

GENERAL ELECTIONS, 2014
TOP PRIORITY

OFFICE OF THE CHIEF ELECTORAL OFFICER :: ANDHRA PRADESH
South "H" Block, AP Secretariat, Hyderabad.

Memo. No. 2146/Elecs.D/A2/2014-5.

Dated:14-05-2014.

Sub:- General Elections to the HOP/APLA, 2014 – Receipt of Postal Ballots – accounting for and sending to the respective Returning Officers – clarification – sought Regarding.

Ref:- 1. From ECI, New Delhi Lr.No. 52/2014-SDR/, dated. 07-03-2014.
2. From ECI, New Delhi Lr.No. 470/INST/2014-EPS, dated. 30-04-2014.
3. Telephonic Message from the Collector & DEO, Chittoor District, dated. 14-05-2014.

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The attention of all the Collectors & DEOs and Commissioner, GHMC and DEO, Hyderabad is invited to the references cited.

2. In the reference 3rd cited, the Collector & DEO, Chittoor requested to inform whether the Postal Ballots pertaining to other Constituencies dropped by the Poll personnel Electors in the drop box at the Facilitation Centre of other Constituencies by mistake can be sent to the respective Returning Officers of the Constituency on the day of counting, particularly, when such counting centres are located far off.

3. In this regard, the DEO, Chittoor, is informed that the ECI in the guidelines issued in their letter No. 52/2014-SDR/, dated. 07-03-2014, (already communicated to the DEOs vide this office Memo. dated. 10-03-2014) at para 10 (j), it is clearly directed that, "after all postal ballots for the day have been cast, the box will be opened by the officer in-charge of the Facilitation Center in the presence of the representatives of Political parties. All the postal ballots will be taken out of the box and the empty box will be shown to the said representatives of political parties. The postal ballot envelopes will be sorted Assembly Constituency wise and the total number of postal ballot envelopes received for each Assembly Constituency will be entered in a Statement in FORMAT-I to be maintained for the purpose at the facilitation center, Representatives of political parties present will be requested to put their signatures on the register and will be given a copy of the relevant pages of the register. All postal ballot envelopes for one Assembly Constituency will be kept in a large envelope meant for that Assembly Constituency. The name of the Facilitation Centre, the date of Facilitation and the number of Postal ballots contained therein will be clearly written on this envelope. The number and name of the Assembly Constituency for which the envelope is meant will also be clearly written on the envelope. This envelope will then be sent to the Returning Officer of the concerned Assembly Constituency along with a copy of the relevant Statement in Format-I through special messenger appointed for this purpose not below the rank of Deputy Tahsildar".

P.T.O

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4. Further the Commission in their letter 470/INST/2014-EPS, dated. 30-04-2014, issued instructions on the Counting of Votes for General/Bye-elections to the HOP/State Legislative Assembly, on the Counting of Postal Ballot Papers (PBs), at Para 3.2 of the said instructions it is directed that, "On the day previous to the date of counting the Returning Officer shall meet the observer and furnish the latest account of the total number of postal ballot papers received back both from the facilitation centres and those received through post. At the time of commencement of counting he should also give similar information to the Observer in respect of Postal ballot papers received subsequently and till the time fixed for commencement of counting on the day of counting".

5. In view of the above instructions from the Commission, the DEO, Chittoor is informed that, if the exercise of sorting out the postal ballot papers has not been done, it can be done immediately on 15-05-2014, in the presence of the representatives of the political parties / Contesting Candidates as instructed by the Commission and sent to the respective Returning Officer of the A/C as well as the P/C through special messengers not below the rank of Dy. Tahsildar, with proper Armed Police Escort duly ensuring that it should reach the respective Returning Officer of the AC or PC one hour before the commencement of the counting.

6. All the remaining Collectors & DEOs are also requested to under take similar exercise accordingly as per the instructions of the Commission in this regard.

7. Receipt of these instructions be acknowledged by return fax by all the DEOs.

BHANWAR LAL
CHIEF ELECTORAL OFFICER

To:

All the Collectors & DEOs, and Commissioner, GHMC and DEO, Hyderabad.

//FORWARDED :: BY ORDER//

P. Krishna Rao
SECTION OFFICER

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 470/INST/2014-EPS

Dated: 30.04.2014

To

The Chief Electoral Officers
of all States and UTs.

Ref: ECI letters No. 470/2007/PLN-I Dated 29th August, 2007, No. 464/INST/20011/EPS, Dated 12.05.2011, No. 470/INST/2013-EPS Dated 2nd May, 2013, No. : 470/2009/EPS Dated : 22nd January, 2009, No. 470/TN-LA/2011, dated 10.05.2011, No. 51/8/7/2010-EMS, dated 20.11.2010, Letter No. 51/8/7/2010-EMS dated 28th April 2011, No. 51/8/7/2010-EMS, dated 7th May, 2011, No.576/3/2001/JS-II dated 10.07.2001, No. : 470/2009/EPS dated: 22nd January, 2009, No. 51/8/7/2011-EMS Dated: 14th February, 2012, No.470/2013/SDR Dated: 4th December, 2013.

Subject: Counting of votes for General/Bye-elections to the House of People/State Legislative Assembly – Counting procedure – regarding.

Sir/Madam,

I am directed to state that on a counting day the counting staff and counting agents should be asked to reach respective counting centres at least one hour before the hour fixed for commencement of the counting and take their position at the allotted table. The table wise allotment of counting staff will be made known to them at the reporting counter. The counting procedure till the declaration of result is reproduced, as a comprehensive guideline in, supersession of existing guidelines /instruction, for compliance in all future elections to Lok Sabha and Legislative Assembly.

Date, time and place of counting of votes

The date, time and place of counting shall be decided, in advance, and shall be intimated in writing to the contesting candidates in advance, in any case, 3 clear days before the date of poll.

It is pertinent to mention, that the counting of votes of a constituency shall not commence, if adjourned poll in any polling station(s) ordered by the ECI, is pending. However, there is no objection to commencement of counting, if re-poll has been ordered by the ECI at some polling station(s) and that re-poll is taking place on the day of counting. In such case, the polled EVMs from the polling station will be brought direct to counting centre and counted. However, in such case, the penultimate round of counting shall start only after polled EVMs, from the polling stations having re-poll are received in the concerned counting hall under full security escort.

COUNTING PROCEDURE:

OPENING OF THE STRONG ROOM

1. The RO should commence the counting at the hour fixed for the purpose. The strong room, where polled EVMs are kept under safe custody, should be opened, in the presence of RO/ARO(s), candidates/ election agents and ECI observers. After making necessary entries in the log book maintained for the purpose, the seal of the lock should be checked and then broken. Entire proceedings shall be video-graphed with due date-time stamping.

COUNTING OF VOTES IN COUNTING HALL

2.1 Everyone present in the counting hall should be instructed to maintain secrecy of vote. For that purpose, RO should read out aloud the provisions of section 128 of the Representation of the People Act, 1951.

2.2 Under Rule 60 of the Conduct of Rules, 1961, counting shall be continuous. No unauthorized person should be in the counting hall. During the entire counting process complete discipline and decorum shall be maintained. Under Rule 53(4), the RO has authority to ask anybody to go out of counting centre, if he misconducts himself and/or disobeys any rightful direction of the RO.

