



**HANDBOOK FOR
COUNTING AGENTS**

FOR

**ELECTION OF
COUNCILLOR AND CHAIRMAN OF
MUNICIPAL COUNCIL**

**STATE ELECTION COMMISSION
PUDUCHERRY**

**ELECTION OF
COUNCILLOR AND CHAIRMAN OF
MUNICIPAL COUNCIL**

HANDBOOK FOR COUNTING AGENTS

1. Introductory :

1.1 Counting of votes is the last major step towards the culmination of the election process. It is in the correct and proper counting of votes that the true choice of the electorate finds expression and it is on the basis of such ascertainment of their true choice that their chosen representative is declared elected. Therefore, the importance of the process of counting of votes hardly needs to be emphasized.

1.2 Under the law, counting of votes is to be done by, or under the supervision and direction of, the Returning Officer of the Constituency in the presence of the candidates and their agents. The law authorises the Assistant Returning Officers also to undertake the counting of votes. The counting of votes may be simultaneously done at places more than one and at tables more than one at the same place. As the candidate or his election agent cannot be expected to be physically present at each of such counting places and tables the law permits the candidate to appoint his counting agents who may be present at each of the said counting places and counting tables and watch his interests. Being the representatives of the candidates, the counting agents have an important role to play and their co-operation in this important task will make the matters easy for the counting supervisors and the counting assistants.

2. System of counting of votes :

The ballot papers are counted polling stationwise and the votes polled by each candidate at every polling station are counted and announced separately in respect of each polling station.

3. Qualification for counting agents :

3.1 The law does not prescribe any specific qualifications for persons to be appointed as counting agents. However, the candidates are advised to appoint mature and major persons as their counting agents so that their interests are properly watched.

3.2 Security personnel are not allowed to enter the counting hall. Therefore, a Minister of the Central or State Government or of a Union territory who is given security cover at the State expense, is not allowed to function as counting agent as he can neither be allowed to enter the counting hall along with his security personnel nor his security can be put to jeopardy by allowing him to enter the hall without any security cover.

3.3 A Government servant also cannot act as a counting agent of a candidate and if he so acts, he is punishable with imprisonment for a term which may extend to 3 months or with fine or with both.

4. Number of counting agents that may be appointed :

4.1 A candidate can appoint one counting agent for each of the counting tables to be provided by the Returning Officer. The maximum number of counting agents that may be appointed by a candidate should not ordinarily exceed 16. Therefore, the number of counting tables also does not ordinarily exceed 16, including the table of the Returning Officer.

4.2 The State Election Commission may, however, by a general or special direction, permit the Returning Officer to provide tables more than 16. In that event, the candidates will also be permitted to appoint counting agents more than 16 and equal to the number of counting table provided by the Returning Officer.

4.3 Under the law, the Returning Officer will intimate in writing to each candidate or his election agent, the place where the counting of votes will be done and date and time at which the counting will commence. He will also inform them sufficiently in advance about the number of counting tables that will be provided in the counting hall, so that they may appoint their counting agents accordingly.

4.4 In the simultaneous elections of Councillorship and Chairmanship of a Municipal Council, the counting of votes will be done simultaneously, Municipal wardwise, but on separate set of tables arranged in rows separately for the elections. In such event, the candidates will be permitted to appoint their counting agents separately.

5. Appointment of counting agents :

5.1 Appointment of a counting agent is to be made either by the candidate himself or by his election agent. Such appointment is made in Form 23 (Appendix-I). The name and address of the counting agent will be filled in that form and the candidate or his election agent will personally sign that form. The counting agent will also sign that form in token of his acceptance of the appointment. Two copies of such forms will be prepared and signed, in all cases. One copy of that form is to be forwarded by the candidate / election agent to the Returning Officer, while the other copy is given to the counting agent for the production before the Returning Officer.

5.2 A candidate may appoint all his counting agents by a single letter of appointment in Form 23. In that case, all the counting agents are required to sign that letter of appointment in token of having accepted the appointment.

