



**HAND BOOK FOR
RETURNING OFFICERS FOR
ELECTION OF COUNCILLOR / CHAIRMAN
OF MUNICIPAL COUNCIL**

STATE ELECTION COMMISSION

PUDUCHERRY

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**HAND BOOK FOR RETURNING OFFICERS FOR ELECTION OF
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CHAPTER I

PRELIMINARY

Role of Returning Officer:

1.1. You are the Returning Officer for a constituency in which, Poll will be taken. You should, therefore, acquaint yourself fully with the up-to-date rules and procedures prescribed for the conduct of elections. You should familiarize yourself thoroughly with each step to be taken at various stages of the election process. The smooth conduct of election right from the issue of the public notice and till the declaration of the result mainly depends on you and the electoral machinery under you. You have a well-defined and a vital role to play in the electoral process. A slight mistake or lapse or wrong application of the law or rules or inadequate knowledge of your various functions may vitiate the election.

1.2. This Hand Book is designed to give you the information and guidance which you may need in the performance of your functions. However, it may be noted that this Handbook cannot be treated as an exhaustive compendium in all aspects and as a substitute reference for various provisions of election law during the conduct of elections. You should, wherever necessary, refer to those legal provisions which are contained in the "A compendium of relevant statutory provisions of the Constitution of India, Act Rules and notifications relating to the election to Municipalities in the Union Territory of Pondicherry". This contains, among other things, relevant extracts from (1) the Constitution of India (2) the Representation of the People Act, 1951 (3) the Pondicherry Municipalities Act, 1973 and the relevant enactment with which you would be primarily concerned. You must also keep a copy of the Hand Book for Presiding Officers published by the State Election Commission. You should make yourself thoroughly familiar with the compendiums and these said Hand Books and refer to them as often as you can and every time you are in doubt.

1.3. You should also study the various Forms, statutory and non-statutory, which have to be used for an election. These should be stocked in adequate numbers.

Broad outlines of duties:-

1.4. You as the Returning Officer are primarily responsible for the conduct of election from your constituency. The main items of your work in that regard are briefly mentioned as below:

- (a) Drawing up, well in advance, a programme and plan of detailed arrangements for the poll;
- (b) Procurement of Electronic Voting Machines and all election materials in sufficient quantity
- (c) Issue a public notice of election under rule 10 of the Pondicherry Municipality Councils (Conduct of Election of Councillors) Rules, 1974 as amended in the year 2002 read with the Pondicherry Municipal Councils (Election of Chairman) Rules, 1996;
- (d) Reception of nomination papers, security deposits, etc;
- (e) Scrutiny of Nomination Papers.
- (f) Recording of reasons in brief for rejection any nomination paper;
- (g) Receipt of notices for withdrawal of candidatures;
- (h) Allotment of symbols to contesting candidates;
- (i) Preparation and publication of notice of nominations, list of validly nominated candidates and list of contesting candidates;
- (j) Assessing the requirements of (i) Electronic Voting Machines (ii) Ballot Papers for Balloting Units of Electronic Voting Machines (iii) Postal Ballot Papers for service voters and voters on election duty, etc., and (iii) tendered ballot papers and arranging the printing and supply thereof;
- (k) Establishing the contact with the contesting candidates and political parties to ensure free, fair and smooth election;
- (l) Convening of meeting of constituency committee to discuss common problems relating to conduct of election, enforcement of model code of conduct for political parties, etc.;
- (m) Transport arrangements for the polling parties, Electronic Voting Machines and election materials;
- (n) Dispatch of polling parties for the conduct of poll and supply of Electronic Voting Machines, tendered ballot papers and other election materials to them;
- (o) Effective supervision of the poll;

- (p) Transport and storage of Polled Electronic Voting Machines after the poll is over, under strict security arrangements;
- (q) Fixing the date, time and place of counting and actual counting of votes;
- (r) Declaration of results;
- (s) Transmission of all Electronic Voting Machines , election papers and election materials after declaration of result, for safe custody;
- (t) Overall supervision of election work

Polling Rehearsals and Training of staff:

1.5.1. It is essential that thorough and intensive training is imparted to the election machinery in the conduct of elections. The success of the election would depend on the degree and intensity of training given to them and thoroughness on their part in conducting the election at the polling stations. You should hold polling rehearsals as often as possible. You should see that every Presiding Officer and Assistant Presiding Officer (who is to act as Presiding Officer if the latter is unavoidably absent on the day of poll) attends at least two or three such rehearsals. Polling Officers need not attend the training, but the Presiding Officer and the Assistant Presiding Officer should train them well in advance of the poll.

1.5.2. At the polling rehearsals arranged by you, provide to each Presiding Officer and Polling Officer present, a copy of the Hand Book for Presiding Officers separately published by the Commission explaining the detailed procedure to be followed at the polling stations.

1.5.3. Detailed instructions for operating the Electronic Voting Machines are contained in the Hand Book for Presiding Officers and Assistant Presiding Officers you must ensure that the Presiding Officers and Assistant Presiding Officers are thoroughly familiar with the operation of the Electronic Voting Machines . You may allow each one of them to operate the Voting Machine independently including the fixing of green seal.

1.5.4. They should also be trained to prepare the paper seal account at the end of the poll. The polling agents may sign the green paper seal and may also take note of any entry in the account for being passed on to the candidates for the purpose of verification at the time of opening of Electronic Voting Machines for the counting of votes.

1.5.5. At the end of the poll, the Presiding Officer is required to prepare an account of voters recorded at the polling station. The said accounts shall be prepared by the Presiding Officer in Form 22A and an attested copy thereof shall be furnished by him to every polling agent present at the polling station. The Presiding Officers should, therefore, be properly instructed to prepare the said account in Form 22A accurately, so that no mistake is committed by them in filling up the various entries in that Form. For that purpose, sample Forms may be filled by you in the rehearsal classes and the Presiding Officers asked to prepare such accounts in the prescribed form themselves as an exercise.

1.5.6. After the conclusion of poll, the Presiding Officer is required to seal the Electronic Voting Machines. He is also to permit the polling agents to affix their seals on these Electronic Voting Machines. The details of such seals are given in the Hand Book for Presiding Officers which has been separately published by the Election Commission. At the polling rehearsals, the Presiding Officers should be properly informed and instructed of the manner in which such seals are to be affixed on the Electronic Voting Machines.

Commission's special instructions:

1.6.1. The Commission has directed that-

i) At the time of presentation of the nomination paper of a candidate or earlier such candidate or his proposer should be-

- (a) Handed over a letter requiring the candidate to furnish at the time of presentation of nomination paper or before the date and time fixed for scrutiny of nominations, the information relating to conviction, if any in the prescribed proforma and duly supported by an affidavit.
- (b) Supplied with copies of such instructions and guidelines issued by the commission regarding the maintenance and lodging of Account of Election Expenses and the Register prescribed for the purpose;

ii) All the contesting candidates should be issued with a notice inviting their attention to the provisions of law relating to corrupt practices and electrical offences

1.7. 1. Municipal level committees should be set up to ensure the observance of the Model Code of Conduct devised by the commission for the guidance of political parties and candidates. The Model Code of Conduct comes into operation from the date of announcement of election by the Commission.

Statutory requirements - Check memos.

1.8.1. It is necessary that, the check memos should be maintained by the Returning Officer, in respect of each constituency falling within his jurisdiction and a copy thereof should be sent to the Commission after the completion of the election.

Observers:-

1.9.1. The Observers may be appointed by the State Election Commission to watch the process in the field on behalf of the Commission. They are officers of the Commission working under the superintendence, control and discipline of the Commission for period of elections.

1.9.2. The duties of the Observers can be broadly classified as below:-

- (i) They will observe the preparedness for conducting a fair, free and peaceful election and whether, in compliance with the guidelines, of the Election Commission, the local authorities have identified sensitive areas and polling stations from the point of view of protection of weaker sections and women. They should also observe whether adequate stock of all requisite election materials like Electronic Voting Machines , DMM (Detachable Memory Modules for Control Units) paper for printing ballot papers for Balloting Units, indelible ink phials, green paper seals, etc., are physically available in adequate quantity. They should inspect the electoral rolls at random with a view to ensuring their completeness and correctness and that there are no complaints of unauthenticated addition or deletion of names. They should make a random check of polling stations with particular reference to their location, spaciousness and suitability and especially with reference to the casting of votes by harijans, women and other weaker sections of the society. The Observers should also attend some of the training rehearsals arranged for the Presiding Officers and Assistant Presiding Officers to study the quality of training being imparted.
- (ii) They should locally discuss with the Returning Officer, the law and order enforcement authorities and other election related Officials, defects and shortcomings in the election arrangements which are locally remediable.
- (iii) The Commission has not prescribed any format for the reports of the Observers. This is so because situations vary from constituency to constituency.

But there are certain common points of concern, viz :-

- That the conduct of the election machinery in, the field is free from bias, is impartial and uninfluenced by any local or other prejudices.
- That the complaints received from the candidates and their agents are being suitably, and with due and deliberate speed, disposed of by the election machinery;
- That the location of polling stations, the composition of the polling parties, the deployment of the Central and State police forces, the preventive action of the local law and order machinery to curb poll violence and intimidation and counting of votes, are being carried out in a manner which minimises chances of vitiation of the process to conduct peaceful, fair and free elections;
- That the local election machinery is taking all practicable steps to ensure the observance of the Model Code of Conduct.

1.9.3. The observers are expected to visit constituencies allotted to them at least twice or so often as may be directed by the Commission.

1.9.4. Observers shall not under any circumstances share the contents of their reports or any information therein with anyone except the Election Commission.

1.9.5. Under no circumstances are the observers expected to address the press.

1.9.6. The observers have the powers to direct the Returning Officer to stop the counting of votes at any time before the declaration of result or not to declare the result, if in their opinion booth-capturing has taken place at large number of polling station or at the counting place or the ballot papers or Electronic Voting Machines are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with. The election proceedings in such cases shall proceed further in accordance with such directions of the Commission as it may issue on the reports of the Observers and after taking all material circumstances into account.

1.9.7. The Returning Officer, will ensure that the place of stay, the phone number, the dates of visit of the observers are duly publicised in the constituencies. The observers shall double check this. They have to make themselves easily accessible to whoever wants to meet them with election related complaints or information.

Election Expenditure Observers:

1.10.1. The Commission may also appoints Election Expenditure Observers. The primary duty of these Observers is to closely observe and assess the expenditure incurred by a candidate himself, or by a political party or any other persons on his election so as to ensure a check on the flow of unaccounted financial resources.

1.10.2. Same facilities as are being provided to Election Observers shall also be extended/ made for Election Expenditure Observers.

Safe preservation of EVMs:

1.11.1. The Electronic Voting Machines should be stored in godowns when they are not in use before an election. Likewise, proper arrangements should be made for their safe custody and preservation after the completion of the election.

CHAPTER II

POLLING STATIONS

Introductory :

2.1. Under Rule 5 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 as amended in the year 2002, the Returning Officer is responsible for the provision of polling stations and publication of the list of polling stations. The electoral rolls are prepared polling station-wise. The polling stations are also set up more or less on permanent footing, covering well defined polling areas. Changes will become necessary only when there is an abnormal increase of electors in a particular polling area. Normally, the list of polling stations must have already been approved by the Commission earlier. If the same list is proposed to be adopted no fresh approval of the Commission is necessary. The Commission must, however, be informed in all such cases at least two weeks before the last date for the withdrawal of candidatures. Wherever modifications are proposed, the Commission's approval should be obtained. The draft lists of the polling stations must be forwarded to the Election Commission for scrutiny and approval at least two weeks before the last date for the withdrawal of candidature's.

Drawing up of list of polling station:

2.2 These lists should be drawn up as far as practicable bearing in mind the following instructions:-

- (1) *Number of polling stations and number of voters:* (a) The optimum number of polling stations to be set up in a Municipal ward should be determined by dividing the total number of voters in the ward by 1000.
- (b) When the number of voters exceeds 1000, auxiliary polling stations should be set up subject to following conditions:-
 - (i) Auxiliary polling stations shall have the same serial number as that of the original polling station, but with a suffix "A", "B", etc.
 - (ii) As far as practicable, the auxiliary polling stations shall be located in the same building or premises as that of the original polling station.
 - (iii) Only when it is unavoidable due to non-availability of suitable rooms, the auxiliary polling station may be located in a separate building, but shall be within the same area as that of the original polling station.
 - (iv) No repeat no separate serial number shall be given to auxiliary polling station even if it is located in a separate building. It shall have the same serial number as that of the original polling station with the permitted suffix "A" or "B" in view of the fact that the original polling station and its auxiliary polling station may be having the electors shown in the same part of the electoral roll.
- (c) Polling stations may be set up in localities/colonies inhabited by the weaker sections of the society even though the number of voters may be less than 1000.
- (2) *Structure and fittings of polling stations:* Select the actual site of each polling station carefully in advance and arrange for materials, structures, fittings, etc., necessary to set up a polling station in order to make the polling station satisfy the requirements of law and practical convenience.

2. As far as practicable, the polling station should have normally a minimum area of 20 sq. meters so that there is no congestion inside the polling station;
3. Select halls/rooms which are well-lit and are having two openings at least, so that one can be used as 'entrance' and the other as 'exit' for the smooth and orderly conduct of poll.

Location of polling stations:

2.3.1. To the extent practicable, polling stations should be located more or less permanently, so that the voters go and cast their votes always at one polling station.

2. Polling stations should be set up in such a manner that ordinarily no voter is required to travel more than *one kilometre* for recording his vote. In sparsely populated hilly or forest area this rule may have to be relaxed; but in order to avoid voters having to walk unduly long distances, polling stations in such cases may be set up for a smaller number of voters, than usual.
3. In urban areas, not more than four polling stations should be located in the same building in any case, in order to avoid overcrowding and to facilitate maintenance of peace and order.
4. In places where two polling stations are set up in the same building or compound there is no objection to allotting one of them for men and the other for women, but normally common polling stations with separate queues for men and women should do. When separate polling stations are provided for men voters and women-voters of a particular polling area, these should as far as possible be located in the same building.
5. Where the polling area for a polling station comprises a number of villages, the polling station or stations should ordinarily be located in the village which has the largest number of voters. Where, however, another village is much more central or has distinctly better facilities, it might be chosen for location of polling station in preference to the village with the largest number of voters.
6. As far as possible, polling stations should be located in schools (Government or aided) and other Government or Semi-Government institutions, as the furniture and equipment required would be available there and could be made use without any extra cost to the State. The location of the polling stations in private buildings or premises should be avoided, but where this becomes unavoidable, the buildings should be properly requisitioned and/or the consent of the owner should be obtained in writing. The private building so requisitioned should be at the disposal of the Returning Officer at least 24 hours before the commencement of poll and for the period required for the poll. The building and the area around it up to a radius of two hundred metres should be under the control of the Presiding Officer. 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 two hundred metres around it. The security arrangement at the polling station and within the above area will be the responsibility entirely of the State Police under the control of the Presiding Officer. After nominations are filed, it should be ensured that the owner of such private building is not a contesting candidate or a known sympathiser or worker of any of the candidates at the election.
7. No polling station should be located in police stations, hospitals, temples or places having religious significance.
8. In case no suitable buildings either Government or private are available the polling station can be located in the temporary structures but, as far as possible, this should be avoided as it involves considerable expenditure to Government and is also open to other risks like heavy rains, fire, etc.

Provision of polling stations for weaker sections:

2.4 Due to manipulative tactics, location of polling stations in some cases is fixed in such a way that the electors belonging to weaker sections are intimidated and prevented from going to polling stations for voting. Commission has issued specific directions to identify the localities predominantly inhabited by weaker sections and locate polling stations in these localities irrespective of the number of electors.

Welfare associations or voluntary organisations championing the cause of such weaker sections should also be associated in identifying such localities and locating the polling stations.

List and Map:

2.5.1 The draft list of polling stations should be drawn up in the prescribed form (Annexure 2.1). The demarcation of polling area should be clearly done. The name of each village covered by the polling area and the number of voters in it should be shown in the respective columns against each polling station. By a clear description of the polling area should be feasible for an ordinary voter to know to which polling station he should go for recording his vote. In order to ensure that a uniform method is followed in the matter of filling up the columns, the following instructions may be kept in mind.

Column 1.

The serial numbers of the polling stations should be given on a rational basis commencing from the north-western corner of the constituency and proceeding in a zig-zag manner to south-eastern corner of the constituency. The serial number of a polling station and part number of the electoral roll covering the polling area assigned to that polling station should be the same.

Column 2.

The locality to be specified is the name of the area in which the polling station is located. In the case of temporary structures the description of the exact site chosen for the location of the temporary structure should be clearly indicated.

Column 3

The name of the building in full should be clearly described. The use of abbreviations should be avoided. In cases where more than one polling station is located in the same building the location should be made clear by mentioning "North Wing", "South Wing" etc.

Column 4

The area of the polling station in square metres should be indicated. The reason for locating polling stations in rooms/halls having an area of less than 20 square metres should be furnished in 'Remarks' column of the proforma against the appropriate entry.

Column 5

If there is a separate entrance and a separate exit; 'Yes' may be written otherwise reasons why it has not been possible to locate the polling station in a room/hall with separate entrance and exit may be given.

Column 6

The names of villages, blocks, wards, streets, localities, house numbers and part number of the electoral roll should be given.

Column 7.

It should be indicated whether the polling station is for all voters or men voters or women voters only.

Column 8.

This column should contain information about the total number of voters assigned to the polling station according to the final electoral roll of the constituency.

Column 9.

This column should indicate the distance to be travelled, if the maximum limit of 1 kilometre is exceeded.

Column 10.

- (1) Where it is not practicable to conform to the Commission's directions in regard to the location or area of a polling station, broad reasons may be given in this column, as far as possible, for the consideration of the Commission, besides any other remarks which the Returning Officer may like to make.
- (2) The total number of voters in the constituency, the total number of polling stations proposed and the average number of voters per polling station should invariably be shown at the end of each list.
- (3) The list should be accompanied by a map to scale showing:-
 - (i) All the wards or localities in towns, with the number of voters in each such locality, on the map itself, and where this is not convenient or practicable, in a statement annexed to the map;

- (ii) The place selected for the location of the polling stations;
- (iii) The area served by each polling stations, indicated by serial numbers in a systematic manner, preferably beginning from the north-western corner of the constituency proceeding zig-zag and ending at the south-eastern corner. (Such serial numbers should be the same as the part numbers of the electoral roll which cover the respective polling areas assigned to those polling stations.)
- (4) The use of abbreviations in the list should be avoided, as far as possible, and where these are used, these should be explained.
- (5) If any local terms are used to described buildings, etc. in the list, these should be explained.

Publication of the list of polling stations in draft :

2.5.1. After the list has been prepared on the lines indicated above the Returning Officer should publish it in *draft* in the language or languages of the electoral roll for the constituency, for general information, inviting objections and suggestions by a specified date, allowing a period not less than seven days. The notice of publication of the *draft* list of polling stations and places at which it can be inspected should also be given in local newspapers and written objections or suggestions invited for consideration.

2.5.2. Copies of the list should be supplied to the. local branches of all recognised political parties.

2.5.3. The Returning Officer should thereafter call the party representatives and legislators to a meeting and discuss the draft list and the suggestions received. Any *bona fide* intending candidate who wishes to take part in the discussions at this meeting should also be permitted to do so.

2.5.4. The Returning Officer should then take his decisions, amend the draft list where necessary and finalise the draft list of polling stations for the constituency. He should then forward if along with the map to the Commission, along with the scrutiny sheet and the certificates in the forms prescribed in Annexure 2.2 and 2.3.

2.5.5. The Commission will then consider and approve the proposed list of polling stations, with any changes it deems necessary. The list finally approved by the commission should be published.

2.5.6. After the approval of the Commission is received, Returning Officer should once again check the list to see whether there are any errors and incorporate the changes, if any suggested by the Commission in the list.

2.6.1. The Returning Officer shall publish the list of polling stations provided by him, with the previous approval of the Elections Commission by making a copy thereof available for inspection in the manner prescribed by the Commission in its order reproduced in Annexure 2.4. and displaying at his office a notice in the form given in Annexure 2.5. On such publication, the list shall be the list of polling station for that constituency.

2.6.2. The Returning Officer can correct only printing or clerical mistaken, if any, after such publication.

2.6.3. The list of polling stations shall be published in the language or languages in which the electoral roll for that ward is published.

Auxiliary polling station:

2.7. If the lists of polling stations are approved before final publication of the electoral rolls, they should be reviewed after the rolls are finally published, particularly with respect to the number of electors allotted to each polling station. If there has been a substantial increase in the number of electors allotted to each polling station, making such number far in excess of the normal permissible limit and it is considered desirable to provide an auxiliary polling station, such cases should be referred to the Commission for its approval. In such cases as far as practicable, the auxiliary polling station should be provided in the same premises in which the earlier polling station is located or as near that premises as possible.

Modifications in the list:

2.8.1. Every modification as a result of variation in the number of voters within the polling area allotted to a polling station, consequent on the revision of electoral rolls, should be reported to the Commission for approval.

2.8.2. Changes in the location of polling stations to new buildings or sites may become necessary, where the owner of the building or site originally proposed for a polling station has since become a contesting candidate or has strong sympathies for such candidate or political party, or because of any natural calamity that might have be fallen on such building. All such changes should be reported forthwith to the Commission for approval.

2.8.3. Once the lists are approved requests from political parties and individuals for shifting of the polling stations from one village to another or from one site to another should be considered, only in extremely exceptional cases where there are overriding considerations of public convenience for the change proposed. If the Returning Officer is satisfied, he should consult other political parties and contesting candidates and then only make his recommendations to the Commission in the matter.

2.8.4. Returning Officer should, on no account, make any change in the location of polling stations already approved by the Commission, without its prior approval, as any change may ultimately result in the election being declared void.

2.8.5. Where changes become inevitable and have to be made, such changes should be referred to the Commission for its previous approval. The changes should be fully publicised and all contesting candidates and political parties, etc., informed in writing.

Change in the nomenclature of the building of a polling station:

2.9. After the approval of the list of polling stations for a constituency, if there is any change in the nomenclature of the building in which the polling station is proposed to be set up, for example, up gradation of a Primary School to a Middle School and the like, but otherwise there is no change in the location of the polling station, cases of such Change need not be referred to the Commission for its previous approval. However, the Commission should be informed of such change. The political parties and the contesting candidates etc., should also be informed in writing about such change.

Supply of copies of the list:

2.10.1. As soon as may be after the list of polling stations has been finally published in the manner specified in Para 7, a copy of such finally published list shall be supplied, free of cost, to every recognised political party to whom copies of draft lists were earlier supplied under Para 2.5.2.

2.10.2. Each contesting candidate at an election shall be supplied free of cost, with three copies of the list of polling stations for that constituency, immediately after the last date for withdrawal of candidatures. Copies should also be made available for sale at the price fixed and may be freely sold to all persons who demand copies.

2.10.3. The Returning Officer should also supply the required number of copies to the Superintendent of Police, the Inspectors of Police within the constituency.

List of polling stations for future general elections and bye-elections:

2.11.1. Under the existing instructions of the Commission, polling stations should be located more or less permanently, so that the voters have a fair idea about their polling stations where they have to go to vote and that they should not be required to go to different places at different elections. The Commission has also decided that the electoral rolls should be prepared polling station-wise i.e. each part should cover a well-defined polling area assigned to a polling station.

2.11.2. Wherever such list has been submitted to the Commission and its approval in regard to that list obtained in terms of rule 5, such approved list shall be the list of polling stations for the constituency.

2.11.3. Whenever any General Election or Bye-Election is to be held in that Municipality in future, the Returning Officer should examine whether any addition to or alteration in the list of polling stations already approved is necessary on account of the revision of the electoral rolls before that election.

2.11.4. If at any such election, no change or modification in the approved list is considered necessary and the same is proposed to be adopted in to for that election, no further approval of the Commission in regard to that list will be necessary and such list need not be referred to the Commission for its fresh approval before the election. The Commission must, however, be informed of this fact at least two weeks before the last date for withdrawal of candidatures.

2.11.5. Where however, the list of polling stations already approved by the Commission is proposed to be adopted, with modifications, for the said election, the Returning Officer should call a meeting of the representatives of the local branches of the recognised political parties, and the legislators (only till councillors and Chairman assume Charge for the first time) Councillors/ President of the Municipal council and after consulting them the revised list to the State Election Commission, with reasons for the modifications. While suggesting the modifications, it should be ensured that the Returning Officer furnishes a certification to the effect that he has consulted the political parties and the legislators and that they have no objection to the modifications. Where a modification is not acceptable to any political party or legislator or a candidate and such modification is necessary from the point of view of the Returning Officer, full justification for the Change should be furnished to the Commission. After the list is approved by the Commission it should be published for general information in the constituency.

ANNEXURE 2.1.

LIST OF POLLING STATIONS

No. and name of the Municipal Ward.....

Sl. No.	Locality of Polling Station	Building in which it will be located	Area of the Polling Station	Whether there is separate entrance, and exit, if not, reasons	Polling *areas	Whether For all voters or men only or women only	Total number of voters assigned	Maximum distance that a voter will have to travel to reach the station	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

1. Total number of voters
2. Total number of polling stations proposed
3. Average number of voters per polling station

Date

Returning Officer

* Here give names of streets; localities house numbers and part No. of the electoral roll assigned. In case, part is split up into two polling stations, then the serial numbers (not the house numbers) of the voters assigned should also be mentioned.

ANNEXURE 2.2.

SCRUTINY SHEET FOR LIST OF POLLING STATIONS

No. and name of the Municipal Ward

1. Date of Poll.
2. Total number of voters in the Municipal Ward. .
 - (a)
 - (b)Women
 - (c) Service Voters.Total.
3. Number of polling stations required on the basis
of an average of 750 voters per polling station :
4. Total number of polling stations actually provided:
5. Average number of voters per polling station:
6. Number of polling stations to each of which more
than 750 voters have been assigned, indicating
the highest number of voters assigned to a
polling station. :
7. The lowest number of voters assigned to a
polling station :
8. Whether the number of voters in respect of
each component village or other unit of the
polling area has been shown in the list/map:
9. No. of polling stations for which the maximum
distance that a voter will have to travel is more
than 1 kilometre. :
10. Whether all the polling areas have been clearly
demarcated :
11. Whether serial number of polling stations has
been done in a systematic manner. :

12. (a) Whether there are any areas predominantly inhabited by electors belonging to Harijan and other weaker sections of the society :
- (b) If so, the number of polling stations set up separately for them and the total number of electors assigned to each of them :
13. Whether any polling station has been proposed to be located in any-
 - (a) Private building :
 - (b) Temporary structure, and if so, whether the exact site chosen for the location of the polling stations has been clearly indicated in the list :
14. No. of polling stations which have less than 20 sq. mt. area. :
15. Whether it has been certified that the private buildings do not belong to any of the candidates his active workers or known sympathisers :
16. Details of polling stations where more than 4 polling stations in urban areas and more than 2 polling stations in rural areas have been located in the same building :
17. Whether it has been certified that all the polling areas within the constituency are covered by the proposed polling stations
18. (a) Serial Nos. of separate polling stations provided for women voters :
- (b) In' case of (a) above, whether polling stations for men and women voters of a particular area have been located in the same building :
19. Whether the list has been published and discussed with political parties, etc . :
20. Any other remarks :

Returning Officer

Note: Please specify the serial numbers in addition to the total number of polling stations against items 6,7, 12(b), 13, 14. 16, and 18,

ANNEXURE 2.3.

CERTIFICATE TO BE FURNISHED ALONG WITH LIST OF POLLING STATIONS

Certified:

- (i) That the draft, list was duly published objections and suggestions were invited, and discussed with the party representatives and legislators on the lines indicated in the commission's Directions;
- (ii) That all the polling areas within the ward have been covered in the list.
- (iii) That no building, public or private, which is a temple, church, mosque, gurdwara or has any religious significance or in respect of which any section of the public may have any legitimate objection or enter, has been proposed as a polling station;
- (iv) That no police station, hospital or dispensary is proposed as a polling station;
- (v) That separate polling stations have been set up in areas electors of which are predominantly Harijan and other weaker sections of the society and that no such area has been either left out or linked with areas where electors predominantly belong to forward communities.
- (vi) Where the usual limit of 1200 voters per polling station or the limit of one kilometres beyond which a voter should not ordinarily be required to walk has not been maintained, no better arrangement is practicable;
- (vii) That no private building in the list of polling stations belongs to any political party or is known to belong to any prominent or active member of any of the political parties; and
- (viii) In cases where private buildings have been selected as polling stations the written consent of the owner for the purpose has been obtained.

Signature of the
Returning Officer

Place

Date

STATE ELECTION COMMISSION

No. SECJ1-7/Civic Elec./2001

Pondicherry, 26th September 2001.

ORDER

In exercise of the Powers conferred by rule 5 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 read with the Pondicherry Municipal Councils (Election of Chairman) Rules, 1996, the State Election Commission hereby directs that the Returning Officer Municipal Wards, shall publish the list of polling stations provided by him for every Ward, with the previous approval of the Commission, by making a copy of there of available for inspection and displaying a notice in the form appended.

- (a) At his Office, and
- (b) At the office of the Electoral Registration Officer for the Municipal Wards.
- (c) At the Office of the Municipality.

The Returning Officer shall, as far as practicable, also make a copy of the relevant parts of the list, together with the notice in the form appended available for inspection at such of the following places as he may consider necessary.

- (i) In the ward offices of the Municipality.
- (ii) Such other places and in such other manners as he may consider necessary and suitable.

State Election Commissioner.

ANNEXURE 2.5

NOTICE

No:

Dated:

In pursuance of the provisions of the rule 5 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 as amended in the year 2002, read with the Pondicherry Municipal Councils (Election of Chairman) Rules, 1996 the Returning Officer hereby provides for Municipal Wards with the previous approval of the State Election Commission the polling station specified in the appended list for the polling areas or groups of voters noted against each.

Returning Officer

..... Municipal Wards

List of polling stations for Municipal Wards:

Sl. No	Name of the Municipal Ward	No. of the polling stations	Building in which it will be located	Polling area
(1)	(2)	(3)	(4)	(5)

Returning Officer

..... Municipal Wards

CHAPTER III
POLLING PERSONNEL

Legal Provisions:

3.1.1. Under rule 6 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rule, 1974 the Returning Officer will be responsible for the appointment of the Presiding Officer and Polling Officers and staff for each polling station. But he shall not appoint as Presiding Officer, any person who is in the employ of Municipal council or is a councillor or any person who has been employed by or on behalf of or any has been otherwise working for a candidate in or about the election.

3.1.2. The Returning Officer may appoint the same person to be the Presiding Officer for more than one Polling Station in the same premises.

3.1.3. In the absence of the Presiding Officer due to illness or other unavoidable cause, the Assistant Presiding Officer shall perform the duties of the Presiding Officer.

Polling personnel:

3.2.1 If a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of or has been otherwise working for, a candidate in or about the election, to be the Polling Officer, during the absence of the former officer and inform the Returning Officer accordingly.

3.2.2. A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer.

3.2.3. (a) While drafting Presiding Officers/Polling Officers the availability of female polling personnel should be examined for appointing Presiding/Polling Officers for Polling Stations set up exclusive by for female voters or where the number of female voters, especially, pardanashin women is large. In such polling stations, there must be at least one lady Polling Officer who may attend to the duty of identification of women elector.

(b) You shall exempt all such women, who are in advanced stage of Pregnancy. whether on maternity leave or not, or who are otherwise on medical advice not fit for any rigorous or hazardous work from being requisitioned for election duty. The same will apply to women who are breast feeding a newly born child.

Presiding Officer:

3.3. The Presiding Officer is required to perform very important functions. He should, as far as possible, be a Gazetted Officer or, failing that, at least one working in a supervisory capacity. As far as possible, he should not be posted to work at a polling station in the same locality where he lives.

Proper mixing of polling personnel drawn from different offices:

3.4.1. In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instil confidence in the minds political parties and candidates about free and fair elections, you should ensure proper mix of the polling personnel drawn from different offices and departments at the time of formation of a polling party.

3.4.2. The help of the computer technology, whenever available, should be taken for the above purpose of formation of polling parties by proper mix of polling personnel drawn from different departments and offices.

3.4.3. In order to ensure that the above instructions are complied with strictly, you should furnish to the State Election Commission, a certificate to the following effect immediately after the polling parties have been formed for an election :-

CERTIFICATE

Certified that the polling parties have been formed by proper mix of officials drawn from different offices and departments.

Duties of Polling Officer :

3.5.1. Duties of Polling Officer are detailed in the Hand Book for Presiding Officers.

3.5.2. Detailed instructions regarding lay-out of Polling Stations are also contained in that Hand Book.

Reserve polling personnel

3.6. Have a reserve list of Presiding and Polling Officers for the constituency to deal with emergencies at any of the Polling Stations in the constituency.

Police personnel to accompany polling parties :

3.5.4 Acquaint yourself thoroughly with the police bandobast made for your constituency. Settle, in consultation with the police authorities, the personnel or the police party which will be attached to each polling party.

Transport for polling parties:

3.5.5. You will have to arrange for the transport of the polling parties, police parties

accompanying the polling parties, polling materials, Electronic Voting Machines etc. take stock of the vehicles at your disposal placing requisition of more vehicles as you feel necessary. Draw up the movement programme carefully for each polling party so that arrangements may not fail at the last moment. Have reserves of transport handy to meet emergencies.

Accommodation and food for polling parties:

3.9. Check the arrangements for the accommodation, food, drinking water facilities and toilet facilities for the polling personnel so far as you are responsible. Special emphasis should be laid on such arrangements for female polling personnel with due regard to their privacy. If poll is taken during summer, arrangement should be made for providing shelter for polling personnel and voters. If necessary, improvised roofing be erected even if it involves some additional expenditure. In case any polling station is located in a spacious building, the voters may be allowed to stand in queue in sheltered area, like, varandah before the polling Station. The Returning Officers shall depute sector officers in advance to oversee that adequate arrangements for shade, food, eater etc., have been made.

Form for Appointment:

3.10.1. The polling personnel should be formally appointed. The forms for the appointment of Presiding and Polling Officers is given in Annexure 3.1 and 3.2 respectively. The Presiding and Polling Officers should be formally appointed for each of the elections of councillor and Chairman in the case of a simultaneous election.

3.10.2. Appointment letters of Presiding Officers and Polling Officers should be issued as soon as polling parties are formed, but in their appointment letter number and name of polling station at which they will be on duty should not be indicated. Such information regarding place of duty should normally be intimated to them not repeat not earlier than three days before the date of poll.

3.10.3. To obviate any delay or difficulty in issuing postal ballot papers or election duty certificate to voters drafted for election duty, you should issue to such voters the order of appointment in duplicate so that the voters on election duty may enclose one copy of that order of appointment alongwith his application form for supply of postal ballot paper/EDC, thereby facilitating the easy identification of the applicant and decision regarding his entitlement to the issue of postal ballot paper/EDC.

