x) Any other papers that the Returning Officer has directed to be kept in a sealed packet.
- (xi) The tendered ballot papers and the list in Form 14B
- (xii) The list of challenged votes

Packing of 'statutory covers' and 'non-statutory covers' and election materials:

20.15 In order to avoid delay and inconvenience of waiting at the place for depositing sealed boxes, election papers and all other materials, you are advised to pack the covers and other materials in four separate packets, as explained below, and hand them over at the place appointed for receipt thereof.

20.15 The first packet should contain the sealed covers mentioned below and should be super scribed as "STATUTORY COVERS":

- (i) the sealed cover containing the marked copy of the electoral roll;
- (ii) the sealed cover containing the Working copies electoral roll
- (iii) the sealed cover containing the register of voters
- (iv) the sealed cover containing the unused voter's slips
- (v) the sealed cover containing the accounts of votes recorded
- (vi) the sealed cover containing the Presiding Officer dairy
- (vii) the sealed cover containing counterfoils of used ballot papers;
- (viii) the sealed cover containing the signed but unused ballot papers, with counterfoils;
- (ix) the sealed cover containing other unused ballot papers with counterfoils;
- (x) the sealed cover containing the tendered ballot papers and the list in Form 14B
- (xi) the sealed cover containing the ballot papers cancelled for violation of voting procedure;
- (xii) the sealed cover(s) containing other cancelled Voter's Slips and
- (xiii) the sealed cover containing the list of challenged votes in Form 14A

20.16 Even if a statement or record to be put in any cover mentioned above is nil, a slip noting on it that the statement of record is "Nil" may be put in the cover and the total number of eight covers made ready so that no necessity arises for the receiving official at the receiving centre to enquire about the non-production of any of the sealed covers to be received by him.

20.17 The second packet should contain the following covers and should be superscribed as "NON-STATUTORY COVERS":-

- (i) the cover containing the copy or copies of electoral roll (other than the marked copy) ;
- (ii) the cover containing the appointment letters of polling agents in Form-8;
- (iii) the cover containing the list of blind and infirm electors in Form-14 and the declarations of the companions, under rule 30(1).
- (iv) the cover containing the declarations obtained from electors as to their age (Annexure-1.3) and the list of such electors (Part I, Annexure-12.1).
- (v) cover containing unused and damaged paper seals.
- (vi) cover containing the receipt book and. cash, if any, in respect of challenged votes.

20.18 The third packet should contain the following items:-

- (i) the Handbook for Presiding Officers;
- (ii) Indelible ink set (with stopper having been secured on the phial to effectively with molten candle or wax applied thereon to prevent leakage or evaporation) ;
- (iii) self-inking pads;
- (iv) the metal seal of the Presiding Officer;
- (v) the rubber stamp bearing the distinguishing mark of the polling station;
- (vi) the arrow cross-mark rubber stamps for marking ballot papers; and
- (vii) cup for setting the indelible ink.

20.19 All the other items, if any, should be packed into the fourth packet.

20.20 Each of the eight smaller covers/packets to be included in the first packet marked "Statutory covers" should be sealed. But the other smaller covers/packets containing various non-statutory papers and items of election materials to be included in the second, third and fourth packets marked "Non- Statutory Covers" may be prepared separately but need not be sealed in order to save time. All these unsealed covers should simply be placed in the respective bigger covers along with a check memo signed by the Presiding Officer. These three bigger packets need not be sealed but may be properly secured by means of pins or thread so that the contents may be checked at the receiving centres. The first packet marked "Statutory Covers" should, however, be sealed by the Presiding Officer after checking of the contents at the receiving centre.

CHAPTER-XXI
**PREPARATION OF THE DIARY AND DELIVERY OF EVMs AND
ELECTION PAPERS AT COLLECTION CENTRES**

Preparation of the Diary:

21.1 You should draw up the proceedings connected with the taking of the poll in the polling station in the diary to be maintained for the purpose. The *proforma* of diary is reproduced at Annexure 2" .1.

21.2 You will be furnished with a duly numbered diary containing a serial number given by means of a numbering machine and that diary should alone be used by you.

21.3 You must go on recording the relevant events as and when they occur. You should mention therein all important events in the relevant columns.

