ANDAMAN AND NICOBAR ISLANDS PANCHAYATS PREPERATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTION AMENDMENT RULES 2006

Andaman And Nicobar Gazette EXTRAORDINARY Published by Authority t. 24, 23 2006 No. 24, Port Blair, Monday, January 23, 2006 ANDAMAN AND NICOBAR ADMINISTRATION *qrrq/SECRETARIAT NOTIFICATION Port Blair, dated the 23rd January, 2006. No. 22/2006/F.No.4-118/2005(Elect. the draft Andaman & Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct bf Elections) (Amendment) Rules,2005 were published under Sectipn 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994) on 6.12.2005, inviting suggestions and objections from the persons like to be effected; AND whereas one suggestion from the Officer-Incharge, Office of the Director of Panchayat Elections (Deputy Commissioner, Andaman District) regarding inclusion of

form 18 A under Rule 77(2) of the Principal Rule; AND whereas the said suggestions were carefully considered by the Lieutenant Govemor (Administrator), A & N Islands; NOW, therefore in exercise of the powers conferred under section 202 of the said Regulation, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby makes the following Rules. "THE ANDAMAN & NICOBAR ISLANDS (PANCHAYATS) (PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTIONS) (AMENDMENT) RULES, 2006," 1. Short title and commencement. l. These Rules may be called the Andaman & Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) (Amendment) Rules, 2006 11. These Rules shall come into force at once

2. Amendment of Rule 77 under Chapter VIII of the Andaman & Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules,1995- After the existing sub-rule(4) of rule 77, the following additional provision shall be added:- "77(5) —for the use of voting machine

3. Amendment of Rule 82 under Chapter XIII of the A & N Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995, after the existing rules the following additional provisions shall be added 2 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006.82(A). Not withstanding anything contained in these rules, the giving and recording of votes by voting machines in such manner as may be prescribed may be adopted in such constituency/constituencies as the Election Commission having regard to the circumstances of each area specify. Explanation "Voting Machine" means any machine or apparatus, whether operated electronically or otherwise, used for giving or recording of any reference to a ballot box or ballot paper in these rules shall, save as otherwise provided, be constructed as including a reference to such voting machine wherever such voting machine is used at any election. :— Every electronic machine (hereinafter 82(B). Design of Electronic Voting Machine referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Election Commission. 82(C). Preparation of voting machine by the Retuming Officer (2). (3). (4). The balloting unit of the voting machine shall contain such particulars and in such languages as the Election Commission may specify. The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates. 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. Subject to the foregoing provisions of this rule, the Returning Officer shall - (a). fix the label containing the names and symbol of the contesting candidates in the balloting unit and secure that unit with his/her seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same; (b). set the number of contesting candidates and close the candidate set section in the control unit and secure it with seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same. 82(D). Arrangements at the polling stations (1). The Returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other elections material as may be necessary for taking the poll. (2). Without prejudice to the provisions of sub-rule (3), the Retuming Officer may, with the previous approval of the Election Commission, provide one common voting machine for two or more polling stations located in the same premises. 82(E). Preparation of voting machine for poll (2). The control unit and balloting unit of every voting machine used at polling station shall bear a label marked with :- (a). the serial number if any, and the name of the constituency : (b). the serial number and name of the polling stations or stations as the case may be; (c). the serial number of the unit; and (d). the date of poll. Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has already been recorded in the voting machine and it bears the label referred to in sub-rule (4). THE ANDAMAN AND NICOBAR EXTRAORDINARY (3). A paper seal shall be used for securing the control unit of the voting machine, and the Presiding Officer shall affix his/her own signature on the paper seal and obtain thereon the signature oof such of the polling agents present as the desirous of affixing the same. (4). The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the control unit of the voting machine and shall secure and the same. (5). The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal. (6). The control unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and balloting unit placed in the voting compartment. 82(F). Procedure for voting by voting machines :- (1). Before permitting an elector to vote, the Polling Officer shall :- (a). record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in