3.10.4. The order of appointment in duplicate should bear the clear seal of the Returning Officer.

3.10.5. Alongwith the letter of appointment of polling personnel, another communication should also be sent indicating therein that in order to facilitate the filling up of Forms 13 and 13A by such person for the issue of postal ballot papers/ Election Duty Certificate in Form 13 B, the electoral rolls for all the municipal wards in the region would be kept at the centre(s) for rehearsal/training classes and that they may fill up those forms and submit them then and there after fulfilling the other formalities.

ANNEXURE 3.1

See Rule 6 (1)

**STATE ELECTION COMMISSION
PONDICHERRY**

ORDER OF APPOINTMENT OF PRESIDING OFFICER

Election of

P.S. Code:

In pursuance of rule 6 (1) of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, I hereby appoint.....

.....

..... as presiding officer in one of the polling stations in.

Municipality of which the undersigned is the Returning Officer,

You should attend the training classes at On As per the directions of the State Election Commission of Pondicherry, the number and name of the polling station and place of duty will be made known to you only at the Distribution Centre indicated below where you have to report to the undersigned at 1.00 p.m. on the pre-poll day *i.e.* on(.....day) without fail for collecting the Electronic Voting Machines and all other polling materials:

Distribution Centre:

I also enclose the following:

1. Hand Book for Presiding Officers

2. Form - 13

Date:

Returning Officer

ANNEXURE 3.2

See Rule 6(1)

STATE ELECTION COMMISSION

PONDICHERRY

ORDER OF APPOINTMENT OF POLLING OFFICER

Election to.

P.S. Code: '— —

In pursuance of rule 6 (1) of Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, I hereby appoint- as Polling Officer in one of the polling stations in the.

Municipality which the undersigned is the Returning Officer.

As per the directions of the State Election Commission of Pondicherry, the number and name of the polling station and place of duty assigned to you will be intimated at the Distribution Centre indicated below. You should report at the Distribution Centre by a.m. on the pre-poll day. i.e. on (day), to collect your specifying the polling station and then report at the Polling Station not later than 4.00 p.m. on the poll day without fail. The poll will be taken on (day).

Distribution Centre:

I also enclose the following:

1. Form -13

Date:

Returning Officer

CHAPTER IV

ELECTION MATERIALS

4.1. Each polling party has to be supplied with necessary election materials for the poll. A standard list of such polling materials is given in Annexure 4.1. Estimate your total requirements for the same and lay your stock of election materials in time. Particular items may be difficult to procure at the last moment. Besides, you will also yourself require some items for carrying out your own duties up to the counting and declaration of results. These should also be secured in advance.

Electronic Voting Machine:

4.2.1. You must provide to each polling party one or two Electronic Voting Machines having regard to the number of electors.

4.2.2. Each Electronic Voting Machine should be individually checked sufficiently in advance and if any repairs are needed the same should be carried out, well before use in an election.

4.2.3. Do not in any circumstances issue any defective Electronic Voting Machines to any polling party. Even one defective Electronic Voting Machines may invite unnecessary criticism and neutralise all your good work efforts.

FORMS:-

4.3 During the process of election you will have to use many forms. You should first thoroughly familiarise yourself with all this forms. The candidates their agents and other members of the public will also have to hand-over to you documents in different prescribed forms. All the forms will be printed at the Government Press.

STATE ELECTION COMMISSION

PONDICHERRY

I. List of forms required for the Returning Officer for Municipalities:-

1. List of Polling Stations
2. Form 1 Notice of Election
3. Form 2 Nomination Paper
4. Form 3 Notice of Nomination
5. Form 4 List of Validly Nominated Candidates
6. Form 5 Notice of withdrawal
7. Form 6 Notice of Withdrawal of Candidature
8. Form 7 List of Contesting candidates
9. Form 8 Appointment of Election Agent
10. Form 9 Revocation of Appointment of Election Agent
11. Form 10 Appointment of Polling Agent
12. Form 11 Revocation of Appointment of Polling Agent
13. Form 13 Letter of Intimation to Returning Officer to Postal Ballot Paper.
14. Form 14 Declaration by Elector
15. Form 15 Inner cover for Postal Ballot Paper
16. Form 16 Outer cover for Postal Ballot Paper
17. Form of Memo calling for electoral roll from a candidate of different ward.
18. Appointment of Polling Personnel
19. Acknowledgement for Appointment of Polling Personnel
20. Hand Book for Presiding Officer/Assistant Presiding Officer.
21. Proforma for Declaration by the Publisher of Election Posters, Pamphlets etc.
22. Proforma for Submission of Information Regarding Printing of Election Posters, Pamphlets etc.
23. Form of Application for Issue of Permit to Ply Vehicles on Poll day
24. Proforma I for Maintenance of Account of Election Expenses
25. Proforma II for maintenance of accounts of election expenses
26. Notice of Allotment of Symbol
27. Hand Book for Returning Officer
28. Log Book
29. Hand Book for Counting Agent

30. Hand Book for Polling Agent
31. Hand Book for Candidate
32. Notice to the contesting candidates regarding penal provisions in the Election law.
33. Register for recording receipt of postal Ballot Papers
34. Application for refund of deposit by candidate.
35. Application for refund of deposit by Depositor other than Candidate
36. Application for refund of deposit by legal heir of Candidate.
37. Notice to candidate for furnishing information about his conviction, If any.
38. Register of election expenses.
39. Declaration in connection with election expenses.

II. List of Forms / Covers / Registers / Badges / Posters required for a polling station:

1. Voting Compartments 2+1 numbers
2. Marked Copy of Electoral Roll
3. Working Copies of Electoral Roll
4. Copy of listing of Contesting Candidates
5. Ball Point Pen -3
6. Paper Seal -3
7. Electronic Voting Machine(s)
 - (i) Control Unit with Detachable Memory Module
 - (ii) Balloting Unit 2 nos.
8. Ballot Papers for Tendered Voters
9. Voter's Slips
10. List of CSV if any
11. Photocopy of Signature of Candidates / Agents
12. Common Address Tag for Balloting Unit, Control Unit
13. Special Tag
14. Green Paper Seal for EVM
15. Strip Seal
16. Metal Seal for Presiding Officer
17. Register of Voters
18. Gum Paste
19. Sealing Wax

20. Candles
21. Match Box
22. Label
23. White Twine
24. Distinguishing Mark Rubber Stamp
25. Metal Ruler
26. Self-inking Stamp pad (purple)
27. Arrow Cross Mark Seal
28. Indelible Ink
29. Plastic Cup
30. Cloth or Waste Cotton
31. Pencil
32. Rubber Band

III. Stationery for Record Purposes:

1. White Paper
2. Carbon Paper

IV. Posters:

1. To Indicate Polling Area
2. To Indicate names of Contesting Candidates and their Symbols
3. Way to Polling Booth
4. Polling Booth
5. Way in
6. Way out
7. Marking Compartment
8. Presiding Officer
9. Polling Officers
10. Polling Agents
11. Hours of Polling

V. Badges:

1. Presiding Officer
2. Assistant Presiding Officer
3. Polling Officer
4. Polling Agents

5. Passes for Polling Agents
6. Identity Card for Candidates

VI. Forms and Covers:

1. Hourly Poll Statistics
2. Form 18 Declarations by the Companion of Blind or Infirm Voters
3. Form 19 List of Blind and Infirm Voters
4. Form 20 List of Challenged Voter
5. Form 21B List of Tendered Voter
6. Form 22A Account of Votes Recorded
7. Receipt book for Deposit of Challenged Votes fee
8. Letter to SHO
9. Appointment letters of Polling Agents plain envelopes
10. Smaller envelopes (statutory covers)
11. List of Voters from who Declaration as to their age have been obtained
12. Green Paper Seal Account
13. Declaration by Presiding Officer before the commencement of the poll during the poll and at the end of the poll.
14. Presiding Officer's Diary
15. Mock Poll Certificate
16. Receipt Book for challenge fee
17. Section 26 of the Pondicherry Municipalities Act, 1973
18. Letter of Complaint to SHO (POLICE)
19. Form of declaration by Voter about their Age
20. Slips issued to the voters at closing hours of the poll
21. Check Memo for Presiding Officer
22. Format for specimen signature of candidate and their Election Agents
23. Lay out of Polling Station

VII. Covers:

1. Cover for unused and damaged paper seal
2. Cover for Account of Votes Recorded
3. Cover for paper seal Account
4. Cover for marked copy of the electoral roll
5. Cover for Working copies of the electoral roll

6. Cover for Presiding Officer Diary
7. Cover for Miscellaneous Materials
8. Cover for Receipt Book in respect of challenged votes
9. Cover for declaration by the companion of blind and infirm voters
10. Cover for signed but unused ballot papers
11. Cover for returned and cancelled ballot papers
12. Cover for appointment letters of polling agents
13. Cover for list of blind and infirm voters
14. Cover for declaration by the Presiding Officer before the commencement of the poll and at the end of the poll.
15. Cover for list of tendered votes
16. Cover for list of challenge votes
17. Cover for declaration by the voters about their age
18. Cover for Ballot Paper cancelled/voting procedure violated
19. 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.
20. Cover for any other paper directed by the Returning Officer to be kept in a sealed cover.
21. Cover for Mock Poll Certificate

VIII. Miscellaneous Polling Materials

1. Gem Clip
2. Brown Packing Papers
3. Pins (sheet)
4. Paper Knife
5. Two Steel Trunk Boxes with double Locks
6. Log Book at the Storage Room
7. Waste paper basket one for polling station

IX. Materials required for Counting Centre:

I. Forms of Municipal Elections :

1. Form 23 Appointment letter of Counting Agents
2. Form 24 Revocation of Appointment of Counting Agents
3. Form 25 Final Result Sheet
4. Form 26 Return of Election
5. Form 27 Certificate of Election

6. Form Rejected ballot paper folder
7. Counting check slip (for rejected votes)
8. Working sheet for counting
9. Notice to candidates or their election agents regarding the date, time and place of counting
10. Lay out of Counting Hall
11. Appointment of Counting Supervisors/Assistant
12. Instruction for Counting Supervisors/Assistants
13. Report to State Election Commission (Lodging of Election Expenses)
14. Report on the election by the Returning Officer
15. Acknowledgement for receipt of certificate of election
16. Proceedings of the counting centre

X. Badges:

1. Returning Officer
2. Assistant Returning Officer
3. Counting Supervisors (Blue)
4. Counting Assistant (Pink)
5. (a) General Observer (b) Expenditure Observer
6. Public Servant on Election Duty
7. Candidate
8. Counting Agents (White)
9. Election Agent
10. Press Photographer
11. Press Reporters
12. Sector Officer

XI. Covers:

1. Cover for unused Ballot Papers with counterfoils
2. Cover for used Ballot Paper whether valid, tendered or rejected
3. Cover for counterfoils of used Ballot Papers
4. Cover for the marked copy of the electoral roll
5. Cover for declaration of electors & attestation of their signature

XII. Stationeries Required for Counting:

1. Paper Weight
2. Sponge

3. Rubber Band
4. Gem clip
5. Blade or Knife
6. White Chalk
7. Duster Cloth
8. Sealing Wax
9. Match Box
10. Pencil
11. File Pad
12. Cover
13. Red & Blue Pencil
14. Gum
15. Candle
16. Pencil Carbon
17. Self Inking Pad
18. Pin
19. Ball Point Pen
20. Jute
21. White Twine
22. White Paper
23. Pigeon hole compartment one for each table and one for Returning Officer with names of candidates in each compartment
24. Metal Seal of State Election Commission
25. Log Book for Storage Hall
26. Paper knife

XIII. Instructions/Orders/Booklets:

1. Instructions to Counting Supervisors and Counting Assistant
2. Hand Book for Counting Agents
3. Pamphlet .showing illustrative cases as valid and invalid Postal and ordinary Ballot Papers.

XIV. Forms required after election is over: .

1. Application for refund of Deposit (by the candidate)
2. Application for refund of Deposit (by the legal representative of the candidate)
3. Application for refund of Deposit (by a depositor who is not a candidate)
4. Trunk Box.

CHAPTER V

NOMINATIONS

Introductory:

5.1. The pressure of work increases substantially as soon as the notification has been issued calling upon the ward to elect a councillor/Chairman. All the preliminary and preparatory steps must have been taken by you already before this notification is issued. Generally, you will be informed beforehand of the date on which such notification will be issued.

Notification by State Election Commission:

2.2.1. The steps for an election are set in motion by the issue of notification by the state Election Commission calling upon all the Municipal Wards to elect councillors and Chairman, fixing the programme of election and directing the Returning Officer to conduct the election accordingly. This notification shall be published in the Official Gazette.

Issue of Public notice by Returning Officer

5.2.2. In pursuance of the direction of the State Election Commission, the Returning Officer publishes a notice of intended election in Form 1 (Annexure 5.1. in English, Tamil, Malayalam and Telugu at least seven days before the last date for presentation of nomination papers by affixing it at Municipal Office and in one or two conspicuous places in each ward for which election is to be held.

Such notice shall contain the following particulars:

- (i) The dates on which the person to whom and the hours between which the nomination papers should be presented;
- (ii) The place wherein and the times during which the nomination papers may be obtained;
- (iii) The date on which and the time at which the nomination papers will be taken up for scrutiny;
- (iv) The date on which the hours up to which and the officer to whom the notice withdrawal may be delivered;
- (v) The date on which and the hours between which the poll will be taken in the event of the election being contested.
- (vi) The date on which and hour at which the Returning Officer will Commence the Counting of Votes.

5.2.3 In the public notice, you have to specify, among other things, the names of the Assistant Returning Officer(s) who will receive the nomination papers, in addition to you and also the place(s) at which the nomination papers shall be received by you and the said Assistant Returning Officer(s) (hereinafter referred as the specified Assistant Returning Officer(s).

Normally you should not specify more than one Assistant Returning Officer for the purpose and he should, as far as possible be the one stationed at your headquarters.

Public holiday - Effect on election programme:

5.3.1. A candidate may present his nomination paper on the very day of notice, or on any of the seven days following that day unless any of these days is a public holiday.

5.3.2. If the date fixed for the scrutiny of nominations becomes a public holiday under the Negotiable Instruments Act, 1881 the scrutiny will be held on the next succeeding day which is not a public holiday.

5.3.3. Similarly, if the last date for making nominations or withdrawal of candidatures becomes a public holiday the nomination papers or, as the case may be, notice of withdrawal of candidatures filed on the next working day should be accepted.

5.3.4. You may bear in mind that all Saturdays of the month where these are observed as holidays for Government Offices are not to be treated as “Public Holidays” under Negotiable Instrument Act, 1881, unless the same are specifically declared as such holidays under that Act.

Assistant Returning Officers:

5.4.1. Your Assistant Returning Officer can perform any of your functions subject to your overall control. They are, however not to hold scrutiny of any nomination paper under rule 14 unless you are unavoidably prevented from holding such scrutiny yourself.

5.4.2. The Assistant Returning Officers should sign the papers as “ Assistant Returning Officer” and not” for Returning Officer”.

Nomination papers - Form of:

5.5.1. The nomination of a candidate for election as Councillor/Chairman shall be made in Form 2 (Annexure 5.2.).

5.5.2. While supplying forms of nomination papers to intending candidates, you should also attach to that form a copy of the order dated 21-8-2001 together with the Appendices prescribed by the State Election Commission (as in Annexure 5.3) asking the candidates to furnish information under section 8 of the Representation of the People Act, 1951, in regard to their convictions, if any by Courts of law.

Presentation of nomination papers:

5.6. A candidate may present his nomination paper on the very day of the notification or on any of the seven days following that day unless any of these days is a public holiday.

Time and place of filing nomination papers:

5.7.1. Nomination papers may be presented either before you or before any of your Assistant Returning Officers specified by you in the public notice, on any of the notified day at the place or places specified in the notice at any time between 11.00 a.m. and 3.00 p.m. and *not* at any other hours at any other place. If a candidate or his proposer seeks to present a nomination paper either before 11.00 a.m. or after 3.p.m. you should not accept the nomination paper saying that under the provisions of the law neither the candidate has the right to deliver, nor the Returning Officer has the right to accept a nomination paper outside the hours prescribed for the purpose. You may, however point out that if he so desires, he may present it within the prescribed hours on the following day, provided it is one of the days notified for presenting no mination papers.

5.7.2. It may so happen that some intending candidates and/or their proposers are physically present in the Returning Officer's office at 3.00 p.m. for presenting their nominations, but because of their large number and because of the reason that nominations are to be received one by one, it may not be possible for the Returning Officer to physically receive all such nominations before 3.00 p.m. In such cases, the Returning Officer shall accept nominations of all intending candidates who are present in the Office of the Returning Officer at 3.00 p.m. for filing nomination and treat these nomination papers to have been delivered within the prescribed time under the law. For this purpose, if considered necessary, you may close the entry to your office room exactly at 3.00 p.m. and distribute slips to those present at that time.

Who can file nomination papers?

5.8. All nomination papers must be presented either in person “Offline” or “Online” , either by the candidate or by any one of his proposer and by no one else, at the office of the Returning Officer or of the specified Assistant Returning Officer, between 11.00 a.m. and 3.00 p.m. on any of the notified days other than a public holiday.

Number of nomination papers:

5.9. Under provision to sub-rule 6 of rule 11, a maximum of only four nomination papers (which includes both Offline and Online) can be presented by or on behalf of any candidate or accepted for election in the same ward. You must ensure that the same candidate does not file nomination papers for the same ward, in excess of this number. If a candidate seeks to present any nomination paper or papers in excess of this number, you must not accept such nomination paper or papers saying that under the provisions of the law neither the candidate has the right to present, nor the Returning Officer has the right to accept, any nomination paper or papers in excess of four.

Serial number of nomination papers:

5.10.1 Each nomination paper as soon as it is presented must be serially numbered by you or the specified Assistant Returning Officer receiving it, who must also note on the body of the nomination paper the exact time at which it was received by him. In view of the limitation on the number of nomination papers that can be delivered by a candidate, you should ask the Assistant Returning Officer who has been authorised by you to receive nomination papers to work in close collaboration with you.

5.10.2 When a number of nomination papers are delivered to you in a bunch, you must assign serial numbers to them in the order in which you deal with them one after the other.

Preliminary examination of nomination papers:

5.11.1. As each nomination paper is filed, you or the specified Assistant Returning Officer is required by law to examine it then and there from the technical stand-point. But you are not to hold any formal scrutiny of any nomination papers at this stage. If the candidate is an elector in your ward you should compare the entries in the nomination paper with the entries in the electoral roll relating to the serial number and name of the candidate and his proposer(s). If he comes from another ward you should compare the entries in the nomination paper with the entry relating to the candidate's name in the electoral roll of that Municipality or the relevant part thereof or certified copy of such entry. The candidate is required by law to produce before you such electoral roll or the relevant part thereof or a certified copy of the relevant entries thereof [rule 11 (5)]. Make sure that the electoral roll with which you make such comparison is the one currently in force for the ward in either case.

5.11.2. As aforesaid, legally, the responsibility for producing documentary evidence of registration as elector in a different ward rests entirely on the candidate. However, the Commission considers that, in order to reduce the scope of rejection of nomination papers on the above ground, the attention of the candidate should be drawn to above requirement at the time when his nomination paper is presented and is examined from the technical stand-point as required in the preceding sub- paragraph, if the candidate has not already complied with such requirement. This is best done by means of written memorandum in the following form:

OFFICE OF THE RETURNING OFFICER

.....Ward

Memo No.Date.

To

(Name of candidate)

In your nomination paper, you have mentioned that you are an elector of a different ward,

Namely, ward, but you have not produced documentary evidence thereof as required by sub-rule (5) of rule 11 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 which reads as follows:

“Where the candidate is an elector of a different ward a copy of the electoral roll of that ward or of the relevant part thereof or a certified copy of the relevant entries in such roll shall unless it has been filed along with the nomination paper be produced before Returning Officer at the time of scrutiny.”

DateReturning Officer.

.....Ward Received

Memo No.dated.from the Returning Officer,.....Ward, today

Place.

Date.

(Signature of candidate or proposer)

5.11.3. Copies of this form should be got cyclostyled and kept with you at the time of receipt of nomination papers. The name of the candidate or his proposer whoever presents the nomination paper should be entered in the memo, which you should sign and it should be handed over to him and a receipt obtained from him in the form provided for it at the foot of the main form. The receipt should be detached and kept with the nomination form.

Discrepancies and errors in electoral rolls:

5.12.1. No misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposers or any other person or in regard to any place mentioned in the electoral roll or the nomination paper and no cleared technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper shall affect the full operation of the election roll or the nomination paper with respect to such person or place in any case when the description in regard to the name of the person or place is such as is commonly understood. You shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination papers shall be overlooked. You have no power in law to allow any other error to be corrected.

5.12.2. Points which you are thus required to dispose of under proviso to sub-rule (4) of rule 11 should invariably be disposed at this stage. It will be undesirable for you at the time of scrutiny to reject a nomination paper for defects which could have been thus cured at the earlier stage of the presentation of the nomination paper.

Signatures of candidates and proposers in nomination papers:

5.13.1. The candidate or his proposer is not required to write his name in full by way of signature. It is not obligatory that the signature on the nomination paper should tally exactly with the full name of the person as printed in the electoral roll. If he adopts his usual form of signature e.g., one or more initial letters followed by the name, it should be treated as valid signature.

5.13.2. A proposer can sign only one nomination paper.

5.13.3. An elector who wishes to stand as a candidate for election shall not sign the nomination papers as proposer.

5.13.4. A person who contests for election as a councillor shall not be eligible to contest for the election as Chairman.

5.13.5. No councillor shall be eligible for election as Chairman.

Receipt and notice of scrutiny:

5.14. A printed form for receipt for nomination paper and a notice to the candidate of the date and time for scrutiny has been incorporated at the end of the nomination paper. Fill this in, detach the part from the body of the nomination paper and hand it over then and there to the person presenting the nomination paper by way of such receipt and notice.

Notice to candidate for furnishing information about his convictions, if any:

5.15.1. Among other disqualifications mentioned in Articles 102(1) of the Constitution and Chapter III of Part II of the Representation of the People Act, 1951, section 8 of the said Act lays down the disqualification on conviction for offences specified therein. As no list of such convicted persons is available with you, State Election Commission has directed that every candidate filling his nomination paper must be asked to furnish information as to whether he has ever been convicted by any Court of law. Such information will be required by you for determining the validity or otherwise of the nomination of the candidate, at the time of scrutiny of nominations. For enabling the candidates to furnish the required information the Commission has prescribed a proforma (see Annexure 5.3) in which each candidate must furnish that information to you before the date and time fixed for the scrutiny of nominations. Further such information in the prescribed proforma must be duly supported by an affidavit, in the form given in Annexure 5.3. and sworn before the Returning Officer or Assistant Returning Officer. In order to ensure that the required information is furnished by every candidate you should, as soon as a nomination paper is presented, hand over to the candidate or his proposer presenting the nomination paper, a letter (in the form given in Annexure 5.3) signed by you and asking him to do the needful immediately and positively before the date and time fixed for the scrutiny of nominations. A receipt must be obtained from the candidate 'or the said proposer in acknowledgement of the receipt of that notice by him.

5.15.2. Similar action should be taken by the specified Assistant Returning Officer, if the nomination paper is presented to him.

5.15.3. In fact, it would be very helpful if a copy of the above mentioned order proforma for submission of the required information and the form of affidavit (Annexure 5.3) is attached to each form of nomination paper, which is supplied to the intending candidate, so that the required information is furnished by him alongwith his nomination paper itself. Where, however, the candidate has not so furnished the requisite information along with his nomination paper, you should proceed to obtain that information in the manner instructed in sub-Para 1 above (See also Para 5.5.2) above in this connection).

11.15.4. Alongwith the nomination paper, every candidate is required to file an Affidavit in Appendix -II, declaring information about Criminal Cases, assets, Liabilities and Educational Qualifications.

11.15.5. The Affidavit in Appendix -II should be sworn before a Magistrate of First Class or before a Notary Public or Commissioner of Oaths appointed by the High Court of the State concerned.

11.15.6. Each page of the Affidavit should be signed by the deponent concerned or the Affidavit should bear on each page the stamp of the Notary/Commissioner of Oath/ Magistrate before whom the affidavit is sworn.

11.15.7. They should sworn affidavits should be in Stamp Paper of such denomination as prescribed under the 'State Law' of the state concerned. It would be for the Returning Officer to decide the validity of the affidavit in Appendix -II.

11.15.8. The optional facility of e-filing of affidavits (Appendix-II) can be availed by the Candidates by entering the information on logging into State Election Commission's Website. In such case, the printed copy has to be taken on stamp paper of appropriate denomination and sworn before an Oath Commissioner or Magistrate of First Class or before a Notary Public for filing the same before the Returning Officer.

- 11.15.9. It may be noted that the Notarised affidavit has to be filed latest by 3.00 pm on the last date of filing nominations. If any candidate fails to file the said affidavit alongwith his nomination paper, Returning Officer should bring to his notice this requirement through the check list handed over to the candidates or proposers. And the candidates should be asked to file the duly sworn affidavit latest by 3.00pm on the last date of filing nominations.
- 11.15.10. No column of the affidavit should be left blank or filled by just 'tick/dash' marking. The Hon'ble. Supreme court has held that in the affidavit filed by the candidate alongwith their nomination paper, the candidates are required to fill up all the columns therein and no column can be left blank.
- 11.15.11. In case of candidates with criminal cases set up by political Parties, whether recognized parties or registered non recognized parties, such candidates are required to declare before the Returning Officer concerned that they have informed their political party about the criminal cases against them.
- 11.15.12. The political Parties-recognized parties and registered non recognized parties, which set up candidates with Criminal cases, either pending cases or cases of conviction, are required to publish declaration giving details in this regard on their website as well as in TV channels and Newspapers having wide circulation in the state concerned.
- 11.15.13. The Returning Officer will ensure that all documents required to be put up on the notice board of the Returning Officer. It is necessary that the copies of documents, when demanded, are given immediately to the members of the Public on payment of the prescribed fees.
- 11.15.14. The Affidavits on declaration of assets and liabilities by the candidate of recognised political parties are to be put up on the website of the commission on the same day. The affidavits in respect of other candidates may be put up on the commission's website by the Returning Officers within one day after scrutiny of nominations.

Notice of nominations:

5.16. After 3.00 p.m. on each day between the date of nomination and the last date for making nominations, both days inclusive, publish on your notice board a notice of the nomination papers presented before you everyday (the nominations received both Offline and Online) in Form 3 (Annexure 5.4) (Rule 13.2) and also upload the details of Nomination received everyday in the official website. Your Assistant Returning Officer should also do the same in respect of the nomination papers presented before him at the end of each day. If more nomination papers than one have been presented before you in respect of the same candidate, notice must be given of all of them. A copy of this daily notice should be forwarded to you by the Assistant Returning Officer from day to day so that you may be aware of the latest position in the constituency as a whole.

Deposits:

5.17.1. Under rule 12 every candidate at an election as councillor must make a security deposit of Rs. 5,000 (Rupees five thousand only). For an election as Chairman the amount of security deposit is Rs. 10,000 (Rupees ten thousand only).

5.17.2. A candidate belonging to a Scheduled Caste is required to make a security deposit of only half of the amount mentioned above, even in a general ward.

5.17.3 Every candidate presenting a nomination paper must have deposited either in cash with you or in Bank operating Government account the appropriate sum as required by rule 12. Unless the sum is deposited in cash with you, a receipt in proof of the deposit must be enclosed with the first nomination paper presented on behalf of the candidate.

5.17.4. The deposit should be made under the following Head of Account for Election to State Legislatures:- 8443-Civil deposits-121-deposits in connection with election-1-Deposit made in connection with Local Body Elections.

One Deposit sufficient for each Ward:

5.17.5. One deposit is required from each candidate in respect of his candidature in a ward and once such a deposit has been made and the receipt enclosed with his first nomination paper, the candidate is not required to make any other deposit in respect of subsequent nomination papers which may be presented on his behalf in that constituency.

Deposit by Scheduled Caste:

5.17.6. A candidate belonging to a Scheduled Caste is not debarred from contesting an election from a general ward. A candidate who is a member of Scheduled Caste or Scheduled Tribe is, entitled to make the concessional amount of deposit specified in rule 12 irrespective of whether the ward is a reserved or not. It is not Obligatory for such candidate contesting an election from a general ward to fill up the declaration in the nomination papers that he is a member of a Scheduled Caste. But the candidate to be eligible to deposit the concessional amount must satisfy you that he is a member of a Scheduled Caste.

Transmission of nomination papers by specified Assistant Returning Officer:

5.18. Instruct every specified Assistant Returning Officer to forward to you, for further necessary action at your end; all the nomination papers received by him everyday both Online and Offline as also all other papers connected therewith, immediately after the last day for making nominations or if convenient, in batches from day to day. In any case, all such papers should reach you *latest by 4.00 p.m. of the last day for making nominations.*

5.19. The State Election Commission has directed that all Political parties, whether recognised or registered-unrecognised, must send their intimations in regard to the candidates set up by them to the Returning officers, not later than 3.00 p.m. on the last date for making nominations. Accordingly, you shall accept only those intimations from the political parties, in Forms A and B prescribed by the Commission for the purpose, which are received by you, latest by 3.00' p.m. on the last date for making nominations. Any intimation received by you thereafter shall not be taken into consideration for any purpose (Annexure 5.5).

Preparation of Consolidated list of nominated candidates:

5.20.1. Immediately after 3.00 p.m. on the last date for making nominations, or as soon as possible after you have received all the nomination papers from the specified Assistant Returning Officer(s) under Para 5.18. above, you should prepare a consolidated list of all the nomination papers, presented either before you or before the specified Assistant Returning Officer(s). Such consolidated list of nominated candidates shall be prepared in Form 3 (Annexure 5.4).

5.21.2. The names of nominated candidates in the above list are to be arranged in three categories, viz., (i) candidates of recognised National or State Political Parties, (ii) candidates of registered political Parties (other than recognised Nation and State Political parties), and (iii) other candidate (independent candidates) in case of election of Chairman. Such names, in each category, should be arranged alphabetically according to Tamil script for elections in Pondicherry and Karaikal regions, Malayalam script in Mahe and Telugu script in Yanam.

However, the serial numbers of candidates for all the three categories shall be given consecutively and not separately for each category.

5.21.3. Even if more than one candidates has claimed to be set up by the same party, the names of all such candidates should be included in the relevant category, *i.e.*, category (i) or (ii), as may be relevant.

5.21.4. If more nomination papers than one have been presented in respect of the same candidate, it is not necessary to include the name of that candidate in the list more than once.

5.21.5. While arranging the names in alphabetical order, the initials, if any; shall be ignored. Thus, in case of a candidate given his name as T. K. Reddy, the place of that candidate according to the alphabetical order shall be determined with reference to the letter 'R' and not 'T'. However, if two candidates in the same category have the same name but different initials, for example, P.S. Reddy and T.K. Reddy, then the two names shall be arranged *inter-se* with reference to the first letter of the initials.

5.21.6. 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.

5.21.7. There will be no objection to the addition of any honorific, academic, hereditary, and professional or any other title to the name of the candidate but such title shall not be taken into account in the arrangement of names.

5.21.8. In the case of election of councillors which is held on non-party basis, all candidates are independents. Their names in the list of nominated candidate, in the list of contesting candidates and in ballot papers will be nominated arranged in alphabetical order as detailed above.

Maintenance of Accounts of Election Expenses by candidates from date of the nomination:

5.22.1. Under order dated 12-08-2021 (Annexure 5.6) every candidate or his election agent has to keep a separate and correct account of all expenditure in connection with his election incurred or authorised by him or by his election agent between the date on which he has been nominated as a candidate and the date of declaration of result of the election, both dates inclusive.

5.22.2. Further, under the said order, every contesting candidate has to lodge a true copy of the said account within 30 days from the date of declaration of result of the election, with the Returning Officer.

5.22.3. In order to ensure that all candidates comply with the requirements of law relating to maintenance of accounts of election expenses from the dates of their nominations and filing of their returns of election expenses in the manner and within the time required by law, you shall invite the attention of each candidate to the above provisions of law in writing.

5.22.4. The Commission has directed that as soon as the candidate files his nomination paper, a Register in the standard proforma as given in Annexure 5.6. shall be issued by the Returning officer to the candidate or his duly authorised agent against a proper receipt there for. Each register will be duly numbered and authenticated by the Returning Officer. The candidate shall maintain his day to day account of election expenses in that Register itself and in no other document. That Register containing his account shall itself be filed by the candidate with the returning officer as his account of election expenses within 30 days from the date of declaration of result of election as required.

5.22.5. The account filed by the contesting candidate is also required to be accompanied by a declaration from the candidate in the prescribed proforma which is also part of the model proforma given in Annexure 5/6. mentioned above.

5.22.6. The Commission has also directed that the accounts of election expenditure of candidates should be periodically inspected. However, all officers including Returning Officers/ Assistant Returning Officers/Election Expenditure Observers etc., must, while inspecting the accounts at random, ensure that such an inspection does not become a source of harassment/Oppression to the detriment of the electioneering of the candidate which is his legal right. .

Intimation to contesting candidates regarding restrictions on the printing of pamphlets or Posters, etc.

5.23.1. In order that there is strict observance of and compliance with, the requirements of section 30 of the Pondicherry Municipalities Act, 1973 the Commission has issued detailed directions in its Order No. 11/ SEC/CE/2021/212 dated, 22nd June 2021. (Annexure 5.7.)

5.23.2. Copies of the Order at Annexure 5.7. shall be handed over to each candidate when he comes to the Office of the Returning Officer for filing of his nomination paper and an acknowledgement obtained in writing there for.

5.23.3. The District Magistrates, Pondicherry and Karaikal and Sub-Divisional Magistrates, Mahe and Yanam shall bring in writing to the notice of all printing presses the contents of the Order at Annexure 5.7. and shall also issue a Press Note for the guidance of the candidates and to make the public aware of strict provisions of law relating to the printing of posters, pamphlets etc. by the candidates and political parties.

ANNEXURE 5.1
FORM-I
NOTICE OF ELECTION
[See rule 10 (3)]

Notice is hereby given that-

(1) An election is to be held of a councillor to the Ward No.....of the Municipal Council of.

(2) Nomination papers may be delivered by a candidate or his proposer to the Returning Officer, or to ; Assistant Returning Officer, at. between 11.00 a.m. and 3. P.m. on any day (other than a public holiday) no later than the

(3) Forms of nomination paper, may be obtained at the place and times aforesaid.

(4) The nomination paper will be taken up for scrutiny at. on.
.....at.

(5) Notice of withdrawal of candidature may be delivered by a candidate or his proposer to either of the officers specified in paragraph (2) above at his office before 3-00,p.m. on the
.....

(6) In the event of the election being contested the poll will betaken onbetween the hours of.and

Place :

Date :

Returning Officer.

ANNEXURE 5.2.

FORM-2

NOMINATION PAPER

[See rule 11]

ELECTION TO THE MUNICIPAL COUNCILS OF THE UNION TERRITORY OF PONDICHERRY

I nominate as a candidate for the election of a Councillor to the Ward No..... of the Municipal Council of...../Chairman of the Municipal Council of. (strike out whichever is not applicable)

Candidate's name :

His postal address :

His name is entered at SI. No in Part No. of the electoral roll for the Ward No. of the Municipal Council of.

