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புதுச்சேரி மாநில அரசிதழ்
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PART - II

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GOVERNMENT OF PUDUCHERRY
LOCAL ADMINISTRATION SECRETARIAT

(G.O. Ms. No. 30/LAS/A1/2022, Puducherry, dated 24th June 2022)

NOTIFICATION

In exercise of the powers conferred by section 65 of the Puducherry Municipalities Act, 1973 (No. 9 of 1973) and of all other powers enabling her in this behalf, the Lieutenant-Governor, Puducherry, is hereby pleased to make the following rules further to amend the Puducherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974, notified *vide* G.O. Ms. No. 210, dated the 14th December, 1974 of Local Administration Department, Government of Puducherry namely:-

1. *Short title, extent and commencement.*— (1) These rules may be called the Puducherry Municipal Councils (Conduct of Election of Councillors) [Second Amendment] Rules, 2022.

(2) They shall extend to the whole of the Union territory of Puducherry.

(3) They shall come into force with immediate effect.

2. *Insertion of new rules 61A to 61I.*— In the Puducherry Municipal Councils (Conduct of Election of Councillors) Rules, 1974 (hereinafter referred to as “the said rules”) after rule 61, the following rules shall be inserted, namely:-

“61A. Account of Election Expenses:- Every contesting candidate at an election shall, either by himself or by a person authorised by him or by his election agent, keep a separate and correct account of all the expenditure incurred in connection with the election or between the date on which he has been nominated and the date of declaration of the result, both dates inclusive.

Explanation.- For the removal of doubts, it is hereby declared that any expenditure incurred in respect of any arrangement made, facilities provided or any other act or thing done to any person in the service of the Government or any Municipality or any other Local Authority or Central Government or any State Government and belonging to any of the classes mentioned in clause (7) of section 25 of the Act, in the discharge or purported discharge of his official duty as mentioned in the following proviso shall not be deemed to be, expenditure incurred in connection with the election for the purpose of this rule.

Provided that where any person, in the service of the Government or any Municipality or any other Local Authority or Central Government or any State Government and belonging to any of the classes mentioned in clause (7) of section 25 of the Act, in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election;

61B. Lodging of accounts with the Returning Officer:-

(1) Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the Returning Officer an account of his election expenses which shall be a true copy of the account maintained by him or by his election agent under rule 61A.

61C. Particulars of Account of Election Expenses:- (1) The account of election expenses to be maintained by a candidate or his election agent, in the prescribed format by the State Election Commission, from time to time under rule 61A and shall contain the following particulars in respect of each item of expenditure from day to day, namely:-

- (a) the date on which the expenditure incurred or authorized;
- (b) the nature of the expenditure (as for example, travelling, postage or printing and the like) ;
- (c) The amount of the expenditure :-
 - (i) the amount paid;
 - (ii) the amount outstanding;
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of vouchers, in case of amount paid
- (g) the serial number of bills, if any, in case of amount outstanding; and
- (h) the name and address of the person to whom the amount outstanding is payable.

(2) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher.

(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial numbers shall be entered in the account, under item (f) of the above sub-rule (1).

(4) It shall not be necessary to give the particular mentioned in item (e) of the above sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (2).

61D. Notice by Returning Officer for inspection of account:-

The Returning Officer shall, within seven days from the date on which the account of election expenses has been lodged by a candidate under rule 61B, cause a notice to be affixed on his notice-board 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.

61E. Inspection of account and the obtaining of copies thereof:- Any person shall on payment of a fee of ten rupee be entitled to inspect any such account and on payment of such fee as may be fixed by the Election Commission in this behalf be entitled to obtain attested copies of such account or of any part thereof.

61F. Report by the Returning Officer as to the lodging of the account of election expenses and the decision of the Election Commission thereon:- (1) As soon as may be after the expiration of the time specified in rule 61B for the lodging of the accounts of election expenses at any election, the Returning Officer shall report to the Election Commission:-

- (a) the name of each contesting candidate;
- (b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and
- (c) whether in his opinion such account has been lodged within the time and in the manner required by these rules.

(2) Where, the Returning Officer is of the opinion that the account of election expenses of any candidate has not been lodged in the manner required by these rules, he shall with every such report forward to the Election Commission, the account of election expenses of that candidate and the vouchers lodged alongwith it.

(3) Immediately after the submission of the report referred to in sub-rule (1) above, the Returning Officer shall publish a copy thereof by affixing the same to his notice-board.

(4) As soon as may be after the receipt of the report referred to in sub-rule (1) above, the Election Commission shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by these rules.

(5) Where, the Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and in the manner required by these rules, it shall by notice in writing call upon the candidate to show cause why he should not be disqualified under rule 61H for the failure.

(6) Any contesting candidate who has been called upon to show cause under sub-rule (5) above, may within twenty days of the receipt of such notice shall submit in respect of the matter a representation in writing to the Election Commission, and shall at the same time send to the Returning Officer a copy of his representation together with a complete account of his election expenses, if, he had not already furnished such an account.

(7) The Returning Officer shall, within five days of the receipt thereof, forward to the Election Commission the copy of the representation and the account, if any, with such comments as he wishes to make thereon.

(8) If, after considering the representation submitted by the candidate and the comments made by the Returning Officer and after such inquiry as it thinks fit, the Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him to be disqualified under rule 61H for a period of six years from the date of the order, and cause the order to be published in the Official Gazette.

61G. Maximum Election Expenses:- (1) The total of the expenditure of which account is to be kept under rule 61A and which is incurred or authorized in connection with an election shall be fixed by the Election Commission.

61H. Disqualification for failure to Lodge Account of Election Expenses:- If, the Election Commission is satisfied that a person:-

- (a) has failed to lodge an account of election expenses within the time and in the manner required by these rules, and
- (b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of six years from the date of the order.

61I. Removal or Reduction of Period of Disqualification:- The Election Commission may, for reasons to be recorded in writing shall remove any disqualification under this part or reduce the period of any such disqualification.

(By order of the Lieutenant-Governor)

GIDDI BALARAM,
Under Secretary to Government
(Local Administration).