Form 26 B. (b). obtain the signature or the thumb impression of the elector on the said register of votes; and (c). mark the name of the elector in the marked copy of the electoral roll to indicate that he/she has been allowed to vote: Provided that no elector shall be allowed to vote unless he/she has his/her signature or thumb impression on the register of voters. (2). It shall be necessary for any Presiding Officer or Polling Officer or any other Officer to attest the thumb impression of the elector on the register of voters. (3). If an elector, after his/her electoral roll number has been duly entered in the register of voters in Form 26 B and has put his/her signature or thumb impression thereon as required under clause (b) of sub-rule 82 F, deciding not to record his/her vote, a remark to this effect shall be made against the said entry in Form 26 B by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark. 82(G). Maintenance of secrecy of voting by electors within the polling and voting procedures. (1). Immediately on being permitted to vote the elector shall proceed to the Presiding Officer or the Polling Officer incharge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote. (2). The elector shall thereafter forthwith — (a). proceed to the voting compartment; (b). record his/her vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he/she intends to vote; and (c). come out of the voting compartment and leave the polling station. (3). If an elector who has been permitted to vote under sub-rule (3) of Rule 74 refuses after warning given by the Presiding Officer to observe the procedure laid down in the said sub-rule (3) of the said rules, the Presiding Officer or a Polling Officer under the direction of the Presiding Officer shall not allow such elector to vote. (4). Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedures has been violated shall be made against the elector's name in the register of voters in Form 26 B by the Presiding Officer under his/her signature. 4 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006. 82(H). Recording of votes of blind or infirm electors If the Presiding Officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognize the symbol on the balloting unit of the voting machine or unable to record his/her vote by pressing the appropriate button thereon without assistance the Presiding Officer shall permit the elector to take with him/her a companion of not less than eighteen years of age to the voting compartment for recording the vote on behalf of the voter in accordance with voters wishes: Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day: Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he/she will keep secret the vote recorded by him/her on behalf of the elector and that he/she has not already acted as the companion of any other elector at any other polling station on that day. (2). The Presiding Officer shall keep a record in Form 17 of all cases under this rule. 82(1). Presiding Officer's entry in the voting compartment during poll (1). The Presiding Officer may whenever he/she considers it necessary so to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered with any way. (2). If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he/she shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll. (3). Wherever the Presiding Officer enters the voting compartment under this rule, he/she shall permit the polling agents present to accompany him/her if they so desire. 82(J). Account of votes recorded (1). The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form 19A and enclose it in a separate cover with the words "Account of Votes Recorded" superscripted thereon. (2). The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form 19A after obtaining a receipt from the said polling agent thereof and shall attest it as a true copy. 82(K). Sealing of voting machine after poll (1). As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit. (2). The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals. (3). The polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so. (4). In addition to the packets as prescribed under rule 81 the Presiding Officer shall then make into separate packet, the register of voters in

Form 26 B. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006. 82(L). Transmission of voting machines, etc to the Returning Officer 5 (1). The Presiding Officer shall then deliver or cause to be delivered to the Retuming Officer at such place as the Returning Officer may direct. (a). the voting machine; (b). the account of votes recorded in Form 19A; (c). the sealed packets referred to in sub-rule (4) of rule 82 K and rule 81; and (d). all other papers used at the poll. (2). The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes. (3). Procedure on adjoumment of poll. (a). If the poll at any polling station is adjoumed under rule 60 the provision of rules 82 (L) and 82 (M) shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 57. (b). The Retuming Officer shall provide the Presiding Officer of the polling station at which such adjoumed poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 26 B and a new voting machine. 82(M). Closing of voting machine in case of booth capturing Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he/she shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit

4. After rule 99 of the Principal rules, the following rules shall be inserted : 99(A). Scrutiny and inspection of voting machines (1). The Returning Officer may have the control units of the voting machines used at more than one polling station take up for scrutiny and inspection and votes recorded in such units counted simultaneously. (2). Before the votes recorded in any control unit of the voting machines are counted under sub-rule(l the candidate or his/her election agent or his/her counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact. (3). The Returning Officer shall satisfy himself/herself that none of the voting machines has infact been tampered with. (4). If the Returning Officer is satisfied that any voting machine has infact been tampered with, he/she shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 61, rule 62 or rule 88 as may be applicable in respect of the polling station or stations where the machine was used. 99(B). Counting of votes (1). After the Returning Officer is satisfied that the voting machine has infact not been tampered with, he/she shall have the votes recorded therein counted by the pressing the appropriate button marked "Result' provided in the control unit whereby the total votes polled by each candidate shall be displayed In respect of each such candidate on the display panel provided for the purpose in the unit. 6 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006. (2). As the votes polled by each candidate are displayed on the control unit, the Returning Officer shall have — (a). the number of such votes recorded separately in respect of each candidate in Part 11 on

Form 19 A. (b). Part 11 of the Form 19 A completed in other respects and signed by the counting supervisor and also the candidates or the election agent or their counting agent present; and (c). Corresponding entries made in the result sheet in Form 20 A and the particulars so entered in the result sheet announced. 99(C). Sealing of voting machine (2). (3). After the result of voting recorded in the control unit has been ascertained candidate wise and entered in Part 11 of Form 19 A and Form 20 A under this rule, the Returning Officer shall reseal the unit with his/her seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result. The control unit so sealed shall be kept in a specially prepared boxes on which the Returning Officer shall record the following particulars, namely :- (a). the name of the constituency; (b). the particulars of polling station or stations where the control unit has been used ; (c). serial number of the control unit; (d). date of poll; and (e). date of counting. The provisions of rules 92,93,94,96 and 97 shall so far as may be, apply in relation to voting by voting machines and any reference in those rules to- (a). ballot paper shall be construed as including a reference to -such voting machine; (b). any rule shall be construed as a reference to the corresponding rule in chapter VI or as the case may be to rule 99, 99 B or 99 C