COUNTING OF POSTAL BALLOT PAPERS (PBs)

3.1 As per the requirement of rule 54A of C.E. Rules, 1961, the postal ballots shall be taken up for counting first at the Returning Officer's table. **Under the law (rule 54A) the postal ballot papers are to be counted first. It is clarified further that it is not necessary to wait for the counting of postal ballots to be completed before counting of votes recorded in EVMs starts. After a gap of 30 minutes from the commencement of counting of postal ballot papers, the counting of votes in EVMs can start. Counting of postal ballot papers shall be done at RO Table. All postal ballot papers received should be brought before the RO. Only such postal ballot papers as are received before the hour fixed for commencement of counting shall be counted.**

3.2 On the day previous to the date of counting, the Returning Officer shall meet the observer and furnish the latest account of the total number of postal ballot papers received back both from the facilitation centres and those received through post. At the time of commencement of counting he should also give similar information to the Observer in respect of postal ballot papers received subsequently and till the time fixed for commencement of counting on the day of counting.

3.3 Ideally not more than 500 postal ballots may be counted in one Table at a time in each round. Accordingly, arrange for additional tables, subject to availability of space inside the counting hall, for counting of votes polled by postal ballot. However, ordinarily not more than four counting tables may be provided for counting of postal ballot paper. In each Table for counting of postal ballot there should be an ARO. Thus there will be as many AROs for counting of postal ballot papers as are the number of Tables provided for counting of postal ballot. For each such Table, there will be one Counting Supervisor and two Counting Assistants. The Counting Supervisor and Counting Assistants for the postal ballot should be Gazetted officers.

3.4 Persons involved in postal ballot counting should also be trained about all aspects of postal ballot counting for which there are already detailed instructions of the Commission.

3.5 RO or one of the AROs shall explain and demonstrate the requirements of a valid declaration to all the counting supervisors, assistants and the micro observers before the envelopes of the postal ballot papers are distributed to each of the counting tables and actual scrutiny of the declaration by the counting supervisor.

3.6 The RO shall ensure that there is no inordinate delay in scrutiny of the declarations by the AROs and the counting supervisors.

3.7 There shall be an additional micro-observer (GOI or CPSU official) for each table for postal ballot counting.

3.8 All the cases of rejection of postal ballot on account of defects in Declaration in Form 13A should be re-verified by the Returning Officer before they are actually put in the rejected category.

3.9 As already instructed in the Handbook for Returning Officers, the penultimate (one before the last) round of counting of votes recorded in EVMs shall not commence till the counting of postal ballot is completed in all respects.

3.10 **The contesting candidates will be entitled to appoint a counting agent for each Table provided for counting of postal ballot papers.**

3.11 The additional measure being put in place to expedite the process of counting of postal ballot paper by providing additional counting tables in view of the large number of votes polled by postal ballot may be brought to the notice of contesting candidates in advance so that they can also appoint **additional counting agents for the extra tables.**

3.12 The Observer shall very closely oversee the process of counting of votes by postal ballot, especially the scrutiny of the declaration in Form 13A. While submitting the report on counting, after declaration of result, the Observer shall include therein a detailed description of the procedure followed for the postal ballot counting. This should specifically make a mention about the total number of postal ballot papers received for counting, no. of PB rejected, no. of tables provided for postal ballot counting and the total time taken for the counting of PB.

3.13 All PBs received by the RO up to the hour fixed for commencement of counting shall be counted, so all such PBs should be brought before the RO. Please note that no 'Cover -B' in Form 13-C which contains the PB, received late after the time fixed for the commencement of counting shall be opened and counted [Rule 54A(2)], and a suitable endorsement to that effect on the cover in Form 13-C should be made on each such cover received after the commencement of counting. Thereafter these Covers in Form 13C will be put into a larger cover and sealed, before proceeding further.

3.14 All postal ballots received till the time fixed for commencement of counting of votes shall be opened for counting. For counting of the postal ballots following points /stages must be scrupulously followed –

- (i) All cover 'B' in Form 13-C containing postal ballot papers, which were received in time by the Returning Officer, are to be opened one after another.
- (ii) On opening the cover "B" in Form 13C, two documents are required to be found inside. The first is -the declaration by the voter in Form 13-A and the second is -the inner "Cover A" (Form 13-B) containing the postal ballot paper. Before opening the cover "A" containing the postal ballot paper, the Returning Officer shall check the declaration (Form 13-A).
- (iii) He shall reject a postal ballot paper without opening its inner cover (Form 13-B) in any of the following cases:
 - (a) If the declaration in Form 13-A is not found inside the cover "B" in Form 13-C;

(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 the ballot paper appearing on the declaration in Form 13A is different from the serial number as endorsed on the inner cover "A" in Form 13-B.

NOTE - A postal ballot paper shall not be rejected merely on the ground that the attesting officer has not put his seal on the declaration of the elector in Form 13-A, if the attesting officer has given all relevant details with regard to his name and designation on that Form. Further, a postal ballot paper shall also not be rejected on the ground that the sender (elector) has not put his signature on the outer cover "B" (Form 13C) in which he has returned the postal ballot paper, if the identity of the sender is verifiable on the basis of his declaration in Form 13-A.

- (iv) All such rejected covers "A" in Form 13-B containing the Postal Ballot Paper should be suitably endorsed by the RO or the dedicated ARO, and will be back with the respective declarations in the larger covers "B" in Form 13-C.
- (v) All such larger covers "B" will be kept in a separate packet, which will be sealed by the RO/ARO concerned and full particulars, such as the name of the Constituency, the date of counting and a brief description of the content will be noted thereon for identifying the packet.
- (vi) Thereafter, the RO/ARO will proceed to deal with the remaining covers "A" in Form 13-B, i.e., other than those rejected as aforesaid. In order to protect the secrecy of the postal votes, all the declaration in Form 13-A which are found on scrutiny to be in order should first be placed in a separate packet and sealed. **It is necessary to put these declarations away in a sealed packet before any ballot papers are brought out of their covers "A" in Form 13-B, to ensure secrecy of vote** as the declarations contain the names of the voters along with the respective serial numbers of their postal ballot papers.
- (vii) Thereafter, the RO/ARO will proceed to open the covers "A" in Form 13-B one after another to take out the postal ballot papers contained in them. The RO /ARO will scrutinize every such ballot paper and decide its validity.

A postal ballot paper will be rejected on the following grounds:-

- (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 genuine ballot paper cannot be established; or
- (e) If it is not returned in the cover "B" 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.

NOTE -There is no particular mark required by law to be made by a voter to indicate his/her vote on a PB. Any mark can be accepted as valid so long as it has been so made on the PB 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.

(viii) The valid votes will then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate so counted will be entered in the result sheet in Form 20 and announced for the information of the candidates/election agents/counting agents.

(ix) Thereafter all the valid postal ballot papers and all rejected postal ballot papers will be separately bundled and kept together in a packet and sealed with the seal of the RO and the seals of such of the candidates, their election agents or counting agents, as may desire to affix their seals thereon.

3.15 In case the victory margin is less than total number of postal ballots received then there should be a mandatory re-verification of all postal ballots. In the presence of Observer and the RO all the postal ballots rejected as invalid as well as the postal votes counted in favour of each and every candidate shall once again be verified and tallied. The Observer and the RO shall record the findings of re-verification and satisfy themselves before finalizing the result. The entire proceeding should be videographed without compromising the secrecy of ballot and the video-cassette/CD should be sealed in a separate envelope for future reference.