My name is.and it is entered at SI. No. in Part No.for the electoral roll for Ward No. of the Municipal Council of

Date:

Signature of proposer.

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

(a) That I have completed years of age and that I am citizen of India;

“(b) That I am sponsored at this election by theParty.

*(c) That the symbols I have chosen are, in order of preference in respect of election to chairman of Municipal Council.

(i).(ii)and (iii).....

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

Date:

Signature of candidate.

“Score out this paragraph, if not applicable.

Note: It should be clearly understood, under the proviso to section 12A(i)(b) of the Pondicherry Municipalities Act, 1973 that.-

- (i) A person who contests for election as a councillor shall not be eligible to contest for election as chairman
- (ii) No councillor shall be eligible for election as Chairman

(To be filled by the Returning Officer)

Serial No.of nomination paper :

This nomination was delivered to me at my office at(hours) on (dated)
by the *candidate / proposer.

Date: _____ *Returning Officer.*

*Score out word, if not applicable.

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have examined his nomination paper in accordance with rule 14 of the Pondicherry, Municipal Council (Conduct of Election of Councillors) Rules, 1974 and decide as follows:

Date: _____ *Returning Officer.*

Receipt for Nomination Paper and Notice of Scrutiny

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

Serial No. of nomination paper:

The nomination paper of a candidate for election to the
Ward No. of the Municipal
Council of. was delivered to
me at my office at (hours) on.(date) by the
*candidate/proposer. All nomination papers will be taken up for scrutiny at. (hours) on. ...
.....(date) at. (place).

Date: _____ *Returning Officer.*

*Score out word, if not applicable.

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.

ROY P THOMAS
STATE ELECTION COMMISSIONER

APPENDIX –I

Before 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 –

Councillor of ward No.....ofMunicipal Council.

Chairman ofMunicipal Council.

DECLARATION

ISon /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 there from.

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

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

Councillor of Ward No.....ofMunicipal Council
Election of 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 stat-ed "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 (give no. of the Section e.g. Section.....of IPC,etc.)			
(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>Men-tion YES or NO</i>)			

(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 in-volved (give no. of the Section, e.g. Sectionof IPC, etc.)			
(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 (Mention YES or NO)			
(h)	If answer to (g) above is YES, give details and present status of appeal			

(6A) I have given full and up-to-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 Co-operative 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, In-surance 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 (De-tails of Make. registration number etc. year of purchase and amount)						
(vii)	Jewellery, bullion and valuable thing(s) (give de-tails 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.

Sl. 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 development, construction etc.						
	Approximate current market value						

Sl. No.	Description	Self	Spouse	HUF	Dependent-1	Dependent-2	Dependent-3
(iii)	Commercial Buildings (in-cluding 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 (in-cluding 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						
(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)

Sl. 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 outstanding, nature of loan						
	Any other liability						
	Grand total of liabilities						

(ii)	Government dues: Dues to departments dealing with government accommodation	<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: - (i) The address of the Government accommodation: (11) There is no dues payable in respect of above Government accommodation, towards- a) rent; (b) electricity charges; (c) water charges; and (d) telephone charges as on (date) [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]. Note — 'No Dues Certificate' from the agencies concerned in respect of rent, electricity charges, water charges and telephone charges for the above Government accommodation should be submitted.</p>					YES/NO (Pl. tick the appropriate alternative)
------	---	---	--	--	--	--	--

(iii)	Dues to department dealing with government transport (including air-crafts and helicopters)						
-------	---	--	--	--	--	--	--

		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 Cur-rent market price a) self-acquired assets (Total Value) (b) inherited assets (TotalValue)						
9.	Liabilities						
	(i) Government dues (Total)						
	(ii) Loans from Bank, Financial Institu-tions and others (Total)						
10.	Liabilities that are under dispute						
	(i) Government dues (Total)						
	(ii) Loans from Bank, Financial Institu-tions and others (Total)						

11.		Highest educational qualification: (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>)
-----	--	--

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 Councillor 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 Councillor 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 –

Councillor 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

ANNEXURE 5.4

FORM – 3

NOTICE OF NOMINATION

[See rule 13 (2)]

Election to the Ward No. of the Municipal Council of

Notice is hereby given that the following nominations in respect of the above election have been received up to 3.00 p.m. today.

Serial number of nomination paper	Name of candidate	Name of father/husband	Age of candidate	Address	Particulars of caste for Candidates belonging to Scheduled Castes	Electoral roll number of Candidate	Name of proposer	Electoral roll number of proposer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

The nomination papers will be taken up for scrutiny at a.m./p.m. on
at (place).

Place :

Date :

Returning Officer

ANNEXURE 5.5

STATE ELECTION COMMISSION

NO.SEC/1-9/civic election/2002.

Pondicherry, Dt.06-3-2002

NOTIFICATION

Whereas the superintendence, direction and control of all elections to municipal councils in the Union Territory of Pondicherry are vested in the State Election Commission by the constitution of India and the Pondicherry Municipalities Act, 1973;

And whereas it is necessary and expedient to provide in the interest of purity of elections to the municipal councils in the Union Territory of Pondicherry and in the interest of the conduct of such elections in a fair and efficient manner, for the specification, reservation and allotment of symbols to contesting candidates and for matters connected therewith;

Now, therefore, in exercise of the powers conferred by article 243-ZA of the constitution of India read with section 15 A of the Pondicherry Municipalities Act, 1973 as amended from time to time and rules 2 and 4 of the Pondicherry Municipal Councils (Conduct of Election of Chairman) Rules, 1996 and rule 18 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 and all other powers enabling the State Election Commission, hereby makes the following order:-

ORDER

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

- (1) This may be called the Pondicherry Municipal Council's Chairman's Election Symbols (Reservation and Allotment) Order, 2002.
- (2) It extends to the whole of the Union Territory of Pondicherry in relation to election of chairman held on party basis and councillor held on non-Party basis.
- (3) It shall come into force at once.

2. Definitions and interpretations.- (1) In this Order, unless the context otherwise requires.-

- (a) "Act" means the Pondicherry Municipalities Act, 1973 as amended from time to time;
- (b) "Contested election" means an election in a municipality or municipal ward where poll is taken;
- (c) "Election" means an election to which this Order applies viz., election for chairman in a municipality or municipal ward held on party basis and election of councillor held on non-Party basis;
- (d) "Election held on party basis" means an election in which a candidate set up by a recognised political party gets an exclusive allotment of the symbol reserved for that party in accordance with the provisions of this Order;
- (e) "Free symbol" means a symbol other than a reserved symbol;
- (f) "Recognized political party" means and includes every political party which has been recognized by the Election Commission of India as a National Party or as a State Party in the Union Territory of Pondicherry under the Election Symbols (Reservation and Allotment) Order, 1968;
- (g) "Registered unrecognized political party" means and includes every political party having its Head Office in the Union Territory of Pondicherry which is registered with but not recognized either as a National Party or as a State Party in the Union Territory of Pondicherry by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968;
- (h) "Reserved symbol" means a symbol which is reserved by the Election Commission of India for exclusive allotment to a contesting candidate set up by a recognized political party;

- (i) "Rules" means the Pondicherry Municipal Councils (Conduct of Election of Chairman) Rules, 1996;
- (j) "State Election Commission" means the State Election Commission of the U. T. of Pondicherry constituted under article 243-ZA of the Constitution of India read with section 15A of the Act. (2) Words and expressions used but not defined in this Order but defined in the Representation of People Act, 1950 or the rules made there under or in the Representation of People Act, 1951 or the rules made there under or the Pondicherry Municipalities Act, 1973 as amended from time to time or the rules made there under shall have the meaning respectively assigned to them in those Acts and rules.

3. Under rule 2 of the Pondicherry Municipal Councils (Election of Chairman) Rules, 1996, the State Election Commission hereby notifies that the election of chairman of all municipal councils in the Union Territory of Pondicherry shall be held on party basis.

4. Notification by the State Election Commission of the list of recognized political parties and their symbols and list of registered unrecognized political parties and free symbols. The State Election Commission shall notify from time to time

- (a) The list of recognized political parties and the symbols respectively for them and the list of registered unrecognized political parties;
- (b) The list of reserved symbols and the list or lists of free symbols for use in an election or elections of chairman held on party basis, and
- (c) The list or lists of free symbols for use in an election or elections of councillor not held on party basis.

5. Allotment of symbols.-

- (1) In every contested election, a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allotted to different contesting candidates at an election in the same constituency.
- (2) Each candidate shall be intimated the symbol allotted to him in writing and his signature obtained in token of having received that intimation. He shall also be given a specimen copy of that symbol along with the said intimation.

6. Allotment of symbols in elections not held on party basis.- In an election of councillors not held on party basis, symbols shall be allotted to the candidates in the sequence of the symbols in the list of free symbols meant for that election and in the sequence of their names in the list of contesting candidates. The first candidate in the list of contesting candidates, accordingly, shall be allotted the free symbol figuring first in the list of free symbols notified for that election, the second candidate shall be allotted the second free symbol and so on.

7. When a candidate shall be deemed to be set up by a political party.- For the purposes of this Order, a candidate shall be deemed to be set up by a political party if, and only if,

- (a) The candidate has enclosed a declaration to that effect along with his nomination paper in Form C;
- (b) A notice in writing in Form B to that effect has, not later than 3.00 p.m. on the last date for making nominations; been delivered to the Returning Officer;
- (c) The said notice is signed by the President, the Secretary or any other office bearer of the party and the President, the Secretary or any other office bearer is authorized by the party to send such notice; and
- (d) The communication in Form A with regard to the name and specimen signature of such authorized person are delivered to the Returning Officer not later than 3.00 p. m. on the last day for making nominations.

8. Allotment of symbols in elections held on party basis.- (1) Symbols for candidates set up by recognized political parties.- In an election held on party basis every candidate set up by a recognized political party shall seek the symbol reserved for that party and no other symbol and he shall be allotted the same, but no other symbol;

Provided that when there are conflicting claims for any such reserved symbol due to defect of substantial character either in the nomination paper or in Form B or Form C filed, none of the claimants shall be allotted that reserved symbol and all the claimants shall be treated as independent candidates and allotted the free symbols left after allotting to all other candidates in that election;

Provided further that no reserved symbol shall be sought or allotted in an election to any candidate other than a candidate set up by a recognized political party to which that symbol has been reserved even if no candidate has been set up by that recognized political party in that election.

(2) If a candidate has filed more than one (but not more than four) nomination papers-some as candidate set up by a recognized political party or as an independent candidate- in case the nomination paper filed as a candidate of a recognized political party is rejected on the ground of non-receipt of the said notices in Forms A and B before 3.00 p.m. on the last date for making nominations from the concerned recognized political party, any or all other nomination papers will be accepted if the same are otherwise found valid on scrutiny. In such case, he would be deemed to be a candidate set up by a registered unrecognized party, if such party has sent notices in Forms A and B before 3.00 p.m. on the last date for making nominations and otherwise an independent candidate. In such event, the choice of symbols in the nomination paper first delivered to the Returning Officer by that candidate or on his behalf will only be considered whether that nomination paper is accepted or rejected inuring scrutiny.

(3) If nomination papers of 'a candidate, one nominating him as a candidate set up by a recognised political party and the other as an independent candidate, are accepted, he may be deemed to be a candidate set up by a recognized political party.

(4) The nomination paper of a substitute candidate of a recognized political party will be rejected if the nomination paper of the main approved candidate of that recognized political party is accepted. Further, if the nomination papers of the main approved candidate of the party are rejected, then the nomination paper of the substitute candidate will be accepted, provided the party has intimated his name as its substitute candidate in Forms A and B before 3.00 p.m. on the last date for making nominations.

9. Allotment of symbols to candidates set up by registered unrecognized political parties and independent candidates.- (1) The choice of symbols made by a candidate for chairmanship (other than a candidate set up by a National Party or a State Party) in the nomination paper first delivered to the Returning Officer by the candidate or on his behalf shall only be considered for allotment whether that nomination paper is accepted or rejected on scrutiny.

(2) A candidate for chairmanship (other than a candidate set up by a National Party or a State Party) can choose symbols only out of the free symbols notified by the State Election Commission;

(a) When a free symbol has been chosen by only one candidate, that free symbol shall be allotted to him and to no one else;

(b) When the same free symbol has been chosen by several candidates, then,

(i) If of those several candidates, only one candidate is set up by a registered unrecognized political party and all the rest are independent candidates, the Returning officer shall allot that free symbol to the candidate set up by such registered unrecognized political party and to no one else;

(ii) if, of those several candidates, two or more candidates are set up by such registered unrecognized political parties, the Returning Officer shall decide by lot as to which of these two or more candidates set up by the said registered unrecognized political parties that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else;

(iii) If, of those several candidates, all are independent candidates, the Returning officer shall decide by lot as to which of those independent candidates that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else.

10. Repeal. - The Pondicherry Municipal Councils' Chairman's Election Symbols (Reservation and Allotment) Order, 1996 is repealed.

FORM-A

[See paragraph 7(c) and (d)]

To.

The Returning Officer,

..... Municipality.

Sub : Election of Chairman- allotment of symbols- authorization of persons to intimate names of candidates

Sir,

In pursuance of sub-paragraphs © and (d) of paragraph 7 of the Pondicherry Municipal Council's Chairman's Election (Reservation and Allotment) Order, 2002, I hereby communicate that the following person(s) has/have been authorized by. the party which is a recognized political party / registered unrecognized political party to nominate candidates to be set up by the party at the election cited above.

Sl. No.	Name of the person authorized to send notice by the party	Name of office held	Municipal council respect of which he has been 'authorized
---------	---	---------------------	--

2. The specimen signature of the above mentioned persons so authorized are given below:

(a) Specimen signatures of

(i)

(ii)

(iii)

(b) Specimen signatures of

(i)

(ii)

(iii)

(c) Specimen signatures of

(i)

(ii)

(iii)

Place:

Date :

Yours faithfully,
President/Secretary
Name of Party Seal of Party

FORM-B

[See paragraph 7(b)]

To,

The Returning Officer,

..... Municipality.

Sub : Election of Chairman- allotment of symbols- Name of approved candidate conveyed

Sir,

In pursuance of sub-paragraphs (b) of paragraph 7 of the Pondicherry Municipal Council's Chairman's Election (Reservation and Allotment) Order, 2002, I hereby give notice that the following person(s) has/have been set up by Party as its candidate(s) at the ensuing election of chairman of the municipal council noted against each.

Name of municipality	Name of the approved candidate	Father's! Husband's name of approved candidate	Postal address of approved candidate	Name of the substitute candidate who will in the event of the approved candidate's nomination being on scrutiny or his with draining from the contest	Father's! Husband's name of approved	Postal address of substitute candidate
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(N.B: This must be delivered to the Returning Officer before 3.00 p.m. on the last date for making nominations.

Place:

Date: Seal of the Party

Yours faithfully,
President/Secretary
Name of Party Seal of Party

FORM-C

[See paragraph 7(a)]

I, a candidate for the election of chairman of
Municipal council hereby declare that I have been set up at this election by, Party
which is a recognized political party /registered unrecognized political party.

Signature of the candidate

STATE ELECTION COMMISSION

PUDUCHERRY

No. 1-5/SEC/Civic Elections/Expenses/2021 Puducherry dated 12th August 2021

ORDER

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

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 held in accordance with the laws governing them and purity, in elections, is to be maintained;

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

Whereas, with a view to ensure that the money power does not play any pernicious role in the field of elections and the candidates with huge money resources do not sway or cloud the judgement and rational thinking of the common electors with the ostentatious use of money power placing the candidate with lower financial resources at a distinctly disadvantageous position;

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

I. Short title, extent, application and commencement. - (a) This order shall be called the Puducherry Local Bodies Elections (Fixations of Ceiling on Election Expenses) Order, 2021.

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

(c) It shall come into force at once.

2. Election Expenses. - (a) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both days inclusive.

(b) The account of election expenses to be kept by a candidate or his election agent shall be in the format at Appendix-I.

(c) Every contesting candidate at an election shall, within thirty days from the date of declaration of the result to the election lodge with the Returning Officer, an account of election expenses which shall be a true copy of the account kept by him.

(d) The Returning Officer shall make enquiry as to the genuineness of the account submitted and thereafter, cause a notice to be affixed to the Notice-Board of his office, specifying-

(i) the date on which the account has been lodged ;

(ii) the name of the candidate ; and

(iii) The time and place at which such account can be inspected, The enquiry may be completed within ten days of submission.

(e) Any person shall on payment of a fee of ten rupees be entitled to inspect any such account and on payment of a fee of two rupees per page be entitled to obtain attested copies of such account or of any part thereof.

3. Maximum Election Expenses.-(1) The total of the expenditure incurred or authorised in connection with an election by a candidate shall not exceed the amount mentioned below :

- | | |
|--|--------------|
| a. For election as Ward Member of a Village Panchayat | Rs. 25,000 |
| b. For election as President of a Village Panchayat | Rs, 2,50,000 |
| c. For election as Member of Commune Panchayat Council | Rs. 3,20,000 |
| d. For election as Councillor of Municipal Council | Rs, 3,20,000 |

For election as Chairman of Municipal Council in respect of the Municipalities:-

- | | |
|---------------------------------------|---------------|
| a. For election as Ward Member of a V | |
| (i) Pondicherry Municipality | Rs 30,00,000 |
| (ii) Oulgaret Municipality | Rs 35,00,000 |
| (iii) Karaikal Municipality | Rs 14, 00,000 |
| (iv) Mahe Municipality | Rs 10.00,000 |
| (v) Yanam Municipality | Rs 10,00,000 |

(2) Any candidate, either by himself or by his election agent, who has exceeded the amount mentioned above and who has not kept a separate and correct account of all expenditure incurred in connection with the election or fails to lodge the account of election expenses with the Returning Officer within the period of thirty days from the date of declaration of the result shall be punishable as per law.

4. Repeal. – The Puducherry Local Bodies Elections (Fixation of Ceiling on Election Expenses) Order, 2012 is repealed.

Roy P Thomas.

State Election Commissioner, Puducherry.

APPENDIX-I

Register for Account of Election Expenses

1. Name of Candidate
2. Ward No. and Name of the Panchayat / Council
3. Name of the Political Party, if the candidate is a party candidate
4. Date of Filing of Nomination
5. Date of Declaration of Result

DECLARATION

I.....a candidate at the above election do here by declare that (I) I /My election agent kept a separate and correct account of all expenditure incurred in connection with the above election or authorised by me or my election agent between the date of my nomination and the date of declaration of the result there of, both days inclusive:

(2) the said account was maintained in the Register furnished by the Returning Officer for the purpose and the said Register itself is annexed hereto with the supporting vouchers /bills mentioned in the said account ;

(3) the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent and nothing has been concealed or withheld /suppressed there from.

Encl. Register with vouchers / bills.

Signature of the Candidate.

ACKNOWLEDGMENT

The account of the election expenses in respect of(name of ward and name of local body) result of which was declared(date) has been filed by him / on his behalf on —————(date) has been received by me today, the(date)of(month).....(year)

Returning Officer.

APPENDIX-II

Register of Account of Election Expenses

Date	Details of Election Expenditure	By whom expense incurred				Signature of Candidate	Remarks
		Candidate/Election Agent	Political party	Supporter	Total		

Total `

Signature of the Candidate

ANNEXURE 5.7
GOVERNMENT OF PUDUCHERRY
STATE ELECTION COMMISSION

No. 11/SEC/CE/2021/212.

Puducherry, the 22nd June 2021.

ORDER

RESTRICTIONS ON THE PRINTING OF PAMPHLETS, POSTERS, ETC.

In order that there is strict observance of, and compliance with, the requirements of section 30 of the Pondicherry Municipalities Act, 1973, the Commission, in exercise of its power under Article 243ZA of the Constitution and section 15A of the Pondicherry Municipalities Act, 1973 hereby directs as follows:-

1. As soon as any election as Councillor/Chairman of a Municipal Council is announced by the State Election Commission, the District Magistrates of Puducherry and Karaikal and Sub-divisional Magistrate of Mahe and Yanam shall, within three days of such announcement of election, write to all printing presses in their Districts.

(a) Pointing out to them the requirements of above-mentioned section 30 and specifically instructing them to indicate clearly in the print line the names and addresses of printer and publisher of any election pamphlets or posters or such other material printed by them.

(b) Asking the printing presses to send the copies of the printed material (alongwith three extra copies of each such printed material) and the declaration obtained from the publisher as required under section 30(2) within three days of its printing.

(c) Impressing on them in clear terms that any violation of the provisions of section 30A and the above directions of the State Election Commission would be very seriously viewed and stern action, which may in appropriate cases include even the revocation of the licence of the printing press under the relevant laws, would be taken.

2. Before undertaking the printing of any election pamphlets or posters, etc., the printer shall obtain from the publisher a declaration in terms of section 30(2) in the pro forma prescribed by the Commission in Appendix-A hereto. This declaration shall be duly signed by the publisher and attested by two persons to whom the publisher is personally known. It should also be authenticated by the printer when it is forwarded to the District Magistrates of Puducherry and Karaikal and Sub-divisional Magistrate of Mahe and Yanam.

3. As directed above, the printer shall furnish four (4) copies of the printed material, along with the declaration of the publisher within three (3) days of the printing thereof. Alongwith such printed material and the declaration, the printer shall also furnish the information regarding number of copies of the document printed and the price charged for such printing job, in the pro forma prescribed by the State Election Commission in Appendix-B hereto. Such information shall be furnished by the printer, not collectively but, separately in respect of each election pamphlets, posters, etc., printed by him within three (3) days of the printing of each such document.

4. As soon as a Magistrate receives any election pamphlets or etc., from a printing press, he shall examine whether the publisher and printer have complied with the requirements of law and the above directions of the State Election Commission. He shall also cause one copy thereof to be exhibited at some conspicuous place in his office so that all political parties, candidates and other interested persons may be able to check whether the requirements of law have been duly complied with in relation to such document and which would also enable them to bring to the notice of the authorities concerned the case of other election pamphlets, posters, etc., in respect of which the above requirements of law have been violated.

5. The District Magistrates and Sub-divisional Magistrates shall, initiate prompt action for investigation forthwith in any case of publication of election pamphlets, posters, etc., in violation of the above-mentioned provisions of said section and/or the Commission's above directions either comes, or is brought to their notice. In all such cases prosecutions should be launched against the offenders most expeditiously and these cases should be pursued vigorously in the Courts concerned.

ROY P THOMAS
State Election Commissioner

APPENDIX-A

Pro forma for Declaration to be submitted by the Publisher of Election Posters, Pamphlets, etc.

(See section 30 of the Pondicherry Municipalities Act, 1973)

I son/daughter/wife of
resident (name) (name)
of (Village/Town) (District)
hereby declare that I am the publisher of (give brief particulars of election
poster, pamphlet, etc.,) being printed by..... (name of printing press).

(Signature of Publisher)

Place : Full Address

Date : Attested by (person personally known to publisher)

1. *Signature*
(Name and Address)

2. *Signature*
(Name and Address) Countersigned by

3. *Signature*
(Name and address of Printer)

APPENDIX-B

Pro forma for Submission of Information Regarding Printing of Election Poster, Pamphlets, etc.

1. Name and address of printer
.....
.....
2. Name and address of publisher
.....
.....
3. Date of the printing order of the publisher
4. Date of the declaration of the publisher
5. Brief particulars of election poster, pamphlet, etc.:
6. Number of copies of the above document printed
7. Date of printing
8. Printing charges (including cost of paper) being charged from the publisher in respect of the above document

Place :

(Signature of Printer)

Date :

Seal of the Printer.

CHAPTER VI

SCRUTINY

Scrutiny of nominations by Returning Officer:

6.1. The scrutiny of the nomination papers should be done by you and not by any of the Assistant Returning Officer except in unavoidable circumstances with prior authorisation from the State Election Commission.

Persons to be admitted:

6.2. On the day and at the hour fixed for the purpose, take up the scrutiny of the nomination papers. Admit at the scrutiny only such persons as are entitled to be present under rule 14, viz., the candidates, one proposer of each candidate and one other person duly authorised in writing by each candidate, and no other person. In the case of candidates set up registered unrecognised political parties and independent candidates also, only one of the proposers may be admitted at the scrutiny

Examination of nomination papers by candidate, etc.

6.3.1. If any candidate, his proposer or the person authorised by him desires to examine any of the nomination papers or the accompanying documents, allow him all reasonable facilities for doing so.

6.3.2. You must also inform all present whether all candidates have furnished the requisite information in the prescribed proforma duly supported by the presented affidavit (Annexure 5.5.) under section 8 of the Representation of the People Act, 1951, relating to convictions if any. In case any candidate has failed to furnish the required information, duly supported by affidavit, his name should be announced for the information of all present. They should also be permitted to inspect all proforma and affidavits filed by the candidate. In fact, an adequate time at the beginning of the day may be conveniently set apart for this purpose.

All nomination paper to be scrutinized:

6.4. You should then take up all nomination papers received offline and online, one after another and scrutinize them. If more than one nomination paper have been presented by or on behalf of one candidate, you should take them up together and scrutinize them one after another. In case there is any minor error in any one of the nomination paper of a candidate in regard to particulars, such as, part number, name serial number etc. of the electoral roll, it can be made up with correct particulars given in another nomination paper of the same candidate. All the nomination papers, whether presented to you or to the Specified Assistant Returning Officer, must be scrutinized by you. Merely because one or more nomination papers of a candidate have been already found valid by you, it would not be correct or legal to pass over other nomination papers of that candidate without scrutiny.

Objections and summary inquiry - reasons to be recorded in every case of objection or rejection:

6.5. Even if no objection has been raised to a nomination paper, you have to satisfy yourself that the nomination paper is valid in law. If any objection is raised to any nomination paper, you will have to hold a summary inquiry to decide the same and to treat the nomination paper, to be either valid or invalid. Record your decision in each case giving brief reasons particularly where an objection has been raised or where you reject the nomination paper. The objector may be supplied with a certified copy of your decision accepting the nomination paper of a candidate after overruling the objections raised by him, if he applies for it. Your decision may be challenged later in an election petition and so your brief statement of reasons should be recorded at this time.

Resumption of validity. :

6.6. There is a presumption that every nomination paper is valid unless the contrary is pima facie obvious or has been made out. In case of a reasonable doubt as to the validity of nomination paper, the benefit of such doubt must go to the candidate concerned and the nomination paper should be held to be valid. Remember that whenever a candidate's nomination paper is improperly rejected and he is prevented thereby from contesting the election, there is a legal presumption that the result of the election has been materially collected by such improper rejection and the election will therefore be set aside. There is no such legal presumption necessarily in the converse case where a candidate's nomination has been improperly accepted. It is always safer, therefore, to be comparatively more liberal overlooking minor technical or clerical errors rather than being strict in your scrutiny of the nomination papers.

Scrutiny-a quasi-judicial duty :

6.7. While holding the scrutiny of nomination papers, you are performing an important quasi-judicial function. You have, therefore, to discharge this duty with complete judicial detachment and in accordance with the highest judicial standards. You must not allow any personal or political predilections to interfere with the procedure that you follow or the decision you take in any case. Fairness, impartiality and equal dealing with all candidates are expected of you by law. You must also devote yourself in such a manner that it would appear to all concerned that you are following this high code of conduct. Even if a candidate or his agent is difficult or cantankerous, you must exercise courtesy and patience. But at the same time you have to be firm so that your task may be accomplished in a prompt, orderly and businesslike manner.

Crucial date for determining qualification and disqualification

6.8.1. The qualification or disqualifications of a candidate are related to the date fixed for scrutiny of nominations. This is sometimes material, e.g., in regard to the age of a candidate or in regard to being an elector in a constituency or in regard to the subsistence of a contract with Government, etc., in deciding whether a person is qualified or disqualified to contest the election. You should, therefore, see whether the disqualification subsists on the date fixed for scrutiny.

6.8.2. The qualification and disqualifications are enumerated in Chapter 11 of the Handbook for candidates. You should carefully study this chapter and its annexure.

Grounds which are insufficient for rejection of nomination paper :

6.9.1. Do not reject any nomination paper on the ground "of any defect which is not of a substantial character [rule 14 (4)]. Any mistake or error of a technical or clerical nature should, therefore, be ignored by you.

6.9.2. You may also note that rule 14 (4) lays down that the failure to complete or defect in completing a declaration regarding symbols in the nomination paper is not a defect of a substantial character.

6.9.3. Also, a nomination paper should not be rejected for the reason only that none of the persons referred to in rule 14 (1) was present at the time of scrutiny of nomination; it should be accepted or rejected on merits, taking all the available materials into account.

6.9.4. Do not therefore, reject any nomination paper for such technical or clerical errors or discrepancies. Most of them can and should be directed by you to be set right at the time of the presentation of the nomination paper [rule 11 (4) proviso]. It would, therefore, be very undesirable if you fail at the proper stage to help a candidate by exercising your powers and discretion under the proviso to rule 11 (4) and later at the time of scrutiny you reject his nomination paper on the ground of those very defects which could have been set right under that rule.

6.9.5. You should examine meticulously the receipts for payments made as deposit in the Bank operating government Account with reference to the seals of the Bank, etc. and make sure that the deposit has actually been made in the Bank. Doubts, if any, should be got clarified then and there.

Grounds for rejection of nomination papers:

6.10.1. You must reject a nomination paper, if-

- (i) The candidate is clearly not qualified in law to contest the election. Or
- (ii) The candidate is clearly disqualified in law to contest the election

N. B. The State Election Commission will supply you consolidated list of persons, who have incurred disqualification under sections B and 11A(b) (for Corrupt Practices) and 10-A (for failure to lodge account of election expenses) of the Representation of People Act, 1951.

- (iii) The nomination paper has been delivered before 11.00 a.m. or after 3.00 p.m, on any of the days notified for making nominations, or
- (iv) The nomination paper has been delivered to you or to your specified Assistant Returning Officer by a person other than the candidate himself or any of his proposers, or

- (v) The nomination paper has been delivered at a place other than that specified in the public notice, or
- (vi) The nomination paper has been delivered to a person other than yourself or your Assistant Returning Officer, specified by you in this behalf, or
- (vii) The nomination paper is not substantially in the prescribed form, or
- (viii) The nomination paper has not been signed by the candidate and by his proposer(s), or
- (ix) The proposer was not an elector of the ward or was not eligible to be a proposer at the time of presentation of the nomination paper, or
- (x) The proper deposit has not been made in accordance with rule 12, or
- (xi) The candidate does not belong to the Scheduled Caste and he has filed nomination paper to contest a seat reserved for the Scheduled Castes, or
- (xii) The candidate has omitted to specify his age in the nomination paper, or
- (xiii) Where the candidate is not an elector of the ward for which he has filed nomination paper, he has neither filed a copy of the electoral roll of the ward in which he is registered as an elector or of the relevant part thereof or a certified copy of the relevant entries relating to his name in such electoral roll along with the nomination paper nor produced the same at the time of scrutiny as required under rule 11 (5).
In such event the nomination paper must be rejected even if you are in possession of the electoral roll of that different ward.
- (xiv) The candidate stands for election as Chairman in violation of the provision to section 12A (1) (b) of the Pondicherry Municipalities Act, 1973.

6.10.2. You should invariably record the reasons for rejecting a nomination paper on the spot, and supply certified copies of the order immediately in cases where all the nomination papers filed by a candidate have been rejected by you. This may be done even in the absence of an application from him and without payment. Where one of the nomination papers of a candidate is accepted by you, in that case, you shall supply a certified copy of your order rejecting the other nomination paper (s) to the candidate, if he applies for it.

6.10.3. (i) Nomination papers filed by a candidate claiming to have been set up by a party will be rejected if a notice in writing to that effect has not been delivered to the Returning Officer of the constituency by an authorised office bearer of that political party not later than 3.00 p.m. on the last date for making nominations in FORMS 'A' AND 'B' devised by the State Election Commission for the purpose under Para 8 of the Pondicherry Municipal Council's Chairman, Election Symbols (Reservation and Allotment) Order, 2002].

(ii) If a candidate has filed more than one (but not more than four) nomination papers- some as candidate set up by a recognised political party and the others as candidate set up by an unrecognised political party or as an independent candidate-in case the nomination paper filed as a candidate of a recognised political party is rejected on ground of non-receipt of the said notice in Forms 'A' and 'B' before 3.00 p.m. on the last date for making nominations from the concerned recognised political party any or all other nomination papers will be accepted if the same are otherwise found valid on scrutiny. In such a case, he would be deemed to be a candidate set up by an unrecognised party if such party has sent notice in Forms 'A' and 'B' before 3.00 p.m. on the last date for making nominations and otherwise an independent candidate. (in such event, the choice of symbols in the nomination paper first delivered to the Returning Officer by that candidate or on his behalf will only be considered whether that nomination paper is accepted or rejected during scrutiny).

(iii) If nomination papers of a candidate, one nominating him as a candidate set up by a recognised political party and the other as an independent candidate, are accepted, he may be deemed to be a candidate set up by a recognised political party.

(iv) The nomination paper of a substitute candidate of a recognised political party will be rejected if the nomination paper of the main approved candidate of that recognised political party is accepted. Further, if the nomination papers of the main approved candidate of the party are rejected, then the nomination paper of the substitute candidate will be accepted, provided that the party has intimated his name as its substitute candidate in Forms 'A' and 'B' filed before 3.00 p.m. on the last date of making nominations.

Adjournment of hearing of objection:

6.11. If a candidate to whose nomination paper an objection has been taken applies for time to rebut such objection, you should adjourn the hearing of the objection till the next day or the time after that but not beyond 11.00 a.m. on that day. The scrutiny of all other nomination papers must, of course be completed on the day of scrutiny, notwithstanding such adjournment in respect of one or more nomination papers. If the day next is a holiday the hearing should be completed before 11.00 a.m. on the day fixed for withdrawal of candidatures.

List of validly nominated candidates:

6.12. When the scrutiny has been completed, draw up a list of the validly nominated candidates, in Form 3 (Annexure 5.4). There will be one entry only in respect of each validly nominated candidate in the list although more nomination papers than one in respect of him may have been accepted as valid by you. Do not enter name of any candidate in this list if none of his nomination papers has been found valid on scrutiny.

Correction in the names of candidates:

6.13.1. Each candidate or in his absence his election agent or his proposer, may be required to give in writing the correct spelling of the name of the candidate in each of the languages in which the ballot papers are to be printed, either at the time of filing the nomination or immediately after the scrutiny of nominations is over or at the time of the allotment of symbols.

6.13.2 If a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to you the proper form and spelling of his name and you shall on being satisfied as to the genuineness of the request make the necessary correction of alteration in the list in Form 3 and adopt that form and spelling in the list of contesting candidates.