6. Time limit for making appointment of counting agent :

6.1 In all wards, irrespective of the number of contesting candidates in the ward, the candidates should submit the lists of their counting agents with photographs of such agents to the Returning Officer, latest by 17.00 hours on the day three days prior to the date fixed for counting of votes. The Returning Officer will prepare identity cards for each such agent and issue the same to the candidate.

6.2 The counting agents must produce those identity cards along with their letter of appointment when they come to attend the counting.

6.3 The letter of appointment along with the Identity Card of counting agent must be produced before the Returning Officer at least one hour before the time fixed for counting of votes. The Returning Officer will not accept any appointment letter which is received after the aforesaid time.

7. Revocation of appointment of counting agent :

7.1 The candidate or his election agent is authorised to revoke the appointment of a counting agent.

7.2 Such revocation of appointment is made in Form 24 (Appendix-II) and becomes operative from the time at which it is lodged with the Returning Officer. In such a case, the candidate is authorised to appoint another counting agent in place of the one whose appointment has been revoked, at any time before the commencement of counting. Once the counting has commenced, no appointment of fresh counting agent can be made.

7.3 Appointment of such fresh counting agent is to be made in the same manner as explained in para 5 above.

8. Admission of counting agents to the counting hall :

8.1 On production of his letter of appointment and the identity card before the Returning Officer, the counting agent will be required to sign before the Returning Officer the declaration contained in his letter of appointment regarding maintenance of secrecy of voting. After verification of the letter of appointment, identity card and declaration, the Returning Officer will permit the counting agent to enter the counting hall.

8.2 The Returning Officer is empowered to subject any counting agent to search of his person before entry into the counting hall.

9. Badges for counting agents :

Each counting agent will be given a badge by the Returning Officer indicating whose agent he is and showing the serial number of the table at which he will watch the counting. He should keep sitting at the table allotted to him and will not be allowed to move about all over the hall. However, the candidate, his election agent and in their absence, only his polling agent at the Returning Officer's table will be allowed to go around all counting tables.

10. Maintenance of discipline and order in the counting hall :

10.1 Every one will be required to fully cooperate with the Returning Officer in maintaining strict discipline and order inside the counting hall. They should carry out all directions given by the Returning Officer. They should note that the Returning Officer may send out of the counting hall any person who persists in disobeying his directions.

10.2 No counting agents and others will be allowed to go outside counting hall during counting process. In other words, when once counting agents and others are inside the counting hall, they will ordinarily be allowed to go outside only after the declaration of result.

11. Smoking inside the counting hall is prohibited :

If any person desires to smoke, he should go out of the counting hall (but not outside the premises of the counting centre) for that purpose, with the permission of the Returning Officer and without, however, causing any dislocation in the counting process.

12. Seating arrangement for counting agents :

12.1 The counting will be done on the table arranged in rows. The tables in each row will be serially numbered.

12.2 On each counting table, the seating arrangement for the counting agents shall be made having regard to the following categories of priority, namely :—

- (i) Candidates of National parties ;
- (ii) Candidates of State parties ;
- (iii) Candidates of registered-unrecognised parties ;
- (iv) Independent Candidates.

13. Arrangements for barricading of counting tables :

In each counting hall, barricades will be provided for each counting table so that the ballot papers are not handled by the counting agents. However, counting agents will be provided all reasonable facilities to see the whole counting process at the counting table. The Returning Officer will ensure that the barricades are transparent or that the space in between or above the bamboos or other material used for purpose of erecting barricades is adequate to permit full viewing of the counting process. The exact manner in which barricades may be erected is left to the discretion of the Returning Officer who has to adopt such approach as he may deem fit for attaining the objective of ensuring that the ballot papers are not handled by unauthorised persons or tampered with in any manner in process of counting.

14. Maintenance of secrecy :

14.1 Every person inside the counting hall is required by law to maintain, and aid to maintaining, the secrecy of voting and should not communicate to any person information calculated to violate such secrecy. They should note that any person contravening the provisions of law in this respect is liable to be punished with imprisonment for a term which may extend to 6 months or with fine or with both (Section 26 of the Pondicherry Municipalities Act, 1973).

14.2 Before the commencement of the counting of votes, the Returning Officer will read out and explain the provisions of the above mentioned section 26 for the information of all present and for compliance on their part.