COUNTING OF VOTES RECEIVED BY POST FOR PARLIAMENTARY CONSTITUENCY

4.1 The Assistant Returning Officer for the Parliamentary Constituency who will count the votes polled at a component assembly segment will have nothing to do with counting of the postal ballot papers for the Parliamentary Constituency. According to Rule 65 of the Conduct of Elections Rules, 1961, if votes are counted at more places than one (as in most cases they will be in the case of Parliamentary election), the provisions of rule 54-A of the said rule will apply only to the counting at the last of such places. It is possible to regard the place at which the Returning Officer finally counts and declares the result as the last place of counting in a point of time. In other words, the procedure for the RO of the PC will be to get Part-I of Form 20 final result sheet duly completed by the Assistant Returning Officer.

COUNTING OF VOTES RECORDED IN EVMs

DISTRIBUTION OF CONTROL UNITS AND GENERAL PROCEDURE

5.1 After 30 minutes of the commencement of postal ballot counting, the EVM counting can start. However, the penultimate round of EVM counting shall not commence unless the postal ballot counting is over.

5.2 While RO 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 start. The EVMs should be brought under escort from the strong room to the counting hall. Distribution of control units to the counting tables should be done in the serial order of the polling stations, i.e. in the 1st round of counting; CU used at PS No. 1 should be given to counting table number 1, that of PS No. 2 to counting table number 2, and so on. Similarly, for counting of votes for simultaneous elections, in the 1st round of counting, control unit for Assembly election used at polling station number 1 should be given to table number 1 and the control unit used for Lok Sabha election at polling station number 1 should be given to table number 8 which should be the first table for the counting of votes for Lok Sabha election and so on. **Extra care has to be taken to ensure this arrangement and to ensure this a senior officer may be appointed to function as nodal officer.** Keep an account of such distribution with RO for his information.

5.3 Please take care that only after all EVMs of a particular round are properly counted, ECI observer having done parallel counting of two randomly selected EVMs, and round wise tabulation is completed, and round wise result is announced by the RO and the RO has signed on Part-II of Form 17 C in respect of all EVMs counted in a round as well as round wise tabulation statement in the prescribed performa, the EVMs for next round are brought in the counting hall after getting verbal clearance of RO/ARO.

5.4 Please also ensure that in the case of counting for simultaneous elections, the next round of counting shall be taken up only after the counting in the previous round, in respect of both Assembly and Parliamentary elections is completed and Control Units used in the polling stations covered by the round completed are removed from the counting tables.

5.5 At the time of counting, only the control unit of the EVM is required for ascertaining the result of poll at the polling station at which the control unit has been used. The ballot units may leave to be kept in the strong room.

5.6 Along with the control unit used at a polling station, sealed cover containing the relevant Account of Votes Recorded in Part- I of Form 17C pertaining to that polling station shall also be supplied to the counting table. Also supply adequate number of Part-II of Form 17C (with candidates' names pre-printed).

(PROCEDURE TO BE FOLLOWED BEFORE COUNTING OF VOTES FROM CONTROL UNITS)

OPENING OF CARRYING CASES OF CONTROL UNITS AND CHECKING OF SEALS

6.1 **Before taking out the Control Unit from its carrying case, seals (address tags) affixed by the Presiding Officer on the carrying case is should be examined and ensure from address tags and Form 17C that it is the same control unit, which was actually used at that particular PS.**

6.2 **If the seals put on the carrying case are intact, remove the seals from the carrying case, take out the control unit and place it on the counting table for the inspection and checking of seals [Pink Paper Seal (PPS), the Outer Paper Seal (OPS), the special tag, the Green Papers Seals (GPS)] thereon by the candidates or their agents present at the counting table.**

The following steps may be taken for comparison of the serial number of the paper seal:

- (i) Remove the outer strip seal and the seal on the outer cover of the Result Section and open that cover.
- (ii) On opening the outer cover of the Result Section you will see the inner cover sealed with the special tag and seal of the Presiding Officer. Check this seal also. Even if the seal is not intact, the control unit could not have been tampered with if the paper seal is intact and has not been tampered with.
- (iii) In the inner cover of the Result Section, there will be green paper seals. Instructions have been issued that the green paper seal should be so fixed that the two open ends of the seal project outwards from the sides of the inner compartment in which the result buttons are located. On one such open end of the paper seal will be the printed serial number of that seal. That serial number on the paper seal should be compared with the serial number as given in the paper seal account prepared by the Presiding Officer in Item 9 of Part I of Form 17C.
- (iv) Allow, without fail, the candidates or their agents present at the counting table also to compare such serial numbers of the paper seal and special tag and satisfy themselves that the paper seal and special tag are the same which had been fixed by the Presiding Officer at the polling station before the commencement of poll.
- (v) 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. Decide the question by checking the serial numbers of the unused paper seal returned by the Presiding Officer and other relevant circumstances including complaints, if any, made by the candidates or their agents at the polling station. If RO find it to be the case of clerical mistake, ignore the discrepancy.

6.3 If the seals of a carrying case are not intact, in that case also remove the seals from the carrying case, take out the control unit to ensure that other seals affixed/ put on CU, are intact. In case the seals affixed/put on CU are not intact, the Control Unit could not have been tampered with if the paper seal (Green Paper Seal) put on the inner cover of the Result Section is intact. If the paper seal (Green Paper Seal) is not intact, it should immediately be brought to the notice of the Returning Officer and in no case the counting of votes of that particular CU shall be taken or counted without approval of the Commission.

In case, RO 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. RO should report the matter to the Election Commission. Under the law, it is not necessary to adjourn the entire counting if any voting machine has been found by RO to have been tampered with. RO should, therefore, proceed with the counting in respect of the other polling stations.

ASCERTAINING THE RESULT

7.1 The Commission has further directed that during each round of counting, Counting Supervisors will ensure that at the time of pressing the result button on the control unit of the EVM, 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 candidate as displayed on the control unit display panel. For this purpose, the control unit may be kept lifted, by the counting assistant in such manner and position that the display panel is clearly visible to the counting supervisor, and micro observer sitting on the counting table, and also to counting agents of candidates sitting across the wire-mesh/fence. In case, any counting agent desires to have the result displayed on EVM more than once, it shall be done to the satisfaction of the counting agents.

7.2 After satisfying that the paper seal is intact, the control unit is the same as was supplied at the polling station and there is no tampering with the same, the votes recorded therein shall be counted. For counting of votes recorded in the machine, the following procedure should be followed:-

- i. Switch 'on' the control unit by lifting the power switch provided in the rear compartment to 'on' position. The On' lamp in the Display Section of the control unit will then glow green.
- ii. Pierce the paper seal over the Result I/Result Button provided below the upper aperture of the inner cover of Result Section.
- iii. Press the Result I/Result Button.
- iv. At the Result I/Result Button being so pressed, the total number of votes recorded for each candidate the polling station shall be displayed automatically in the Display Panels of the control unit. Supposing, there are six contesting candidates and the total number of votes is 758.

In case of pre-2006 EVMs

cd	6
to	753
01	109
02	59
03	77
04	263
05	38
06	02
—	—

(This is only an example)

[N.B. Result II Button is not used as for
a simultaneous poll a separate CU is used.]