6.14.1. You will determine the arrangement of the names of the candidates in alphabetical order in each of the three categories in case of election as Chairman in the list of validly nominated candidates, the list of contesting candidates and also in ballot papers on the basis of the first letter of his name. The initials if any, prefixed to the name of a candidate should be ignored for the aforesaid purpose. Thus in the case of candidate giving his name as T.K. Reddy, the place of that candidate according to alphabetical order in relevant category in case of election as Chairman should be determined with reference to the letter "R" and not "T". However, if two candidates in the same category name but different initials, for example P.S. Reddy and T.K. Reddy, then the two names should be arranged inter-se with reference to the first letter of the initials.

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

6.14.3. There will also be no objection to the addition of any honorific, academic, hereditary professional or any other title to the name of a candidate, but such title should on no account be taken into consideration in the arrangement of names in alphabetical order in the list of validly nominated candidates or of contesting candidates or in the ballot papers fixed on the Balloting Unit and Postal Ballots Papers .

6.14.4. Arrange the names of the candidates in the list of validly nominated candidates alphabetically according to the script of Tamil for elections in Pondicherry and Karaikal regions Malayalam in Mahe Region and Telugu in Yanam Region.

6.14.5. Send two copies thereof to by Fax/Telex/Telegram or by Special messenger along with an English Translation to the Election Commission. The list of validly nominated candidates should be sent by you on the very day on which scrutiny of all nomination paper is completed and despatched immediately so that it may reach the Commission before the last date for the withdrawal of candidatures.

CHAPTER VII

WITHDRAWAL OF CANDIDATURES

Notice of withdrawal:

7.1. Any candidate may withdraw his candidature by giving you a notice in Form (Annexure 7.1) signed by him and delivered before 3 O'clock in the afternoon of the last date fixed for such withdrawal or through the online when he had submitted his nomination through online. Any withdrawal after that hour is invalid and has no legal effect. Every notice of withdrawal must be delivered to you by (i) the candidate or (ii) any of his proposers. The said proposer, however, have been authorised in writing by the candidate to deliver the notice of withdrawal on his behalf. If there is no such authority or if the person so authorised by the candidate is not his proposer the withdrawal is of no effect and must be ignored.

7.2. The notice of withdrawal should neither be delivered to nor be received by you on a day which is a public holiday.

7.3. The Commission is of the view that a candidate may give notice of withdrawal only after the scrutiny of nominations is over, such notice can be given on the date of scrutiny after the scrutiny is over or on the next day, if it is not a public holiday, or, on the second day after the date of scrutiny in terms of rule 16(1) and if the second day is a public holiday then on the next succeeding day which is not a public holiday.

7.4. The notice of withdrawal can be delivered before 3 O'clock in the afternoon of the last date fixed for the withdrawal of candidatures. On the day of scrutiny of nominations and the next day, if it is not a public holiday, such notices can be delivered during the normal working hours of the Returning Officer's office that is to say, even before 11.00 a.m. or after 3.00 p.m.

Receipt for withdrawal:

7.2. Form 5 contains in its bottom portion a receipt which you have to fill in and hand over to the person who delivers the notice of withdrawal to you. Detach the receipt portion from the body of the form and hand it over to that person then and there. Also fill in the other particulars in the notice of withdrawal below the signature of the candidate. This document will be your record of the withdrawal.

Valid withdrawal not to be cancelled:

7.3. Once a candidate has validly withdrawn, he cannot be allowed to cancel such withdrawal and to continue as a candidate [rule 16 (2)].

Publication of notices of withdrawal:

7.4. As soon as any valid notice of withdrawal is received by you, publish as notice thereof in Form 6 on your Notice Board (Annexure 7.2).

List of contesting candidates:

7.5.1. Immediately after 3.00 p.m. on the last day fixed for withdrawal of candidatures, draw up a list in Form 7 (Annexure 7.3.) of contesting candidates one or more of whose nomination papers was found by you to be valid and who have not withdrawn their candidates.

7.5.2. The list of contesting candidates in Form 7 shall be drawn up in accordance with the instructions contained in Para 6.14 of the preceding Chapter VI.

7.5.3. In the list of contesting candidates you have to mention the party affiliation, if any, of each candidates the symbol allotted to him. Detailed instructions are given in the following chapter regarding the allotment of symbols to candidates. Study those instructions carefully and apply them meticulously while allotting symbols to candidates. ,

7.5.4. Immediately after the preparation of the list of contesting candidates cause a copy of the list to be affixed in some conspicuous place in your office. You shall also supply a copy of the list of contesting candidates to each such candidate or his election agent.

7.5.5. Rule 25(1) requires a copy of the list of contesting candidates to be displayed outside each polling station.

7.5.6. Inform the State Election Commissioner immediately by Fax/Telex/Telegram or special messenger the names of the contesting candidates and the symbol allotted to each of them. Any delay may seriously affect the programme for printing of ballot papers.

7.6.1. Rule 19 (3) of the Pondicherry Municipals Councils (Conduct of Election of Councillors) Rules, 1974 requires that you shall publish the list of contesting candidates in the Official Gazette. You should also publish it on the notice board of your office of the municipal Office and in one or two many conspicuous places in each ward for which the election is to be held.

7.6.2 It is necessary to prepare that the list of contesting candidates even in the case of uncontested election. It is however not necessary to publish it in the Official Gazette.

Safe deposit of papers relating to nominations, scrutiny and withdrawal of candidatures with the district election officer:

7.7. All election papers and proceedings relating to nominations, scrutiny and withdrawal of candidatures for and election in each ward should be put together in a packet or envelope which should be sealed with your seal for safe custody after the declaration of the result of the elections is made. The name of the ward and a brief description of its contents should be noted on the packet or envelope for ready reference.

Issue of Identity cards to contesting candidates:

7.8.1. After the finalisation of the list of contesting candidates issue an identity card to each contesting candidate in the form given below:

CANDIDATES IDENTITY CARD

(PHOTOGRAPH)

Shri. is a contesting candidate for election of Councillor to Wards No of Chairman of Municipal Council of. The candidate is set up by Party.

(Signature of the Candidate)

Attested by

Place

Date

Returning Officer

Seal

N.B. : If the candidate is set up by a National Party or a State Party or an unrecognised party register with Commission you should enter the name of the Party otherwise last line in the form should be scored out.

7.8.2. In all elections, the identity cards issued to contesting candidates shall bear their photographs. For this purpose, all candidates should be instructed by the Returning Officer to furnish two copies of their recent photographs as soon as the list of contesting candidates is finalised on the last date for withdrawal of candidatures. The identity cards of all candidates should be prepared in duplicate, so that the duplicate copy is kept as office copy for the purposes of record by the Returning Officer. Photographs should be pasted on the top right portion of the identity card. For this purposes, the identity card in the prescribed format should be got printed in adequately big size so that it contains sufficient space for pasting the photograph on the right top portion. Photograph of the candidates should be attested by the Returning Officer and his seal should be so put on the photograph that a portion thereof is affixed on the photograph and the rest on the identity card.

Attention of candidates to be invited to law relating to corrupt practices and electoral offences:

7.9. For the sake of purity of election and for the guidance of the contesting candidates, you should draw attention of contesting candidates by a notice in writing to the provisions relating to the corrupt practices and electoral offences in the Representation of the People Act, 1951, and offences relating to elections contained in Chapter IX-A in the Indian Penal Code. The candidates should be clearly informed in the said notice that the list contained in the notice should not be taken as exhaustive. For the purpose of giving such notice, a model form is given in Annexure 7.4. The above notice may be issued to the contesting candidates immediately after the last date fixed for the withdrawal of candidates.

Appointment of election agents:

7.10.1. Note that under the law, It is not necessary or incumbent on a candidate to appoint an election agent at the time of filing of his nomination paper. Such appointment may, if the candidate so desires, be made at any time he likes or not at all. In other wards, the appointment of an election agent has, in the first place, been made optional and secondly, has been made independent of the nomination. Every such appointment has to made by a formal communication by the candidate in Form 8 (Annexure 7.5) in duplicate which has to be forwarded to you. Return one copy thereof to the election agent after affixing thereon your seal and signature in token of your approval of the appointment.

7.10.2. Identity Cards shall also be issued to election agents. The letter of appointment of election agent in Form 8 itself should serve the purpose of such identity card. All candidates should be instructed to affix the photographs also of their election agents on the right top portion of both the copies of their appointment letters in Form 8. These photographs should also be attested by the Returning Officer in the same manner as has been instructed in the case of attestation of photographs of candidates in Para 7.8.2.

7.10.3. Any person who is for the time disqualified for voting at elections shall so long as the disqualification subsists disqualified for being an election agent at any election.

7.10.4. The Ministers of the Union or States or Union Territories shall not be appointed as election agents (and also as polling and counting agents) as the security personnel accompanying them cannot be permitted to enter polling station and counting centre, non can security be jeopardised in the absence of their security personnel.

Revocation of appointment of candidate and his election agent:

7.10.5. A candidate may revoke the appointment of election agent at an time by a. letter in Form 9 (Annexure 7.6) which is to be lodged with you in order to take effect. If an election agent's appointment has been revoked or if he dies, the candidate may appoint another election agent in his place.

Specimen signatures of candidate and his election agent:

7.11. In order to prevent any malpractices at polling stations by unscrupulous persons pretending to be polling agents appointed by the candidates or their election agents, you should obtain and circulate the specimen signatures of the candidates and their election agents, to each Presiding Officer in the Proforma as given in annexure 7.7 so that the Presiding Officers are in a position to verify the signatures of candidates/their election agents on any form or documents presented on their behalf.

FORM-5
NOTICE OF WITHDRAWAL
[See rule 16(1)]

Election to*

To
The Returning Officer,

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

Place :

Date :

Signature of candidate

This notice was delivered to me at my office at (hours) on
(date) by (name of the --candidate/proposer)

Date :

Returning Officer

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a candidate at the
election to was delivered to me by the --candidate/proposer at my office
at (hours) on, (date).

Returning Officer

Appropriate particulars of the election to be inserted here.

*Score out the word not applicable.

ANNEXURE 7.2

FORM-6

NOTICE OF WITHDRAWAL OF CANDIDATURE

[See rule 16 (3)]

Election to*

Notice is hereby given that the following **candidate/candidates at the above election withdrew
**his candidature their/candidature today.

Date:

Name of candidate	Address of candidate	Remarks
(1)	(2)	(3)

1.

2.

3.

4.

5.

Returning Officer.

* Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

Date :

Returning Officer.

ANNEXURE 7.3.

FORM- 7

LIST OF CONTESTING CANDIDATES

[See rule 19 (1)]

Election to*

Serial No.	Name of candidate	Address of candidate	Symbol allotted
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

*Appropriate particulars of the election to be inserted here.

Place:

Date :

Returning Officer

ANNEXURE 7.4.

Notice to contesting candidates regarding penal provisions in the election law

Please take note that following are the provision relating to the corrupt practice and electoral offences in the Representation of the People Act, 1951, and the offence relating to elections in Chapter IX-A of the Indian Penal Code. The list enumerated below is not to be taken an exhaustive. You are advise to study also relevant provisions in the law. The proof of the commission of these corrupt practices and electoral offences may entail as per law the election being declared void and or also award of punishment as laid down in the law.

(1) Representation of the People Act, 1951

A. CORRUPT PRACTICES

Section 123-(i) Bribery, (ii) undue influence, (iii) appeal on the ground of religion, race, caste, community or language or the use of, or appeal to religious or national symbols, (iv) promotion of feelings of enmity or hatred between different classes of citizens on grounds of religion, race, caste, community or language (v) publication of false statement in relation to the personal character or conduct of a candidate or his candidature, (vi) the hiring or procuring of vehicles or use of such vehicle for the free conveyance of voters, (vii) the incurring or authorising of election expenses in excess of the prescribed limit, and (viii) the obtaining or procuring of assistance from specified categories of Government Servants, and (ix) booth capturing.

B. ELECTORAL OFFENCES UNDER THE PONDICHERRY MUNICIPALITIES ACT, 1973.

2. Section 27-Promoting enmity between different classes in connection with Election.
3. Section 28-Prohibition of public meetings during the prohibited period.
4. Section 29-Disturbance at election meeting
5. Section 3D-Restrictions on the printing of pamphlets, posters, etc.
6. Section 26-Maintenance of secrecy of votes
7. Section 32-Prohibition of canvassing in or near polling stations
8. Section 33-Disorderly conduct in or near polling stations
9. Section 34-Misconduct at polling station
10. Section 38-Illegal hiring or procuring of conveyances at elections
11. Section -Prohibition of going around to or near to polling station,
12. Section 38-Removal of ballot papers or Electronic Voting Machine from polling station
13. Section 39-Fraudulent or unauthorised destruction of election papers; documents, ballot papers ballot boxes or Voting Machines etc.
14. Section 25-(1) - Bribery
15. Section 25-(2) - Undue influence at elections.

Returning Officer.

ANNEXURE 7.5.
FORM-8
APPOINTMENT OF ELECTION AGENT
[See rule 24 (1)]

Election to the*

To

The Returning Officer

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

Place:

Date :

I accept the above appointment.

Place:

Date :

* Appropriate particulars of the election to be inserted here.

Signature of candidate.

Signature of Election Agent.

ANNEXURE 7.6.

FORM-9

REVOCATION OF APPOINTMENT OF ELECTION AGENT

[See rule 24 (3)]

Election to the*

To

The Returning Officer

I, a candidate at the above election, hereby revoke the appointment of my election agent.

Place:

Date :

Signature of candidate

* Appropriate particulars of the election to be inserted here.

ANNEXURE 7.7.

(See Para 4.2)

FORMAT FOR SPECIMEN SIGNATURES OF CANDIDATES AND THEIR ELECTION AGENTS

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

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letter of appointment of polling Agents at the time of poll :-

Name of the contesting
candidate

1. Shri/Smt./Ms.I
(Candidate No. 1)

2. Shri/Smt./Ms.I
(Candidate No. 2)

3. Shri/Smt./Ms.I
(Candidate No. 1)

etc.

etc.

Place:

Date :

Specimen signature

Name of his/her
Election agent

Specimen signature

Shri/Smt./Ms./ Shri/Smt.[Ms.]

Shri/Smt.[Ms.]

Signature

(Seal)

Returning Officer

CHAPTER VIII

ALLOTMENT OF SYMBOLS

Approved election symbols for Councillors:

8.1.1. The State Election Commission has issued notification dated 24-08-2021 specifying symbols which may be assigned to the candidates at the elections of Councillors (Annexure 8.1).

8.1.2. There are fifteen symbols for the elections as councillor.

8.1.3. They are all free symbols other than a symbol reserved for a National Parties in Table I or State Parties in Table II of the Notification No. 56/96/Jud.II dated 5296 of the Election Commission of India in pursuance of paragraph 17 of the Election Symbols (Reservation and Allotment) Order 1968 in the Union territory of Pondicherry and subsequent notifications issued by the Election Commission of India amending Table I or II from time to time.

Choice of symbols for councillors:

8.2.1. Nomination paper in Form 2 (Annexure 5.2) does not provide for choice of symbols for Councillors. Hence you have to assign a distinctive symbol to each candidate.

8.2.2. Since there are only fifteen free symbols for each of the elections, the State Election Commission may be approached with the least delay if the number of contesting candidates in any of the elections exceeds fifteen.

Allotment of symbols for Councillors:

8.3.1. Immediately after 3.00 p. m. on the last day fixed for withdrawal of candidatures, the names of contesting candidates is arranged in Form 7 (Annexure 7.3) in accordance with instructions contained in Para 6.14 of Chapter VI.

8.3.2. After the arrangement of the names of contesting candidates comes the assignment of distinctive symbols to each candidate. The first free symbol listed in the notification dated 24-08-2021 (Annexure 8.1) may be assigned to the first candidate for election as councillor. Thus, if there are five contesting candidates as Councillor, the first five symbols viz. Air Conditioner, Belt, Brief Case, Cake, Carom Board will be assigned to them respectively. The candidate whose name figures at Sl. No. 3 in the list of contesting candidates in Form 7 shall be assigned the free symbol of Brief Case. Thus, it will be seen that one gets a symbol depending upon his numerical position in the list in Form 7.

Approved election symbols for Chairman:

8.4.1. The State Election Commission has issued an order, namely, Pondicherry Municipal Council's Chairman's Election Symbols (Reservation and Allotment) Order, 2002 relating to specification, reservation and allotment of symbols.

8.4.2. That Order also makes provisions for recognition of parties as National and State Parties. A copy of the Order is reproduced in Annexure 5.5.

Choice of Symbols by candidates for chairmanship:

8.5.1. A candidate sponsored by a National or State Party shall choose and shall be allotted only the symbol exclusively reserved for that party and no other symbol. In view of this, such a candidate need not indicate three symbols in order of preference in his nomination paper but must indicate the symbol reserved for the party which has set him up as a candidate.

8.5.2. The candidate other than these shall choose three symbols in order of preference from out of the list of free symbols specified by the State Election Commission and indicate such preference in the nomination paper, (See Table IV Annexure 8.1).

Choice of symbols in nomination paper first filed by a candidate to be considered:

8.6.1. You are to consider only the choice of symbols made by a candidate for Chairmanship (other than a candidate set up by a National or state party) in the nomination paper first delivered to you by him or on his behalf whether that nomination paper is accepted or rejected by you during scrutiny. No choice of symbol made by him in subsequent nomination paper is of any value.

8.6.2. In the case of candidates set up by National or State Parties, the choice of party's symbol indicated by such candidate given in his subsequent nomination papers may be considered by you, if all other requirements mentioned in Para 8.7.2. below are satisfied in his case.

8.6.3. You should also follow the clarifications given in Para 6.10.3. of Chapter VI while allotting symbols to candidates deemed to have been set up by recognised National and State Parties or registered unrecognised parties and as independent candidates in accordance with those clarifications.

Allotment of symbols to candidates for Chairmanship:

8.7.1. In every contested election a symbol shall be allotted to each contesting candidate in accordance with the provisions of the Pondicherry Municipal Council's Chairman's Election symbols (Reservation and Allotment) Order, 2002 reproduced in Annexure 5.5. Different symbols shall be allotted to different contesting candidates at an election in the same ward.

8.7.2. From the Symbols Order, referred to above, you will find that:

- a. In the first place, there are two categories of symbols namely :-
 - (i) reserved symbols and
 - (ii) free symbols.
- b. the second place, a "reserved symbol" means a symbol reserved for a recognised (National or State) Party and a "free symbol" means a symbol other than a reserved symbol.
- c. In the third place, a recognised party can be a National party, a State Party or a registered but not recognised party
- d. In the fourth place, a National Party means anyone of the recognised parties specified in the Table I of the commission's Notification (Annexure 8.1). A State Party means anyone of the recognised parties specified in Table II of the Commission's Notification (Annexure 8.1).
- e. In the fifth place, a candidate set up by a National or State Party shall choose in his nomination paper and will be allotted by you only the reserved symbols of his that party and no other symbol. This means that if he has been set up by a National or State party, then, in his nomination paper he can choose only the symbol reserved for that party and no other symbol. This also implies that from any ward only one candidate can be set up by a National or State Party.
- f. In the sixth place, a reserved symbol shall not be chosen by or allotted to, any candidate in any ward other than a candidate set up by a National Party for whom such symbol has been reserved or a candidate set by a state party for whom such symbol has been reserved, even if no candidate has been set up by such National or State Party in that constituency.
- g.
 - a. In the seventh place, candidate not set up by a National or State Party, can make a choice of symbols in their nomination papers only out of the free symbols specified in notification dated 24-08-2021 (Annexure 8.1) no other symbol.
 - b. Where any free symbol has been chosen by only one candidate at such election, you will allot that symbol to that candidate and to no one else.
 - c. Where the same free symbol has been chosen by several candidates at such election, then :-
 - (i). If of those several candidates, only one is candidate set up by a political party which is at present an unrecognised political party and all the rest are independent candidates, the Returning Officer shall allot that free symbol to the candidate set up by such unrecognised political party and to no one else; and, if of those several candidates, two or more candidates are set up by such unrecognised political parties, the Returning Officer shall decide by lot as to which of these two or more candidates set up by the said political parties that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to one else;
 - (ii) If of those several candidates being all independent candidates, you will decide by lot as to which of those independent candidates that free symbol shall be allotted and allot that free symbol to the candidate on whom the lot falls and to no one else.
- h. In the eighth place, a candidate shall be deemed to be set up by a political party, whether recognised as National or State Party or a registered unrecognised party, if and only if :

- (a) The candidate has made a declaration to that effect in any of his nomination papers;
- (b) A notice in writing to that effect has, not later than 3.00 p.m. on the last date for making nominations has been delivered to you;
- (c) The said notice signed by the President, the Secretary or any other office bearer of the party and the President, Secretary or such other office bearer is authorised by the party to send such notice; and
- (d) The name and specimen signature of such authorised person are communicated to the Returning Officer of the ward not later than 3.00 p.m. on the last date for making nominations.
 - (i) Political parties may cancel, the authorisation in Form B given in favour of one candidate or change such authorisation by substituting the name of another candidate subject to the following conditions namely:-
 - (1) Subsequent authorisation cancelling or substituting the earlier authorisation in Form B is received by the Returning Officer of the Ward concerned not later than 3.00 p.m. on the last date for making nominations.
 - (2) such subsequent authorisation in Form B is signed by the same authorised office bearer and is unambiguous and clearly shows that it either cancels or substitutes the earlier authorisation, as the case may be;
 - (3) the Returning Officer is satisfied about the genuineness of subsequent authorisation; and
 - (4) the candidate in whose favour subsequent authorisation has been given has already made a declaration in his nomination paper that he has been set up by the said political party.
 - (j) If a political party submits authorisation in Form B in respect of more than one candidate for the same ward, then the Returning Officer shall treat all such candidates as independents, unless the authorisation in respect of all candidates but one has been cancelled in the manner described in Para (i)(2) above.
 - (k) The Symbols Order does not recognise electoral alliances which are often entered into by political parties. Therefore a registered or recognised political party, should not be allotted by you any reserved symbol of another recognised political party even with the consent of such latter party with whom it has entered into an electoral alliance for the purpose of contesting an election.
 - (l) Where a candidate had not made a declaration in any of his nomination papers that he has been set up by a particular political party, he shall not be deemed to have been set up by that party even if that party gives you intimation to that effect in Forms A and B and he shall not be allotted the symbol reserved, if any, for that party.
 - (m) Similarly, if a candidate has made a declaration in his nomination paper that he has been set up by a particular political party but that party sets up some other candidate, he shall not be deemed to have been set up by another political party even if such latter party wishes to adopt him, unless that candidate has filed within the prescribed time another nomination paper in which he has made a declaration to have been set up by the latter party.

Incorrect allotment of symbols:

8.7. The allotment of symbol made by you to a candidate shall be final except where it is inconsistent with any direction issued by the State Election Commission in this behalf in which case the Commission may revise the allotment in such manner as it thinks fit. You should therefore, ensure that no mistake occurs in allotting symbols.

Revision of symbols:

8.8. Where the allotment of any symbol has been revised by the State Election Commission, you should revise the list of contesting candidates accordingly by amending such list suitably in respect of candidates in whose cases the Commission has decided to revise the

ANNEXURE-8.1

STATE ELECTION COMMISSION PUDUCHERRY

No. SEC/1-6(M)/Civic Elec/2021

Puducherry, the *dt. 24.08.2021*

NOTIFICATION

In exercise of the powers conferred under rule 4 of the Pondicherry Municipal Councils (Election of Chairman) Rules, 1996, rule 17A, 17B and 17C of the Pondicherry Municipal Councils (Conduct of Election of Councilors) Amendment Rules, 2004 and Notification No. 56/2019/PPS-III, dated 15-03-2019 of the Election Commission of India and in supersession of Notification No. SEC/1-6(M)/Civic Elec./2012/231, dated 10-10-2012 of the State Election Commission hereby notifies.-

- In Table I, the list of National Parties and the respective symbols reserved for them;
- In Table II, the list of State Parties and the respective symbols reserved for them;
- In Table III, the list of registered unrecognized political parties;
- In Table IV, the list of free symbols for the election of Chairman and
- In Table V, the list of free symbols for the election of Councilor.

Table – I the list of National Parties and the respective symbols reserved for them:

Sl. No.	National Parties	Symbol reserved	Postal address of central office	Party's local address
1	2	3	4	5
1	Bahujan Samaj Party	Elephant	4, Gurudwara, Rakabanj Road, New Delhi – 110 001	No. 19, I Cross Avvai Nagar, Mudaliyarpet, Puducherry – 605 004
2	Bharatiya Janata Party	Lotus	6-A, Deen Dayal Upadhyaya Marg, New Delhi – 110 002	Plot No. 45 & 46, 3 rd Cross Sithnanda Nagar, Puducherry – 600 005
3	Communist Party of India	Ears of Corn and Sickel	Ajoy Bhavan, Kotta Marg, New Delhi – 110 002	V. Subbiah Illam, No. 66, Cuddalore Road, Mudaliarpet, Puducherry – 605 004
4	Communist Party of India (Marxist)	Hammer, Sickel and Star	A.K.Gopalan Bhavan, 27-29, Bhal Vir Singh Marg(GoleMarket), New Delhi – 110 001	Moogambigai Nagar, (Aziz Nagar), Reddiarpalayam, Puducherry – 605 010

5	Indian National Congress	Hand	24, Akbar Road, New Delhi – 110 001	No.169, Calve Subbraya Chetty Street, , Puducherry – 605 001
6	Nationalist Congress Party	Clock	Bungalow No. 1, Canning Lane (Ravi Shankar Shukla Lane), Near Ferozeshah Road, New Delhi – 110 001	No. 8, Ground Floor, Karuvadikuppam Main Road, Muthialpet, Puducherry – 605 003

Table - II, the list of State Parties and the respective symbols reserved for them:

Sl. No.	National Parties	Symbol reserved	Postal address of central office	Party's local address
1	2	3	4	5
1	All India Anna Dravida Munnetra Kazhagam	Two leaves	275, Avvai Shanmugam Salai, Royapettah, Chennai – 600 014	Next to Uppalam Guest-house, 12, Dr. Ambedkar Salai, Uppalam Main Road Puducherry-605 001
2	All India N.R.Congress	Jug	No. 51, JJ Complex, 100 Feet Road, Ellapillaichavady, Nellithope Post, Puducherry – 605 005	No. 65/6, ECR Road, Pakkamudayanpet, Puducherry – 605 005
3	Dravida Munnetra Kazhagam	Rising Sun	"Anna Arivalayam", 268-269, Anna Salai, Teynampet, Chennai - 600 018	No.10, Laporte Street, Puducherry – 605 001
4	Pattali Makkal Katchi	Mango	63, Nattu Muthu Naiken Street, Vanniya Teynampet, Chennai – 600 018	No.1/22/Sengeni Amman Koil St, Kombakkam, Puducherry – 605 110

Table - III, the list of Registered unrecognized Political Parties:

Sl. No.	Political Parties	Party's local address
1	Agila India Makkal Kazhagam	No. 3, Second Cross, Vallalar Nagar, Pethuchettipet, Lawspet, Puducherry – 605 008
2	Dravida Peravai	No. 69, Rangapillai Street, Puducherry – 605 001
3	Puducherry Development Party	No. 51, Second Cross, Selva Nagar, Uruvaiyar, Puducherry- 605110
4	Puducherry Padaipali Makkal Katchi	No. 4, First Street, Thendral Nagar, Puducherry – 605 013

Table - IV, the list of free symbols for the Election of Chairman:

Sl. No.	Name of the free symbol
1	Almirah
2	Auto Rickshaw
3	Balloon
4	Bangles
5	Battery torch
6	Black Board
7	Bucket
8	Camera
9	Calculator
10	Computer
11	Carpet
12	Cot
13	Cup & Saucer
14	Harmonium
15	Hat
16	Helicopter
17	Jackfruit
18	Laptop
19	Sewing Machine
20	Typewriter

Table - V, the list of free symbols for the Election of Councilor:

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

✓

(ROY P THOMAS)
STATE ELECTION COMMISSIONER

CHAPTER IX
UNCONTESTED ELECTION

Unopposed returns:

9.1. If, in any ward, there is only one contesting candidate, declare that candidate to have been duly elected immediately after the last hour for withdrawal of candidature. In that event, a poll is not necessary.

Form of declaration:

9.2. (1) You shall complete and certify the return in Form 26 (Annexure 9.1) and send a signed copy thereof to the State Election Commission.

(2) The date to be given in the return should be the date on which the result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

Grant of certificate of Election:

9.3.1. You shall grant to the candidate declared elected a certificate of election in Form 27 (Annexure 9.2), obtain from the candidate an acknowledgement of its receipt duly signed by him and send immediately the acknowledgement to the Commissioner of the concerned Municipal Council.

9.3.2. If the candidate is not present at the time of declaration of result and does not approach you shortly thereafter, the certificate, should be handed over to a person duly authorised by him in this behalf and personally known to you. The acknowledgement, duly signed by the candidate must also be obtained through the same person.

Publication of the results of election:

9.4. The names of councillors elected from various wards of each Municipal Council and the name of Chairman elected shall be notified by the State Election Commission in official Gazette, soon after the date originally fixed for the completion of election under clause (c) of rule 9, upon such notification, the new Municipal Council shall be deemed to be duly constituted.

ANNEXURE 9.1.
Form-26
RETURN OF ELECTION
[See rule 59 (1)]

Election to the*

1.

Serial No.	Name of Candidate	Number of valid votes poll
1.		
2.		
3.		
4.		
5.		
6.		

Total number of valid votes polled :

Total number of rejected votes :

Total number of tendered votes :

I declare that (name) of
..... (address) has been duly elected to fill the seat.

Place:

Date :

Returning Officer

* Appropriate particulars of the election to be inserted here.

ANNEXURE 9.2.

FORM-27

CERTIFICATE OF ELECTION

(See rule 60)

I, Returning Officer for the Ward No.of the Municipal Council of in the Union territory of Pondicherry hereby certify that I have on the day of 200 , declared Thiru of have been duly elected to the said Municipal Ward to be a Councillor of the Municipal Council and that in token thereof I have granted to him this Certificate of Election.

Place :

Date :

Returning Officer

for the Ward No. of the
Municipal Council of

SEAL

CHAPTER-X

BALLOT PAPERS AND ELECTRONIC VOTING MACHINES

Introductory:

10.1. With the withdrawal of candidatures and the preparation of list of contesting candidates, the first stage of election process comes to an end. Then begins the second stage of preparation for the actual conduct of elections. This stage is very crucial. You will find the work very taxing. Great care and planning for adherence to the time schedule are essential.

10.2. The interval between the last date for withdrawal of candidatures and the first day of poll is 10 clear days. During this short period, all arrangements for poll have to be finalised and made. You have to get the postal ballot papers printed and dispatched to 'Service voters', get the ballot papers printed for Balloting Units, get the required number of Electronic Voting Machines checked.

A. Postal ballot papers:

Priority to postal ballot papers:

10.3. As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidature is over, your first job will be to get postal ballot paper for 'Service voters' printed and despatched to those voters. This printing of postal ballot papers for 'Service Voters' must be completed within 24 hours after the last hour for withdrawal of candidatures and the dispatch of these papers to them must be completed within the next 24 hours.

Voters entitled to postal ballots:-

10.4.1. As Returning Officer, you will have to send postal ballot papers to those of the voters at each of the two elections who are entitled to vote by post. These are-

- (a) Service voters;
- (b) Electors subjected to preventive-detention; and
- (c) Voters on election duty.
- (d) Covid Patients and those above 80 years of age.

10.4.2. "Service Voters" means (a) members of the armed forces of the Union (b) members of a force to which the provisions of Army Act, 1950 (46 of 1950) have been made applicable whether with or without modifications (c) members of an armed police force of a State who are serving outside that state, and (d) persons who are employed under the Government of India in a post outside India (e.g. Ambassadors of India abroad, their staff etc). registered in the last part of the electoral roll.

10.4.3. "Elector subjected to Preventive Detention" means any person Subjected to preventive detention under any law for the time being in force. .

10.4.4. "A voter on election duty" means a Polling Officer, Assistant Presiding Officer, presiding Officer or other public servant who is an elector in the Municipality and is by reason of his being on election duty, unable to vote at the polling station where he is entitled to vote. Thus, the Observers appointed by the Commission and the staff members accompanying them are also voters on election duty.

10.4.5. The facility of voting by postal ballot may be extended to the drivers, helpers, cleaners, etc., actually employed on vehicles requisitioned for election purposes by treating them as voters on election duty.

Postal ballot papers for service voters-form and language:

10.5. The State Election Commission has directed that the postal ballot papers for service voters at an election shall be prepared as indicated in Annexure 10.1.

Printing and dispatch of postal ballot papers to service voters:

10.6.1. You will be responsible for arranging the dispatch of postal ballot papers to (a) service voters as well as (b) other voters eligible to vote by post. The postal ballot papers to be sent to service voters, that is, the voters who are included in the last part of the electoral roll shall be arranged to be printed immediately after 3.00 p.m. of the last day for the withdrawal of candidatures.

10.6.2. You should prepare sufficiently in advance and, in any case, before the last date for the withdrawal of candidatures, addressed covers in Forms 15 (Annexure 10.3) and 16 (Annexure 10.4) complete Form 17 (Annexure 10.5) containing instructions for the guidance of voters and also keep ready the form of declaration by electors in Form 14 (Annexure 10.2) in respect of each service voter. As stated in the beginning, the printing of the postal ballot papers with counterfoils should be completed within 24 hours after the last hour fixed for the withdrawal of candidatures and any delay in adhering to the schedule will make the entire process of using postal ballot papers by Service Voters negatory depriving them of their valuable right of voting. As soon as the postal ballot papers with counterfoils are received by you, you should note down the electoral roll part number and serial number of the elector as entered in the marked copy of electoral roll on the counterfoil of the postal ballot paper and detach the ballot paper from the counterfoil. You should put the letter "PB" against the entry of the elector in the marked copy of the electoral roll to indicate that a postal ballot paper has been issued to him without however recording therein the serial number of the ballot paper issued to the elector. Simultaneously, the serial number of the ballot paper should be written on the front of the cover Form 15 and the ballot paper put inside that cover. Thereafter, the cover in Form 15 containing the ballot paper, the declaration in Form 14 the instructions for the guidance of electors in Form 17 and the cover in Form 16 will be put inside a large cover which will be addressed to the service voter concerned. It should be noted that postage stamp of the appropriate value should be affixed on the larger cover addressed to the service voter. Thereafter, all the covers addressed to the service voters attached to each Record Office

will be put inside one packet and the packet dispatched to the Record Office under certificate of posting. The whole process of printing and despatch should be completed within 48 hours of the last hour fixed for the withdrawal of candidature.

10.6.3. The postal ballot paper for the wife of a service voter should be sent in a separate cover and not in the cover addressed to her husband.

10.6.4. You should seal in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed. Similarly, the electoral roll part relating to service voters should also be sealed in a separate packet and a brief description as above should be recorded on this packet also. Both these packets should be kept in your safe custody.