21.4 You should make the entries in the relevant columns of the diary at regular intervals or from time to time as envisaged, and fill in all entries and complete the diary at the end of the poll. It should be noted that any lapse on your part in the proper maintenance of diary at all points of time during the process of poll will be very seriously viewed by the Commission.

Transmission of EVMs and election papers to the Returning Officer:

21.5 After the EVMs and all election papers have been sealed and secured by you after the close of poll in the manner explained in Chapter-XX, you have to deliver them or cause them to be delivered at such place as the Returning Officer may direct and in accordance with such arrangements as the Returning Officer may make.

21.6 The EVMs and the election papers should be delivered or caused to be delivered at the collection centre with zero delay. Any delay in this behalf will be viewed by the Commission with utmost concern and will invite severe disciplinary action against all concerned.

Delivery and checking of election records and materials at the collecting centre:

21.7 You will handover to the official-in-charge of the collecting centre the following 15 items of election records and materials and obtain a receipt:-

- (i) the sealed EVMs;
- (ii) the unused EVMs;
- (iii) cover containing the Account of votes recorded ;
- (iv) cover containing the green paper seal account;'
- (v) cover containing the declarations of the Presiding Officer;

- (vi) cover containing the Presiding Officer's Diary;
- (vii) Account of votes recorded
- (viii) Register of voters
- (ix) the first packet super scribed "Statutory Covers" containing eight covers;
- (x) the second packet super scribed "Non-Statutory Covers" containing six covers;
- (xi) the third packet containing eight items of election materials etc.;
- (xii) materials for voting compartments:
- (xiii) waste paper basket;
- (xiv) polythene bag, to contain polling materials; and
- (xv) the fourth packet containing all other items, if any (referred to in paragraph

20.19 of Chapter-XX.

21.8 All the above items will be checked by the receiving official(s) at the collecting centre in your presence and thereafter you will be relieved.

ANNEXURE 21.1
PRESIDING OFFICER'S DIARY

1. Name of the Panchayat (in block letters):
2. Date of poll:
3. Number and Name of the polling station:
Whether located in -
 - (i) Government or quasi-government building;
 - (ii) Private Building;
 - (iii) Temporary structure;
4. Number of Polling Officers recruited locally, if any:
5. Appointment polling officer made in the absence of duly appointed polling officer, if any, and the reasons of such appointment:
6. Electronic Voting Machine -
 - (i) Number of Control Units used:
 - (ii) S. No.(s) of Control Units used:
 - (iii) Number of balloting units used:
 - (iv) S. No.(s) of balloting units used:
 - (v) No of DMM used:
 - (vi) Sl. No. (S) of DMM used:
7.
 - (i) Number of paper seals used:
 - (ii) S. Nos. of paper seals used:
- 7A.
 - (i) Number of special tags supplied:
 - (iii) S. No.(s) of special tags supplied:
 - (iv) Number of special tags used:
 - (v) S. No.(s) of special tags used:
 - (vi) S. No.(s) of special tags returned as unused:
- 7B.
 - (i) Number of Strip Seals supplied:
 - (ii) S. No.(s) of Strip Seals supplied:
 - (iii) Number of Strip Seals used:
 - (iv) S. No.(s) of Strip Seals used:
- S. No.(s) of Strip Seals returned as unused
8. Number of candidates who had appointed polling agents at the polling stations:
9.
 - (i) Number of polling agents present at the commencement of poll:
 - (ii) Number of polling agents who arrived late:
 - (iii) Number of polling agents present at the close of the poll:

- (i) Total number of voters assigned to the polling station:
- (ii) Number of electors allowed to vote according to marked copy of the electoral roll:
- (iii) Total number of electors as entered in the Register of Voters (Form 15A):
- (iv) Number of votes recorded as per the voting machine:
- (v) Number of voters deciding not to record vote, if any:

Signature of the first Polling Officer

Signature of Polling Officer
In-charge of Register of Voters

11. Number of electors who voted - Men

Women

Third Gender.....

Total

12. Challenged vote - Number allowed

Number rejected.....

Amount forfeited Rs.....