In case of post-2006 EVMs

COMPUTING RESULT

POLL RESULT

PDT _____

PST _____

PET _____

SL NO - _____

CANDIDATES

6

TOTAL POLLED

VOTES - 758

CANDIDATE - 01

VOTES - 109

CANDIDATE - 02

VOTES - 59

CANDIDATE - 03

VOTES - 77

CANDIDATE - 04

VOTES - 62

- v. The counting supervisor shall note down, carefully, the above result as displayed sequentially candidate-wise in 'Part II - Result of Counting' of Form 17C.

7.3 If required, press the Result I Button again to enable the candidates and/or their agents to note down the above result.

7.4 After the result has been noted, close the cover of Result Section and switch 'OFF' the control unit.

7.5 While calculating the percentage of Votes polled in a Polling Station, the votes cast by EDC Voters may be added to total votes polled by the Electors of that Part but the percentage may be calculated with reference to total Voters assigned to that Polling Station vis-à-vis Part of the Electoral Roll. However the Instruction issued in Para 24 of ECI Instructions issued vide letter no. 52/2014-SDR/ Dated: 7th March, 2014 on the subject "Guidelines for issue of Election Duty Certificates – regarding" to indicate the EDC Voters separately in Item No. 1 of Form 17 C (Part – I) shall be followed so that there is no discrepancy at the time of counting of Votes.

COMPLETION OF PART II - RESULT OF COUNTING OF FORM 17C

8.1 As the votes secured by each candidate 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 Form 17C. He should also note down in the said Part II of Form 17C 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 supervisor should sign it. He should also get it signed by the candidates or their agents present at the counting table.

8.2

- (i) Sufficient no. of Part – II of form 17-C (Result of counting) with the names of all the contesting candidates and NOTA below the name of the last contesting candidate shall be pre-printed.
- (ii) The Commission has directed that the Part-II of Form 17C shall be prepared in duplicate using carbon paper. And both the copies should be got signed from the counting agents present. One copy of the Part-II of Form 17C will be handed over to the RO/ARO for computing round wise tally of votes.
- (iii) The other copy of the Part-II will be collected from each table by an official specially designated by the RO. He will make photocopies for distribution among the counting agents present at respective Counting Tables for their record and verification. The starting of the next round of counting need not wait till distribution of these copies is complete. This can go on simultaneously. Therefore, necessary arrangements for photocopying shall be made in each counting hall.
- (iv) The original second copy should be returned to the Counting Supervisor of the respective table. They will keep the copy of each round of EVM counting and at the end of the counting put them in an envelope super scribed "Duplicate copy of result of counting in Form 17C-Part-II", mention the Table No., total number of rounds counted and the Name of the Counting Supervisor and handover the envelope

personally to the R.O./A.R.O. after completion of counting. This packet should be sealed and kept separately by the RO along with other documents.

8.3 The Commission has also directed that when tabulation sheet of each polling booth (Form-17-C) is received at the RO's table, it will be the responsibility of the Returning Officer to show it to the candidates/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. RO should countersign the Form after satisfying himself that the same has been properly filled and completed in all respects. The Form so countersigned by the Returning Officer should be sent to the officer who is compiling the final result and preparing the Final Result Sheet in Form --20.

8.4 Further, RO should either announce or cause the entries of votes polled by each candidate **after each round** on a display-board of minimum size of 6x9 feet to be put up conspicuously so that each counting agent can see and note down /cross check the entries and RO/ARO can announce through public address system. This will enable RO to proceed uninterruptedly with the counting of votes at other polling stations.

8.5 It is possible that a particular CU used at a polling station does not display result due to technical mal-functioning of the same, then technicians of BEL/ECIL, as the case may be, be called to retrieve data. If they also are not able to do so, then that EVM shall be sealed and kept aside and need not be counted. It must, without fail, be brought to notice of Election Commission of India and CEO of your state/UT, for further directions. The counting of remaining machines will continue unabated. If any machine has been kept apart and not counted for this reason or for being found tampered with, then Commission's written prior approval will be needed (Even if the margin between first two candidates is more than the total voters of the concerned polling station) before declaring the result of the election from that constituency.

PREPARATION /COMPILATION OF FINAL RESULT SHEET – FORM 20

PREPARATION

9.1 The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 should make entries on that Form showing the votes polled by each candidate polling station wise strictly in accordance with the entries made in 'Part II Result of Counting' of Form 17C in respect of each polling station. The number of tendered votes polled, if any, at a polling station should also be noted in the appropriate column in Form 20 against the polling station concerned including the number of tendered vote recorded as per the report of the Presiding Officer. Tendered votes are not counted.

CROSS CHECKING

10.1 In addition to above, on the basis Form 17C duly completed by counting supervisors, RO shall 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. Even though computer tabulation will not substitute the manual tabulation being done for obtaining final result of the counting of votes, the Computer based parallel tabulation/totaling will be helpful as a double check on the accuracy of manual tabulation. The said data shall be entered in the excel sheet in the computer and a print out of the same shall be taken out and compared by the observer and also be signed by the officer.

Annexure for tabulating Trends/Results

Number & Name of Constituency _____ Round Number ____ Date _____

Table No.	1.	2.	3.	4.	5.	6.	Total	Brought from Previous Round	Cumulative Total
Polling Booth No.									
Sl. 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 in a separate folder for cross checking later.

10.2 Both RO and the observers should get satisfied after due checking that the number of votes posted against the name of each candidate in respect of every counting table tally with the figures as shown in Part-II of Form 17C (result of counting) pertaining to that counting table. Then it should be signed by RO and observer. Thereafter RO should announce the result of that round loudly or using loudspeaker for every body's information.

10.3 As a measure to cross check the correctness of counting, the Commission has directed the observers to randomly select two EVMs counted in a round and 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 satisfied, then only countersign the relevant column of above referred statement. The Additional Counting staff shall prepare the result of two randomly selected EVMs in following format---

PROFORMA FOR RECORDING OF VOTES
BY ADDITIONAL COUNTING STAFF

No and Name of A.C. –

Round No.-

Table No.-

C U Number:

Polling Station Number:

SN	Name of Candidate (Pre-Printed)	No. of votes recorded

Date:

Signature of Addl. Counting staff (With full name)

***To be handed over to the Observer only.**

10.4 If any discrepancy is found between the result obtained from the table and that ascertained through the random checking by the observer as mentioned above, then:

- (i) The result of that round for each table shall be re-verified from the EVMs.
- (ii) Such staff as is found to have 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 for their omissions and commissions.
- (iii) The result provided by such staff (and table) in the preceding rounds would be checked again in presence of observer and corrected sheets prepared wherever necessary.

10.5 The Observer and Returning Officer will sign the candidate wise results for that round after checking everything and ensure that the results of that round of counting of votes are immediately displayed prominently on the blackboard/whiteboard. It should also be announced through public address system. A copy of the round's results should be shared with all candidates/agents after completion of that round. A copy of the print out should be given to media room for information of press and another copy to communication room for uploading on GENESYS.

10.6 Next Round of counting should only start i.e. the next set of EVMs for the next round should be brought only after all tables of previous round have finished counting and the result of that round has been posted on the blackboard/whiteboard.

10.7 The Commission has issued detailed instructions on the flow of data through GENESYS. These instructions are to be followed scrupulously by all Returning Officers.