10.7.1. The following mistakes may be avoided:

- (a) Dispatch of one or more individual ballot papers without postage stamps in a packet addressed to the Record Offices, thus involving use of service labels and their accounting by the Record Officers;
- (b) Full address of Returning Officers not shown on cover in Form 16, thus resulting in difficulty in returning the cover to the sender;
- (c) Dispatch of ballot papers in respect of soldier's wives without furnishing the army number and name of husbands, resulting in their return to sender;
- (d) Incomplete/Omission of army numbers on the ballot papers, thus delaying their redirection;
- (e) Use of poor quality envelopes, necessitating their repair before redirection;
- (f) Receipt of ballot papers without covers/directions for voters; and
- (g) The postal ballot paper for the wife of a service voter sent in the same cover with the postal ballot paper for the service voter.

10.7.2. The covers containing the postal ballot papers in the case of members of Armed Forces and other eligible voters should invariably contain the elector's rank and regimental number or other 'full particulars so that no difficulty is experienced by the Record Officer, etc. in transmitting the ballot papers to -the elector concerned. This will enable Record Offices, etc. to send the cover straight to the elector at the unit or stations of posting where he is serving even if there is a change of address.

10.7.3. The postal ballot papers are to be returned to the Returning Officers of the constituency and not to the Assistant Returning Officers. With that end in view at a simultaneous election, all the forms viz 14, 15, 16 and 17 must be sent in two sets, one pertaining to the Chairmanship and the other to the councillorship. Each of these sets can be put in the respective covers, viz, Form 16 with the address of Returning Officer concerned specified thereon. While sending out to the Record Office, etc, the larger envelopes, each containing the two separate sets of forms, can be put in a single' outer cover.

10.7.4. Full designation of Returning Officer should be printed or written on the covers in Form 16.

10.8.1. The postal ballot papers for Service Voters will be printed and dispatched within 48 hours after the last hour for the withdrawal of candidatures.

10.8.2. In the case of foreign service voters, the postal ballot papers will be sent by ordinary airmail and not in the diplomatic bags, unless specially authorised to be sent in diplomatic bags in any particular case. Ordinary postage stamps will be used for the purpose. The foreign service voters will return the postal ballot paper by diplomatic bag or by ordinary airmail service direct to you.

10.8.3. The cover containing postal ballot papers should be handed over to the local postal authorities under certificate of posting.

10.8.4. The post office would forward these bags or packet in the case of postal ballot papers for Defence service voters to the Record Office concerned.

N. B.: Persons whose names have been included in the last part of the roll are not entitled to vote in person at any polling station. They can vote only by post.

Postal ballot papers for voters under preventive detention form and design:

10.9. It should be noted that the postal ballot papers for preventive detention will also be of the same design and form as the postal ballot papers for 'Service Voters.'

Printing and dispatch of postal ballot papers for voters under preventive detention:

10.10. The printing of postal ballot papers which may be required for electors under preventive detention should also be done along with the postal ballot papers for 'Service Voters'. If it is, however, considered that, the printing of postal ballot papers for 'Service Voters' which is required to be completed within 24 hours after the last hour fixed for the withdrawal of candidatures may get delayed if postal ballot papers for electors under preventive detention is also simultaneously done, then the printing of postal ballot papers for the latter category may be done in the second phase. This second phase of printing should also be completed within 72 hours after the last hour fixed for the withdrawal of candidatures.

Dispatch of postal ballot papers for voters under preventive detention:

10.11.1. You will have to send to each voter a form of declaration (Form 14) a smaller cover containing the postal ballot paper (Form 15), a larger cover addressed to yourself in Form 16 (no postage to be affixed on this cover) and a copy of the printing instructions to voters in Form 17. Then those will be placed inside an outer cover and sent to each voter by ordinary post under certificate of posting. Before you send off these documents to any elector remember to fill up in ink correctly in Form 14 and 15 the serial number of the connected postal ballot paper. This is very important as at the time of counting of votes you will have to compare these numbers on Form 14 and 15 and see that they tally. If they do not tally in the case of any voter, the postal ballot paper will have to be rejected.

10.11.2" Also remember to fill up correctly hour and date in clause (e) and sub-clause (ii) of clause (f) In Para ii of Form 17.

10.11.3. The statistics of men and women voters, who cast their votes by postal ballot paper, should be ascertained by noting the letter "W" on the inner envelope in Form 16 i.e., the envelope addressed to the Returning Officer, in the case of every women voter while sending the ballot paper to her.

10.11.4. The names of electors subjected to preventive detention will not be found in the last part of the electoral roll. This will be supplied by the State Election Commission,

10.11.5. An elector under preventive detention may himself also give the intimation of the above effect to you within fifteen days of calling the election.

10.11.6. You should put the letter "PB" against the entry 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 the elector.

Voters on election duty entitled to vote by post:

10.12.1. I. Application from voters on election duty for permission to vote by postal ballot are required by law to be made in Form 13 (Annexure 10.6) at least seven days or such shorter period as you may allow before the day of poll or the first day of the poll in the ward.

This is to enable you to send the postal ballot papers in time and to make the necessary entries in the working copies of the electoral rolls for the respective polling stations. If you have appointed the officers and supplied them with the application forms in time, you need not relax this seven-day rule. A Presiding Officer, Polling officer or policeman or other public servant may be appointed for duty at a polling station so last that though he is otherwise entitled to apply for a postal ballot paper, he cannot do so seven days before the first date fixed for poll. You should, whenever practicable, exercise your discretion in favour of such officer or public servant and allow him the facility of postal ballot when he applies for such facility.

10.12.2. You should issue to such voters the order or appointment in duplicate so that the voter on election duty may enclose one copy of that order of appointment to the Returning Officer along with his application form for supply of postal ballot paper/Election Duty Certificate thereby facilitating the easy identification of the applicant and decision regarding his entitlement to the issue of postal paper EDC.

10.12.3. The order of appointment in duplicate should also bear the clear seal of the Returning Officer.

10.12.4. A copy of each of the electoral rolls for all the wards will be made available by you for inspection at the centre(s) of rehearsals and training classes so that those on election duty can note down the particulars of their electoral numbers.

10.12.5. If you are satisfied that the applicant is entitled to vote, you shall forward to him a declaration in Form 14 (Annexure 10.2), a cover in Form 15 (Annexure 10.3), a large cover addressed to you in Form 16 (Annexure 10.5) along with a postal ballot paper. The ballot paper shall be the last ballot paper taken from the last bundle of the ballot papers meant for the polling station where he is ordinarily entitled to vote.

Voters-Covid Patients and Senior Citizens above 80+ age

10.13.1. Application Form "Covid Patients" should be accompanied by a "Covid Positive test report" from a Recognized Medical Institution. Application should be made in Form 13 at least 15 days before the date of poll.

Record of postal ballot papers:

10.13. Before sending any ballot papers to a voter on election duty, you should 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 and electoral part number. Put letter "PB" against 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. This is necessary to ensure that elector is not allowed to vote at the polling station. You should also seal in a separate packet the counterfoils of ballot papers issued to such electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it is sealed. Any elector who has been allowed to vote by post and to whom the postal ballot has been issued will not be allowed by the Presiding Officer to vote in person. He can only vote by post.

II. Voter on election duty entitled to vote in person:

- (1) Voter on election duty in a ward of which he is a voter may apply in Form 13A (Annexure 9.2) to you for election duty certificate in Form 13B (Annexure) so as to reach him at least four days or such shorter period as you may allow, before the poll. If you are satisfied about his entitlement, you shall-
 - (i) Issue election duty certificate in Form 13B
 - (ii) Mark "EDC" against the voter's name in the marked copy of the electoral roll to indicate the issue of election duty certificate to him.
 - (iii) Ensure that he is not allowed to vote at the polling station where he is otherwise entitled to vote
- (2) On production of the election duty certificate, the Presiding Officer shall-
 - (i) Obtain the signature of voter on certificate
 - (ii) Enter at the end of the marked copy of the electoral roll the name and relevant electoral number of the voter as entered in the election duty certificate.
 - (iii) Issue to him a voter's slip and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

Sealing marked copy of electoral roll :

10.14. After all the postal ballot papers for voters have been issued, seal the marked copy of the electoral roll and arranged give it to the concerned Presiding Officer to be used as the marked copy of the electoral at the polling station. It is very important that this copy of the electoral roll on which the letters "PB" have been recorded should be used as the marked copy of the electoral roll at the polling station, otherwise such; a voter may vote at the polling station in addition to voting by postal ballot or on the EDC. The counterfoil of the postal ballot papers issued the electors should be sealed in a separate packet and kept in your safe custody.

Supply of second set postal of ballot papers, etc. in exchange for first set:

10.15 1. When a Postal Ballot Paper and other papers sent are returned for any reasons undelivered you may re issue them by post under Certificate of Posting deliver them or cause them to be delivered to the elector personally on a request being made by him.

10.15.2. You may issue a second postal ballot paper to a voter (along with the other connected papers) only if the latter (a) returns to you the entire set of paper first issued to him, and (b) further satisfies you that through inadvertence he has spoilt the first set of papers so that they are incapable of being used. Cancel the returned papers, seal them in a packet and note the serial numbers of the postal ballot papers thus returned to you on the packet.

Postal ballot papers returned in time:

10.16.1. Keep in safe custody all the covers containing the postal ballot papers which are received back by you in time. Postal ballot papers should be returned to you at the latest by the hour fixed for the commencement of counting of votes of the constituency.

10.16.2. For keeping correct account of the postal ballot papers received back in time and ensuring that no such ballot paper is lost or misplaced, you should open a register in which the number of postal ballot papers received should be duly entered. The entries in this register should be made from day to day and should be countersigned by you or Assistant Returning Officer at the end of each day.

Postal ballot paper returned late:

10.17 You should not decline to receive any cover containing postal ballot paper delivered after expiry of the hour fixed for its return. Postal ballot papers received by you in their covers too late (i.e. after the hour fixed for the commencement of the counting of votes of the constituencies or on any subsequent date) cannot be counted and must be rejected. Note the date and time of its receipt on each such cover received late. These covers are not to be opened and should be kept together for future reference, if any. The ballot papers contained in those covers need not be included in the total number of rejected votes in the Return of Election in Form 25 and 26.

Delivery of postal ballot papers :

10.18. The Postal Department has been requested to instruct all postal authorities to arrange for the prompt delivery of every cover containing postal ballot paper to the correct addressee so that the system of postal ballot may work satisfactorily. Under the rules, postal ballot paper can be returned to you as 'Service Unpaid' and you have to pay cash against each such delivery. Since it will be very difficult to pay cash every time the covers are delivered, it is suggested that you should open a deposit account at the nearest post office from which you will receive delivery of the covers so that the postal authorities can adjust the charges, against the deposit every time the covers are delivered. However,

the question of postal ballot papers from foreign service voters being returned to you as 'Service Unpaid' does not arise as postage stamps would have been affixed by the office in which the voter is serving. However, If their postal ballot papers are returned through diplomatic bag, then it will come to you in cover super scribed 'Service Unpaid. An account of such covers so received may be kept. The expenditure involved on account of certificate of posting for redirected postal ballot papers to service voters will be met from the grants of Ministry of Defence.

10.18.2. The Postal Department has requested to inform all postal authorities regarding prompt delivery of postal ballot papers to you on the polling day irrespective of Sundays and post office holidays.

B. Design of a Electronic Voting Machine (Rule 49 A) and operational details:

10.19. The Voting Machine produced by the central government undertaking namely electronic coroperation of india limited, Hyderabad is being used in local body elections. The voting machines have been designed as to keep intact the salient features of a present system under which the ballot paper are used. The operational details of Electronic Voting Machine will be given separately to the needy officials on election duty.

Ballot papers - Form and language:

10.20.1. The ballot papers for election as Councillors shall be as indicated in Annexure 10.8.

10.20.2. The ballot papers for election as Chairman shall be as indicated in Annexure 10.9.
Arrangements for printing of ballot papers:

10:21.1. The arrangements of Printing of ballot papers required for your Municipality will be made by the State Election Commission. It is therefore, necessary that you should furnish to the state Election Commission the list of contesting candidates in Form 7 immediately after the same has been prepared after the last hour fixed for the withdrawal of candidatures and the allotment of symbols to the candidates. The list should be sent to the State Election Commission by the fastest means of communication available like Fax, Telex, Wireless, Telegram or by sending a special messenger.

10.21.2. You should also make special arrangements to collect ballot papers from the printing press immediately after the same have been printed. The arrangements for the transport of ballot papers from the press to your headquarters shall be made in a closed vehicle under proper security guard. You should keep all ballot papers under lock and seal till you require them for the purposes of the poll.

Verification of ballot papers:

10.22.1. You should also make special arrangements to check the ballot papers while the same are under print at the printing press to ensure that the names of all the contesting candidates and the symbols respectively allotted to each of them have been correctly printed.

10.22.2. On receipt of the printed ballot papers from the Press, the ballot papers should be checked so as to ensure that there is no discrepancy in the number of ballot papers as supplied by the press and the number found on actual counting at your end. If on such checking any ballot paper is found defective in any number or with duplicate number or the serial number of any ballot paper is missing, the same should be clearly noted in a register and also published on the notice board of your office as well as at the distributing centre. A copy of the notice should also be sent to each of the contesting candidates.

ANNEXURE 10.1
STATE ELECTION COMMISSION
PONDICHERRY

No. SEC/1-8/Civic Elec /2001

DIRECTION

Dated: 10-10-2001

In pursuance of rule 35 of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, and read with Rule 5 of the Pondicherry Municipal Councils (Conduct of Elections of Chairman) Rules, 1996, the state Election Commissioner hereby directs that the Postal Ballot Papers for an Election to the Councillors/Chairman of the Municipal Council prepared as indicated hereunder:

(1) Every Postal Ballot paper intended for use of service voters and electors subject to preventive detention shall have a counterfoil attached to it and it shall be printed in white colour in respect of election of Councillors and in pink colour in respect of election of Chairman. The counterfoil shall be at the top of ballot paper and its depth shall not ordinarily exceed 15 cms. The counterfoil shall contain the following:

- (a) Space for stitching at the top centre of the counterfoil;
- (b) A Black border of 1 cm. at the top of the counterfoil;
- (c) The particulars of election shall be printed immediately below item (b) above;
- (d) 'Electoral Roll Part Number' and "Serial Number of Elector one below the other on the left hand side;
- (e) Serial number of the ballot paper on the left hand side on the front;
- (f) One block of lines of 1 cm, with a perforated rule/disjointed straight line below, separating the ballot paper from the counterfoil.

(2) The names of the contesting candidates without their respective symbols will appear on the postal ballot paper in the same order in which the names appear in the list of contesting candidates in Form-7

(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) The front face of the postal ballot paper will contain only the name and particulars of the ward and the election and the names of the contesting candidates. The particulars of the ward will be printed in the first shaded areas and will contain the number and name of the ward of the Municipality as given in the notification of delimitation of Municipal Wards. The words "Postal Ballot Paper" will be printed stamped on the reverse.

(5) Serial number of the Postal Ballot Paper shall be printed on the left hand side on the front.

(6) The width of the Postal Ballot Paper will be 4"

(7) The name of the candidate will appear on the left side and his symbol on the right side and in a panel.

(8) The width of the space allotted to each candidate will be 6.5 cm. and the width of the shaded area between" the space allotted to any two candidates will be 3 cms. There will be a thick black border of 1 cm. width at the bottom.

(9) The size of each symbol will be not more than 9 cm. X 5.5 cm.

(10) The names of candidates and their party affiliation, if any on the ballot paper shall be printed, typewritten or multi-graphed in Tamil in respect of Municipalities in Pondicherry and Karaikal regions and Malayalam and Telugu in respect of Municipalities in Mahe and Yanam regions respectively. The name of the ward will be printed in English. The particulars on the counterfoils of the ballot paper shall be printed in English only.

(11) Where the number of contesting candidates at an election exceeds 9, the postal ballot paper has to be printed differently. The width of the ballot paper and its counterfoil should be 8" instead of 4". Along the middle, there shall be a shaded area from top to bottom of 2.5 cms. width. The names of half the number of contesting candidates will appear in the correct alphabetical order, one below the other on the left half of the ballot paper and the names of the remaining contesting candidates will appear in alphabetical order on the other half. Where the number of contesting candidates is odd, the last panel on the right half of the ballot paper will be completely shaded.

(12) The Postal Ballot Papers will be stitched into convenient bundles, with consecutive serial numbers. It will be ensured that the serial number on each ballot paper and its counterfoil is identical.

State Election Commissioner

ANNEXURE 10,2

Form-14

DECLARATION BY ELECTOR

[See rule 36 (1) (a)]

Election to the*

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

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

Date:

Address:

Signature of elector Attestation of signature.

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

Date:

(This side is to be used when the elector cannot sign 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 Attesting Officer
on behalf of elector***

Address of Elector:

* Appropriate particulars of the election to be inserted here.
Strike off the inappropriate alternative.

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/suffer from (infirmity) and is unable to record his vote himself or sign his declaration;
3. I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and
4. The ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of identifier, if any,

Address:

Signature of Attesting Officer.

Designation:

Address:

Date

** Strike off the inappropriate alternative.

ANNEXURE 10.3.
Form-15
COVER
[See rule 36 (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 10.4

Form-16

COVER

(To be used at an election to the Municipal Councils of the Union Territory of Pondicherry)

[See rule 36 (1) (c)]

COVER B	Every officer under whose care or through whom a postal ballot per is sent shall ensure its delivery to the addressee without delay-Rule 36 (3) of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974)	SERVICE UNPAID
<p>ELECTION-IMMEDIATE</p> <p>POSTAL BALLOT PAPER</p> <p>*For the Ward No of the Municipal Council of</p> <p>(NOT TO BE OPENED BEFORE COUNTING)</p> <p>Signature ** To of sender</p> <p style="text-align: right;"><i>The Returning Officer</i></p> <p style="text-align: center;"> </p>		

* Returning Officer to insert here the name of the appropriate Ward No., of the Municipal Council.

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

ANNEXURE 10.5.

FORM-17

INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS

[See rule 36 (1) (d)]

Election to the*

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 votes 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 it 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-14 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 that 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 is 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 he is under detention.

Appropriate particulars of the election to be inserted here.

PART-11 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-14 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 certificate in his 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-14 as 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 the messenger. You have to give your full signature in the space provided on the cover marked 'B' but no 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 fail 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 10.6.

FORM-13

LETTER OF INTIMATION TO RETURNING OFFICER FOR POSTAL BALLOT

(See rule 33)

To

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

Sir,

I intend to cast my vote by post at the ensuing election to the Municipal Council of
..... from the Ward No.

My name is entered at Sl. No in Part No. of the
electoral roll for Ward No. of the Municipal Council of

The ballot paper may be sent to me at the following address :

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

Place :

Date :

Yours Faithfully

ANNEXURE 10.7.

INSTRUCTIONS FOR OPERATING VOTING MACHINES

- I. The Voting Machine is of Electronic Corporation of India. Model: CU 7514; BU 74091
- II. The operational details of Electronic Voting Machine will be given separately to the needy officials.

ANNEXURE 10.8.

STATE ELECTION COMMISSION

Pondicherry

No. SEC/1-5/Civic Elec/2001

Dated: 14-09-2001.

DIRECTION

In pursuance of Rule 27 (1) of the Pondicherry Village and Commune Panchayats (Conduct of Election of Chairman of Commune Panchayat Councils and Presidents and Members of Village Panchayats) Rules, 1978 and Rule 30 (1) of the Pondicherry Municipal Councils (conduct of Election of Councillors) Rules, 1974 the State Election Commissioner hereby direct that the ballot papers for election as Member of Commune Panchayat Council/President and Member of Village Panchayats and for the election of Municipal Councillors shall be prepared as indicated hereunder:

(1) Every ballot paper shall have a counterfoil attached to it and it shall be in Form 10. The ballot papers for election of Member of Commune Panchayat Council will be green in colour, the ballot papers for election of President of Village Panchayat will be pink in colour, whereas, for election of Member Village Panchayat, the ballot papers will be white in colour. The ballot paper for the election of municipal councillors will be white in colour. The counterfoil will be printed in the same colour as the ballot papers in respect of the above said elections. The counterfoil shall be at the top of the ballot paper and its depth shall not ordinarily exceed 15 cms. The counterfoil shall contain the following particulars :-

- (a) Space for stitching at the top centre of the counterfoil;
- (b) A black border of 1 cm. at the top of the counterfoil;
- (c) The particulars of election shall be printed immediate below item (b) above;
- (d) 'Electoral Roll Part No.' and 'Serial No. of Elector' one below the other on the left hand side;
- (e) Space for signature or thumb-impression of the elector on the right hand side;
- (f) Serial number of the ballot paper on the left hand side on the front; and
- (g) One block of lines of 1 cm, with a perforated rule/disjointed straight line below, separating the ballot paper from the counter foil.

2. (i) The symbol alone shall be printed on the ballot paper.

(ii) The ballot paper shall be printed in various denominations.

(iii) The ballot papers shall be printed in odd numbers with a minimum denomination start from 3.

3. There shall be one block of line of 1 cm. below the perforated rule/disjointed lines on the ballot paper.

4. The front face of the ballot paper will contain only the symbol of the contesting candidates and particulars of election. The Serial Number of the ballot paper shall be printed on the left hand side on the front.

5. The width of the ballot paper will be 4". Where the ballot paper will be printed in the denomination of more than 9, the ballot paper has to be printed into two sides and the width of the ballot paper and its counterfoil should be 8" instead of 4". The symbols. allotted to the election shall be printed on two sides and the serial numbers of the symbols in the ballot paper will be in the horizontal order, so that the odd numbers are on the right side of the ballot paper and the even numbers are on the left side of the ballot paper and the last panel on the right half of the ballot paper will be completely shaded.

6. The width of the space allotted to each candidate will be 6.5 cms. and the width of the shaded are between the space allotted to any two candidates will be 3 cms. There will be thick black border of 1 cm. width at the bottom.

7. The size of each symbol will be not more than 9X5.5 cms.

8. The ballot papers will be stitched into convenient bundles, with the consecutive serial numbers. It will be ensured that the serial number on each ballot paper and its counterfoil is identical.

(State Election Commissioner)

To

The Returning Officers of Commune Panchayats
and Municipalities.

ANNEXURE 10.9.

STATE ELECTION COMMISSION

Pondicherry

No. SEC/1-4/Civic Elec/2001

Dated: 14-09-2001

DIRECTION

In pursuance of rule 2 of the Pondicherry Municipal Councils (Conduct of Election of Chairman) Rules, 1996, the State Election Commissioner hereby direct that the ballot papers for an Election to the Chairman of the Municipal Council prepared as indicated hereunder

(1) Every ballot paper shall have a counterfoil attached to it and it shall be printed in pink colour. The counterfoil shall be at the top of ballot paper and its depth shall not ordinarily exceed 15 cms. The counterfoil shall contain the following:

- (a) Space for stitching at the top centre of the counterfoil;
- (b) A black border of 1cm. at the top of the counterfoil;
- (c) The particulars of election shall be printed immediately below item (b) above;
- (d) 'Electoral Roll Part Number' and "Serial Number of Elector one below the their on the left hand side;
- (e) Space for signature or thumb-impression of the elector on the right hand side;
- (f) Serial number of the ballot paper on the left hand side on the front;
- (g) One block of lines of 1 cm. with a perforated rule/disjointed straight line below, separating the ballot paper from the counterfoil.

2. The names of the contesting candidates with their respective symbols shall be printed on the ballot paper in the same order in which the names appear in the list of contesting candidates in Form-? A.

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. The front face of the ballot paper will contain only the name and particulars of the ward and the election, the names and the symbols of the contesting candidates, The particulars of the ward will be printed in the first shaded areas and will contain the number and name of the ward of the Municipality as given in the notification of delimitation of Municipal Wards.

5 Serial number of ballot paper shall be printed on the left hand side on the front.

6. The width of the ballot paper will be 4".

7. The name of the candidate will appear on the left side and' his symbol on the right side and in a panel.

8. The width of the space allotted to each candidate will be 6.5 cm. and the width of the shaded area between the space allotted to any two candidates will be 3 cms. There will be a thick black border of 1 cm. width at the bottom.

9. The size of each symbol will be not more than 9 cm. X 5.5 cm.

10. The names of candidates will be printed in Tamil in respect of Municipalities in Pondicherry and Karaikal regions and Malayalam and Telugu in respect of Municipalities in Mahe and Yanam regions respectively. The name of the ward will be printed in English.

11. Where the number of contesting candidates at an election exceeds 9, the ballot paper has to be printed differently. The width of the ballot paper and its counterfoil should be 8" instead of 4". Along the middle, there shall be a shaded area from top to bottom of 2.5 cms. width. The names of half the number of contesting candidates will appear in the correct alphabetical order, one below the other on the left half of the ballot paper and the names of the remaining contesting candidates will appear in alphabetical order on the other half. Where the number of contesting candidates is odd, the last panel on the right half of the ballot paper will be completely shaded.

12. The ballot papers will be stitched into convenient bundles, with consecutive serial numbers. it will be ensured that the serial number on each ballot paper and its counterfoil is identical.

State Election Commissioner

CHAPTER XI

ARRANGEMENTS FOR POLL

Poll arrangements to be made Final:

11.1. As soon as the list of contesting candidates has been published, you should make your arrangements for the poll final and check up that everything is ready for taking the poll on the scheduled date (s).

11.2. You must have already calculated that exact number of EVMs required for taking the poll in your Municipality, including the reserve Machines. You should immediately obtain the required number of Voting Machines if you have not already done so. Each and every Machine has to be thoroughly tested for its 100% (hundred per cent) error-free functioning at the time of poll.

11.3. You should also get printed immediately the required number of ballot papers for Balloting Units, Postal Ballot Papers and Ballot Papers for Tendered Voters which are to be used at polling stations.

11.4. Likewise, you must procure urgently all other polling materials, statutory and non- statutory forms and other stationery that you will require for taking the poll.

11.5. You should maintain a forward diary of the different items of work that you have to attend from time to time and keep it up to-date by adding remarks to show the progress made in respect of each item. Here is a sample list (not exhaustive but only illustrative) of your tasks during this period:-

1. Obtaining the required No. of EVMs and getting each Voting Machine thoroughly tested;
2. Printing of postal ballot papers and ballot papers for Balloting Units;
3. Issuing formal appointment orders for the Presiding Officers and Polling Officers for each polling station in your Municipality;
4. Issuing of forms of application (Forms 13 and 13 A) for postal ballot papers and election duty certificates to polling personnel including the police;
5. Requisitioning of vehicles required for the poll including the vehicles required for transport arrangements of polling personnel and polling materials;
6. Finalising the transport arrangements for polling personnel and polling materials;
7. Checking up the deployment of police forces and their movement to synchronise with the movement of the polling parties;
8. Dispatch of postal ballot papers along with connected papers to voters entitled to vote by post and the Election Duty Certificate to such of the voters on election duty who want to vote on the strength of such certificates;
9. Review of your requirement of polling materials; including statutory and non-statutory forms, etc., In the light of actual number of contesting candidates and the total number of polling stations;
10. Meetings with contesting candidates with a view to seeking their cooperation and removing their misapprehensions, if any;
11. Supplying the contesting candidates with (i) lists of polling stations and the areas covered by each polling station and (ii) forms of appointment of polling and counting agents;

12. Preparing required No. of working copies of the relevant parts of the electoral roll for use in each polling station;
13. Provision of screened voting compartments at each polling station in which a voter can record his vote in complete secrecy;
14. Training classes for you polling personnel;
15. Publicity about the location of polling stations;
16. Distribution of polling materials to the polling parties;
17. Arrangements for the return of the polling parties after the poll and the receipt of the ballot boxes and other materials and election papers from them;
18. Arrangements for the safe custody of these EVMs and other election papers. Contacts with candidates:

11.2.1. Meet the contesting candidate's as often as you can, keep them informed The arrangement you have made.

11.2.2. Request them to supply you at an early date a list of dead, absent and bogus voters in the electoral roll polling station-wise. These lists should be supplied to you at least twelve days before commencement of the poll. You should tell them that unless they cooperate with you in this matter and supply the lists in time, it will be difficult for the Presiding Officers to check impersonation and that any complaint that the candidates may make later regarding impersonation of voters can hardly carry weight and would be useless. Also request the candidates to ensure that their lists are correctly and carefully prepared so that genuine voters are not put to any harassment In the course of verifications by the Presiding Officers of their identity. You should also warn them that if considerable number of entries in any of these lists are found to be incorrect, the Presiding Officer would be directed not to attach any importance to them thereafter. Cooperation for law and order:

11.3. The contesting candidates, if they are tactfully approached, will also be of great help to you in maintaining law and order at and before the poll. If you can secure their cooperation, many of your other difficulties would also be easily solved. Model code of conduct and its observance:

11.4.1. It hardly needs to be emphasized that for the smooth conduct of an election a peaceful atmosphere should prevail during the election period. The most potent cause which tends to mar the conduct of the election and disturbs the atmosphere of friendly competitiveness that should prevail is the violation of statutory provisions of election law relating to corrupt practices and electoral offences and indulgence in other malpractices by some or the other political party or the candidate or their workers. This, apart from vitiating the general atmosphere in the constituency, creates problems for the authorities responsible for the maintenance of law and order as well.

11.4.2. With a view to maintaining a healthy and peaceful atmosphere during the election period which would be conducive for ensuring a free and fair election, the Commission has involved a Model Code of Conduct for guidance of political parties and candidates. The detailed guidelines for the Model Code of Conduct is separately issued by the Commission for strict implementation by all concerned.

11.4.3. The Model Code of Conduct comes into operation from the day the Commission announces the programme for election in your constituency. Standing committees:

11.5.1. For ensuring compliance with the Model Code by all political parties and contesting candidates and for considering specific cases of violation of that Code, the Commission has issued instructions that standing committees should be constituted in each municipality under your chairmanship with the Superintendent of Police and the representative of all recognised and registered political parties and contesting candidates as its members.

11.5.2. The committee may meet as often as may be convenient and necessary. In such meetings, you should address a special appeal to the members to co-operate in the observance of the Model Code of Conduct and to take active steps to ensure that no one in an excessive zeal and excitement may overstep the limits laid down by law and at the same time render himself liable to penalties prescribed by law. It should be impressed upon the members that any violation of the Code committed on behalf of any party or candidate cannot but create a feeling of bitterness and resentment in the minds of the other parties and candidates and their supporters. Moreover to the extent that any such violation is made, the election falls in its standard of morality and cleanliness. In the cases of the violation of the code brought to the notice of the committee which resulted in the breach of the provisions of election law you should seek the co-operation of local magistracy and the police in dealing with such election offences.

11.5.3. The committee may also consider apart from the model code any matter which is of common interest to the members and is intended to further the object of holding free and fair election from the constituency.

11.5.4. Whenever such meetings are held, proper minutes thereof should be maintained. Polling rehearsal:

11.6. The staff must have already been trained at earlier polling rehearsals. Brush up their knowledge and experience by more rehearsals as necessary. Unofficial identity slips:-

11.7.1. The political parties/candidates may issue unofficial identity slips containing the following information to the voters;

- (i) The name and serial number of the voter in the electoral roll;
- (ii) Part number of the electoral roll; and
- (iii) The serial number and the name of the polling station.

11.7.2. The identity slips should be on white paper and should not contain the name of the candidate and/or the name of his party and/or his election symbol. The slips should not contain any slogans or any exhortation to vote for a party or for a candidate, since these would amount to canvassing within the polling station which is not permissible. The circulation of any slip containing any such slogan or exhortation within 100 metres of the polling station would amount to canvassing which is not permissible under the law.

Regulation of plying of vehicles on poll day:

11.8. Follow carefully the instructions issued by the Commission on the regulation of vehicular traffic during the election period and particularly on the day of poll with a view to cordoning off the polling areas from vehicular traffic to prevent voters from being carried in the vehicles arranged by candidates and their supporters. Permits should be issued to vehicles to be used by candidates, their election agents, etc., strictly according to the norms prescribed by the Commission.

CHAPTER XII

THE POLL

Introductory:

12.1. Poll is the most important event in the election process. In a democracy, it is through the poll that the electors express their choice of the candidate to represent them. Any irregularity in the conduct of poll may vitiate the election and, therefore, you should ensure that the poll is conducted strictly in accordance with the law and the prescribed procedure. 12.2. If the operation of taking the poll has been planned properly and the necessary arrangements made in advance according to the plan, the poll should normally proceed smoothly over the constituency.

Legal provisions:

12.2. The legal provisions for the conduct of poll are contained in the compendium supplied to you. You should familiarise yourself fully with these legal provisions.

Polling stations:

12.3. Poll will be taken at the polling stations located at different places spread all over the constituency. For this purpose, the polling stations have already been identified with the prior approval of the State Election Commission and in accordance with its instructions contained in Chapter 11. You should ensure well in advance of the date of poll that all arrangements for the setting up of polling stations at the places approved by the Commission have been made. It should also be ensured that the copies of the lists of the polling stations have been supplied to all contesting candidates. It should be noted that no changes can be made in the buildings or location of any polling stations without the prior approval of the Commission.

Polling parties:

12.4.1. Polling parties for taking the poll at the above polling stations have also to be appointed by you. It is your duty to ensure well in advance that such appointments have been made by you in accordance with the instructions contained in Chapter III and the appointment orders have been served on each of the polling personnel so appointed.

12.4.2. Intensive training should be given to the Presiding Officers and the Assistant Presiding Officers, who have been designated to act as Presiding Officers in case of the former's absence,

Polling materials:

12.5. You must ensure that all the polling parties have been supplied with the necessary polling materials, including the Electronic Voting Machines. A standard list of polling materials is given in Annexure 4.1. The Presiding Officers must be instructed to take utmost care of the safety and security of the EVMs and they should be warned that they will be held personally responsible for any damage to the Voting Machines on account of their negligence.

Law and order and free and fair elections:

12.6.1. You must ensure, in consultation with the authorities concerned, that proper law and order is maintained in and around the polling stations so that free and fair poll takes place. Adequate measures should be taken to provide full security to the polling personnel, the Voting Machines and other election materials till the polling parties reach the collection/counting centres after the close of poll.

12.6.2. You must have ensured that all standing instructions and directions of the Commission aimed at achieving a peaceful atmosphere in the constituency on the date of poll, like, the identification of sensitive areas/polling stations and taking special preventive and security, measures to avoid any untoward incident in those areas/polling stations, restrictions on the plying of vehicles on the day of poll, prohibition of sales of liquor during a specified period including the day of poll and counting, deposit of fire arms by the licensed arms holders, unearthing of the unlicensed arms and weapons, declaration of day of poll as a holiday in the constituency, have been strictly followed and fully complied with by the authorities concerned. Strict vigil should be kept over the movement of undesirable elements and vehicles.

Arrival of polling parties at polling stations:

12.7.1. It should be ensured that each polling party reaches its assigned polling station on the day previous to the day of poll. The polling party should set up the polling station properly. The voting compartment should in particular be set up in such corner of the room that the voter is able to record his vote in that compartment in complete secrecy. A model layout of the polling stations is given in Annexure 12.1.

12.7.2. On the day of poll, each member of polling party must take his seat in the polling station at least 60 minutes before the time fixed for the commencement of poll.

