

STATE ELECTION COMMISSION

No. 1-29/SEC/Civic Elections/2021

Puducherry, 01.09.2021

ORDER

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

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

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

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

And whereas the relevant laws or the rules made there under or the form of nomination paper prescribed there under do not prescribe the form for the filling of the following documents along with the nomination form. If any, which renders him disqualified for contesting election.

- i) Appendix-I - Declaration of the Candidate.
- ii) Appendix-II - Affidavit or declaration of information by the Contesting Candidate about movable/immovable property/non-conviction
- iii) Appendix-III – Undertaking; furnishing details of the Contracts in Existence with the Municipality/Commune Panchayat by the Contesting Candidate
- iv) Appendix –IV – To comply with the Memo of the Returning Officer

And whereas to enable the Returning Officer/ Assistant Returning Officer at these elections to effectively scrutinize the nomination of the candidates, it is expedient to make suitable supplemental and incidental provisions-II in regard to obtaining information about the execution of any Contract Agreement with Municipality/Commune Panchayat of the candidates;

Now, therefore, in exercise of the powers conferred under Articles 243-K and 243-ZA of the Constitution of India read with section 9A of the Puducherry Village and Commune Panchayats Act, 1973, section 15A of the Puducherry Municipalities Act, 1973 and all other powers enabling it in this behalf and in relation to holding of elections under these provisions under the superintendence, direction and control of the State Election Commission, Puducherry. The State Election Commissioner, Puducherry makes the following Order;-

1. Short title, extent, application and commencement.-

(1) This order shall be called the Puducherry Local Bodies Election (Incidental Provisions with regard to filing of Nomination by Candidates) Order, 2021.

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

(3) It shall come into force at once.

2. Information to be furnished by the Candidate.- Having regard to the provisions made in the relevant laws providing for disqualification of a candidature if not furnished the following documents

- i) Appendix-I - Declaration of the Candidate.
- ii) Appendix-II - Affidavit or declaration of information by the Contesting Candidate about movable/immovable property/non-conviction
- iii) Appendix-III – Undertaking; furnishing details of the Contracts in Existence with the Municipality/Commune Panchayat by the Contesting Candidate
- iv) Appendix –IV – To comply with the Memo of the Returning Officer

as specified in any such relevant law for contesting elections for any seat in the Village Panchayat, Commune Panchayat or Municipal council under such relevant laws, every candidate shall, while submitting the nomination paper, or in any case before the commencement of scrutiny of nomination, furnish before the Returning Officer/Assistant Returning Officer as the case may be, furnish the above mentioned documents in the prescribed format respectively.

3. Direction to the Returning Officer.- (a) The disqualification for contesting elections under any of the relevant law on account of furnishing the following documents

- i) Appendix-I - Declaration of the Candidate.
- ii) Appendix-II - Affidavit or declaration of information by the Contesting Candidate about movable/immovable property/non-conviction
- iii) Appendix-III – Undertaking; furnishing details of the Contracts in Existence with the Municipality/Commune Panchayat by the Contesting Candidate
- iv) Appendix –IV – To comply with the Memo of the Returning Officer

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

(c) The Returning Officers or, as the case may be, the Assistant Returning Officers, in-charge of receipt/scrutiny of the nomination shall cause to handover to the candidate in the enclosed Memo as in Appendix-IV together with Proforma of Affidavit annexed thereto, to ascertain at the time of scrutiny of nomination as to whether the candidature is valid from the angle of the provision of relevant laws providing for disqualification of a person furnishing the above mentioned documents in the prescribed format respectively.

Explanation :- The expression 'Relevant Law'

(a) In relation to election to Panchayat means the Puducherry Village and Commune Panchayats Act, 1973 (No. 10 of 1973)

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

4. This supersedes the earlier orders of this Commission.

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(ROY P THOMAS)
STATE ELECTION COMMISSIONER

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APPENDIX –I

Be the Returning Officers/Assistant Returning Officers

Election of –

Member of ward No.....of Village Panchayat.

President of Village Panchayat.

Member of Commune Panchayat Council

Election of –

Councilor of ward No.....ofMunicipal Council.

Chairman ofMunicipal Council.

DECLARATION

I

Son /daughter /wife of

agedyears, resident of

do hereby solemnly affirm and declare as follows:

- (1) That I have filed my nomination paper (s) for the above election.
- (2) That in connection with my candidature for the above election, I am submitting herewith the information in the prescribed Proforma as required by the Puducherry Local Bodies Elections (Incidental Provisions with regard to filing of Nomination by Candidates) Order,2021 of the State Election Commission, Puducherry.
- (3) That the information furnished in the Proforma is to true to the best of my knowledge and belief and that nothing material has been concealed therefrom.