10.8 The RO will fax round-wise data to the CEO. Wherever hot lines are available with the CEO, these will be utilized to orally confirm the contents of the fax message. CEOs would set up adequate number of fax lines with hunting facility to receive the faxes. For this purpose, they can hire faxes or temporarily borrow fax machines from various government departments and corporations. The total number of such fax machines required, including a few in reserve, should be decided in advance and these should be positioned and tested at least 72 hours

before the start of counting. The CEOs should have blank forms to note down the round wise data, if received orally on phone or hotline.

10.9 As per the above arrangements, the progress of every round, Assembly segment-wise, will be announced as soon as each round is complete. Similarly, the consolidated position of the PC by combining the position of the rounds of different ACs available from time to time should also be announced over the public address system,, preferably from a centralized location where the public announcement booth is located. The public announcements could be repeated at suitable intervals for the knowledge of the public that gather in good number outside the Counting Centres.

COMPILATION

11.1 If RO is counting the votes of an Assembly constituency, he has to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.

11.2 After the total number of votes polled by each candidate at every polling station and by means of postal ballot papers has been entered in the Final Result Sheet, strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and tendered votes. But, before striking this grand total, the entire Final Result Sheet shall have to be carefully checked and it must be ensured that each and every entry in respect of each candidate for every polling station has been made correct and that the Form is not incomplete in any respect.

11.3 Take care that only the voting used for taking re-poll where ever ordered is taken for counting and its count of votes candidate wise are entered in the Result Sheet.

11.4 PI also note that any incorrect totaling is going to materially affect the result of election. This, in turn will affect the declaration of result, which has to be made on the basis of Form 20. RO shall be held personally responsible for any inaccuracy / discrepancy in that Form. Any slackness shall be viewed very seriously by ECI and severe disciplinary actions will be taken against the RO.

11.5 ARO of Assembly segment of a Parliamentary constituency, after completion of counting of votes, shall prepare the Result Sheet in respect of that Assembly segment in Part I of Form 20. Part II of that form will be completed by the Returning Officer by consolidating the Result Sheets of all the Assembly segments. ARO of an assembly segment in a LS election, is not required to show in Part I of Form 20 the number of votes polled by the candidates by means of postal ballot papers because the counting of PBs, under the law, is required to be done by the Returning Officer for the Parliamentary Constituency and he will record the result of voting of postal ballot papers in Part II of the said Form 20.

11.6 Immediately on the completion of counting of votes of an Assembly segment of a Parliamentary Constituency, Result Sheet in Part I of Form 20, all the relevant Forms 17C and all other papers and records relating to the counting of votes should be forwarded to the Returning Officer for the Parliamentary Constituency for consolidation of the result and completion of the Final Result Sheet in Part II of Form 20.

11.7 The Returning Officer for the Parliamentary Constituency, on receipt of Result Sheets in Part I of Form 20 from Assistant Returning Officers, should incorporate the result in respect of each Assembly segment in the Final Result Sheet in Part II of the said Form 20. RO shall also record the result of counting of postal ballot papers in the said Part II of Form 20. Then, strike

the grand total of the votes received by each candidate (both the votes recorded in the voting machines at the polling stations and the postal ballot papers), rejected postal ballot papers and tendered votes.

11.8 A sample Final Result sheet duly completed in Form 20 is given at **Annexure I.H.**

ACTION TO BE TAKEN IN CASE OF MALFUNCTIONING OF ELECTRONIC VOTING MACHINES (EVM) DURING COUNTING OF VOTES

12.1 Following action to be taken in case of malfunctioning of EVM during counting of votes:

- a. 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 continue as usual.
- b. When counting of votes in other machines is complete, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in the malfunctioned machine (s).
- c. In both the cases where the margin of votes is more or less than the total votes polled in the malfunctioned machine (s), the Returning Officer should try to retrieve the result from this machine, with the help of engineers of BEL/ECIL, using Auxiliary Display Unit (ADU) in the presence of candidates or their election agents. If the result can be retrieved by using an ADU, the result of the election can be declared accordingly. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A below.
- d. In case it is not possible to retrieve the result from the malfunctioned machine even by using ADU, then the returning officer should try to retrieve the result from the machine by taking a print out of the result with the help of engineers of BEL/ECIL. If the result can be retrieved by using a printer, the result of the election can be declared accordingly. In such a case, also the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-A below.
- e. If the result from the malfunctioned machine cannot be retrieved even by using printer, 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. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-B below, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the malfunctioned EVM, and in Annexure – C below where such margin is less. In no case the machine should be opened, or its outer or inner seals disturbed in any manner. There should be no attempt to repair the machine. Replacement of any parts of the EVM in the field level is strictly forbidden.
- f. After completion of counting, all the Control Units, whether result has been retrieved from it or not should be kept back inside their respective carrying cases. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

Annexure-A

(Report on retrieving result from Control Unit by using Auxiliary Display Unit/Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been retrieved from the following malfunctioned Control Unit (s) by using Auxiliary Display Unit/Printer in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

Final statement showing votes polled by the winning and runner up candidates

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled
1			
2			

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-B

(Report on non-retrieving of result from Control Unit by using Auxiliary Display Unit/Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following malfunctioned Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

Statement showing votes polled by the winning and runner up candidates

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled
1			
2			

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Unit (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-C

(Report on non-retrieving result data from Control Unit by using Auxiliary Display Unit and Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following Control Unit (s) even by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed report	No of votes polled in the malfunctioned Control Unit as per Form 17 C

As the margin of votes between the candidates having highest votes and the runner up is less than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Statement showing votes polled by the candidates having highest vote and runner up

Sl.No.	Name of candidate	Party affiliation., if any	Votes polled
1			
2			

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

ACTION TO BE TAKEN DURING COUNTING OF VOTES IN CASE PRESIDING OFFICER DOES NOT PRESS CLOSE BUTTON OF CU AT THE END OF POLL

13.1 In case Presiding Officer is found to have not pressed CLOSE button of Control Unit at the end of poll, following action should be taken during counting of votes in the presence of candidates/their authorized agents, under videography: -

a. In case any Control Unit does not display result due to not-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 be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.

b. 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 than the votes polled in such machine (s).

c. In both the cases where the margin of votes is more or less than the total votes polled in that machine (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). In case, total votes polled in the machine (s) tallies with the total votes polled mentioned in the Form - 17 C, the Returning Officer/Counting Supervisor shall press the "Close" button of the Control Unit (s) so that "Result" button can be pressed for getting result data explaining the entire issue to the candidates and/or their authorised agents and recording a proceeding in this behalf with the signatures of the candidates/their authorised agents. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at **Annexure-D** below.

d. In case, total votes polled in the machine(s) does not tally with the total votes polled mentioned in the Form-17 C, 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. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at **Annexure-E** below, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the Control Unit in question, and in **Annexure-F** below, where such margin is less.

e. After completion of counting, all such Control Units, whether result has been retrieved from it or not, the Control Unit should be kept back inside its carrying case. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

The aforesaid instructions should also be brought to the notice of all Political Parties and contesting Candidates in advance.

Annexure-D

(Report on getting result data from Control Unit whose CLOSE button was not pressed
by Presiding Officer at the end of poll)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been obtained from the following Control Unit(s) after pressing CLOSE button in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	Detailed Report	No. of votes polled in the Control Unit as per Form 17C

Final statement showing votes polled by the winning and runner up Candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-E

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17-C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

Final statement showing votes polled by the winning and runner up Candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Units (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-F

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17-C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl. No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

As the margin of votes between the candidate having highest votes and the runner up is less than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Final statement showing votes polled by the winning and runner up Candidates

S.N.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

RECOUNT

14.1 Normally, there will be no question of recount of votes recorded in the voting machines. Every vote recorded by the voting machines is a valid vote and no dispute will arise as to its validity or otherwise.