15. Counting to be continuous :

The counting of votes will, as far as practicable, be proceeded with continuously till it is over.

16. Counting of postal ballot papers first :

16.1 The counting of postal ballot papers will be taken up first. This will be done by the Returning Officer himself at the place of counting of votes.

16.2 Each postal ballot paper received from a voter will be contained in an inner cover in Form 15. This cover along with the declaration of the elector in Form 14 will be contained in a larger cover addressed to the Returning Officer in Form 16.

16.3 The Returning Officer will not open the larger outer cover (Form 16) containing a postal ballot paper which he may have received late, that is, after the time fixed for the commencement of counting. He will make a suitable endorsement for this purpose on the outer cover in Form 16. The votes contained in these covers will not be counted. He will make a packet of all such covers and seal the packet.

16.4 All covers containing postal ballot papers which were received in time by the Returning Officer will be opened by him, one after another. The declaration by the voter in Form 14 will be found inside each cover in Form 16. Before opening any of the inner covers containing the postal ballot papers proper, the Returning Officer will check the declarations (Form 14). He will reject a ballot paper without opening its inner cover in Form 15 in any of the following cases,—

- (a) If the declaration in Form 14 is not found in the cover in Form 16 ;
- (b) If the declaration has not been duly signed by the elector or has not been duly attested by an officer competent to do so or is otherwise substantially defective ;
- (c) If the serial number of ballot paper appearing on the declaration is different from the serial number as endorsed on the inner cover in Form 15.

16.5 All such rejected inner covers will be suitably endorsed by the Returning Officer, and will be replaced with the respective declarations in the larger covers; All such larger covers will be kept in a separate packet which will be sealed by the Returning Officer and full particulars, such as the name of the ward, the date of counting and a brief description of the contents will be noted thereon for identifying the packet.

16.6 Thereafter, the Returning Officer will proceed to deal with the remaining covers, other than those rejected as aforesaid. In order that there may be no risk of the secrecy of the postal votes being violated, all the declarations in Form 14, which are found by the Returning Officer on scrutiny to be in order will first be placed in a separate packet and sealed. Identifying particulars will be noted on the packet.

It is necessary to put these declarations away in a sealed packet before any ballot papers proper are brought out of their covers, as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.

16.7 After the above procedure has been completed, the Returning Officer will proceed to open the covers one after another and the postal ballot papers contained in them will be brought out. The Returning Officer will scrutinise every such ballot paper and decide its validity.

16.8 A postal ballot paper will be rejected—

- (a) if no vote is recorded thereon ; or
- (b) if votes are given on it in favour of more than one candidate ; or
- (c) if it is a spurious ballot paper ; or
- (d) If it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or
- (e) If it is not returned in the cover sent along with it to the elector by the Returning Officer ; or
- (f) If the mark indicating the vote is made in such a way that it is doubtful to make out the candidate to whom the vote has been given ; or
- (g) if it bears any mark or writing by which the voter can be identified.

16.9 There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it has been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any

reasonable doubt. Thus a mark made anywhere in the space allotted to a candidate will be taken as a valid vote in favour of the candidate concerned. Again, a vote recorded on a postal ballot paper will not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once for the same candidate, if the intention that the vote should be for a particular candidate clearly appears from the way the paper is marked.

16.10 The valid votes will then be counted and each candidate credited with the votes given to him at column 2 and at Sr. 2 of Part II of the Ballot Paper Account in Form 22 (Appendix III), as an when received by the Returning Officer from the Counting Supervisor at the end of counting at his table. While doing this the entries made by the Counting Supervisor will not be struck off or tampered with. The Returning Officer will enter the candidatewise postal votes polled and rejected postal votes by means of plus signs and then workout the final tally in Form 22. Thereafter, the final figure will be transferred to Form 25 and announced for the information of the candidates / election agents / counting agents.

16.11 Thereafter, all the valid postal ballot papers and all the rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the Returning Officer and the seals of such of the candidates, their election agents or counting agents (not exceeding two in respect of any one candidate) as may desire to affix their seals thereon.