13. Number of persons who have voted on production of Election Duty Certificate (EDC): 13A.

Number of overseas electors who voted:

14. Number of electors who voted with the help of companions:

15. Number of voters cast through proxy:

16. Number of tendered votes:

17. No. of electors -

(a) From whom declarations as to their age obtained

(b) Who refused to give such declaration.....

18. Whether it was necessary to adjourn the poll and if so, the reasons for such adjournment:

19. Number of votes cast in every two hours - From 7 a.m. to 9 a.m. From 9 a.m. to 11 a.m.

From 11 a.m. to 1 p.m.

From 1 p.m. to 3 p.m.

From 3 p.m. to 5 p.m.

(Necessary changes may be made depending on the hours fixed for commencement and close of poll)

20.

(a) Number of slips issued at the closing hour of the poll to electors standing in the queue:

(b) Time at which poll finally closed after the last such elector cast his/her vote:

21. Electoral offences with details:

Number of cases of -

(a) Canvassing within one hundred meters of the polling station:

- (b) Impersonation of voters:
- (c) Fraudulent defacing, destroying or removal of the list of notice or other documents at the polling station:
- (d) Bribing of voters:
- (e) Intimidation of voters and others persons:
- (f) Booth capturing:
- 22. Was the poll interrupted or obstructed by -
 - (1) Riot:
 - (2) Open violence:
 - (3) Natural calamity:
 - (4) Booth capturing:
 - (5) Failure of voting machine:
 - (6) Any other cause:

Please give details of the above.

- 23. Was the poll vitiated by any voting machine used at the polling station having been -
 - (a) Unlawfully taken out of the custody of the Presiding Officer:
 - (b) Accidentally or intentionally lost or destroyed:
 - (c) Damaged or tampered with:

Please give details.
- 24. Serious complaints, if any, made by the candidate/agents:
- 25. Number of cases of breach of law and order:
- 26. Report of mistakes and irregularities committed, if any, at the polling station:
- 27. Whether the declarations have been made before the commencement of the poll and if necessary during the course of poll when a new voting machine is used and at the end of the poll as necessary:

Place:

Date:

Presiding Officer

This diary should be forwarded to the Returning Officer with the voting machine, Visit Sheet, 16-Point Observer's Report and other sealed papers.

**FORMAT FOR PRESIDING OFFICER'S ADDITIONAL REPORT TO BE SUBMITTED
TO OBSERVER/RO**

1	Polling booth No.
2	CPF deployed Y/N
3	Micro Observer deployed Y/N
4	Video Camera deployed
5	Total Voters
6	No. of Votes polled
7	%of votes polled
8	Total No. of candidates
9	No. of candidates represented by polling agents
10	No. of voters who voted using documents other than EPIC
11	Whether Mock poll done in the presence of agent? Y/N
12	Whether Mock Poll cleared? Y/N
13	Whether machines closed and seal properly in the presence of agents?
14	Whether 15B given to polling agents after obtaining their signature?
15	No. of voters who have voted after 5PM by receiving the token at the end of polling hours
16	Whether any significant incident took place during the poll? Y/N

CHAPTER-XXII
BRIEF GUIDELINES FOR THE PRESIDING OFFICERS/POLLING OFFICERS

- 22.1 Maintain close relation with members of your polling party.
- 22.2 Unless there is team work, your task becomes more difficult.
- 22.3 Ensure that all the polling materials have been given to you.
- 22.4 Check-up Ballot Papers and EVMs, marked copies of electoral roll, copies of electoral roll, arrow cross- mark rubber stamp for voting, paper seal, sealing wax, indelible ink, distinguishing mark stamp, etc.
- 22.5 See that marked copies of electoral rolls contain no mark other than PB/EDC.
- 22.6 See that deletions of names and corrections as per supplement have been incorporated.
- 22.7 See that printed serial numbers of voters are not corrected and no new number substituted.
- 22.8 Arrive at least 60 minutes before poll at the polling station.
- 22.9 Set up polling station as per model.
- 22.10 Ensure separate entrance and exit for voters at polling station.
- 22.11 On the day of Poll display outside your polling station.
 - (a) A notice specifying the polling area.
 - (b) A copy of the list of contesting candidates.
- 22.12 Start preparation of Voting Machines at least 60 minutes before the prescribed hour of polling affixing address tag and label duly filled.
- 22.13. Conduct Mock Poll in time.
- 22.14. Clear the votes polled during mock poll in the presence of Candidate/ his agent.
- 22.15. Address tag and label outside the machine\Carrying case will show the serial number of box and the total number of voting machines used.
- 22.16. Put the distinguishing mark seal on the green background of paper seal. Put a dash and add the serial number of machine including the Sl. No. of DMM.
- 22.17 Take signatures of polling agents and put your signature on white surface of paper seal.
- 22.18 Fix Green paper seal in the machine after Mock poll is over and before to start regular poll so that distinguishing mark seal is visible