14.2 Despite the necessity for recount being totally eliminated by the use of voting machines, the provisions relating to recount contained in rule 63 of the Conduct of Elections Rules, 1961, still apply.

- a) When the counting is complete and the Final Result Sheet in Form 20 has been prepared, RO should announce the total number of votes polled by each candidate as entered in Form 20. Then RO should pause for a minute or two.
- b) If during this period any candidate or, in his absence, his election agent or any of the counting agents, asks for a recount, RO should ascertain from him as to how much time he would require for making an application for recount in writing.
- c) A candidate has option to make request for recount of polled ballot papers and/or polled EVMs of all or some of the polling stations.
- d) If RO consider that the time applied for is reasonable, allow it and announce the exact hour and minute up to, which you will wait for receiving the written application for recount.
- e) RO must not sign the Final Result Sheet in Form 20 until after the expiry of the time so announced.
- f) If RO receives an application for recount, he should consider the grounds urged and decide the matter judiciously. RO may allow the application in whole or in part if it is reasonable or may reject it in to, if it appears to be frivolous or unreasonable. But the right of a candidate to demand a recount under rule 63 does not mean that recount can be granted for the mere asking. The party demanding recount has to make out a, prima facie case, which the counting was not accurate and recount is necessary in the interest of justice.
- g) In every case, RO should record a brief statement of reasons for the decision.
- h) ROs decision will be final.
- i) In case, RO allow an application for recount either wholly or in part, he shall have the votes recorded in the voting machines counted over again in accordance with his decision. The postal ballot papers will also be counted over again if so decided by RO.
- j) After the recount, correct the final result sheet necessary. Announce the amendments so made, if any, by RO.
- k) After the total number of votes polled by each candidate after recount has been announced by RO, complete and sign the Result Sheet. No candidate has a right to demand a recount after RO have completed and signed the Final Result Sheet. Reject any demand for any recount of votes after RO have completed and signed the Final Result Sheet.
- l) Entire process shall have to be video-recorded carefully.
- m) A candidate has right to file request for 2nd recount .It would be unreasonable to demand second recount if the first recount showed only minor variations from the first count and at the same time showed a very substantial majority in favour of one candidate. On the contrary, it would be reasonable to demand further recount where the margin between first two candidates is close and where previous recount has shown differing results.
- n) But RO would be justified in refusing a further recount when the previous recount showed the same result even if the difference between the contesting candidates may be very small.

14.3 It is pertinent to mention that a Returning Officer's duty is to count accurately the votes. Hence, at any point of time during counting, he has the right to order the counting staff to do the count of the votes again.

14.4 If votes are counted at more places than one, according to rule 65 of the Conduct of Elections Rules, 1961, the demand for recount of votes can be made only at the end of counting in the last place fixed for the purpose. Thus, in the case of Parliamentary Constituency, the recount can be demanded only at the place where the Returning Officer counts the postal ballot papers and completes Part II of the Final Result Sheet in Form 20 and not at the places where the votes have been counted Assembly segment-wise. If recount is permitted by the RO of PC, then all the voting machines and all relevant papers would have to be taken to the last place of counting (i.e. place of PC of RO) which will be very troublesome and inconvenient. Hence, it would be better and desirable that, if any doubt is expressed by any candidate immediately after the counting of votes at any polling station is over, RO check up again. This is strictly not a recount but a check, which will satisfy all the candidates.

ADJOURNMENT OF COUNTING

15.1 RO should proceed with the counting at each place continuously. In case RO have to suspend or adjourn the counting before its completion for any unavoidable reason, seal up all the voting machines and also all other papers relating to elections. Allow every candidate or his agent, if he so desires, to place his seal on every voting machine and packet, etc., in which the election papers are kept.

[N.B. It is preferable to keep all the sealed voting machines and packets, etc., in a separate room and have the room sealed and secured with ROs seal and the seals of candidates or their agents. Alternatively, the candidates may put their own locks in addition to ROs on such room.]

ROLE OF OBSERVERS

16.1 As soon as the final result is declared, the data as contained in Form 21E, which is handed over to the winning candidate, will be handed over to the Observer also for immediate communication to the Commission.

16.2 The Observers will ensure that the Final Result Sheet in Form 20 is filled by the RO before he declares the result in Form 21 C and sends it to appropriate quarters. One copy each of the Forms 20, 21C and 21E duly filled in will be collected by the Observers and attached with their reports on counting.

16.3 Commission has decided that all Observers will keep a close watch on the process of counting of votes and compilation of results. Towards this end, neither the Observer nor the ARO/RO or any other election official should leave the counting hall till the counting is completed and result declared. Strict discipline should be maintained inside the counting premises and prompt action should be taken against anyone not observing the rules.

POWER OF OBSERVERS TO STOP COUNTING

17.1 The observers appointed by the Commission under section 20B of the Act have the power to direct RO to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the observer booth capturing has taken place at a large number of the polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of ROs custody or are accidentally or intentionally destroyed or lost or are damaged or tampered

with to such an extent that the result of the poll at the polling station or place cannot be ascertained. In such case, the observers have no power to order re-commencement of the counting. It will recommence only on the order of the Commission.

PROCEDURE TO BE FOLLOWED IN CASE OF DESTRUCTION, LOSS, ETC., OF VOTING MACHINE BEFORE COMPLETION OF COUNTING

18.1 Under the law (Section 64A) the Commission is competent to direct, after taking all material circumstances into account, the counting of votes to be stopped and, if necessary, order fresh poll if it is reported by the Returning Officer before completion of the counting of votes that the voting machine used at a polling station has been

- i. Unlawfully taken out of his custody, or
- ii. Accidentally or intentionally destroyed or lost, or
- iii. Damaged or tampered with, to such an extent that the result of the poll at that polling station or place cannot be ascertained. If any such occasion arises, RO should forthwith report full facts of the case to the Commission and await its directions in regard to the counting of votes.

PROCEDURES TO BE FOLLOWED IN THE CASE OF BOOTH-CAPTURING AT THE COUNTING CENTRE

19.1 Under Section 58A(b) of the Representation of the People Act, 1951, if booth -capturing takes place at any place of counting of vote in such a manner that result of the counting at that counting centre cannot be ascertained, the Returning Officer shall forthwith report the matter to the Election Commission.

19.2 On receipt of the report of the Returning Officer, the Commission shall, after taking all material circumstances into account, either direct a repoll at the affected polling stations or countermand the election. Therefore, once RO has reported the matter to the Commission, under section 58A, he will have to wait its directions in this regard and proceed further according to its directions when received.

COUNTING AFTER RE POLL DIRECTED AFTER COMMENCEMENT OF COUNTING

20.1 If any re-poll has been held at a polling station in accordance with the directions given by the Commission, RO should fix the date, time and place for counting the votes recorded in such re-poll and give notice of the same in writing to every candidate or his election agent. RO should follow the same procedure as detailed above for such further counting as far as it is applicable.