17. Counting of votes polled at polling stations :

17.1 While the postal ballot papers are being counted by the Returning Officer at his table. The counting of votes recorded at polling stations will be taken up by the Assistant Returning Officer(s) at the other tables provided in the counting

hall. For that purpose, the ballot boxes received from the polling stations will be distributed to the various counting tables beginning with the ballot box(es) of polling station No. 1 being distributed to table No. 1 and so on.

17.2 In the counting hall, there will be two rows of tables not exceeding fifteen tables 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 row are responsible for counting of votes for the Councillors and the counting personnel sitting on the right side row are responsible for counting of votes for Chairman of the Municipal Council.

17.3 Ballot papers for the Councillors will be white in colour. Ballot papers for Chairman of Municipal Council will be pink in colour.

17.4 Sealed ballot box with canvas bag along with the Ballot Paper Accounts for the two elections viz., Councillor and Chairman of Municipal Council and Paper Seal Account will be placed on each table of the right row in one lot. However, only one box will be opened at a time. Before opening the box, all the Counting Supervisors in the left row will assemble near the right table. The Counting Supervisor of the right row will keep the Ballot Paper Account for Chairman of the Municipal Council with him and give the Ballot Paper Account for Councillors of Municipal Council to the Counting Supervisor of the left row.

17.5 Before any ballot box is opened, the counting agents will be allowed to satisfy themselves that the seals on the ballot box are intact and they have not been tampered with.

17.6 Where for closing a ballot box either a paper seal is used or inner metal seals are used, the outer seals of the ballot boxes are not vital and even if these outer seals are missing or damaged, but the inner paper seal / metal seals is / are intact, the inference is obvious that the contents of the ballot box could not have been tampered with. In such cases the counting agents should not raise any objection in respect of these outer seals. If they do so their objection will be frivolous and liable to be rejected.

18. Opening of ballot boxes :

18.1 As each ballot box is opened, the counting agents will be allowed to check the identity of the box with reference to—

- (a) the engraved serial number of the ballot box ;
- (b) the identity marks on the paper seal or the identity card put in the ballot box, as the case may be ;
- (c) the serial number of the paper seal.

18.2 The serial number on the paper seal used in each box will be compared with the serial number as given in the paper seal account. The counting agents will also be allowed to verify these serial numbers. For the purpose of such verification, the counting agents should obtain from their candidates the serial numbers of paper seals used at the polling station which they would have received from their polling agents. In case the serial number of the paper seal does not tally with the one given in the paper seal account it does not necessarily mean that the box has been tampered with. It is quite possible that the serial number has not been correctly noted in the paper seal account. The Counting Supervisor or assistant will, therefore, check the unused paper seals pertaining to that polling station

to find out whether the serial number has been noted correctly or wrongly. If there is only a mistake in noting the serial number, that should be overlooked as it would mean that the box has not been tampered with.

18.3 It may be noted that if any ballot box is found to have been tampered with, the Returning Officer will not adjourn the entire counting. He will not, of course, count any of the ballot boxes received from the polling station at which such tampered ballot box was used, but he will proceed with the counting of ballot boxes from all other polling stations.

In the case of any ballot boxes found tampered with, the Returning Officer will report the matter to the State Election Commission, for its direction, whether a fresh poll may be taken at the affected polling station or the result of the election might be declared if the fresh poll at the affected polling station would not materially affect the result of election. The Returning Officer will then act according to the direction of the Commission.

19. Detailed procedure for counting :

19.1 After the seal and identity of the ballot box from a polling station have been checked and found to be in order the contents will be taken out on the counting table. If more boxes than one have been used at a polling station, all the boxes will be not opened simultaneously. Only one box will be opened at a time. The counting agents will be allowed to satisfy themselves that all the ballot papers have been taken out from the box and that it is empty.

19.2 Ballot papers will then be sorted out colourwise at the right table. The ballot papers (pink in colour) will be retained by the Counting Supervisor at the right table and ballot papers white in colour will be handed over to the Counting Supervisor allotted left table. After checking, the Counting Supervisor will go back to the left counting table.

20. Scrutiny of ballot papers :

20.1 The ballot papers will then be scrutinised for their validity by the Counting Supervisors. Each table will be supplied with a tray with requisite number of pigeonhole compartments for each candidate plus one for doubtful ballot papers.