- 22.19 Allow every candidate or his agent to take note of serial numbers of green paper seal.
- 22.20 One Voting Machine should be used at a time.
- 22.21 Sign your name in full on back of tendered ballot paper but not on counterfoil.
- 22.22 Affix distinguishing mark seal on back of ballot paper and its counterfoil, at top right hand corner.
- 22.23 Do not issue ballot paper to electors in consecutive serial order.
- 22.24. Obtain signature or thumb-impression of voters on the Register of Voters and then only issue Voter's slips
- 22.25 Do not issue voter's slip unless signature or thumb-impression is given by elector.
- 22.26 Allow polling agents to note the first and last serial number of ballot paper and also the serial number of defective ballot paper.
- 22.27 Sign and read out declaration at the commencement of Poll. Make separate declarations for each election.
- 22.28 Make declaration again for use of subsequent voting machine/machines.
- 22.29 Commence the poll at the stroke of hour fixed for the purpose.
- 22.30 The Assistant Presiding Officer will have the marked copy of the electoral roll and identify the elector.
- 22.31 First polling officer will apply the indelible ink.
- 22.32 The Second Polling Officer will note down the part number and serial number of the elector and obtain the signature/thumb-impression of the elector on the Register of Voters and issue the voter's slips to the Third polling officer.
- 22.33 The Third polling officer will press the "Ballot" button in the Control Unit and ask the elector to proceed to the Voting Compartment for recording his/her vote.
- 22.34 Do not entertain any challenge unless the challenger pays challenge fee of two rupees in cash.
- 22.35 Obtain required declaration from the companion of blind or infirm voters.
- 22.36 If you consider an elector to be much below the voting age i.e. 18 years but otherwise satisfied about his identity, obtain a declaration from him about his age.
- 22.37 Tendered ballot paper should be serially the last in the bundle of ballot papers supplied to you.
- 22.38 Write 'Tendered ballot paper' on the back of ballot paper and its counterfoil in your own hand and sign.
- 22.40 Put tendered Ballot papers and list thereof in a separate cover.

- 22.41 Distribute slips to all electors standing in queue before closing hour of poll, starting the operation from the end of the queue.
- 22.42 Maintain secrecy of voting.
- 22.43 Allow only one polling agent of a candidate inside the polling station at any given time.
- 22.44 Ensure free and fair poll.
- 22.45 Show due courtesy and regard to the Observer appointed by the Commission and furnish him all information required by him.
- 22.46 Canvassing within one hundred metres of polling station is an offence.
- 22.47 Clerical and printing errors in the roll to be overlooked.
- 22.48 Eligibility of a voter not to be questioned.
- 22.49 Make declaration at the end of the poll.
- 22.50 Give attested copies of the ballot paper account to the polling agents.
- 22.51 After the election is over; pack and seal the election papers and materials.
- 22.52 Remember, you will hand over 15 (fifteen) items of election materials at the collection centre.
- 22.53 You will put the packets and other materials in four separate packets.
- 22.54 The first sealed packet of "Statutory Covers" should contain 8 (eight) sealed covers.
- 22.55 The second packet of "Non-Statutory Covers" should contain 6 (six) covers.
- 22.56 The third packet should contain 8 (Eight) items.
- 22.57 All other items should be packed into the fourth packet.
- 22.58 Deliver the polled voting machines, election papers and materials at the collection centre promptly after the poll, without any delay.
- 22.59 Follow the instructions contained in the Hand Book for Presiding Officer so as to ensure the smooth conduct of election.