RESEALING OF VOTING MACHINES AFTER COUNTING

21.1 After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II - Result of Counting in Form 17C and in the Final Result Sheet in Form 20, the control unit is required under rule 56C of the Conduct of Elections Rules, 1961, to be resealed with ROs seal and the seals of such of the candidates or their election agents who may desire to affix their seals thereon. The resealing has, however, to be done in such a manner that the result of voting recorded in the control unit is not obliterated and the unit retains the memory of such result.

21.2 The aforesaid resealing of control units should be done in the following manner:-

i. Remove the battery from the Candidate Set Section of the control unit by removing the seal. After the removal of the battery, the cover of the Candidate Set Section should be resealed.

[N.B. Removal of the battery is necessary so that it does not leak with the passage of time and damage the machine. Removal of the battery will not however obliterate the result of voting recorded in the control unit, as the unit will retain its memory even without the battery.]

ii. Close the outer cover of the Result Section and reseal it.

iii. Keep the control unit so resealed in its carrying case.

iv. Reseal the carrying case.

v. Attach firmly to the handle of the carrying case an address tag containing the following particulars: -

a) Particulars of the election;

b) Name of the constituency;

c) The particulars of polling station where the control unit has been used;

d) Serial number of the control unit;

e) Date of poll;

f) Date of counting;

vi. Put a secret seal of the Commission in addition to ROs own seals, on all the above mentioned seals. Allow the candidates or their agents also to put their seals if they so desire.

21.3 The control units so resealed should be kept in specially prepared bigger boxes for safe storage.

21.4 The ballot units must have been received by RO from the polling stations duly sealed and secured in their carrying cases by the respective Presiding Officers. Normally, these units will not require to be opened at the time of counting. If any ballot unit is taken out of its carrying case for inspection or verification at the time of counting, it should be kept back in its carrying case after such inspection or verification and sealed.

21.5 The ballot units should also be kept in specially prepared bigger boxes for safe storage. All the control units and the ballot units used at the election are thus ready for transportation to the place of storage.

SAFE CUSTODY OF VOTING MACHINES

22.1 Under sub-rule (1A) of rule 92 and sub-rule (1A) of rule 93 of the Conduct of Elections Rules, 1961, the voting machines sealed as above under rule 57C shall be kept in the safe custody of the District Election Officer and shall not be opened or inspected by or produced

before any person or authority except under the orders of a competent court. The machines so sealed shall be retained intact for such period as the Commission may direct and shall not be used for next election without the prior approval of the Commission under clause (AA) of rule 94 of the said rules. The ECI has directed for minimum retention period of 6 months from the date of declaration of result.

C. SEALING OF OTHER ELECTION PAPERS FOR ENSURING SAFE CUSTODY

23.1 Apart from the voting machines, there are several other important election papers, which require be sealing and securing for safe custody and storage. Under rule 93(1) of the Conduct of Elections Rules, 1961, the packets of election papers specified therein 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 where voting machines are used:-

- i. The packets of Registers of Voters in Form 17A, including the voter slips.
- ii. The packets of unused postal ballot papers with counterfoils attached thereto;
- iii. The packets of used postal ballot papers whether valid, or rejected (including the packets in which covers containing postal ballot papers received late are kept);
- iv. The packets of the counterfoils of used postal ballot papers;
- v. The packets of used and unused tendered ballot papers;
- vi. The packets of unused (surplus) ballot papers (printed for display on ballot units and for use as tendered ballot papers);
- vii. The packets of the marked copies of the electoral roll; and
- viii. The packets of the declarations by electors and the attestation of their signatures.

23.2 In view of the important nature of these election papers, the Commission has directed that these papers should also be sealed with the secret seal of the Commission.

23.3 The papers mentioned at items (iii) and (viii) above shall be made into packets at the time of counting. Such packets shall be sealed by RO with ROs 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 for 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. RO 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.

23.4 The packets of papers mentioned at items (i), (v) and (vii) in Para 8.70 above will be received from the Presiding Officers of the polling stations in duly sealed packets. Though, 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 counting of votes is over and placed in steel trunk(s).

23.5 RO 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.

23.6 Each steel trunk shall be locked with two locks and each lock shall be sealed. RO 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

24.1 After the sealing of the voting machines and election papers at the counting place after the counting of votes, RO 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 voting machines and packets of election paper, if they so desired; and
- iii. The particulars of persons who had affixed their seals on the voting machines and packets and the particulars of those persons who had refused to do so.

24.2 Then, RO 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 BY DISTRICT ELECTION OFFICER

25.1 Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the voting machines and the sealed trunks(s) containing the packets mentioned in Para 8.70 should be dispatched to the District Election Officer at his headquarters and on receipt of the voting machines and the sealed trunks(s) the District Election Officer should forthwith arrange to deposit them for safe custody 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 authorized under the Treasury Code and the key of the other lock of each trunk should be kept by the District Election Officer himself or a senior officer nominated for the purpose by the District Election Officer/RO.

25.2 The armed police guard posted at the room where the voting machines are stored before the counting of votes, should not be removed after the counting is over, but should continue to keep guard of the room till the transport of the voting machines and election records to the District Headquarters. As far as possible, the same guard should be used for protection during the transport also, and this fact should be mentioned in the logbook maintained by the guard.

RETURN OF SECRET SEAL OF THE COMMISSION

26.1 After the packets required to be sealed with the secret seal of the 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 by registered insured post and in any case not later than 24 hours after the counting of the votes is completed. If more than one seal had been supplied, the name of the constituency and the number of the seal that was used should be indicated.

Annexure 1.I

Conduct of Elections Rules, 1961
(Statutory Rules and Others)

[FORM 20]

[See rule 56 (7)]

Final Result Sheet

(To be used for recording the result of voting at Polling Station other than notified Polling Stations)

Election to thefrom the
.....Constituency.

Part I

(To be used both for Parliamentary and Assembly Elections)

Name of the Assembly segment (in the case of election from a Parliamentary Constituency).....

Serial No. of no. Polling Station of	No. of Valid votes cast in favor of			Total of Valid votes	No. of rejected (Test Votes)	Votes for 'NOTA' option	Total votes
	A	B	C				
1.
2.
3.							
4.							
<hr/>							
TOTAL No. of Votes recorded at Polling Stations:
<hr/>							
No. of votes recorded on postal ballot papers. (TO be filled in case of election from an Assembly Constituency.)
<hr/>							
TOTAL votes polled
<hr/>							

Place.....
Date.....

Returning Officer

Declaration and Publication of Result of Election

INTRODUCTORY

27.1 After the counting has been completed in all respects RO have to proceed to make the formal declaration of result of election.

27.2 If any polled EVMs have been kept apart for the reason of technical malfunction or tampered with, then, before declaring the result Commission's permission is mandatory. Hence, before declaring result, RO must, however, verify and satisfy himself that there is no such case or any other such case, which requires to be referred to the Election Commission for its directions, and that there is no general or special direction from the Commission's observers to withhold the declaration of result in the 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

28.1 Before RO declare result of an election, RO should obtain an authorization for declaration of result from the Observer concerned. Every Observer shall completely satisfy himself about the fairness of counting of votes and complete accuracy of compilation of result. After having done so, he shall issue an authorization to the Returning Officer concerned in the following format for declaration of result:-

" _____ Observer Code _____, For
_____ Assembly Constituency /Assembly Segment of -----
Parliamentary constituency after having satisfied myself about the fairness of counting of votes and complete accuracy of compilation of result in Form-20 hereby authorize the
Returning Officer for _____ Assembly Constituency to declare the
result."