20.2 All ballot papers found valid for a candidate will be put in the compartment meant for him. All ballot papers of which the validity is doubtful will be put in the compartment for doubtful papers (Marked 'D')

20.3 It should be noted that a ballot paper is not to be taken as rejected if it is put in the compartment for doubtful papers. The Counting Supervisor has no right to reject a ballot paper on any account. All ballot papers put in the doubtful compartment will be separately scrutinised by the Returning Officer at his table in the presence of the candidates or their election agents or the counting agents. The Returning Officer / Assistant Returning Officer alone will decide whether such ballot paper is valid or not.

20.4 A ballot paper will be put in the compartment for "doubtful" ballot papers (marked 'D') only—

- (i) when there is no mark at all, or the mark is made by an instrument other than that provided for the purpose (i.e., arrow cross mark rubber stamp) ; or
- (ii) when the mark is in the blank area that is to say, at the back or entirely in the shaded area ; or
- (iii) when there are marks against two or more candidates ; or
- (iv) when there is any writing or mark by which the voter can be identified ; or

- (v) when the ballot paper is mutilated beyond recognition ; or
- (vi) when the ballot paper is not genuine ; or
- (vii) when the ballot paper does not bear both the signature of Presiding Officer and the distinguishing mark of the polling station ; or
- (viii) when there is a dispute between the counting agents of the candidates as to whether the ballot paper is valid or as to the candidate to whom vote is given.

20.5 A ballot paper will not be put in the "doubtful" stack simply because :—

- (i) more than one mark has been made in the column of one candidate ; or
- (ii) besides a clear mark in the column of one candidate, there are marks on the back and / or well inside the shaded area (the latter should be ignored) ; or
- (iii) the original mark is patently in the column of one candidate, but an impression due to wrong folding appears in the column of another candidate. (The impression can be examined with reference to arrow cross mark rubber stamp. If an impression is made due to wrong folding, the duplicate mark will be clock-wise and can be easily distinguished from the original mark which will be anti clock-wise) ; or
- (iv) there is a clear mark in the column of one candidate, but a smudge appears against that of another candidate ; or
- (v) the mark is only partially within column of one candidate and the rest of the mark is in the blank area.

21. Illustrative pamphlet showing valid and invalid ballot papers :

The State Election Commission has published separately an illustrative pamphlet showing cases of valid and invalid ballot papers, both postal ballot papers and ordinary ballot papers for the guidance of counting personnel. A copy of that pamphlet will be available with the Counting Supervisor at each table. The counting agents may also study that pamphlet and in case of any doubt about the validity or otherwise of a ballot paper may refer to that pamphlet for clarification of their doubts.

22. Counting of ballot papers candidatewise and tallying of ballot paper account :

22. 1. After all the ballot boxes used at a polling station have been opened one after another, the ballot papers contained therein scrutinised, sorted candidatewise and put in their respective trays, the Counting Supervisor and the counting assistants will count the total number of ballot papers polled by each candidate and also the total number of doubtful ballot papers kept in the compartment marked 'D' for such ballot papers. The Counting Supervisor will then enter the result of counting in Part II of Form 22 Result of Counting (Appendix-III) pertaining to that polling station showing separately the number of votes secured by each candidate. The number of doubtful ballot papers will be shown by the counting supervisor in item of rejected ballot papers of Part-II of Form 22. However, this will not mean that all such doubtful ballot papers have been rejected. As has already been clarified above, it will be the Returning Officer / Assistant Returning Officer who will finally decide the validity or otherwise of such ballot papers.

21.2 The Counting Supervisor will also verify whether the total number of ballot papers taken out of the ballot box(es) used at the polling station and counted as aforesaid tallies with the

total number of ballot papers which should have been found in the ballot box(es) as shown in item 3 of Part I of Form 22 (ballot paper account). If there is any discrepancy between the aforesaid two total numbers, he will note such discrepancy in the appropriate column of Part II of Form 22 mentioned above.

