

STATE ELECTION COMMISSION

No. SEC/1-29 /Civic Elections/2012

Puducherry, the 12th December 2012

ORDER

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

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

Whereas the relevant laws in respect of elections to the Local Bodies which are in operation in the Union territory of Puducherry lay down the conditions under which a person would be disqualified for contesting election to Local Bodies, inter-alia on grounds of conviction in a court of law.

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

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

Now, therefore, in exercise of the powers conferred by Articles 243-K and 243-ZA of the Constitution of India read with section 9A of the 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 (Supplemental and Incidental Provisions with regard to Nomination of Candidature) Order, 2012.

(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 with immediate effect.

2. *Information to be furnished by the Candidate.*- Having regard to the provisions made in the relevant laws providing for disqualification of a person convicted for any of the offences as specified in any such relevant law for contesting election for any seat in the Village Panchayat, Commune Panchayat or Municipal council under such relevant laws, every candidate shall, while submitting the nomination paper, or in any case before the commencement of scrutiny of nomination, furnish before the Returning Officer a declaration as in Appendix – I furnishing therewith information in the proforma as in appendix-II for Election of Chairman of Municipal Councils/ Municipal Councillors and as in appendix –III for Election of Commune Panchayat Council Member, Election of President of Village Panchayat and Election of Member of Village Panchayat.

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

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

(c) The Returning Officers or, as the case may be, the Assistant Returning Officers, in-charge of receipt of the nomination shall handover to the candidate the enclosed Memo as in Appendix-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 convicted of any of the offences specified therein.

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).

(UDDIPTA RAY)
STATE ELECTION COMMISSIONER