Signature of the candidate.

Verified before me.

Place:
Date:

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

APPENDIX- II

Please affix your
Recent passport size
photograph here

AFFIDAVIT TO BE FILED BY THE CANDIDATE ALONGWITH NOMINATION PAPER BEFORE THE RETURNING OFFICER

Election of { Member from Ward No..... ofVillage Panchayat
President ofVillage Panchayat
Council member fromVillage Panchayat.....Commune Panchayat

Election of { Councillor of Ward No.....ofMunicipal Council
Chairman ofMunicipal Council
*Strike out whichever is not applicable

PART-A

I..... **son/daughter/wife of
.....Aged.....years, resident of.....
.....(mention full postal
address), a candidate at the above election, do hereby solemnly affirm and state on oath as under: -

(1) I am a candidate set up by (**name of the
political party)/**am contesting as an Independent candidate. (**strike out whichever is not
applicable)

(2) My name is enrolled in..... (Name of the Ward / Commune
Panchayat / Municipality and the State), at Serial Noin Part No.....

(3) My contact telephone number(s) is/are.....and my email id (if any)
is.....and my social media account(s)
(if any) is /are

(i).....

(ii).....

(iii).....

(4) Details of Permanent Account Number (PAN)* and status of filing of Income Tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income-Tax return (in Rupees) for the last five Financial Years completed (as on 31st March)	
1.	Self			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
2.	Spouse			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
3.	HUF (If Candidate is Karta/Coparcener)			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
4.	Dependent-1			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
5.	Dependent-2			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	
6.	Dependent-3.....			(i)	
				(ii)	
				(iii)	
				(iv)	
				(v)	

Note: It is mandatory for PAN holder to mention PAN and in case of no PAN it should be clearly stated "No PAN allotted".

(5) Pending criminal cases

(i) I declare that there is no pending criminal case against me.

(Tick this alternative if there is no criminal case pending against the Candidate and write NOT APPLICABLE against alternative (ii) below)

OR

(ii) The following criminal cases are pending against me:

(If there are pending criminal cases against the candidate, the tick this alternative and score off alternative (i) above, and give details of all pending cases in the Table Below)

Table

(a)	FIR No. with name and address of Police Station concerned			
(b)	Case No. with Name of the Court			
(c)	Section(s) of concerned Acts/Codes involved <i>(give no. of the Section, e.g. Section..... of IPC, etc.)</i>			
(d)	Brief description of offence			
(e)	Whether charges have been framed (mention YES or NO)			
(f)	If answer against (e) above is YES, then give the date on which charges were framed			

(g)	Whether any Appeal / Application for revision has been filed against the proceedings (<i>Mention YES or NO</i>)			
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(6) Cases of conviction

- (i) I declare that I have not been convicted or any criminal offence.

(Tick this alternative, if the candidate has not been convicted and write NOT APPLICABLE against alternative (ii) below)

OR

- (ii) I have been convicted for the offences mentioned below:

(if the candidate has been convicted, then tick this alternative and score off alternative (i) above, and give details in the Table below)

Table

(a)	Case No.			
(b)	Name of the Court			
(c)	Section(s) of Acts/Codes involved (<i>give no. of the Section, e.g. Section of IPC, etc.</i>)			
(d)	Brief description of offence for which convicted			
(e)	Dates of orders of conviction			
(f)	Punishment imposed			

(g)	Whether any Appeal has been filed against conviction order (<i>Mention YES or NO</i>)			
(h)	If answer to (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-do-date information to my political party about all pending criminal cases against me and about all cases of conviction as given in paragraphs (5) and (6).

[candidates to whom this Item is not applicable should clearly write NOT APPLICABLE IN VIEW OF ENTRIES IN 5(i) and 6 (i), above]

Note:

1. Details should be entered clearly and legibly in BOLD letters.
2. Details to be given separately for each case under different columns against each item.
3. Details should be given in reverse chronological order, i.e., the latest case to be mentioned first and backwards in the order of dates for the other cases.
4. Additional sheet may be added if required.
5. Candidate is responsible for supplying all information in compliance of Hon'ble Supreme Court's judgment in W.P. (C) No.536 of 2011.

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets:

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given

Note: 3. Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. 'Dependent 'means parents, son(s), daughter(s) of the candidate or spouse and any other person related to be candidate whether by blood or marriage, who have no separate means of income and who are dependent on the candidate for their livelihood.

Note: 5. Details including amount is to be given separately in respect of each investment

Note: 6. Details should include the interest in or ownership of offshore assets.