23. Bundling of valid and doubtful ballot papers :

23.1 All valid ballot papers put in the compartment of each candidate will be made into bundles of, as far as possible, 50 each. All the bundles of ballot papers for each candidate will then be tied together with a rubber band or string. Likewise, the doubtful ballot papers will also be made into bundles. The bundles of the valid ballot papers of all the candidates and the bundles of doubtful ballot papers will thereafter be tied together into a single bundle for each polling station.

23.2 The Counting Supervisor will then deliver the packets of these ballot papers and Form 22 Part II duly filled and signed by him, to the Returning Officer / Assistant Returning Officer who will keep them in an appropriate pigeonhole in a shelf at his side.

24. Checking packets and scrutiny of doubtful ballot papers by the Returning Officer :

24.1 The Returning Officer will check the packets brought by the Counting Supervisors one by one as far as possible in serial order of the polling stations. He will examine them with reference to the result of counting as recorded in Form 22 and then scrutinise the ballot papers in the doubtful bundles.

24.2 If any ballot paper is going to be rejected by the Returning Officer, he will allow the candidates or their election agents or their counting agents present at his table to inspect the ballot paper in question. He will not, however, allow them to physically handle any ballot paper.

24.3 The Returning Officer will reject a ballot paper—

- (1) If it bears any mark or writing by which the elector can be identified ;or
- (2) If it bears no mark at all ; or
- (3) If it bears a mark in blank area, that is to say, at the back or entirely in the shaded area ; or
- (4) If it bears a mark made otherwise than with the instrument (arrow crossmark rubber stamp) supplied for the purpose ; or
- (5) If votes are given in favour of more than one candidate ; or
- (6) If the mark indicating the vote is placed in such a manner as to make it doubtful to which candidate the vote has been given ; or
- (7) If it is spurious ballot paper ; or
- (8) If it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or
- (9) If it bears a serial number different from the serial number of the ballot papers authorised for use at the particular polling station ; or
- (10) If it does not bear both the signature of the Presiding Officer and the distinguishing mark of the polling station.

24.4 The Returning Officer will not, however, reject a ballot paper for not bearing a distinguishing mark and / or signature of the Presiding Officer if he is satisfied that the above omission

has been due to any mistake or failure on the part of the Presiding Officer or Polling Officer. He will also not reject a ballot paper merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

25. Faint thumb-impression of voters on ballot papers :

Under the existing voting procedure which requires every elector to put his signature or thumb-impression on the counterfoil of the ballot paper before it is issued to him, many electors particularly in rural areas affix their thumb-impression on the counterfoils of ballot papers. Instructions have been issued that the ink from the thumb of the voter after he has put the thumb-impression on the counterfoil should be removed with a wet piece of cloth. However, in spite of removing the ink from the thumb, some faint smudge impression or faint undecipherable thumb-impression might be formed on the ballot paper while it is handled by the elector concerned. Such ballot papers will not be rejected by the Returning Officer.

26. Noting of serial numbers of rejected ballot papers :

The candidates or their election agents or counting agents present at the table of the Returning Officer will be permitted to note down the serial numbers of ballot papers which are rejected by the Returning Officer and also the ground of their rejection. Likewise, they may also note down the serial numbers of ballot papers which are accepted despite objection being raised about their validity.

27. Announcement of result of counting of each polling station :

After the Returning Officer has checked the bundles of ballot papers, scrutinized the doubtful ballot papers and taken final decision relating to such doubtful ballot papers relating to

a polling station, he will make corrections, if necessary, in Part II of Form 22 as filled by the Counting Supervisor, pertaining to that polling station and sign it. He will then announce the particulars giving the result of counting of that polling station.

28. Tabulation of final result :

Side by side, the work of tabulating the final result of counting will be done. The above-mentioned Form 22 duly corrected and signed by the Returning Officer, will be passed on to an officer incharge of the Final Result Sheet (Form 25). That officer will fill in the result of counting of each polling station in that form.

29. Adjournment of counting in case of fresh poll :

29.1 Before taking any of the steps to declare the result, the Returning Officer will wait for the direction of the State Election Commission, if he has made any report to it about any ballot box having been found tampered with. Where the Commission directs a fresh poll to be taken at the affected polling station(s), the counting will be adjourned after the counting process in respect of all other polling stations has been completed. The counting so adjourned shall be recommenced after the fresh poll has been held, on such date and hour as the State Election Commission may fix in this behalf, and the final result computed after taking into account the votes polled at the fresh poll.