12.7.3. The Voting Machine should be set up in the polling station not earlier than 60 minutes before the time fixed for commencement of poll and Mock Poll should be conducted immediately after setting up to EVM that is 60 minutes before the commencement of regular poll .

Duties of Presiding Officers and Polling Officers [Rule 7 (1)]:

12.8. The details of duties to be performed by the Presiding Officer, Assistant Presiding Officer and each polling officer are given in the Hand Book for Presiding Officer which has been brought out by the Commission as a separate compendium. The broad distribution of the duties among the three Polling Officers will, however, be as follows. The Assistant Presiding Officer will be in charge of identification of elector and the marked copy of the electoral roll. The First Polling Officer will be responsible for application of indelible ink on the elector's left Little finger. The second Polling Officer will be in charge of Register of Voters and issue of voters slip to their eligible voter he will also issue Ballot Papers to the Tendered Voters. The third Polling Officer will be in charge of Control Unit of the Electronic Voting Machine.

Seating arrangements for Presiding Officer and Polling Officers:

12.9. Inside the polling station, the Presiding Officer should sit in such a place from where he can watch all the proceedings in the polling station. The polling officers should be so seated that an elector after entering into the polling station straightway proceeds to the Assistant Presiding Officer who is in charge of the identification of electors and the marked copy of electoral roll, and from him to other Polling Officers in a systematic manner. No crisscross movement of electors should be permitted.

Arrival of polling agents:

12.10.1 Each contesting candidates or his election agent should be specifically instructed that his polling agents should reach the polling station at least 60 minutes before the time fixed for the commencement of poll. It is so because during this half an hour's time, the Presiding Officer will make necessary preparations for the poll.

12.10.2. If a polling agent does not reach the polling station in time, the preliminary preparations shall not be delayed because of his absence. Similarly, the aforesaid preparations shall not be held again merely because a polling agent has turned up late.

Seating arrangements for polling agents:

12.11. Suitable seating arrangements should be made for polling agents when they attend the poll. Their seats should be so provided that they have adequate opportunity to identify the electors, see the entire operation, and also see the movement of the elector from the Assistant Presiding Officer's table to the voting compartment and the elector's exit after he has recorded his vote in the Electronic Voting Machine located in the Voting Compartment..

Preparations on the EVM by the Presiding Officer before commencement of poll:

12.12. 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 or 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 votes 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.

A. CONDUCT OF MOCK POLL

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.
2. Polling agents of at least two candidates should be present at the time of mock poll.
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.
4. He need not wait beyond 15 minutes and start mock poll if there is one Polling Agents present.
5. Mock poll is to be done for at least 50 votes and 3 votes for every un masked button.
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.
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.
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. 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.
10. In switch off position, the Presiding Officer shall fix the green paper seal to secure the inner compartment of the "Result Section".
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.
12. If any seal gets damaged in the process, not to use it, replace by new one.
13. After fixing Green paper seal, the door of the inner compartment should be closed.
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.
15. Then the inner door should be sealed with special tag which contain the serial number of the Control Unit duly signed by the Presiding Officer on the back side of the special tag.
16. Candidate or his election agents are permitted to sign on the special tag.
17. The outer cover of the "Result Section" of the Control Unit should be pressed fit for closing that section.
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.
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.

B. THE DECLARATION, BY THE PRESIDING OFFICER, BEFORE COMMENCEMENT OF THE POLL

1. The Presiding Officer should read out a declaration prescribed by the commission before the commencement of poll.
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.
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.
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):

12.13. 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:

12.14. 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 in Annexure

12.2. 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.

Warning about secrecy of voting:

12.15. Before commencing the poll, the Presiding Officer should also explain to all present the provisions of section 26 of Pondicherry Municipalities Act, 1973 regarding their duty to maintain the secrecy of the vote and warn them of the penalty for any breach thereof.

Commencement of the poll:

12.16. 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.

Persons to be admitted inside the Polling station:

12.17.1. The Presiding Officer should admit into the polling station only the following persons:-

- (a) The electors;
- (b) Polling Officers;
- (c) Each candidates, his election agent and one polling agent of each candidate at a time;
- (d) Persons authorised by the Commission;
- (e) Public servants on duty;

- (f) A child in arms accompanying an elector;
- (g) A person accompanying a blind or an infirm voter who cannot move or vote without help; and
- (h) Such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or otherwise assisting him in taking the poll;

12.17.2 The Returning Officers have been asked to issue identity cards to the contesting candidates bearing their photographs. In case necessity arises, the Presiding Officer may ask for its production. Similarly, the election agents of the candidates can be asked to produce their identity cards, i.e. the attested duplicate copy of their appointment letter. The attestation is made by the Returning Officer.

12.17.3 It should be noted that the expression public servants on duty does not include Ministers, State Ministers and Deputy Ministers of Centre, States and Union territories. They cannot be allowed to be appointed as election agents or polling agents, as they have to be escorted by their security guards who cannot be allowed entry into the polling station.

12.17.4 The above expression 'public servant on duty' also 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 into a polling station, unless the Presiding Officer decides to call them inside in unavoidable circumstances for the maintenance of law and order or some similar purpose.

12.17.5 No security personnel accompanying any candidate, or any agent or any elector should be permitted to enter the polling station.

Regulation of entry of voters:

12.18. There should be separate queues for men and women voters. The persons who enforce the queues will allow three or four voters into the polling station at a time as the Presiding Officer may 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.

Facilities to press representatives and photographers:

12.19. Subject to the maintenance of peace and order, there is no objection to any photographer taking photographs of a crowd of voters lining up outside the polling station. However, no one including the publicity officials of the State Union territory Government should be allowed inside a polling station without a letter of authority from the Election Commission. In no circumstances, will any photograph be allowed to be taken of voter recording his vote.

Identification of electors:

12.20. When an elector enters the polling station, his identity will be checked by the Assistant Presiding Officer with reference to the entries in the electoral roll pertaining to such elector. 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 assist the Presiding Officer generally in taking the poll in respect of women elector in case it becomes necessary.

12.20.2. Any village chowkidar/Revenue official or the like who may be employed as identifying officer by the Presiding Officer should be normally posted outside the entrance of the polling station and should be admitted into the polling station only when he is required for the identification of a particular elector or for assessing the Presiding Officer for a particular purpose in connection with the taking of the poll.

12.20.3. The electors normally come to the polling station with an unofficial identity slip issued by the candidate or political party. The Assistant Presiding Officer in-charge of identification of electors should not treat the identity of an elector as established by the mere production of such unofficial identity slip by the elector. He must satisfy himself about the identity of the elector and in case of any doubt the elector should direct to present himself before the Presiding Officer who should make a further probe to satisfy himself about the identity of the elector. The Presiding Officer should hand over the person to the police with a written complaint in case he is proved to be an impersonator.

12.20.4. 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 anyone of the document specified below for establishing their identity in order to exercise their franchise, when they come to the polling stations for voting provided that the document has a laminated tamper proof photo of the elector to the satisfaction of the Presiding Officer.

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

12.20.5. If the elector fails to produce anyone of the said documents, Voter's Slips should not be supplied to him and he should not be permitted to vote.

Challenged votes:

12.21.1. The polling agents can also challenge the identity of a person claiming to be a particular elector by depositing a sum of Rs. 2 in cash with the Presiding Officer for each such challenge. Receipt in the form in Annexure 12.3. should be given. The Presiding Officer shall hold a summary inquiry into the challenge. If after the inquiry the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote. If he considers that the challenge has been established, the Presiding Officer shall debar the person challenged from voting and shall hand over such person to the police with a written complaint in the form in Annexure 12.4.

All such complaints to the police should be vigorously perused and prosecutions launched against the offenders so that they are convicted and suitably punished.

12.21.2. The Presiding Officer shall keep a record of such challenged votes in Form 20 (Annexure 12.5.)

Application of indelible ink:

12.22.1. Under Rule 29, the left little finger of every elector about whose identity the Presiding Officer or the polling officer as the case may be, is satisfied shall be marked with indelible ink. This should be done by the First Polling Officer who is in-charge of indelible ink.

12.22.2. The application of indelible ink is a vital safeguard against impersonation and to ensure that the same voter does not vote more than once. If any elector refuses to allow his left little finger to be inspected or marked with indelible ink or he has already such a mark on his left finger or he does any act with a view to removing the ink mark, he shall not be allowed to vote.

12.22.3. The left little finger of the voter should be marked with indelible ink soon after his identity is verified by the Assistant Presiding Officer and before his signature or thumb impression is obtained on the counterfoil by the First Polling Officer. The underlying purpose of this instruction is that there should be a sufficient time gap for the indelible ink to dry and leave a proper indelible mark on the voter's little finger before he leaves the polling station. His little finger should again be checked before he leaves the polling station in order to verify that there is a clear indelible ink mark on the finger. If the voter has wiped off the ink or there is no proper ink mark visible, his left little finger should again be marked with indelible ink. This should be done by the Third Polling Officer in-charge of the arrow cross mark rubber stamp before he allows the elector to proceed to the voting compartment. The group "D" official who is normally attached to the polling party as attendant can also be given this duty of checking the voter's left little finger before his exit from the polling station.

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

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

Record of electoral roll number of elector in the Register of Voters:

12.24. Under rule 31 before an elector is permitted to cast his vote his electoral roll number as entered in the marked copy of the electoral roll shall be recorded on the Register of Voters and signature or thumb impression of the voters shall be obtained thereon.

12.24.2. When the Assistant Presiding Officer in-charge of the identification of voters reads aloud the serial number of the elector and is satisfied about the identity of the elector the Second Polling Officer should record this serial number and electoral part No. of the elector on the Register of Voters as entered in the marked copy of the electoral roll.

12.24.3. In order to indicate that an elector has been allowed to vote and also to ensure that he does not turn up to vote again, the entry relating to his name in the marked copy of the electoral roll should also be underlined by the Assistant Presiding Officer. A tick mark (p) should also be put on the left hand side of the name of elector if she is a Female elector, as that will be helpful to the Polling Officer to count the number of women voters at the end of the poll for the purpose of the relevant statistics of voters to be mentioned in the Presiding Officer's diary.

Signature of elector on the Register of Voters:

12.25. The signature or thumb impression of every elector must be obtained on the Register of Voters. If any elector refuses to put his signature or his thumb impression on the Register of Voters, he shall not be allowed to vote.

Meaning of signature:

12.26. 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 on the Register of Voters, will be required to write his name in full or by means of initials of that name. 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 mark should be taken as 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 he shall not be allowed to vote.

Thumb impression:

12.27. If the left thumb of the voter is missing, then the impression of the 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 is no fingers on the left hand, the impression of the one 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 41 of the said rules. In that case the signature or thumb impression of the companion should be taken on the Register of Voters and in Form 19 (as explained later).

Third Polling Officer:

12.28.1. The Third polling officer will be in-charge of the Control Unit. On the receipt of Voter's Slip (issued by the Second Polling Officer) from the Elector he will Press the "Ballot" button in the Control Unit thereby he will make ready the Ballot Unit placed in the Voting Compartment. Then the Third Polling Officer will ask the Elector to proceed to their Voting Compartment for recording his/her 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 councillor of Municipal Council, will again move to second Compartment for recording his vote to the candidate contesting for the Chairman of the Municipal Council. All the two voting compartments will be located on the same table with a divider between two balloting unit.(Polling Station Layout at Annexure 12.1 & 12.1(a)).

12.28.2. 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. Layout of Model Polling Station is given in the Annexure: 12.1

Maintenance of secrecy of voting by electors (rule 49M):

12.29. Every elector who is permitted to vote shall maintain absolute secrecy of voting within the polling station. He should strictly observe the voting procedure mentioned above. If he refuses, after warning given by the Presiding Officer, to observe the voting procedure, the Presiding Officer or a Polling Officer under the direction of the Presiding Officer shall not allow such elector to vote. If the elector has already been issued the Voter's Slip, such Voter's Slip should be withdrawn from him and cancelled with a words "Cancelled-voting procedure violated" and the Presiding Officer should sign below these words. This should be done on the Register of Voters in Form 21 A as well as on the back side of the Voter's Slip. All such cancelled Voter's Slips 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 Voter Recorded in Part I of Form 22 A (Annexure 12.6).

Voting by blind and infirm voters(Rule 49N):

12.30. If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognise the symbol on the ballot paper affixed on the Balloting Unit placed inside of Voting Compartment without assistance, the Presiding Officer shall permit that elector under 'rule 41 to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes. 12.30.2 No person shall be permitted to act as the companion of more than one elector in any polling station the same day,

12.30.3 Before any person is permitted to act as the companion of the elector, he 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. The declaration shall be obtained by the Presiding Officer from the companion in the Form 18 (Annexure 12.7).

12.30.4 The Presiding Officer shall also keep a record of all such cases in Form 19 (Annexure 12.8).

Electors deciding not to vote (Rule 49-O):

12.31. If an elector, after he has put his signature/thumb impression on the Register of Voters decides not to record his vote, he shall not be forced or compelled to record his vote. 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 4 of Account of votes Recorded Part- I of Form 22 A (Annexure 12.6).

Tendered votes:

12.32.1 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 the Presiding Officer should put such questions to him as he may think necessary to satisfy himself about his identity. If he is satisfied about his identity he should get his left little finger marked with indelible ink. He will then make necessary entry in the list of tendered votes (Rule - 49 P) (Form 21B) (Annexure 12.9) and obtain the signature or the thumb impression of the voter therein.

12.32.2 He shall then be supplied with an ordinary ballot paper which shall be just like any other ballot paper used on the Balloting Unit at the polling station except that (1) it shall be serially the last in the bundle of ballot papers supplied to the Presiding Officer (2) that the words "tendered ballot paper" are written on the back of such ballot paper and its counterfoil by the Presiding Officer in his own hand and signed by him. The voter shall then mark the tendered ballot paper in the voting compartment and fold it along the pre-folded lines. He will then hand over the ballot paper to the Presiding Officer. The Presiding Officer should keep all the tendered ballot papers and list in Form 21B in a cover specified for the purpose and seal it at the close of poll.

12.32.3 A proper account of such tendered ballot papers should be kept in item 5 of Account of Voters Recorded in Part - I of Form 22 A (Annexure 12.6).

12.32.4 If owing to blindness or physical infirmity such elector is unable to record his vote without assistance. The Presiding Officer shall permit him to take with him a companion in accordance with the procedure mentioned in Para 12.30.

Maintenance of diary by Presiding Officer:

12.33.1 The Presiding Officer of every polling station should be asked to maintain a diary in which he should draw the proceedings connected with the poll in the polling station. The proforma of diary to be maintained by the Presiding Officer is given at Annexure 12.10. He should be asked to go on recording the relevant events in the diary 'as and when they occur.

12.33.2 All Presiding Officers Diaries to be used at any election should be serially numbered and such serial numbers on those diaries should be given by numbering machines and not by hand. The Presiding Officers must record their observations in such machine numbered diaries and not in any other diary. Proper account must be maintained of every diary supplied to a Presiding Officer.

12.33.3 The Presiding Officer must 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.

Close of poll:

12.34.1 The poll should be closed at the hour fixed for the purpose, even if for certain unavoidable reason it had commenced somewhat latter 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 vote even if the poll has to be continued for sometime beyond the appointed closing hour.

12.34.2 After completion of poll, the Presiding Officer should Press the "Close" button in the Control Unit in the presence of the polling agents and ascertain the total votes polled duly verifying the total votes with reference to the Register of Voters/Voters Account. Before Switching of the Control Unit, the "Detachable Memory Modules" shall be removed from the Control Unit by the Presiding Officers and keep it secured and sealed in the presents of candidates/there agents. Detailed instructions for closing of EVM are given in Annexure 10.7. When a second Voting Machine is to be used by the reason of the first Machine getting struck, the first Voting Machine shall be closed and sealed before the second Voting Machine is put to use.

12.34.3 After closing and securing the Voting Machine or Machines of the polling station according to instructions contained in Annexure 10.7 the Presiding Officer shall sign on the Sealed Tags by affixing his The polling agents present should also be asked to affix their seals or their signatures, if they so desire.

12.34.4 In either case, the polling agents present should be asked to affix their seals, if they so desire. The address tag and the label should be attached firmly and in proper manner on the carrying case of the EVMs. This address tag and the label should contain the very same particulars as the address tag outside EVMs. The address tag and label should be clearly filled in to avoid any confusion at the collection centre and subsequently.

12.34.5 It is not sufficient to write the particulars contained in the address tag and label on the carrying case. It is very necessary to use the address tags and labels.

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

12.34.6. 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:

12.35.1. After the close of poll, the Presiding Officer is required to prepare under Rule 49S, a Account of Voters Recorded in Form 22A. Such account shall be prepared in Part-I of Form 22A Annexure 12.6.

12.35.2. The Account of Votes Recorded in Form 22A 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:

12.36. 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 22A, 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:

12.37. 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 49U):

12.38.1. 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.

12.38.2. 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 49V):

9.1. 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 or to await for the arrival of the collecting team to handover the polled / sealed EVMs and other election materials.

12.39.2. 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 ballot boxes and other election materials and polling parties are transported.

Safe custody of Polled EVMs after poll:

12.40.1 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.

12.40.2 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.

12.40.3. 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.

12.40.4 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.

12.40.5 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.

12.40.6 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. The form in which the log book should be maintained is given in Annexure 12.11.

12.40.7 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:

12.41. 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:

12.42. 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.

Returning Officer to be in headquarters on poll day:

12.43 You or your Assistant Returning Officer should be available on the polling day at a definite place near a telephone in the constituency or as near the constituency as possible and the State Election Commission, Observers, candidates, Presiding Officers and Zonal Officer should know where you will be available for contact and instructions as and when necessary.

Adjournment of Poll for Riot, etc.

12.44.1 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.

12.44.2 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.

12.44.3 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.

12.44.4 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 Voters Account.
- (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 packets containing the "Detachable Memory Module" (DMM)
- (vi) The sealed packet containing the unused ballot papers and the cancelled ballot papers.

(vii) The sealed packet containing unused/cancelled voter's slips or any other papers directed by SEC be kept in seal packet.

(viii) All other packets and the marking or stamping articles used at the poll.

12.44.5 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:

12.45.1 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.

12.45.2. 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.

12.45.3 The Returning Officer will also supply to the Presiding Officer the packets containing counterfoils of the ballot paper 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 15.

12.45.4. 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.

12.46.1. 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

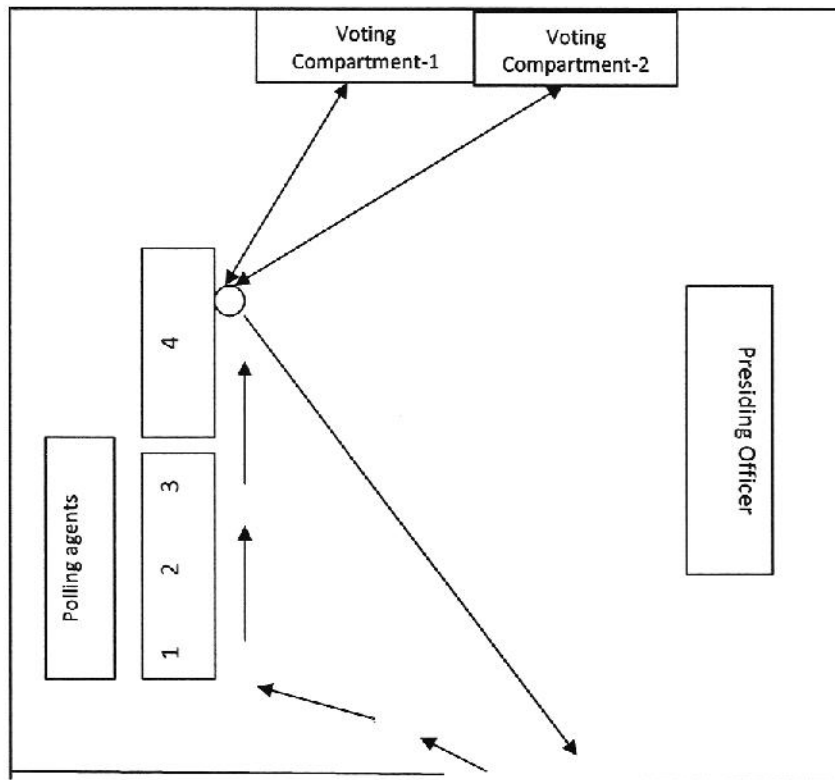
12.46.2. If any such thing happens at any polling station, the Presiding Officer should report full facts forthwith to the Returning Officer to enable him to report the matter to the State Election Commission for its directions.

12.46.3. 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.

12.46.4. 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.

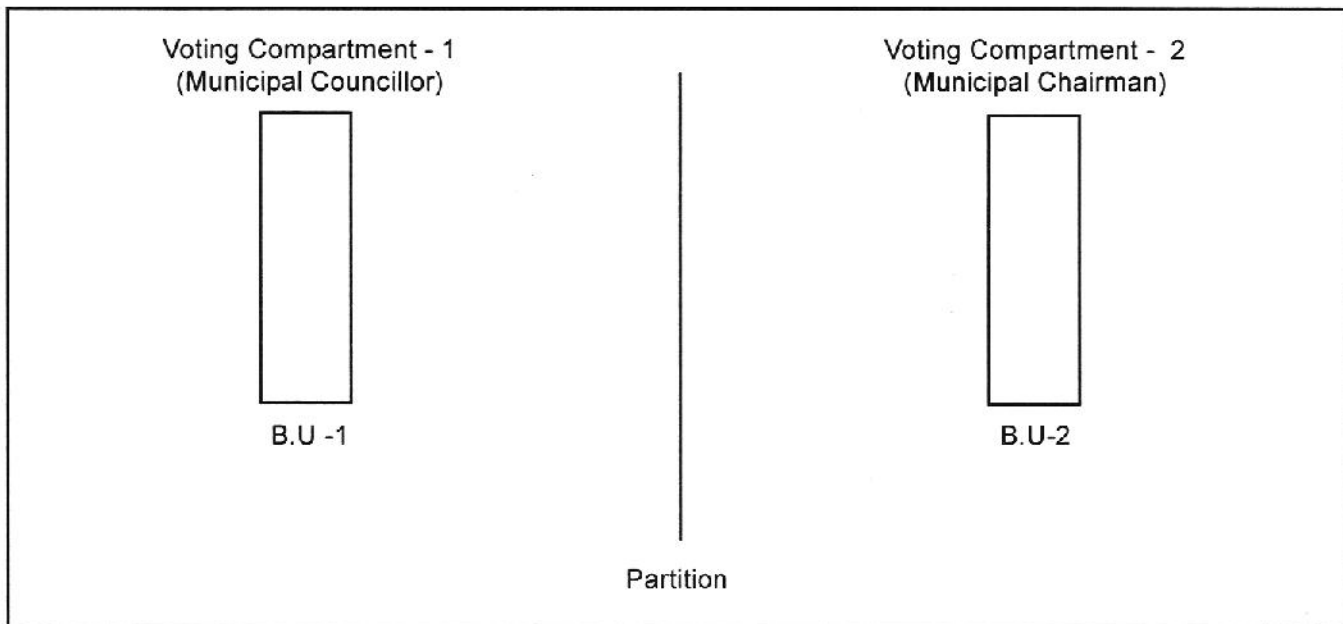
12.46.5. If it is satisfied that the result of a fresh poll at that polling station will not in any way, affect the result of the election or that the error or irregularity in procedure is not material, the State Election Commission may give direction as deemed proper for further conduct and completion of the election. The directions of the Commission shall be followed by the Presiding Officer I Returning Officer.

ANNEXURE 12.1
Layout of Polling Stations where EVMs are used (Municipalities)



1-Assistant Presiding Officer
 2 to 4- Polling Officers

ANNEXURE 12.1 (a)
Illustration of Voting Compartments (Municipalities)



Compartment Table

ANNEXURE 12.2

DECLARATION BY PRESIDING OFFICER

PART-I

Declaration by the Presiding Officer before the commencement of the poll

Election of { Member to Ward No.....Municipal Council
Chairman ofMunicipal 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 21A) 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.....)	

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.....)

Signature.....

Presiding Officer

Date.....

PART II

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

Election of

{ Member to Ward No.....Municipal Council
Chairman ofMunicipal 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 21A) 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 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.....)

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.....)

Signature.....

Presiding Officer

Date.....

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 22A as required under rule 49-S of the Puducherry Municipal Councils (Conduct of Election of Councillors) 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.....)	

The following polling agents who were present at the close of the poll declined to receive an attested copy of Part I of Form 22A 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.....)	

Signature.....
Presiding Officer

Date

Time.....

PART IV

DECLARATION AFTER THE SEALING OF THE VOTING MACHINE

I have affixed my seals, and I have allowed the polling agents who were present at the polling station at the close of poll to affix their seals, on the carrying cases of the Control Unit and balloting units of the voting machine.

Signature

of Presiding Officer

Date

Time

The following polling agents have affixed their seals. Signature of polling agents:

1 (of candidate)	4. (of candidate.....)
2 (of candidate)	5. (of candidate.....)
3 (of candidate)	6. (of candidate.....)

The following polling agents refused or did not want to affix their seals.

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

Signature.....

Presiding Officer

Date

MOCK POLL CERTIFICATE

This is certified that IPresiding Officer at the Polling Station Noof.....
Municipality,Ward region
conducted the mock poll at.....AM today, the poll day i.e. (date), fol-lowing scrupulously all the instructions
issued by the Election Commission of India, 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 but-ton, 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

FORM 21 A

(See rule 49L)

REGISTER OF VOTERS

Election to the Councillor of Ward No.....ofMunicipal Council/Chairman ofMunicipal Council of U.T. of Puducherry from 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

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

ANNEXURE 12.3.

Receipt for Challenge Fee

Book No. Page No.

Office of the Presiding Officer for
Polling
Station No. of
..... ward.
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 42 of the
Pondicherry Municipal Councils (Conduct of
Election of Councillors, Rule 1974.

Date: Presiding Officer

Forfeited to Government

Presiding Officer

Received back the amount of Rs. 2 (Rupees
two only) Under rule 42 (5) of the Pondicherry
Municipal Councils (Conduct of Election of
Councillors) Rule, 1974.

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

Date:

Receipt for Challenge Fee

Book No. Page No.

Received a sum of Rs. 2 (Rupees two
only) in cash from Shri.
..... Candidate/
Election Agent./Polling Agent on account of
deposit for a challenge under rule 42 of the
Pondicherry Municipal Councils (Conduct of
Election of Councillors) Rule 1974.

Date :

Presiding Officer for Polling Station No. of

ANNEXURE 12.4.
LETTER OF COMPLAINT TO THE S.H.O. (POLICE)

To

The Station House Officer,

Sub.: Election to.
of. Impersonation at Polling Station
..... (number and name) Date of Poll.

Sir

I am to report that Thiru. son of.
..... Thiru. and resident of.
..... has challenged the identity of the person who is being handed over to.
..... This person claimed to be. whose name
appears at serial No. in part No. of the electoral roll of. ...
..... ward. He could not prove himself to be this elector. In my opinion he is an Imposter. 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 12.5.
FORM-20
LIST OF **CHALLENGED** VOTES
[See rule 42 (2)(b)]

Election to the*

Polling Station:

Serial number of entry	Name of elector	Part of roll	Serial number of Elector's	Signature or thumb- Impression of the Person challenged	Address of person challenged	Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on Receiving refund of deposit, if any
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

*Appropriate particulars of the election to be inserted here.

Place:

Date:

Signature of Presiding Officer

FORM – 22A

[See rule 49 (S)]

PART – ACCOUNT OF VOTES RECORDED

Election as Councillor to ward No...../Chairman ofMunicipal Council No. and name of polling station.....Part No. of electoral roll.....

Identification No. of the voting control unitMachine used at the polling station balloting unit(Sl. No.....)

Number and Name of Polling Station:

.....

Identification Number of voting Machine used at the Polling Station

Control Unit :

Detachable Memory Module (DMM) :

Balloting Unit :

.....

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 49-0:
4. Number of voters not allowed to vote Under Rule 49M:.....
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 49-P
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 papers seals

Signature of polling agents

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

Date

Place

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

Sl. No Name of polling agent signature

1.
2.
3.
4.
5.

PART II- RESULT OF COUNTING

Sl. No. of candidate	Name of candidate	Number of votes recorded in C.U
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 6 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
6.
7.
8.
9.
10.

Place

Date

Signature of Returning Officer

DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR

[See rule 41 (1)]

Election to the*

No. and name of Polling Station:

son ofaged

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 vote recorded by me on behalf of *

Signature of Companion

* Appropriate particulars of the election to be inserted here.

Full address to be given.

Name and electoral roll number of elector to be given.

ANNEXURE 12.8.

FORM-19

LIST OF BLIND AND INFIRM VOTERS

[See rule 41 (2)]

Election to the*

No. and name of polling station:

Part No. and Serial No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of companion

Place:

Date:

Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here.

ANNEXURE 12.9.

FORM-21B

LIST OF TENDERED VOTES

[See rule 49 (P)]

Election to the*

No. and name of polling station:

Part number, serialNumber and name of elector	Address of elector	Serial number oftendered ballot paper	Serial number of ballotPaper issued to thePerson who has alreadyVoted	Signature of thumb- Impression of personTendering vote
(1)	(2)	(3)	(4)	(5)

* Appropriate particulars of the election to be inserted here.

Place:

Date:

Signature of Presiding Officer

ANNEXURE 12.10
PRESIDING OFFICER'S DIARY

Election of { Councillor of Ward No. of Municipality
Chairman of Municipality

1. Name of the Municipality (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 21A):
- (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 22A 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

ANNEXURE -12. 11

Strong Room Log Book of.....Building in which Polled Voting

Machines have been stored pending counting.....

Date of entry	entry	Name designation of the Officer entering	Purpose of entry	Details of other persons accompanying the Officer	Signature of entering	of the O.I.C. Police Guard	Time of exit	Details persons coming out with the Officer	Total time spent inside	Signature of Officer coming out
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

ANNEXURE 12.13

**ACCOUNT REGISTER OF POSTAL BALLOT PAPERS ISSUED TO PERSONS
DRAFTED FOR ELECTION DUTY**

Sl. No.	Name of the person drafted for election duty and who has submitted Form-12 for Post-al Ballot Paper	Whether the person is regis-tered as an elector in the constit-ucy (Yes/ No)	If yes, Part no & serial no in elec-toral roll	Date on which postal bal-lot paper issued and entry made in the marked copy of the Electoral roll	Whether the person collected the postal ballot paper in person (Yes/No)	If yes, sign of the per-son with date token of receipt of P.B.	If no, whether RO has taken action to deliver the P.B. at the person ad-dress (Date of Delivery)	Remark
1	2	3	4	5	6	7	8	9

ANNEXURE 12.14**(Rule 49B)****REGISTER FOR PREPARATION OF EVM**

Name of State/UT:

Name of District:

Name of Ward.....of.....Municipality.

Address of Preparation of EVM hall:

Date:

S. No.	Name of Candidate	Name of Representative of candidates with party affiliation, if any	Identity document No. with date	Signature of Candidates/his representatives	Remarks, if any

Note: If a candidate or his representative is absent the proof of due service of notice to the candidate should be pasted in the register.

(Name and signature of engineers of BEL/ECIL with ID No.)

(Name, designation, signature of officers nominated by District Election Officer)

COUNTING OF VOTES

General:

13.1 Counting of votes is one of the most important stages of the election procedure as required under Rule 58A & 58C of the Pondicherry Municipal Councils (Conduct of Election of Councillors) Amendment Rules 2002. The result of the entire election may be nullified by wrong, irregular or careless counting. Being entrusted with this important work, you should exercise great vigilance on the work of the counting and also in maintenance of discipline inside the counting hall.

Date, place and time of counting:

13.2.1 You should intimate to the State Election Commission, for its approval, the date, time and place fixed for the counting of votes as soon as may be after the last date for the withdrawal of candidatures and in any case within one week thereafter.

13.2.2. After you have obtained the approval of the Commission in this regard the date, time and place of counting, you should give notice to the same in writing to each candidate or his election agent. Such notice should be given in the forms prescribed by the State Election Commission *vide* Annexure 13.1. This notice must be given to each candidate or his election agent at least one week before the date or first of the dates fixed for the poll in the constituency.

13.3. If for any unavoidable reason, you are unable to proceed with the counting on the date or time or at the place so fixed and communicated to the candidates, you can postpone the counting and fix another date or time or, if necessary, another place for the counting of votes, you should intimate the Commission forthwith of any such change in the date, time or place of counting. In the case of change of place of counting, you should also obtain prior approval of the Commission. You should give notice of every change in writing to each candidate or his election agent.

13.4. The counting hall must be spacious enough to accommodate you, the counting personnel, the candidates and their agents. For this purpose, you should decide in advance the number of counting tables that you propose to provide in the counting hall.

13.5. There should be proper lighting arrangements. Stand-by arrangements like generator or gas light should be provided to tide over emergencies created by power failure. As far as practicable, the counting of votes in temporary structures should be avoided as dust storms or rains etc, would affect the process of counting in such places. However, it becomes unavoidable to arrange the counting in temporary structures care should be taken to post security guards and fire brigades (or other arrangements for extinguishing fire) in emergencies.

Number and arrangements of counting tables:

13.3.1. Counting of votes should be done on tables arranged in two rows. Decide in advance how many counting tables you are going to have at each place of counting. Upon that will depend the number of Counting Supervisors and counting Assistants that you will need to appoint and the number of counting agents that each candidate will be entitled to appoint. That size of the counting hall, in most cases, will determine number of counting tables at which the votes can be counted simultaneously.

13.3.2. The number of counting tables should not exceed fifteen tables in a row.

Stationery Required at the Counting Table :-

13.4. Provide every counting table with the following stationery:

- (i) One ball-point pen of blue ink;
- (ii) A knife for breaking open the seals;
- (iii) Ballot Paper Account in Part I Form 22A (in Part 11 of that Form the result of counting will be noted by the Counting Supervisor)
- (iv) Two sheets of paper.

- (v) Rubber bands.
- (vi) Pigeon-Hole compartments for Postal Votes Counting.
- (vii) Pamphlet showing cases of valid and invalid votes.

Number of counting agents:

13.5. Each candidate should be allowed to appoint as many Counting Agents as there are counting tables and one more to watch the counting at the Returning Officer's table.

Letters of appointment of counting agents:

13.6.1. Inform the candidate about the number of counting agents they can appoint. A candidate may appoint all his counting agents by a single letter in Form 23 (Annexure 13.2) suitably modified. In that case, all the agents should also have signed the letter in token of their acceptance of the appointment and should sign the declaration later in your presence. 13.6.2. Irrespective of the number of contesting candidates, you should obtain the list of counting agents with their photographs from all the contesting candidates by 1700 hours on the day three days prior to the date fixed for counting of votes. On furnishing of such photographs, the photo identity cards of the counting agents should be issued to the contesting candidates then and there under your seal and signature. On the date of counting of votes only those counting agents who are holding the identity cards issued by you will be allowed inside the counting hall. All contesting candidates of the constituency and political parties should be informed well in advance of the aforesaid arrangements.