5. After rule 106 the following rules shall be inserted : 106 A. Disposal of election papers :- Subject to any directions to the contrary given by the Election Commission or by a competent court:- The Director of Panchayat Elections shall retain intact the used Electronic Voting Machines, statutory covers and non statutory covers and all other used and unused polled materials for such period in his custody as the Election Commission may direct and shall not be used at any subsequent election without the previous approval of the Election Commission

6. The word Ballot Box wherever appeared in the principal Rules, shall be amended and read as "Ballot Box/Electronic Voting Machine". Prof. RAM KAPSE LIEUTENANT GOVERNOR(ADMINISTRATOR) Andaman & Nicobar Islands. By order and in the name of Lt. Governor (Sasikala Viswanathan) Assistant Secretary(RD/LSG) THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006.

FORM - 18 A (See Rule LIST OF TENDERED VOTES 7 Election to Samiti/ZiIla Parishad from the .... Number and Name of Polling Station. Gram Panchayat/Panchayat Part Number, Serial No. and Name of elector 1 Date:..... Address of elector 2 Serial No. of tendered ballot paper 3 Constituency. Serial No. of register of voters of the person who has already voted 4 Signature or thumb impression of person tendering vote 5 Signature of the Presiding Officer Appropriate particulars of the election to be inserted here. 8 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006. FORM - 19 A (See Rule PART •1 - ACCOUNT OF VOTES RECORDED a) b) c) Election to .... Constituency. Election-to Office of Pradhan Gram Panchayat from the .... Election to .... Constituency. From No. & Name of Polling Station Machine used at the Polling Station Machine used at the Polling Station . Gram Panchayat from the Constituency. . Panchayat Samiti from the Control Unit .... Balloting Unit 1. 2. 3. 4. 5. 6. 7

8. Total No.of electors assigned to the Polling Station. Total No. of voters as entered in the Register for Voters (

Form 26 B). No. of voters deciding not to record votes under rule 82 F(3). No. of voters not allowed to vote under rule 82 G(4). Total No. of votes recorded as per voting machine. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus No. of voters deciding not to record votes as against item 3 minus No. of voters as against item 4 (2-3-4) or any discrepancy noticed. No. of voters to whom tendered ballot papers were issued. No. of tendered ballot papers. From Sl. No. To a) b) c) received for use issued to electors not used and returned THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006

9. Account of Seals (i). Paper Seal 9 a). Serial Numbers of paper seals supplied b). Total numbers supplied c). Sl.No. and number of papers seals used d). Sl. No. and number of unused paper seals returned to Returning Officer (Deduct item (c) from item (b) e). Serial number and No. of damaged paper seals if any (ii). Strip Seal a). Serial Numbers of Strip seals supplied b). Total numbers supplied c). Sl.No. and number of strip seals used. d). St. No. and number of unused strip seals returned to Returning Officer (Deduct item (c) from item (b) e). Serial number and No. of damaged strip seals if any (iii). Special Tag a). Serial Numbers of Special Tag supplied b). Total numbers supplied c). Sl.No. and number of Special Tag used d). Sl. No. and number of unused Special Tag returned to Returning Officer (Deduct item (c) from item (b) e). Serial number and No. of damaged Special From .....,to .... From . ... to From to Tag if any Place : .... Date: . Signature of Polling Agents c). d). e). Signature of Preslding Officer Polling Station No 10 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006. Election to

FORM - 26 B (See Rule 82F)1 REGISTER OF VOTERS Constituency. b) c) d) Sl.No. 1 Election to Office of Pradhan Gram Panchayat from the . Panchayat Samiti from the Election to . Constituency. Election to Andaman & Nicobar Zilla Parishad from the Constituency. Number and Name of Polling Station..... St. No. of elector in the electoral roll 2 Signature I thumb im ression of elector 3 Gram Panchayat from the . Constituency. Remarks 4 Date :..... Signature of the Presiding Officer THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006

PART 11 -,RESULT OF COUNTING 11 Sl.No. 1. 2. 3. 4. 5

6. Total : Name of Candidate No.of votes recorded Whether the total Nos. of votes shown above tallies with the total No. of votes shown against item 5 of Part 1 or a discrepancy noticed between the two totals. Place : .. , ... Place : . Date Sl.No. 1. 2. 3. 4. 5. 6. 7

8. Date . Name of Candidate/Election agent/ Counting agent Signature of Counting Supervisor Full Signature Signature of Returning Officer THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006. 12 .noao nooo NICOBAR EXTRAORDINARY GAZETTE, JANUARY 23, 2006. o o 00 1