29.2 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.

30. Recount :

30.1 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 ballot papers stating the grounds on which he demands such recount. For this purpose, the Returning Officer will announce the exact hour and minute upto which he will wait for receiving the written application for recount. When such an application for recount is made, the grounds urged for the recount will be considered and a decision taken by the Returning Officer. He may allow the application in whole or in part if it is reasonable, or he may reject it in toto if it appears to be frivolous or unreasonable. The decision of the Returning Officer will be final. If, in any case, an application for recount either wholly or in part is allowed, the Returning Officer will direct counting of the ballot papers over again. The postal ballot papers may also be recounted if a request is made for their recount and such 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 amendments so made announced. After the total number of votes polled by each candidate has been announced, the result sheet will be completed and signed.

30.2 It should be noted that a candidate or his election agent or any of his counting agents has no right to demand a recount after the Returning Officer has completed and signed the result sheet. Any demand for a recount of votes made after the result sheet has been completed and signed will be rejected.

31. Equality of votes :

31.1 If there is equality of votes between two or more candidates and the addition of one vote will entitle any of these candidates to be declared elected, the Returning Officer shall decide between these candidates by lot and the candidate on whom the lot falls shall be deemed to have received an additional vote. The Returning Officer shall then declare the result accordingly.

31.2 Any contesting candidate or his election agent or his counting agent, on application may be permitted to take a copy of extract from the statement in Form 25.

32. Sealing of used ballot papers :

After the completion of the counting of votes and the declaration of the result of election, the valid ballot papers of each candidate and the rejected ballot papers pertaining to a polling station will be bundled separately and several bundles made into a separate packet. Such packet will be sealed with the seal of the Returning Officer and the secret seal of the Election Commission. The candidates / their election agents or counting agents are also permitted to affix their seals on those packets if they so desire. The counting agents are advised in the interest of the candidates whom they represent to ensure that they affix their seals on the above mentioned packets of ballot papers. It will satisfy their candidates that there is no possibility of the ballot papers contained in those packets being tampered with subsequently. Where, however, the candidate himself or his election agent has affixed such seal, the counting agents need not affix their separate seals.

APPENDIX- I

FORM-23

APPOINTMENT OF COUNTING AGENTS

[(See rule 51 (5)]

Election to the*

To

The Returning Officer,

I,** candidate /
the election agent of.....who
is a candidate at the above election, do hereby appoint the
following persons as my counting agents to attend the counting
of votes at.....

Name of the counting agent Address of the counting agent

- 1.
- 2.
- 3.
- 4.

*Signature of **candidate / election agent*

** I / We agree to act as such counting agent / s.

- 1.
- 2.
- 3.
- 4.

Place:

Date :

Signature(s) of counting agent(s).

DECLARATION OF COUNTING AGENT

(To be signed before the Returning Officer)

**I / We hereby declare that at the above election. I / We will not 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 of counting agent(s)*

Signed before me.

Date : *Returning Officer*

* Appropriate particulars of the 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 or under any law) communicate to any person any information calculated to violate such secrecy.

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

APPENDIX- II

FORM-24

REVOCATION OF APPOINTMENT OF COUNTING AGENT

[See rule 51 (7)]

Election to the*

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 () if necessary.

APPENDIX- III

FORM-22

[See rule 48 (5)]

PART--I. BALLOT PAPER ACCOUNT

Election to the*

Number and name Polling Station :

	Serial Numbers	Total Numbers
1. Ballot papers received :		
2. Ballot papers not used :		
3. Ballot papers issued to voters :		
4. Ballot papers canceled :		
5. Ballot papers used as tendered ballot papers :		

Date :

Signature of Presiding Officer

PART-II RESULT OF COUNTING

Name of Candidate	Number of valid votes cast
1.	
2.	
3.	
4.	
5.	

Rejected ballot papers.....
Total No. of ballot papers found in the
ballot box(es).....

* Appropriate particulars of the election to be inserted here.

Date :

Signature of the Counting Supervisor

Signature of the Returning Officer

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