13.6.3. He may revoke the appointment of counting agent in Form 24 (Annexure 13.3)

Seating arrangements for the counting agents:

13.6.4. The seating arrangements for the counting agents of candidates at the counting tables will be arranged by the following categories of priority:

- (i) Candidates of recognised National Parties;
- (ii) Candidates of recognised State Parties;
- (iii) Candidates of registered unrecognised-political parties; and
- (iv) Independent candidates.

This arrangements shall be in COVID Appropriate behaviour.

Badges for counting agents:

13.7. Each counting agent may have a badge indicating whose agent he is and the serial number of the table at which he will watch the counting. Each counting agent should affix his signature in full on the badge immediately after it has been issued to him. He should keep seated near the table allotted to him and should not be allowed to move about all over the hall. The extra counting agent may sit and watch the proceedings at your table. However, as far as possible in order to avoid overcrowding at your table only one person, whether the candidate himself or his election agent or his counting agent should be present at a time at that table on behalf of a contesting candidate.

13.7.2. The candidates and their election agents will be free to go round to any part of the hall. In the absence of both the candidate and his election agent, his extra counting agent at your table may be allowed to go round to any part of the hall.

Appointment of counting personnel:

13.8.1. You may appoint such staff as you may require for assisting you in the counting. Such appointments may be made in the form given in Annexure 13.4.

13.8.2. You should appoint as Counting Supervisors only gazetted officers of the Pondicherry Government. The counting assistants also should similarly be drawn from officers of a comparatively higher level. They should be given intensive training in counting.

13.8.3. You should not appoint as counting supervisor or as counting assistant anyone who has been employed by or on behalf of, or has otherwise been working for a candidate in or about an election.

13.8.4. At each table there should be one Counting Supervisor and two Counting Assistants.

13.8.5. In addition, appoint a sufficient number of Group “D” Government employees also as counting assistants to carry the ballot boxes to and from the counting tables.

Persons allowed in counting hall:

13.9.1. Only the following persons can be allowed inside the counting hall:

- (i) Counting supervisors and counting assistants;
- (ii) Persons authorised by the State Election Commission;
- (iii) Public servants on duty in connection with the election; and
- (iv) Candidates, their election agents and counting agents;

13.9.2. Before counting begins see that no one else is present in the room.

13.9.3. You should note that expression of “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 counting hall, unless you decide to call them in for the maintenance of law and order or some similar purpose. Their presence in the counting hall without any compelling reason may give rise to complaints by some candidates or parties who may allege that their agents are overawed by an unnecessary show of force.

13.9.4. You should also note that the above expression public servant on duty in connection with election does not include the Ministers, State Ministers and Dy. Ministers of Union-States and Union Territories. They can come inside the counting hall only as candidates. They cannot allowed to be appointed as election agents or counting agents as they have to be escorted by their security guards who cannot be allowed entry into the counting hall.

13.9.5. You should note that no counting agent is to be admitted into the place fixed for counting, unless he has delivered to you the second copy of his appointment letter after duly completing and signing the declaration contained therein, and has been issued by you an authority for such entry. Similarly the election agents of the candidates may also be asked to produce the attested duplicate copy of their appointment letters.

13.9.6. Entry of persons should be strictly regulated as detailed above. No unauthorised person should be allowed to enter the place of counting in any circumstance.

N.B. No security personnel accompanying, if any, the candidates or their agents should be permitted to enter the counting hall.

Maintenance of discipline and order at counting:

13.10.1. 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 counting hall from these, you need allow them only if they are in possession of a valid authority letter issued by the commission.

13.10.2. If you or the Assistant Returning Officer or other officers have a reasonable doubt about the presence of any person in the counting hall, you can have him searched. if necessary, even though the person concerned may be in possession of valid authority letter to enter the place of counting.

13.10.3. Post police constables on duty at the door or doors of the counting hall. Do not allow any person to enter or leave the room without your permission. You must ensure that complete order and discipline prevail and counting takes place in a business like manner. You may send out of the counting hall any person who persists in disobeying your direction.

Commencement of counting - warning about maintenance of secrecy:

13.11. Commence the counting at the hour fixed for the purpose. Everyone present in the counting hall should be instructed to maintain secrecy of vote. For that purpose, the provisions of section 26 of the Pondicherry Municipalities Act 1973 should be brought to the notice of everyone by reading that section aloud.

Counting of votes received by post:

13.12.1 The postal ballot papers are to be counted first. You should first deal with the postal ballot papers.

13.12.2 Covers in Form 16 containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed, noting there on the appropriate particulars.

13.12.3 The covers in Form 16 received in time should be opened one after another. As each cover is opened, you should take out the declaration in Form 14 and the cover in Form 15 and scrutinise the declaration. If the declaration in Form 14 is not found in the cover or the declaration has not been duly signed and or not attested by an officer competent to do so or is otherwise substantially defective or if the serial number of ballot paper appearing in the declaration is different from the serial number on the cover in Form 15, the cover containing the postal ballot paper should not be opened but the ballot paper should be rejected. Each such rejected cover should be endorsed suitably and the declaration and the cover should be replaced in the cover in Form 16. All such covers in Form 16 should be kept together in a separate packet and sealed and full particulars such as the name of the ward the date of counting and a brief description of contents should be noted thereon for easy identification. All the declarations in Form 14 which have been found to be in order, should then be kept in separate packet in order to ensure that the secrecy of the postal ballot is kept inviolate. The packet should then be sealed noting there on the particulars regarding the name of the constituency, the date of counting and brief description of the contents. This should be done before the covers containing the ballot papers in Form 15 are opened.

13.12.4, Thereafter the covers in Form 15 should be opened one after another and the validity of the ballot papers scrutinised and decisions arrived at. A postal ballot paper should be rejected.

- (i) If no vote is recorded thereon; or
- (ii) If votes are given on it in favour of more candidates than one .or
- (iii) If it is a spurious ballot papers; or
- (iv) If it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (v) If it is not returned in the cover sent along with it to the elector by you; or
- (vi) If the mark indicating the vote is placed on the ballot paper In such a manner as to make it doubtful to which candidate the vote has been given; or
- (vii) If it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified.

13.12.5. There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to that candidate should be taken as a valid vote in favour of the candidate concerned. Again a vote recorded on a postal ballot paper should not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote should be for a particular candidate clearly appears from the way the paper is marked.

13.12.6. The valid votes should then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate should then be calculated, entered in the Result Sheet in Form 22A and 25 in the appropriate place and announced for the information of the candidates.

13.12.7. Thereafter, all the valid ballot papers and all the rejected ballot papers should be separately bundled and kept together in a packet and sealed with your seal and the seals of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon. The particulars such as the name of the Ward, the date of counting and a brief description of the contents should be recorded on the sealed packet for identifying it. Covers in Form 16 received late, should be sealed separately with endorsement on the packet.

Counting of votes polled at polling stations:

13.13.1. While the postal ballot papers are being counted by the Returning Officer at this table, the counting of votes recorded at polling stations will also be taken up by the Assistant Returning Officer(s) at the other tables provided in the counting hall. For that purpose, the voting Machines received from the polling stations will be distributed to the various counting tables - beginning with the voting Machines of polling station No. 1 being distributed to table No. 1 and so on.

13.13.2. In the counting hall there will be two rows of tables not exceeding fifteen in a row. Seating facilities will be provided for Counting Supervisors, Counting Assistants and Counting Agents for each table. The counting personnel sitting at the left rows are responsible for counting of votes for the Councillors, the counting personnel sitting on the right side rows are responsible for counting of votes for Chairman of Municipal Council.

Counting of Votes Recorded in Electronic Voting Machines

13.14.1. After 30 minutes of the commencement of Postal Ballot Counting, the Electronic Voting Machine counting can be started. However the penultimate round of Electronic Voting Machine counting shall not commence unless the postal ballot counting is over.

13.14.2. While the Returning Officer may still be engaged in counting the postal ballot papers, the work of distribution of Control Units of voting machines on the various counting tables can be started.

13.14.3. The Electronic Voting Machine should be brought under escort from the Strong Room to the counting hall. Distribution of EVMs to the counting tables should be done in the serial order of the Polling Stations i.e. first round counting; control unit used at Polling Station no.1 should be given to counting table 1 that of Polling Station number 2 to counting table 2 and so on.

13.14.4. Only after all Electronic Voting Machines of a particular round are properly counted, SEC observer having done parallel counting of two randomly selected Electronic Voting Machines and round wise tabulation is completed, the round wise result is announced by Returning Officer and the Returning Officer shall sign on part- II of Form 22A in respect of all Electronic Voting Machines counted in a round as well as round wise tabulation statement in the prescribed Proforma. The Electronic Voting Machines for next round are brought in the counting hall after getting verbal clearance of Returning Officer/Assistant Returning Officer.

13.14.5. At the time of counting, only the control unit of the Electronic Voting Machine is required for ascertaining the result of poll at the Polling Station at which the control unit has been used. The Ballot Units have to be kept in Strong Room itself.

13.14.6. Along with the control unit used at a Polling Station, sealed covers containing the relevant account of votes recorded in part - I of Form 22 A pertaining to that Polling Station shall also be supplied to the counting table.

13.14.7. Before reveal the votes recorded in the control unit of any voting machine are counted, the candidates or their election agents present at the counting table shall be allowed to inspect the "Outer Strip Seal", the Special Tag, Paper Seals and such other vital seals as may have been affixed on carrying case of the control unit and to satisfy himself/herself that the seals are intact.

13.14.8. The Returning Officer shall also satisfy himself/herself that none of voting machines is tampered with. If he is not satisfied with the seals, he will not count the votes.

Checking of Seals and Identity marks in the Control Unit

13.15.1. As each control unit is taken out of the carrying case, Returning Officer shall first check its serial number and satisfy himself/herself that it is the same control unit, which was supplied by him/her to the Presiding Officer for the use at that Polling Station.

- 13.15.2. Then, he check the serial number of “Pink Paper Seal” used for sealing he cabinet of Control Unit, the seal on the Candidate Set Section of the Control Unit and also the Outer Strip Seal, and seal on Special Tag on the outer cover of Result Section which must have been put by the Presiding Officer at the Polling Station after mock poll.
- 13.15.3. If the serial number of the paper seal actually used in the Control Unit does not tally with the serial number as shown by the Presiding Officer in the paper seal account, it may be that the paper seal account contains a mistake or there would be a prima facie suspicion that the voting machine has been tampered with. The Returning Officer should decide question by checking the serial number of the unused paper seal retuned by the Presiding Officer and other relevant circumstances including complaints if any made by the candidates or his agents at Polling Stations.

Checking of Serial Number of the Control Unit

- 13.15.4. Since the list of control units allotted to each Polling Station is already shared with all candidates and is available with the Returning Officer, the Control Unit number and number of electors assigned to the Polling Station shall be filled up in advance in the round wise tabulation sheet.
- 13.15.5. On the counting table, the Counting Supervisor shall verify and record on part - II of Form 22A for the elections of Commune Panchayat and Elections for Municipality respectively. The control unit taken up for counting is the same as what is noted on the part I of Form 22A, the Control Unit itself display its serial number as soon as its power is switched on.
- 13.15.6. The Micro Observer will also note down the Serial number of the Control Unit on the sheet maintained by him. If any discrepancy is noted, this should be brought to the notice of the Returning Officer and the Observer.
- 13.15.7. On the other hand, if the Returning Officer is satisfied that the voting machine has been tampered with, or is not the same which was supplied for use at that Polling Station, the machine should be kept apart and the votes recorded therein should not be counted.

Ascertaining Results

- 13.15.8. During each round of counting, Counting Supervisors will ensure that at the time of pressing the “Result Button” on the Control Unit of Electronic Voting Machine, the counting agents of all candidates are shown the “Display Panel” of the control unit to their satisfaction so that they can note down the votes polled in favour of each candidates as displayed on the control unit’s display panel.
- 13.15.9. For this purpose, the control unit may be kept lifted, if necessary, by one of the counting assistant, in such manner and position that the display panel is clearly visible to the counting supervisor, the second counting assistants and Micro Observer sitting on the counting table and also to counting agents of candidates sitting across the wire-mesh/fence.

Completion of part - II Result of Counting of Form 22A

- 13.15.10. As the votes secured by each candidate and NOTA are displayed on the display panels of the Control Unit, the Counting Supervisor should record the number of such votes separately in respect of each candidate in part-II Result of counting of From 22A.
- 13.15.11. He should note down in the said part-II of Form 22A whether the total number of votes as shown in that part tallies with the total number of votes shown against item 6 of part-I of that Form or any discrepancy has been noticed between these two totals. After completing that Form in all respects the Counting Supervisors should sign it. He should also get it signed by the candidates or their agents present at the counting table.

- 13.15.12. One copy of the part-II of Form 22A will be handed over to the Returning Officer / Assistant Returning Officer for computing round wise tally of votes. The other copy of part-II will be collected from each table and make photocopies for distribution among counting agents present at respective counting tables for their record and verification.
- 13.15.13. The starting of next round of counting need not wait till the distribution of these copies is complete. This can go on simultaneously.

Tabulation of Counting Sheets

- 13.15.14. When the tabulation sheet of each polling booth is recorded at the Returning Officer's table it should be shown to the candidate/their election agents/counting agents sitting at the Returning Officer's table to enable them to note down the results of each candidate for each Polling Station.
- 13.15.15. The Returning Officer should counter sign the Form after satisfying himself/herself that the same has been properly filled and completed in all respect. The Form so counter signed by the Returning Officer should be sent to the officer who is compiling the Final Result and preparing Final Result Sheet in Form 25 (for Municipality)
- 13.15.16. Further, the Returning Officer should either announce or cause the entries of voter polled by each candidates after each round to be written on a display board of minimum size of 6x9 feet to be put up conspicuously so that each counting agents can see and note down/cross check the entries and also announce through public address system. This will enable Returning Officer to proceed un interruptedly with the counting of votes at other Polling Stations.

Tabulation of Trends /Results

- 13.15.17. The Returning Officer will get prepared a round wise statement in the Proforma specified for this purpose, a copy of the detailed Polling Station wise, round wise breakup of the votes will be kept by the Observer in his folder.
- 13.15.18. In addition, on the computer installed in the counting hall where parallel tabulation work will be done in an excel sheet to counter check any human error. This data entry will also be done Polling Station wise, round wise.
- 13.19.3 Both Returning Officer and Observer should be satisfied after due checking the number of voters polled against the name of each candidate in respect of every counting table tally with figures as shown in part - II of Form 22A (Result of Counting) pertaining to that Counting Table. Then it should be signed by Returning Officer and Observer and the Returning Officer should announce the Result of the election loudly or using loudspeakers.

Counting of Votes in case Presiding Officer did not Press "Close" button of EVM at the end of Poll

- 13.20.1 In case a Presiding Officer is found to have not pressed the "CLOSE" button of Control Unit at the end of poll, the following action should be taken during counting of votes in the presence of candidates/their authorised agents under video-grapy
- 13.20.2. In case of any control unit does not display "Result" due to non-pressing of "close" button by the Presiding Officer in the Polling Station at the close of poll, it should be kept back inside its carrying case and then kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.
- 13.20.3. When counting of votes in other machines is completed, the Returning Officer and Observer should see whether the "margin of votes" between the first candidate and the runner up is more or less the votes polled in such machine(s).

- 13.20.4. In both the cases where the margin of votes is more or less than the total votes polled in that machines(s), the Returning Officer / Counting Supervisor shall press the “Total” button of the control unit to see the total votes polled in that machine(s).
- 13.20.5. In case the total votes polled in the machine tallies with the total votes polled mentioned in Form 22A as the case may be, the Returning Officer /Counting Supervisor shall press the “Close” button of the control unit. So that “Result” button can be pressed for getting result data explaining the entire issue to the candidates and their authorised agents and recording a proceeding in this behalf with the signature of the candidates / their authorised agents.
- 13.20.6. In case, the total votes polled in the machine(s) does not tally with the total votes polled mentioned in Form 22A the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the commission.

Re - counting

- 13.21.1. Normally, there will be no question of re-count of votes recorded in the voting machines. Every vote recorded by the voting machine is valid vote and no dispute will arise as to its validity or otherwise.
- 13.21.2. When an application for re-count is made by any of the candidate within the time given by the Returning Officer for making such application, the Returning Officer should consider the grounds urged and decide the matter judiciously.
- 13.21.3. The Returning Officer may allow the application in whole or in part if it is reasonable or he/she may reject in toto.
- 13.21.4. If in case, The Returning Officer allow an application for re-count either wholly or in part, he/ she shall have the votes recorded in the voting machines counted over again in accordance with his/her decision. The postal Ballot Papers will also be counted over again if so decided by Returning Officer.
- 13.21.5. After recount, The Returning Officer shall correct the final result sheet to the extent necessary. Thereafter, the Returning Officer will announce the amendments so made, if any by him/her. After the total number of voters polled by each candidate after recount has been announced, The Returning Officer has to complete and sign the result sheet.
- 13.21.6. No candidate has a right to demand a re-count after Returning Officer completed and signed the Final Result sheet. The Returning Officer shall reject any such demand for re-count of votes after Returning Officer has completed the process of Re-count.

In case of non-display of Result on the display panel of the Control Unit

The following action shall be taken in case of non-display of result on the display panel of the control unit is experienced.

- 13.21.7. in case any control unit does not display Result, it should be kept back inside its carrying case and then be kept in the Returning Officer’s custody in the counting hall, counting of votes in other machines should be continued as usual
- 13.21.8. result from such control unit(s) will not be retrieved using auxiliary display unit or printer if any.

Adjournment of counting

- 13.21.9. The Returning Officer should proceed with the counting at each place continuously. In case the Returning Officer has to suspend or adjourn the counting before its completion for any unavoidable reason, Seal up all the voting machines and also all other papers related to elections. He shall allow every candidate or his Agent, if he so desires, to place his Seal on every voting machine and packets etc. In which the election papers are kept.
- 13.21.10. It is preferable to keep all Sealed voting machines and packets etc. In a separate room and have the room Sealed and secured with Returning Officer's Seal and the Seals of Candidates or their Agents. Alternatively the candidates may put their own locks in addition to the Returning Officer's lock on such room.

Tabulation of final Result:

- 13.22.1. Side by side, the work of tabulating the final result of counting will be done. The above-mentioned Form 22A duly corrected and signed by the Returning Officer, will be passed on to an officer incharge of the Final Result Sheet (Form 25) (Annexure XIII.5) That officer will fill in the result of counting of each polling station in that form.

Cross Checking by Observer

- 13.23.1. In addition to above, on the basis Form 22A duly completed by Counting Supervisors, Returning Officer will get prepared a round wise statement in the following Proforma. A copy of the detailed polling station wise round-wise breakup of the votes as shown in the said Proforma will be kept by the Observer in his folder. In addition, on the computer installed in the Counting Hall where parallel tabulation work will be done in an Excel Sheet to counter check any human error. This data entry will also be done Polling Station wise and Round wise.
- 13.23.2. Even though the Computer Tabulation will not substitute the manual Tabulation being done for obtaining final result of the Counting of Votes, the Computer based Parallel Tabulation. The said data shall be entered in the Excel Sheet in the Computer and a Print out of same shall be taken out and compared by the Observer and also be signed by the Officer.
- 13.23.3. Both the Returning Officer and Observer should be satisfied after due checking that the number of votes posted / Recorded against the name of each candidate in respect every Counting Table tally with the figures as shown in Part-II of Form 22A (result of counting). Pertaining to the Counting Table. Then it should be signed by both Returning Officer and Observer before making announcement of Result of that Round for everybody's information.
- 13.23.4. As a measure to the Cross Check the correctness of counting, the Commission as directed the Observers to randomly select two EVMs counted in a round with the help of additional counting Staff provided to them to assist in this regard ascertain once again count of votes polled by each candidate and after getting satisfy, then only countersign the relevant column of above statement.

In the case of any Discrepancy is found in the Result

- 13.24.1. If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the Observer, then:
- i) The result of that round for each table shall be re-verified from the EVMs
 - ii) Such Staff as is found to be wrongly noted the counting result would be taken off and replaced by another set of Staff. Severe Disciplinary action should then follow on the erring Staff their omissions and Commissions.

- iii) The result provided by such Staff (and table) in the Preceding rounds would be checked again in the presence of Observer and corrected sheets shall be prepared where ever necessary.

Adjournment of counting in case of fresh poll:

13.25.1 Before taking any of the steps to declare the result, the Returning Officer will wait for the direction of the State Election Commission if, he has made any report to it about any voting machines having been found tampered with. Where the Commission directs a fresh poll to be taken at the affected polling station(s), the counting will be adjourned after the counting process in respect of all other polling stations has been completed. The counting so adjourned shall be recommenced after the fresh poll has been held, on such date and hour as the State Election Commission may fix in this behalf, and the final result computed after taking into account the votes polled at the fresh poll.

13.25.2 Observers appointed by the State Election Commission to watch the conduct of elections have the powers to direct the Returning Officer to stop the counting of votes at any time before the declaration of result or not to declare the result, if in their, opinion booth-capturing has taken place at a large number of polling stations or at the counting place or the ballot papers are unlawfully taken out of the custody of Returning Officer or are accidentally or intentionally destroyed or lost or damaged or tampered with. The election proceedings in such cases shall proceed further” in accordance with such directions of the State Election Commission as it may issue on the report of the observers and after taking all material circumstances into account.

Process of Recount:

13.26.1 After the entire counting is over, the Returning Officer will announce the result giving the total number of votes polled by each candidate as recorded in the Final Result Sheet (Form 25). After the announcement is made, a candidate, or in his absence his election agent or any of his counting agents, may apply in writing for a recount of all or any of the Voting Machines stating the grounds on which he demands such recount. For this purpose, the Returning Officer will announce the exact hour and minute up to which he will wait for receiving the written application for recount. When such an application for recount is made, the grounds urged for the recount will be considered and a decision taken by the Returning Officer. He may allow the application in whole or in part, if it is reasonable, or he may reject it in toto if it appears to be frivolous or unreasonable. The decision of the Returning Officer will be final. If, in any case, an application for recount either wholly or in part is allowed, the Returning Officer will direct counting of the ballot papers over again. The postal ballot papers may also be recounted if a request is made for their recount and such a request is allowed by the Returning Officer. After such recount has been completed, the result sheet will be amended to the extent necessary and the amendment so made announced. After the total number of votes polled by each candidate has been announced, the result sheet will be completed and signed.

13.26.2. It should be noted that a candidate or his election agent or any of his counting agents has no right to demand a re-count after the Returning Officer has completed and signed the result sheet. Any demand for a recount of votes made after the result sheet has been completed and signed will be rejected.

Equality of votes:

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

Sealing of used ballot papers:

13.28. After the completion of the counting of votes and the declaration of the result of election, the valid votes of each candidate and the rejected votes pertaining to a polling station or the counting table where the votes are counted will be kept separately under safe Custody along with the Sealed covers of the Election Papers of that Polling Station. with the seal of the Returning Officer and the secret seal of the Election Commission. The candidate! their election agent or counting agents are also permitted to affix their seals on those Voting Machines if they so desire. The counting agents are advised in the interest of the candidate whom they represent to ensure that they affix their seals on the above Voting Machines. It will satisfy their candidate that there is no possibility of the Voting Machines being tampered with subsequently, where, however, the candidate himself or his election agent has affixed such seal, the counting agents need not affix their separate seals.

Sealing of other election papers for ensuring safe custody:

13.29.1. There are several other important election papers which require to be sealed and secured for safe custody and storage. The packets of election papers specified below shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court. Special care has thus to be taken for the safe custody of these papers. These papers are as follows.

- (i) The packets of unused ballot papers with counterfoils attached thereto signed in full by Presiding Officer but not issued to the voters;
- (ii) The packets of used ballot papers whether valid, or rejected or tendered (including the packets in which covers containing postal ballot papers received late are kept)
- (iv) The packets of the counterfoils of used ballot papers;
- (v) The Packets containing Register of Voters;
- (vi) The packets contains of Green Paper Seal Account;
- (vii) The Covers contains of Presiding Officer's diary;
- (viii) The Covers contains of Accounts of Votes Recorded(Form22A);
- (ix) The Sealed Packet containing the Detachable Memory Module (DMM);
- (x) The packets of the marked copies of the electoral roll;
- (xi) Packets of Working Copies of the Electoral Roll;
- (v) Voters Slips cancelled for violation of voting Procedure under Rule 28;
- (vi) Any other cancelled Voters Slips.
- (vii) Any other ballot paper not issued to voters
- (viii) The cover containing the tendered ballot papers at the list in Form 21 B;
- (ix) The list of challenged votes; and
- (x) Any other papers directed by the State Election Commission to be kept in a sealed cover.

13.29.2. In view of the important nature of these election papers. these papers should be sealed with the secret seal of the Commission.

13.29.3. The papers mentioned at items (ii) and (v) above shall be made into packets at the time of counting. Such packets shall be sealed by you with your own seal immediately after the counting of the votes is over and with special secret seal which will be supplied by the Commission for the election of each constituency. The secret seal will be in addition to the seals, if any, put on these packets by such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon. You should point out to the candidates or their agents present that it is in their own interest to affix their seals on these packets to avoid any possibility of tampering with these packets. They may also be permitted to note the number of the Commission's secret seal used.

13.29.4. The packets of papers mentioned at items (i) and (iv) in Para 13.29.1. above will be received from the Presiding Officers of the polling stations in duly sealed packets. As these packets are not required for any purpose at the time of counting of votes each of them should be immediately sealed with the secret seal of the Commission as soon as they are received at the receiving centre and placed in steel trunk(s).

13.29.5. You should put a responsible Officer-in-Charge for the supervision of the sealing of all packets. Otherwise, there is possibility of important election papers going astray which would create complications and confusion if and when a competent Court orders the production of these papers.

13.29.6. Each steel trunk shall be locked with two locks and each lock shall be sealed. You should ensure that the secret seal of the Commission is put on packets only and not on any of the locks of the steel trunk or trunks.

Drawing up of proceedings:

13.30.1. After the sealing of the Electronic Voting Machines and election papers including DMM at the counting place after the counting of votes, you should draw up proceedings mentioning therein:

- (i) The full particulars of the candidates agents present in the counting hall :
- (ii) The fact that they were asked to affix their seals on the ballot paper packets and packets of election paper, if they so desire; and
- (iii) The particulars of persons who had affixed their seals on the Electronic Voting Machines and other packets and the particulars of those persons who had refused to do so.

13.30.2. Then you should sign the proceedings and obtain on it the signatures of such of the candidates/ agents as are present and willing to sign. The proceedings should be put inside an envelope which should be sealed and the sealed envelope be kept along with the packets of election papers.

Safe custody of election records:

13.31.1. Immediately after the declaration of result of the election on the same day, all the sealed trunk(s) containing the packets should be deposited in the Treasury/Sub-treasury under double lock. The key of one of the locks of each trunk will be entrusted to the Treasury Officer or an Officer in the Treasury/Sub-Treasury authorised under the Treasury Code and the key of the other lock of each trunk should be kept by you.

13.31.2. A guard should be used for protection during the transport, and this fact should be mentioned in the log book maintained by the guard.

Return of secret seal of the commission:

13.32. After the packets required to be sealed with the secret seal of the State Election Commission are sealed, the secret seal or seals should be put into a separate packet which should be sealed with the seals of such of the candidates their election agents or counting agents as may desire to affix their seals thereon. Thereafter, the packet containing the secret seal of the Commission should be returned immediately to the Commission and in any case not later than 24 hours after the counting of votes is completed. If more than one seal has been supplied, the name of the constituency and the number of the seal that was used should be indicated.

ANNEXURE 13.1.

**NOTICE TO CANDIDATES OR THEIR ELECTION AGENTS REGARDING THE
DATE, TIME AND PLACE OF COUNTING**

Election of Councillor to Ward No. of the
Municipal Council
of

In pursuance of the rule 50 of the Pondicherry Municipal Councils (Conduct of Election of Councillors)
Rules read with the Pondicherry Municipal Councils (Election of Chairman) Rules 1974,

I hereby give notice that I have, in accordance with the said rule, fixed the
day (month) 2021 at a.m./ p.m.
as the date and time for the counting of votes in the Municipal
Council as
the place for such counting.

Place :

Date :

Signature of Returning Officer

To

All the candidates or their Election Agents.

ANNEXURE 13.2

FORM -23

APPOINTMENT OF COUNTING AGENTS

[See rule 51 (5)]

Election of { Councillor to Ward No of Municipal Council
Chairman Municipal Council

To
The Returning Officer

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

Name of the counting agent

- 1.
- 2.
- 3.
- 4.

** I/We agree to act as such counting agent/so

- 1.
- 2.
- 3.

Place :

Date :

Address of the counting agent

Signature of **candidate/election agent

*****Signature(s) of counting agent(s)***

DECLARATION OF COUNTING AGENTS

(To be signed before the Returning Officer)

I/We hereby declare that at the above election I/we will not do anything forbidden by section 26 of the Pondicherry Municipalities Act, 1973 which **I/we have read/has been read over to me/us.

1.

2.

3.

4.

Date :

Signature(s) of counting agent(s)

Signed before me.

Date :

Returning Officer

*Appropriate particulars of election to be inserted here.

**Strike off the inappropriate alternative.

Section 26 of the Pondicherry Municipalities Act, 1973 :

"26. 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 authorised by 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 six months or with fine or with both."

ANNEXURE 13.3

FORM-24

REVOCATION OF APPOINTMENT OF COUNTING AGENT

[See rule 51 (7)]

Election of { Councillor to Ward No of Municipal Council
Chairman Municipal Council

To

The Returning Officer

I, (the election agent
of) a candidate at the above
election hereby revoke the appointments of my/his counting agent.

Place:

Date:

Signature of person revoking.

* Appropriate particulars of election to be inserted here.

Note: Omit the words (.....) as necessary.

ANNEXURE 13.4

APPOINTMENT OF COUNTING SUPERVISORS I ASSISTANTS

Election of { Councillor to Ward No of Municipal Council
Chairman Municipal Council

I, (the Returning Officer
appoint the persons whose names are specified below to act as Counting Supervisors/Assistants and
to be present at the counting Centre situated at the
.....
..... (Hall Number)
onat a.m /p.m. for the purpose of assisting me in the
counting of votes at the said election.

Table Number

Counting Supervisor:

Counting Assistant:

Place:

Date:

Returning Officer

N,B.: The training class for the counting personnel will be held, on
at

Annexure To Tabulating Trends' Results

Number & Name of Municipality Round Number

Date :

Table No.	1.	2.	3.	4.	5.	6.	Total	Brought from	Cumulative Total
Polling Booth No.									
S.I & No.	Name of Candidate								
Rejected Vote									
Total Vote									
	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO	Initial of RO		
	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer	Initial of Observer		

Important 1. All Over writings/cutting should be certified by observer

- 2. Polling station Number whose votes are counted should be indicated below the table Number.**
- 3. A copy of this is to be kept by observer to a separate folder for cross checking later**

ANNEXURE 13.5

FORM - 25

FINAL RESULT SHEET

[See rule 53(11) and 57 (2)]

Election to*

Polling Station

Serial number (1)	Name (2)	Number of valid voters cast in favour of			Total of valid votes (6)	Number of rejected votes (7)	Number of tendered Votes (8)	Remarks (9)
		A	B	C				
		(3)	(4)	(5)				

Total number of votes recorded at

Polling station

Number of votes recorded on postal

ballot papers

Total votes polled

Place :

Date :

Returning officer.

*Appropriate particulars of the election to be inserted here.

CHAPTER XIV

DECLARATION AND PUBLICATION OF RESULT OF ELECTION

Introductory

14.1. After the counting has been completed in all respects you have to proceed to make the formal declaration of result of election.

14.2. Before proceeding to do so, you must, however, verify and satisfy yourself that there is no case of any kind which requires to be referred to the State Election Commission for its directions and that there is no general or special direction from the Commissioners' Observes to withhold the declaration of result in your constituency. If that be so, send a detailed report to the commission forthwith giving all required information and obtain its prior approval before making the declaration of result.

Declaration of Result:

After you have obtained the necessary approval of the Commission, wherever required, to declare the result, you should complete and sign the Return of Election in Form 26 (Annexure

The candidate to whom the largest number of valid votes has been given should then be declared elected.

Equality of Votes:

14.3. If two candidates contesting any seat happen to secure the highest number of votes and their votes are equal in number the result will have to be declared by lot.

Example:- If in a constituency A, B, C and D are the contesting candidates and the total number of votes they have secured is as follows:

A — 12703

B — 17567

C — 17567

D — 16394

A lot will be drawn between B and C who have each polled the highest number of votes and which are equal. The name of whichever of them is drawn will be declared elected.

Form of declaration of result:-

14.4.1. The formal declaration of result should be made by you in Form 26.

14.4.2. The date to be given in the declaration should be the date on which result of the election is declared and not the date on which the declaration is dispatched. Even if an occasion arises when you have to rectify some error in your original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

Authorities to whom return of election should be sent:-

14.5.1. You should complete and certify the return of Election in Form 26. Forward signed copy of the return to the State Election Commission.

14.5.2. If any candidate or his agent wants to take a copy or an extract from this return he should be permitted to do so. You may supply a copy of such return to an applicant on payment of fee of ` 2.

Certificate of Election:-

14.16.1. As soon as may be after a candidate has been declared elected, you should grant to such candidate a certificate of election in Form 27 (Annexure 14.2) and obtain from the candidate and acknowledgement of its receipt duly signed by him. It is essential that this acknowledgement is signed by the candidate himself and his signature is attested by the Returning Officer Personally before dispatch. Thereafter immediately send this acknowledgement by registered post to the Commission of the concerned Municipal Council. The acknowledgement shall be in the form shown below:

I acknowledge receipt of the certificate of election in Form 27 in respect of my election as Councillor I Chairman to Ward No. of Municipal Council declared on

Date :

Attested and forwarded to the Commissioner

of Municipal Council.

Signature of the returned candidate

Returning Officer.

14.16.2. The certificate of election should be handed over to the candidate, and its acknowledgement obtained immediately after declaration of result if he happened to be present at the counting. Where he is not so present he should be contacted as quickly as possible and the dispatch of acknowledgement completed within a day.

14.16.3. Where the elected candidate is not present at the counting nor visits the locality shortly thereafter the certificate may be handed over to a person duly authorised by the candidate in this behalf and personally known to the Returning officer, the acknowledgement (duly signed by the candidate) being also obtained through the same person.

ANNEXURE 14.1
FORM-26
RETURN OF ELECTION
[See rule 59 (1)]

Election to the*

Serial No.	Name of candidate	Number of valid votes polled
1.		
2.		
3.		
4 ..		
5.		
6.		

Total number of valid votes polled :

Total number of rejected votes :

Total number of tendered votes :

I declare that (name)
of (address) has been duly elected to fill the seat

Place :

Date :

Returning Officer

* Appropriate particulars of the election to be inserted here.

ANNEXURE 14.2

FORM-27

CERTIFICATE OF ELECTION

(See rule 60)

I, Returning Officer for the Ward No. of the Municipal
Council of in the Union Territory of Pondicherry
hereby certify that I have on the day of 200 , declared
Thiru of have been duly elected to the
said Municipal Ward to be a Councillor of the Municipal Council and that in token thereof,
I have granted to him this Certificate of Election.