Explanation - For the purpose of this Form, the expression “offshore assets” includes, details of all deposits or investments in foreign banks and any other body or institution abroad, and details of all assets and liabilities in foreign countries.

Sl. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand						
(ii)	Details of deposit in Bank accounts (FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-banking Financial Companies and Cooperative societies and the amount in each such deposit						
(iii)	Details of investment in Bonds, debentures/ shares and units in companies/ Mutual funds and others and the amount.						
(iv)	Details of investment in NSS, Postal Saving, Insurance policies and investment in any Financial instruments in Post office or Insurance Company and the amount						
(v)	Personal loans/ advance given to any person or entity including firm, company, Trust etc. and other receivables from debtors and the amount						
(vi)	Motor Vehicles/ Aircrafts/Yachts/Ships (Details of Make, registration number etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)						
(viii)	Any other assets such as value of claims / interest						
(ix)	Gross Total Value						

B. Details of Immovable Assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.

Note: 2. Each land or building or apartment should be mentioned separately in this format.

Note: 3. Details should include the interest in or ownership of offshore assets.

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Agricultural Land						
	Location(s)						
	Survey number(s)						
	Area (total measurement in acres)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self- acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						

(ii)	Non-Agricultural Land: Location(s) Survey number(s)						
	Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of Land (in case of purchase) at the time of purchase						
	Any investment on the land by way of develop- ment, construction etc.						
	Approximate current market value						

(iii)	Commercial Buildings (including apartments)						
	-Location(s)						
	-Survey number(s)						
	Area (total Measurement in sq. ft.)						
	Built-up Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property (in case of purchase) at the time of purchase						
	Any investment on the land by way of development, construction etc.						
	Approximate current market value						

(iv)	Residential Buildings (including apartments)						
	-Location(s)						
	-Survey number(s)						
	Area (total Measurement in sq. ft.)						
	Built-up Area (total measurement in sq. ft.)						
	Whether inherited property (Yes or No)						
	Date of purchase in case of self-acquired property						
	Cost of property (in case of purchase) at the time of purchase						
(v)	Any investment on the land by way of development, construction etc.						
	Approximate current market value						
(v)	Others (such as interest in property)						
(vi)	Total of current market value of (i) to (v) above						

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/financial institution(s) Name of the Bank or financial institution, Amount outstanding, Nature of Loan						
	Loan or dues to any Other individuals/entity other than mentioned above Name(s), Amount outstand- ing, nature of loan						
	Any other liability						
	Grand total of liabilities						

(ii)	<p>Government dues:</p> <p>Dues to departments dealing with government accommodation</p>	<p>(A) Has the Deponent been in occupation of accommodation provided by the Government at any time during the last ten years before the date of notification of the current election?</p> <p>(B) If answer to (A) above is YES, the following declaration may be furnished namely: -</p> <p>(i) The address of the Government accommodation:</p> <p>(11) There is no dues payable in respect of above Government accommodation, towards-</p> <p>(a) rent;</p> <p>(b) electricity charges;</p> <p>(c) water charges; and</p> <p>(d) telephone charges as on _____</p> <p>(date)</p> <p>[the date should be the last date of the third month prior to the month in which the election is notified or any date thereafter].</p> <p>Note -- 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above <u>Government accommodation should be submitted.</u></p>					<p>YES/NO</p> <p><i>(Pl. tick the appropriate alternative)</i></p>
(iii)	<p>Dues to department dealing with government transport (including aircrafts and helicopters)</p>						
		Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iv)	Income tax dues						
(v)	GST Dues						

(vi)	Municipal/Property tax dues						
(vii)	Any other dues						
(viii)	Grand total of all Government dues						
(ix)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.						

(9) Details of profession or occupation:

(a) Self

(b) Spouse

(9A) Details of source(s) of income:

(c) Self.....

(d) Spouse

(e) Sources of income, if any, of dependents,

(9B) Contracts with appropriate Government and any public company or companies

(a) details of contracts entered by the candidate

(b) details of contracts entered into by spouse

(c) details of contracts entered into by dependents

(d) details of contracts entered into by Hindu Undivided Family or trust in which the candidate or spouse or dependents have interest

(e) details of contracts, entered into by Partnership Firms in which candidate or spouse or dependents are partners

(f) details of contracts entered into by private companies in which candidate or spouse or dependents have share

(10) My educational qualification is as under:-

(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

PART-B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART-A:

1.		Name of the Candidates			Sh./ Smt./Kum.		
2.		Full postal address					
3.		Number and name of the Constituency and State					
4.		Name of the political party which set up the candidate (otherwise write 'Independent')					
5.		Total number of pending criminal cases					
6.		Total number of cases in which convicted					
7.				PAN of	Year for which last income Tax Return filed	Total income shown	
	(a) Candidate						
	(b) Spouse						
	(c) HUF						
	(c) Dependents						
8.		Details of Assets and Liabilities (including offshore assets) in Rupees					
	Description	Self	Spouse	HUF	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Assets (Total value)						
B.	Immovable Assets						
	I. Purchase Price of self-acquired im- movable property						
	II. Development/ con- struction cost of immovable property after purchase (if applicable)						

	III.	Approximate Current market price - a) self-acquired assets (Total Value) (b) inherited assets (Total Value)							
9.			Liabilities						
	(i)	Government dues (Total)							
	(ii)	Loans from Bank, Financial Institutions and others (Total)							
10.			Liabilities that are under dispute						
	(i)	Government dues (Total)							
	(ii)	Loans from Bank, Financial Institutions and others (Total)							
11.			<p>Highest educational qualification:</p> <p>(Give details of highest School/ University education mentioning the full form of the certificate/diploma/ degree course, name <u>of the School/College/University and the year in which the course was completed.</u>)</p>						

VERIFICATION

1, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from. I further declare that:-

(a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;

(b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at this the.....day of.....

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable”, as the case may be, should be mentioned.

Note: 4. The Affidavit should be either typed or written legibly and neatly.

Note: 5. Each page of the Affidavit should be signed by the deponent and the Affidavit should bear on each page the stamp of the Notary or Oath Commissioner or Magistrate before whom the Affidavit is sworn.

APPENDIX – III

UNDERTAKING

**UNDERTAKING TO BE FILED BY THE CANDIDATE ALONGWITH
NOMINATION PAPER BEFORE THE RETURNING OFFICER FOR ELECTION
TO CHAIRMAN/ MUNICIPAL COUNCILLOR/COMMUNE PANCHAYAT WARD
MEMBER/VILLAGE PANCHAYAT PRSIDENT FROM -----
MUNICIPALITY/COMMUNE PANCHAYAT**

I.....**son/daughter/wife
of.....Aged.....
years, resident of.....(mention
full postal address),a candidate at the above election, do hereby solemnly affirm and
state on oath as under:-

(1) I am a candidate setup by-----

(**name of the political party) / **am contesting as an Independent candidate.

(**strike out whichever is not applicable)

(2) My name is enrolled in..... (Name of the
Ward and the Municipality/Commune Panchayat /state), at Serial No.....in
Part No.....

(3) My contact telephone number(s) is/are.....and my
e-mail id (if any) is..... and my social media account(s)(if
any)is/are

(i).....

(ii).....

(iii).....

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this Undertaking are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from . I further declare that:-

- (a) there is no any kind of Contract Agreement is in progress with the
Municipality/Commune Panchayat at present
- (b) I, my spouse, or my dependents do not have any kind of Contract Agreement with the Municipality/Commune Panchayat at present.

Verified at.....this the.....day
of.....

DEPONENT

- Note:** 1. Undertaking should be filed latest by 3.00 PM on the last day of filing nominations.
- Note:** 2. Undertaking should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.
- Note:** 3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable”, as the case may be, should be mentioned.
- Note:** 4. The undertaking should be either typed or written legibly and neatly.

ENCLOSURE ALONG WITH NOMINATION PAPER

The following documents to be enclosed by the contesting candidates while filing of Nomination Paper for the Local Body Elections in the UT of Puducherry

1. Receipt for Deposits paid
2. Affidavit in Rs.20/- Stamp paper duly signed by Notary Public
3. No Dues Certificate obtained from Commissioner of Municipality/Commune Panchayat concerned
4. Certificate obtained from Commissioner of Municipality/Commune Panchayat concerned for
No Contract Agreement is in progress.
5. A Certified copy of the Electoral roll bearing , the name of a contesting candidate should be enclosed along with Nomination Paper for the Candidate contesting from one Ward to another Ward for the post of Ward Councilor within Municipality and a contesting candidate from one Village Panchayat ward to another Village Panchayat Ward and from One Commune Panchayat ward to another Commune Panchayat ward for the post of Village Panchayat member /Commune Panchayat Ward Councilor respectively.

APPENDIX –IV

Memo No.....

Date:

From

Returning Officer/Assistant Returning Officer
For

To

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

(Name and address of candidate)

Election of –

Member of ward No.....of Village Panchayat.

President of Village Panchayat.

Member of Commune Panchayat Council

Election of –

Councilor of ward No.....ofMunicipal Council.

Chairman ofMunicipal Council.

Your attention is invited to the Puducherry Local Bodies Elections (Incidental Provisions with regard to filing of Nomination by the Candidates) Order, 2021.

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

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

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

Returning Officer