Place :

Date :

Returning Officer.

for the Ward No. of the Municipal Council of

SEAL

CHAPTER XV

RETURN AND FORFEITURE OF DEPOSITS

Introductory:

15.1. Every candidate whose nomination paper was found valid must have made the requisite deposit of Rs. 10,000 in case of an election as Chairman of a Municipal Council or Rs. 5,000 in case of an election as Councillor of a Ward of a Municipal Council (The amount of deposit is half in the case of a candidate belonging to a Scheduled Caste). Some of the candidates, if not all, whose nomination papers were found invalid and were rejected by you must have made the deposit There would also be some validly nominated candidates who have withdrawn their candidatures according to law before the expiry of the time limit for such withdrawals Lastly, some candidates would be defeated at the poll while one candidate would have been duly elected at the election. Deposits made by them have either to be returned to them or forfeited to Government in accordance with the law as described hereunder:

N.B.: Deposit can be refunded only to the person in whose name it was made in the Treasury, or his legal representative if he is dead.

Conditions for return:

15.2. The deposit made by a candidate shall be returned if the following conditions are satisfied :-

- (i) The candidate is not shown in the list of contesting candidates, i.e. to say either his nomination was rejected or after his nomination was accepted he withdrew his candidature or;
- (ii) He dies before the commencement of the poll; or
- (iii) He is elected; or
- (iv) He is not elected but gets more than 1/6th the total No. of valid votes polled by all the candidates at the election.

N.B. (i) If the candidate has polled exactly 1/6th of the total number of valid votes polled by all the candidates the deposit will not be refunded.

(ii) If the candidate was elected the deposit will be refunded even if he did not poll more than 1/6th of the total valid votes polled by all the candidates.

Deposit returnable in one ward only:

15.3. Note that if a candidate was a contesting candidate at an election to the Chairmanship or Councillorship in more than one ward he cannot get a return of more than one deposit made by him or on his behalf. Other deposits made by him or on his behalf will be forfeited to Government.

Return when to be made:

15.4. If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit should be returned as soon as practicable after the publication of the list or after his death, as the case may be. Some candidates may have made along with their second and subsequent nominations further security deposits. The second and subsequent deposits should be returned, as far as practicable, after the publication of the list of contesting candidates. In other cases, the deposit should be returned as soon as practicable after the result of election is declared.

Form of application for refund:

15.5.1. The law does not prescribe any form in which a candidate may apply to you for the return of his security deposit. However in order to facilitate the candidate in making the application and to enable you to verify easily the claim for the return, he may be asked to make an application in the form given in Annexure 15.1.

15.5.2. If the deposit was made by someone on behalf of the candidate, the application may be obtained in the form given in Annexure 15.2.

15.5.3. If the candidate has died his legal representative may make the application in the form given in Annexure 15.3. Prompt settlement of application for refund:

15.6. All cases of refund should be promptly settled any discrepancy found in the application for return of deposit should be immediately brought to the notice of the candidate who should be given all help in the matter.

Forfeiture of deposit:

15.7.1. Forfeit to Government every deposit which is not refundable under any of the above paragraphs in this Chapter.

15.7.2. The forfeited amount of the deposit shall be credited to revenues under the following head; " 0075--Miscellaneous General Services"

Refund to a candidate belonging to the Scheduled Caste:

15.8. Where a candidate belonging to a Scheduled Caste contests an election from a ward he is required under rule 12 (1) to make a deposit of only Rs. 2,500 instead of Rs. 5,000 in the case of an election as Councillor and RS.5,000 instead of Rs. 10,000 in the cases of an election as Chairman If he deposits by mistake or otherwise the full amount of Rs. 5,000 or, Rs. 10,000 as the case maybe instead of what he is required to deposit as above he is always entitled to the refund of the excess amount actually deposited by him. You should satisfy yourself of his being a member of a Scheduled Caste before allowing such a refund.

ANNEXURE 15.1

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER RULE 12 OF THE PONDICHERRY MUNICIPAL COUNCILS (CONDUCT OF ELECTION OF COUNCILLORS) RULES, 1974

(By a candidate)

From

Name.....

Address.....

.....

To

The Returning Officer

Election to Ward No. of the

Municipal Council of

Sub.: Return of deposit under rule 12 of the Pondicherry Municipal council of Election of Councillors) Rules, 1974.

Sir,

1. I was a candidate for election of member to Ward No. of the Municipal Council of
2. I made a deposit of ` for that election vide receipt No.
Date
3. My nomination paper was accepted/rejectedd by the Returning Officer.
4. I withdrew/did not withdraw my candidature in time.
5. I was/was not elected and secured/did not secure more than one-sixth of the total number of the valid votes polled in the election.
- *6. I did not stand as a candidate at the election from any other ward in the Municipal Council.
- *7. I stood as a candidate at the election of member to ward of the Municipal Council.
- *8. I have not applied for the return of my deposit in any of these other wards, the deposits made in these wards may be forfeited.
9. I request that the deposit referred to in paragraph 2 may be returned to me.
10. I hereby declare that all the statements made in this application are true to my knowledge.

Yours faithfully

Signature of candidate

Date :

Place :

*Applicable for candidates for election of members.

ANNEXURE 15.2

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER RULE 12 OF THE PONDICHERRY MUNICIPAL COUNCILS (CONDUCT OF ELECTION OF COUNCILLORS) RULES, 1974

(By a depositor when he is not the candidate)

From

Name.....

Address.....

.....

To

The Returning Officer

Election to Ward No. of the

Municipal Council of

Sub.: Return of deposit under rule 12 of the Pondicherry Municipal council of Election of Councillors) Rules, 1974.

Sir,

1. Thiru/Tmt./Selvi. (Name of the candidate) was a candidate for election of member to ward ofMunicipal Council.
2. On behalf of the said candidate, I made a deposit of ` for that election in the vide receipt No. dated
3. His/Her nomination paper was accepted/rejected by Returning Officer.
4. He/She withdrew / did not withdraw his/her candidature in time.
5. He/She was /was not elected and secured/did not secure more than one sixth of the total number of votes polled in the election.
- "6. He/She did not stand as a candidate at the election from any other ward (..... in the Municipal Council.
- *7. He/She stood as a candidate at the election of member to ward of the Municipal Council.
- *8. No application has been made for the return of the deposits, made in any of these wards..... may be forfeited.
9. I request that the deposit referred to in paragraph 2 may be returned to me.
10. I hereby declare that I have verified all the statements made in this application, and they are true to my knowledge.

Date :

Place :

Yours faithfully,

Signature of applicant

I..... the above mentioned candidate at the election of member to wardof Municipal Council hereby certify that the statements contained in paragraphs 2 to 8 of this application are true to my knowledge.

Date :

Place :

Yours faithfully,

Signature of candidate

"Applicable for candidates standing for election of members.

ANNEXURE 15.3

APPLICATION FOR REFUND OF DEPOSIT MADE UNDER RULE 12 OF THE PONDICHERRY MUNICIPAL COUNCILS (CONDUCT OF ELECTION OF COUNCILLORS) RULES, 1974

(By the Legal Representative of the candidate)

From

Name.....

Address.....

.....

To

The Returning Officer

Election to Ward No. of the

Municipal Council of

Sub.: Return of deposit under rule 12 of the Pondicherry Municipal council of Election of Councillors) Rules, 1974.

Sir,

1. The late..... (was a candidate) for election of member of to ward No. for the Municipal Council of He/She died on the and I am his/her legal representative.
2. He/She made a deposit of ` for that election vide receipt No. Dated
3. His/Her nomination paper was accepted/rejected by Returning Officer.
4. He/She withdrew/did not withdraw his/her candidature in time.
5. He/She was /was not elected and secured/did not secure more than one sixth of the total number of the valid votes polled in the election.
- *6. He/She did not stand as a candidate at the election from any other ward of the Municipal Council.
- *7. He/She stood as a candidate at the election of member to ward No. of the..... Municipal Council.
- *8. No application has been made for the return of the deposits, made in any of these wards. The deposits made in these other wards may be forfeited.
9. I request that the deposit referred to in paragraph 2 may be returned to me.
10. I hereby declare that all the statements made in this application are true to my knowledge.

Date:

Place:

Yours faithfully,

Signature of applicant

"Applicable for candidates standing for election of members only.

CHAPTER XVI
ACCOUNTS OF ELECTION EXPENSES

Introductory:

16.1. Under the Pondicherry Local Bodies Election (Fixation of Ceiling on Election Expenses) Order, 2021 (Annexure 16.1) every candidate at an election is required to keep either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of result of the election both days inclusive.

16.2. Further every contesting candidate has to lodge true copy of the said account within 30 days from the date of declaration of result of election, with the Returning Officer.

16.3. In order to ensure that all candidates comply with the requirements of law relating to the maintenance of accounts of election expenses and filing of their returns of election expenses in the manner and within the time required by law you have been instructed in Para 5.22.3 in Chapter V to invite the attention of each candidate to the above provisions of order in writing.

16.2. As soon as a candidate files his nomination paper a Register in the Standard proforma as given in Annexure 16.1. shall be issued by the Returning Officer to the candidate or his duly authorised agent against a proper receipt there for. Each register will be duly numbered and authenticated by you. The candidate shall maintain his day to day account of election expenses in that Register itself and in no other document. That register containing his account shall itself be filed by the candidate with the Returning Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the order.

16.3. The account filed by a contesting candidate is also required to be accompanied by an affidavit from the candidate in the prescribed proforma which is also part of the model proforma given in Annexure 5.6. mentioned above.

Only contesting candidates to lodge Account:

16.4.1. Though every candidate is required to keep an account of his election expenses as aforesaid, it is only the contesting candidates who are required to lodge their account of election expenses.

16.4.2. If a candidate contests election for more than one ward he is required to keep, and also lodge, a separate account of his election expenses in respect of each such ward.

Election in more than one constituency:

16.5. If a candidate contests election from more than one ward he has to lodge a separate return of election expenses for every election which he contests. The election for each ward is a separate election.

Maintenance of account:

16.6.1. The day to day account of expenditure showing the above particulars will be kept by the candidate in the Register supplied to him by the Returning Officer (Annexure 5.6.) and in no other document.

16.6.2. All documents such as vouchers receipts acknowledgements etc., in support of the expenditure incurred or authorised shall be obtained from day to day as the expenditure is incurred or authorised and shall be maintained in the correct chronological order along with the above- mentioned Register showing day-to-day account.

Account to be made available by candidate for Inspection:

16.7.1. The day-to-day account as maintained by a candidate in the aforesaid Register together with the supporting documents shall be made available by the candidate for inspection at any time during the process of election to the Returning Officer, Election Expenditure Observer appointed by the Commission or any other such authority nomination by the Commission in this behalf.

16.7.2 Failure on the part of a candidate to produce the Register and the supporting documents for inspection on demand should be treated as major default on his part.

16.7.3. While inspecting the accounts of the candidates at random it must be ensured that the inspection does not become source of harassment/oppression to the detriment of the electioneering of the candidate which is his legal right.

Manner of lodging the account:

16.8.1. The Register supplied by the returning Officer to each candidate in which the candidate has kept his account to election expenses shall itself be filed by the candidate with the Returning Officer as his account of election expenses within 30 days from the date of declaration of result of election as required under the order.

16.8.2. Further more each candidate while lodging return of his election expenditure in the prescribed proforma shall also file an affidavit on oath in support of his account of expenses. The proforma of affidavit to be filed by each candidate is a part of the model proforma (Annexure 5.6.) mentioned above.

16.8.3. The account which is filed should be a true and complete account kept by the candidate or his election agent should be certified as such by the candidate himself. A certificate by his election agent is not sufficient and therefore even if the account is certified by the election agent it should again be certified by the candidate himself.

Vouchers to be filed with accounts:

16.9. Every candidate should lodge along with the account a voucher for every item or expenditure unless the nature of the case is such that it is not practicable to obtain voucher e.g., postage travel by railway and the likes. All vouchers should be serially numbered by the candidate or his election agent.

Vouchers to be signed:

16.10. Each of the supporting vouchers lodged with the account shall be signed by the candidate or by the election agent in full.

Last date for filing accounts:

16.11. The account should be lodged by the candidate within 30 days from the date of election of the returning candidate.

N.B.: (i) In computing the period of 30 days, the date on which you declared the returned candidate elected should be excluded.

(ii) If the 30th days so computed is a Sunday or other holiday and your office is closed on that day, the account of election expenses may be lodged on the next-days on which your office opens. The account will be deemed to have been lodged in time in such a case.

Meaning of date of election:

16.12. The "date of election" of returned candidate is the date on which you declared him to have been elected whether it was a contested or an uncontested election.

Issue of acknowledgement in token of receipt of account:-

16.13. As soon as the account of election expenses is filed by a candidate, you should acknowledge its receipt in the proforma prescribed in Annexure 16.1. If the account is received by you through post, such acknowledgement should be sent by you forthwith by post.

Notice of filing accounts:

16.14. Within two days from the date on which the candidate lodges his account of election expenses, affix a notice to your notice board specifying:-

- (i) The date on which the account has been lodged;
- (ii) The name of the candidate; and
- (iii) The time and place at which the account can be inspected.

Inspection and copies:

16.15. Any person can, on payment of a fee of rupees ten, inspect the account lodged with you by a candidate. A fee of Rs. 2.00 per page chargeable for the supply of attested copies of the account of election expenses or of any part thereof.

Report to the Commission:-

16.16.1. Immediately after the last date for filing accounts of election expenses has expired, and in any case not later than the tenth day after such expiry date, report to the Commission in the Form in Annexure 16.

- (i) The name of each candidate whose name was included in the list of contesting candidates;
- (ii) whether the candidate had lodged his account of election expenses
- (iii) If so, the date on which the account has been lodged; and
- (iv) Whether in your opinion the account has been lodged within the time and the manner required by the Commission's directions.

16.16.2. If any candidate has not submitted his account by the time you send your report, his name should also be included with the remark that the account has not been lodged.

16.16.3. Whenever you report that an account lodged by a contesting candidate is not in the manner required by the Commission's directions, you should, along with your report, forward to the Commission that account and the documents accompanying it.

16.16.4. You should not send with your report those accounts which you consider to have been lodged in the manner required by the order unless specifically asked for by the Commission in any case.

Separate report for each ward:

16.17. Send a separate report in respect of each ward. Each such report should cover all the contesting candidates in the ward whether they have been elected or defeated at the poll. Care should be taken that in any such report, the names of the ward are spelt as in the delimitation order and the names of the candidates spelt as in the list of contesting candidates.

Accounts filed late:

16.18. If a contesting candidate has lodged his account of election expenses after you have sent your report to the Commission, send a supplementary report in the same Form in respect of him. In every such case also, examine the account and record any material defects which you may notice therein.

Nature of examination:

16.19. Since the return of election expenditure filled by a candidate has to reflect the "correct" account of "all" election expenses, before accepting the account of the candidate as being in accordance with the manner prescribed you shall conduct such enquiry as you seem necessary, and at the time of communication your report to the commission certify to the Commission with reference to the documents filled before you and as verified by you through an appropriate enquiry, that the statement of account in the manner prescribed.

Commission's decision on report:

16.20. The Commission will consider your report and decide whether any contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by law. In such case the Commission will call upon the candidate to show cause why he should not be disqualified.

Delivery of Commission's notice to candidates:

16.21.1. In order ensure that the notice issued by the Commission are served on the defaulting candidates expeditiously and their cases settled with the least delay, the Commission now forwards these notice to you to cause the same delivered to the candidates concerned. Every effort should be made to effect the delivery of the notice to the candidate concerned within three days of receipt of the same from the Commission in your office.

16.21.2. The notice should be delivered to the candidates concerned against a proper acknowledgement from him in token of having received the same.

16.21.3. If the candidate is not available at the address and the members of his family refuse to take delivery of the notice, the same may be pasted on the wall/door of the residence of the candidate in the presence of two witnesses preferably of the locality. A note to this effect must be recorded on the spot and the signatures of the witnesses along with their address obtained thereon.

Representation by defaulting candidate:

16.22. Any contesting candidate who has been called upon to show cause may within twenty days of the receipt of such notice represent in writing to the State Election Commission and shall, at the same time, send to you a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

Final order by Commission:

16.23. If, after considering the representation submitted by the candidate and the comments made by you and after such enquiry it thinks fit, the State Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account in the time and in the manner required by law, it shall declare him to be disqualified for a period of three years from the date of the order and cause the order to be published in the official gazette.

Removal of disqualification:

16.24. The State Election Commission may, for reasons to be recorded, remove any such disqualification or reduce the period thereof.

STATE ELECTION COMMISSION

PUDUCHERRY

No. 1-5/SEC/Civic Elections/Expenses/2021 Puducherry dated 12th August 2021

ORDER

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

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 held in accordance with the laws governing them and purity, in elections, is to be maintained;

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

Whereas, with a view to ensure that the money power does not play any pernicious role in the field of elections and the candidates with huge money resources do not sway or cloud the judgement and rational thinking of the common electors with the ostentatious use of money power placing the candidate with lower financial resources at a distinctly disadvantageous position;

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

I. Short title, extent, application and commencement. - (a) This order shall be called the Puducherry Local Bodies Elections (Fixations of Ceiling on Election Expenses) Order, 2021.

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

(e) It shall come into force at once.

5. Election Expenses. - (a) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both days inclusive.

d. The account of election expenses to be kept by a candidate or his election agent shall be in the format at Appendix-I.

e. Every contesting candidate at an election shall, within thirty days from the date of declaration of the result to the election lodge with the Returning Officer, an account of election expenses which shall be at true copy of the account kept by him.

- f. The Returning Officer shall make enquiry as to the genuineness of the account submitted and thereafter, cause a notice to be affixed to the Notice-Board of his office, specifying-
 - a. the date on which the account has been lodged ;
 - b. the name of the candidate ; and
 - c. The time and place at which such account can be inspected, The enquiry may be completed within ten days of submission.
 - g. Any person shall on payment of a fee of ten rupees be entitled to inspect any such account and on payment of a fee of two rupees per page be entitled to obtain attested copies of such account or of any part thereof.

6. *Maximum Election Expenses.*- (1) The total of the expenditure incurred or authorised in connection with an election by a candidate shall not exceed the amount mentioned below :

- e. For election as Ward Member of a Village Panchayat ` 25,000
- f. For election as President of a Village Panchayat ` 2,50,000
- g. For election as Member of Commune Panchayat Council ` 3,20,000
- h. For election as Councillor of Municipal Council ` 3,20,000

For election as Chairman of Municipal Council in respect of the Municipalities:-

- (vi) Pondicherry Municipality ` 30,00,000
- (vii) Oulgaret Municipality ` 35,00,000
- (viii) Karaikal Municipality ` 14, 00,000
- (ix) Mahe Municipality ` 10.00,000
- (x) Yanam Municipality ` 10,00,000

(2) Any candidate, either by himself or by his election agent, who has exceeded the amount mentioned above and who has not kept a separate and correct account of all expenditure incurred in connection with the election or fails to lodge the account of election expenses with the Returning Officer within the period of thirty days from the date of declaration of the result shall be punishable as per law.

7. *Repeal.*-The Puducherry Local Bodies Elections (Fixation of Ceiling on Election Expenses) Order, 2012 is repealed.

Roy P THOMAS.
State Election Commissioner
Puducherry.

APPENDIX-I
Register for Account of Election Expenses

6. Name of Candidate
7. Ward No. and Name of the Panchayat / Council
8. Name of the Political Party, if the candidate is a party candidate
9. Date of Filing of Nomination
10. Date of Declaration of Result

DECLARATION

I a candidate at the above election do hereby declare that

(1) I /My election agent kept a separate and correct account of all expenditure incurred in connection with the above election or authorised by me or my election agent between the date of my nomination and the date of declaration of the result thereof, both days inclusive:

(2) the said account was maintained in the Register furnished by the Returning Officer for the purpose and the said Register itself is annexed hereto with the supporting vouchers /bills mentioned in the said account ;

(3) the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorised by me or by my election agent and nothing has been concealed or withheld /suppressed there from.

Signature of the Candidate.

Encl. Register with vouchers / bills.

ACKNOWLEDGMENT

The account of the election expenses in respect of
(name of ward and name of local body) result of which was declared (date)
has been filed by him / on his behalf on (date) has been received by me today,
the (date) of (month) (year)

Returning Officer.

APPENDIX - II
Register of Account of Election Expenses

Date	Details of Election Expenditure	By whom expense incurred				Signature of Candidate	Remarks
		Candidate/Election Agent	Political party	Supporter	Total		

Total `

Signature of the Candidate

**REPORT TO STATE ELECTION COMMISSION UNION TERRITORY OF PONDICHERRY LODGING
OF ELECTION EXPENSES ACCOUNTS**

Election of

Name of elected candidate :

[illegible]

Date :

(See Note overleaf)

3. Returns lodged by candidates after the last date should also be examined and materials defects, if any noticed therein recorded in column (7)

CHAPTER XVII
MISCELLANEOUS

Submission of report by the Returning Officer:

17.1. Immediately after the declaration of the result in the Municipality, you should, forward to the State Election Commission two copies of your report on the various item as shown in Annexure 17.1. You should advise the Presiding Officers working under you to give in their Diary detailed information on the various items with which they are concerned namely, items 13, 15, 16, 18, 23, 24, 26, 30, 33, 34, 36, 37, 39, 40, 41, 43, 44, and 45 of the said Annexure. Please ensure that this information is furnished by you to the State Election Commission within a fortnight from the declaration of the result. You should not, however, delay the submission of the report on the ground that any particular information is not readily available. Any information which could not be included in the report before the due date for submission should be sent by a supplementary report.

Safe custody of election papers:

17.2. You shall be responsible for the safe custody of the packets containing election papers. These are:-

- (i) The packets of unused ballot papers with counterfoils attached thereto signed in full by presiding officer but not issued to the voters;
- (ii) The packets of used ballot papers whether valid, or rejected or tendered (including the packets in which covers containing postal ballot papers received late are kept)
- (iii) The packets of the counterfoils of used ballot papers;
- (iv) The Packets containing Register of Voters;
- (v) The packets contains of Green Paper Seal Account;
- (vi) The Covers contains of Presiding Officer's diary;
- (vii) The Covers contains of Accounts of Votes Recorded(Form22A);
- (viii) The Sealed Packets Containing Final Result Sheets;
- (ix) The Sealed Packet containing the Detachable Memory Module (DMM);
- (x) The packets of the marked copies of the electoral roll;
- (xi) Packets of Working Copies of the Electoral Roll;
- (xii) Voters Slips cancelled for violation of voting Procedure under rule 28;
- (xiii) Any other cancelled Voters Slips.
- (xiv) Any other ballot paper not issued to voters
- (xv) The cover containing the tendered ballot papers at the list in Form 21 B;
- (xvi) The list of challenged votes; and
- (xvii) Any other papers directed by the State Election Commission to be kept in a sealed cover.
- (xviii) The packets of the declarations by electors and the attestation of their signature.

Arrangement for safe custody of election records:

17.3.1. You have to keep the steel trunks containing papers referred to above under double lock in the Treasury or Sub-Treasury, as may be convenient.

17.3.2. One set of keys of the sealed steel trunks kept in the Treasury/Sub-Treasury will be entrusted to the Treasury Officer or an officer in the Treasury authorised in the Treasury Code. The other set of keys will be kept by you.

17.3.3. A date wise logbook about the movement or disposal of the election records from Treasury should be maintained. All these security arrangements are necessary because the election papers may be summoned at time during the trial of an election position by High Court or by the Supreme Court or other competent court.

17.3.4. The box (es) containing the election records relating to nomination, scrutiny and withdrawal of candidature should be kept by you in your own safe custody.

17.3.5. For proper maintenance and safe custody of these records the election records should be kept in separate and properly secured store room and suitable register should be introduced to ensure that whenever an official is required to carryout his official duties in the record room in question he makes an entry showing the purpose for which a particular record was required and signs his name. If separate rooms cannot be provided arrangements should be made to store the record in steel almirahs in charge of a responsible officer.

17.3.6. Special care is necessary with regard to the safe custody of the election record in respect of an election called in question by an election petition which is pending. In order to guard against any tampering with or theft of such election records, they would be kept in Government Treasury till the final disposal of the election petition.

Production and inspection of election papers:

17.4.1. The papers relating to an election, other than those referred to in Para 17.2. above shall be open to public inspection subject to such conditions and to the payment of such fee, if any as the State Election Commission may direct.

17.4.2. (1) Inspection:

(f) Please note that-

- (a) Every application for inspection of the said documents (other than an account of election expenses) shall be made in writing and should contain the particulars concerning the record of which inspection required;
- (b) An inspection of the document shall be allowed to any person applying for the same on payment of fee of Rs. 5 per hour of inspection or part thereof
- (c) Inspection on an ordinary application shall be allowed on the day following. the date on which the application is made or on a subsequent day and inspection of an urgent application, shall be allowed on the same day.

(2) **Certified copy:** A certified copy of any of the said documents (other than an account of election expenses) shall be given to any person applying for the same, on payment of fees at the same rate as is charged in Pondicherry for a copy of an order by a Revenue Officer. The procedure to be followed in respect of an application for it shall be same as for a similar application made in respect of a case dealt with by Revenue Officer.

(3) The application should establish the right of the applicant for inspection for supply of certified copies of documents and for that purpose should clearly disclose that the applicant has a direct and tangible interest in such document or documents and the nature of such interest.

(4) No fee shall be charged when inspection or certified copy of a document is required for official purposes.

17.4.3. When election records are inspected by interested persons soon after the completion of the election, effective supervision by officials is necessary. To avoid removal of any paper from the records, simultaneous inspection by a large number of persons should not be allowed.

Supply of copies of result sheets and election returns:

17.5.1. Copies of result sheet in Form 25 may be supplied, if asked for, on payment of fees as charged for supply of certified copies of other election records.

17.5.2. The copies of election return in Form 26 may be supplied by the Returning Officer on a payment of Rs. 2 for each copy.

Disposal of Election Papers:

17.6.1. Subject to any direction to the contrary given by the Commission or by a competent court in any case and subject to the instructions contained in Para 17.7. below, the election paper may be disposed of as indicated below:

17.6.2. The packets of unused ballot papers returned by Presiding Officers after the poll is over shall be retained in the Treasury for a period of six months after the completion of the election and then destroyed.

17.6.3. (i) The sealed packets of The Account of Voters Recorded (Form 22B) including the packets containing the counterfoils of used ballot papers whether valid, tendered or rejected the packets of the marked copies of the electoral roll and the packets of declaration by elector and the attestation of their signatures which are contained in the sealed steel trunks under the double lock and kept in the Treasury should be retained for a period of one year after the completion of the election and then destroyed, unless otherwise directed by the prescribed judicial authority.

(ii) The packets containing The Register of Voters (Form 21A) shall be retained for a period of one year after the completion of the election and shall thereafter be destroyed in all cases except those in respect of which election petitions or election appeals or prosecutions for impersonation are pending.

17.6.4. (i) The list of challenged votes (Form 20) and the receipt book used for collection of challenge fee, the despatch register of postal ballot papers and forms of nomination papers should not be destroyed before the expiry of 5 years from the date of declaration of the result or till they are audited and audit Objections. if any settled whichever is earlier.

(ii) Every order appointing a person as a Presiding Officer or Polling Officer should not be destroyed before the expiry of three years from the date of election to which the appointment relates.

(iii) Final Result sheet (Form 25), DMM (Detachable Memory Modules) and Return of Election should be kept as permanent records of election.

(iv) The register of deposits may be destroyed in the same manner as revenue registers provided that in no, case shall the register be destroyed before ten years.

(v) All records relating to the account of election expenses of a candidate who has lodged it within the time and in the manner required shall be destroyed at the end of one year from the date of return ought to have been lodged.

- (vi) All records relating to the account of election expenses of a candidate who has failed to lodge it within the time and/or in the manner required and thereby incurred the disqualification shall be destroyed on the expiry of three years from the date on which the State Election Commissions decision is notified. If the disqualification has been removed by the Commission the records shall be destroyed on the expiry of one year after such removal.
- (vii) If any candidate applies for the return of any vouchers filed with his account of election expenses the vouchers may be returned to him after keeping a certified copy in the record; provided there is no election petition or recrimination petition pending in respect of the election in which the question of the applicants election expenses is at issue.

Retention of papers where election petition is pending:

17.7. Where an election petition is pending for trial by a High Court or any other matter in respect of an election is pending adjudication by a Court, the papers relating thereto should not be destroyed until the expiry of three months from the date of disposal of such petition or matter finally.

Mode of disposal of election papers:

17.8.1. Except surplus and waste ballot paper all election papers including restricted or confidential papers like used and unused ballot papers and their counterfoils, copies of electoral rolls, etc., should be shredded so that the same can be made into pulp which can be recycled for manufacture of paper etc.

17.8.2. The shredding operation must be completed in Government premises where the election records are kept under safe custody. The entire shredding process should be done in the presence of a Senior Gazetted Officer at the place of storage and not at any private premises. The shredding of used ballot papers should be done in your presence while election papers or other categories shall be shredded in the presence of a Senior Gazetted Officer. After completion of the shredding prices, the Officer concerned should certify that the entire process of shredding has been completed in his presence and that no un shredded paper has gone out of the campus. It should be strictly ensured that under no circumstance, any un shredded paper leaves the campus where these are kept.

17.8.3. The sale price of the shredded election papers to be charged from the purchasing companies and the shredding charges to be paid if any, to the companies where they used their shredders should be settled separately by you after following the prescribed procedure under the relevant financial rules. If the cost of transport of shredded papers to the nearest paper pulp making unit is more than the likely return of selling the shredded papers, you will have the discretion to sell the shredded papers to waste paper purchasers localised or dispose the same of by any other cost effective method.

Facilities allowed by the post and telegraphs department for the conduct of elections:

17.9. The Posts and Telegraphs Department has been requested to extend special facilities during period of elections for receipt and delivery of letters and other communications. They will issue their instructions to all the postal authorities in the Union territory of Pondicherry.

Unused ballot papers for record of the Commission:

17.10. Two unused ballot papers for each election as Chairman/Councillor should be sent to the Commission for its record, as soon as possible after election is over in respect of each ward with the Words "Cancelled for record in the State Election Commission" written on the reverse of each ballot paper under the signature of the Returning Officer.

ANNEXURE 17.1.

REPORT ON THE ELECTION BY THE RETURNING OFFICER

Election of the Councillor to Ward No. of the Municipal

Council of

1. Name of the Municipal Council :
2. Date or dates of poll in the Municipal Council :
3. No. of polling parties deployed in the Municipal Council, composition of each party including police or similar officers employed for maintaining order at the polling station :
4. (a) Total No. of Electors in the constituency
(i) Men :
(ii) Women :
(b) No of electors in the part relating to service voters :
5. Names of candidates nominated and the choice of symbols expressed by each in the nomination paper first delivered by or on his behalf :
6. No. of nomination papers filed on behalf of each candidate :
7. Names of candidates whose nomination papers were rejected with brief reasons. :
8. Names of candidates who withdrew their nominations. :
9. Names of contesting candidates together with the description of the symbol allotted to each and party affiliation :
10. Names of candidates who renounced their party after allotment of symbol :
11. Names of Independent candidates, subsequent to the last date of withdrawal joined some other party, or some party claims that its candidate is contesting the election as a party candidate :

After Undelivered

12. No. of polling station located -
 - (i) In Government and Quasi-Government Buildings :
 - (ii) In private buildings :
 - (iii) In temporary structures
 - Total :

13. Number of postal ballot papers -

		Returned back	
		In prescribed time	After undelivered hour Issued
(a)	Service voters and their wives	:	
(b)	Voters on Election Duty	:	
(c)	Electors subjected to preventive detention	:	
Date of issue of postal ballot papers to service voters :			
14.	Names of polling stations, if any, where poll was adjourned and re-poll was ordered and reasons for such adjournment or re-poll	:	
15.	No. of electors who voted—		
	Men	:	
	Women	:	
	Total	:	
16.	No. of person who vote on production of Election duty certificate	:	
17.	No. of blind or infirm voters who voted with the help of companions	:	
18.	Percentage of voters polled to total electorate	:	
19.	Date and time of commencement of counting	:	
20.	No. of valid votes polled by each contesting Candidate	:	
21.	No. of votes rejected (Postal Ballot papers)	:	
22.	Challenged votes—Total	:	
	Number allowed	:	
	Number rejected	:	
	Amount forfeited	:	
23.	Tendered votes—Total	:	
24.	Date and time of declaration of result	:	
25.	No. of polling officers recruited locally	:	
26.	No. of candidates (party wise and also independents)		
	(a) Forfeited deposit	:	
	(b) Amount of deposit forfeited	:	

27. No. of candidate who were their own election agents :
28. No. of election agents appointed :
29. No. of polling agents appointed :
30. No. of candidates who appointed polling agents :
31. No. of counting agents appointed by candidates :
32. No. of EVMs used and types of EVMs used :
33. No. of paper seals used :
34. No. of indelible ink phials supplied to each polling party :
35. No. of electoral offences with their details-
No. of cases- :
 - (a) Disorderly conduct at election meetings :
 - (b) Convening, holding or attending public meetings within the constituency, on a polling date :
 - (c) Illegal hiring or procuring of conveyances for the transport of voters :
 - (d) Canvassing within one hundred metres of a polling station :
 - (e) Impersonation of voters :
 - (f) Fraudulent defacing destroying or removal of a list or notice or other document at a polling station :
 - (g) Bribing of voters :
 - (h) Intimidation of voters (and other persons) :
 - (i) Booth capturing :
36. Mistakes and irregularities committed by Presiding Officer :
37. Highest and lowest polling–Polling station wise :
38. (a) No. of votes cast-
 - From 8.00 A. M. to 10.00 A. M. :
 - From 10.00 A. M. to 12.00 A. M. :
 - From 12.00 Noon to 2.00 P. M. :
 - From 2.00 P.M. to 4.00 P.M. :
 - From 4.00 P. M. to 5.00 P.M. :
 - On issue of slips after 5.00 P. M. :
- (b) No. of slips issued at the closing hour of the poll :

39. Serious complaints if any made by the candidate :
40. No. of cases of breach of law and order :
41. Recounting of votes-
- (i) No. of applications received for recounting
|in part or in toto :
 - (ii) No. of applications allowed for recounting
in part or in toto :
 - (iii) Result before recounting and after
recounting of votes:
42. Was the poll interrupted or obstructed by-
- (a) Riot :
 - (b) Open violence :
 - (c) Natural calamity :
 - (d) Any other cause of the above (please
give details) :
43. Was the poll vitiated by-
- (1) (i) any Ballot paper or Voting machine
used at the polling station having been
unlawfully taken put of the custody of the
Presiding Officer :
 - (a) accidentally or intentionally destroyed or
lost :
 - (b) damaged or tampered with :
 - (2) Booth capturing :
44. Whether declarations have been made by
all the Presiding Officers before the
commencement of the poll and at the end
of the poll as necessary :

Place :

Date :

Returning officer.

Seal