Signature of the Observer _____
Name of the Observer _____
Code of the Observer _____
Assembly Constituency No. & Name _____"

28.2 After completing and signing the Result Sheet in Form 20 appended to the Conduct of Elections Rules, 1961, and after RO has obtained the necessary approval of the Commission, wherever required, and a No Objection from the Commission's observer in the above format, the candidate to whom the largest number of valid votes have been given should then be declared elected .RO must declare the result by a loud announcement.

28.3 No Returning Officer shall declare the result without receiving the authorization in the format as detailed above from the Observer. It shall be the personal responsibility of the Observer and Returning Officer to ensure fairness of counting of votes and accurate compilation of result.

EQUALITY OF VOTES

29.1 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 draw of lot. This will be in rare of the rarest case and in such case also matter first be reported to the Commission for such directions as the Commission may like to give.

FORM OF DECLARATION OF RESULT

30.1 The formal declaration of result should be made by RO either in Form 21C or Form 21D of the Conduct of Elections Rules, 1961, as may be appropriate. The declaration shall be made in Form 21C in the case of General election. In the case of a bye-election to fill, a casual vacancy, the declaration shall be made in Form 21D. Care is to be taken that in Form 21C or 21D, the name and address of the elected candidate shall be as given in list of contesting candidates. Name of political party should be written as given in latest Political Parties and Election Symbols notification. After ROs signature affix ROs rubber stamp.

30.2 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 RO has to rectify some error in his 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 COPIES OF DECLARATION SHOULD BE SENT

31.1 Immediately after the declaration of result, RO should send copies of the declaration of result in Form 21C or 21D, as the case may be, to :

- i. Election Commission of India;
- ii. Chief Electoral Officer of the State/ UT;
- iii. (a) Union Ministry of Law and Justice (Legislative Department), New Delhi; and
(b) The Secretary General of the Lok Sabha, New Delhi (in the case of election to the Lok Sabha);
OR
(a) The State Government/ Lt. Governor; and
(b) The Secretary to State/ UT Legislative Assembly (in the case of election to the State/ UT Legislative Assembly.)

AUTHORITIES TO WHOM COPIES OF RETURN OF ELECTION SHOULD BE SENT

32.1 When RO has declared the result of election in the manner indicated above, he should complete and certify the Return of Election in Form 21-E of the Conduct of Elections Rules, 1961. Forward signed copies of the return to: the Election Commission and the Chief Electoral Officer of the State/ UT. **The name of the candidates should be written as given in the Form-7A**

32.2 If any candidate or his agent wants to take a copy or an extract from this return, he should be permitted to do so. RO may supply a copy of such return to an applicant on payment of fee of Rs. 2/- [Rules 93(3)].

REPORT OF RESULT OF ELECTION

33.1 RO should intimate by an immediate Fax, the result of election as soon as the same has been declared, to: –

- (i) The Election Commission of India, New Delhi (Fax No. 23713412);

- (ii) The Director of New Services, All-India Radio, New Delhi;
- (iii) A.I.R. Station in the Headquarters of the State/ UT;
- (iv) The Director, Doordarshan Kendra, Parliament Street, New Delhi- 110001;
- (v) Doordarshan Kendras concerned, if any, in the headquarters of the State/ UT;
- (vi) The information Officer, P.I.B., New Delhi;
- (vii) The Ministry of Law, Justice (Legislative Department), Shastri Bhavan, New Delhi (in respect of election to the House of the People); OR the State Government/ UT; (In respect of election to be State/ UT Legislative Assembly)
- (viii) The Secretary General, Lok Sabha, New Delhi (in respect of election to the House of the People) OR the Secretary of the State/ UT Legislative Assembly (in respect of the election to the State/ UT Legislative Assembly); and
- (ix) The Chief Electoral Officer of the State/UT

33.2 The fax may be addressed to the Commission and repeated to the other address at (ii), (iv), (vi) and (vii).

33.3 The message communicating the result should indicate the following particulars;

- (i) Serial number and name of the constituency (State, Parliamentary/Assembly) as given in Delimitation of Parliamentary and Assembly Constituencies Order;
- (ii) Total number of electors in the constituency;
- (iii) Total number of votes polled;
- (iv) Number of votes rejected;
- (v) Names of contesting candidates with their party affiliations and votes polled by each; and
- (vi) Name of the candidate declared elected.

33.4 RO should further ensure that whenever RO refer to a woman candidate in telegram/message communicating the result RO should prefix her name with 'Kumari' or 'Srimati', as the case maybe, so that it should definitely be understood that the candidate is a woman.

33.5 RO should also ensure that figures of votes which are mentioned while reporting the result are given in words and not in numerals as the latter are likely to be mutilated during transmission.

SAMPLE FAX MESSAGE

34.1 To secure uniformity in communicating the result of election and ensure economy in expenditure RO should adopt the specimen form of telegram (no more exits) given below or adopt it suitably:-

SPECIMEN FAX MESSAGE

IMMEDIATE

To: The Secretary
Election Commission of India
New Delhi

Repeated to

1.
2.
3.

From: Returning Officer

..... Constituency
..... (State)

ELECTION AAA WEST BENGAL 40 RATUA ASSEMBLY CONSTITUENCY ELECTORATE
FORTY-EIGHT THOUSAND AND FIFTY STOP VALID VOTES POLLED TWENTY-FOUR
THOUSAND FOUR HUNDRED FIFTY-TWO STOP VOTES REJECTED TWO HUNDRED
STOP MAHADEB CHANDRAKUMAR CONGRESS FOUR THOUSAN TWENTYSEVEN
KESHAB CHANDRA INDEPENDENT EIGHTEEN THOUSAND SIX HUNDRED FIFTY-FIVE
DWARIKA PATHAK INDEPENDENT ONE THOUSAND SEVEN HUNDRED SEVENTY
STOP KESHAB CHANDRA INDEPENDENT DECLARED ELECTED STOP.
RETURNING OFFICER

CERTIFICATE OF ELECTION

35.1 As soon as may be after a candidate has been declared elected, RO should grant to such candidate a certificate of election in Form 22 and obtain from the candidate an acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by the Returning Officer personally before dispatch. Thereafter, immediately send this acknowledgment by registered post to the Secretary General to the House of the People or as the case may be the Secretary of the Legislative Assembly. The acknowledgment shall be in the form shown below:

I acknowledge receipt of the certificate of
election in Form 22 in respect of my election to from
.....constituency, declared on

Date

Signature of the returned Candidate

Attested and forwarded to the Secretary
.....

Returning Officer

35.2 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 centre. Where he is not so present he should be contacted as quickly as possible and the dispatch of the acknowledgment completed within a day or two. These acknowledgments are required by the authorities concerned for verifying the identity of the elected candidates at the time of making or subscribing the oath of affirmation by them.

35.3 The certificate of election in respect of elections to the House of the People should be issued in English or Hindi, but such certificate of election in respect of the State Legislature may be issued in English or Hindi or in any of the languages used for official purposes of the State. It should be open to the elected candidate to sign the acknowledgment in any language he likes.

34.4 Where the elected candidate is not present at the counting centre nor visits the locality shortly thereafter the certificate may be handed over to a person duly authorized by the candidate in this behalf and personally known to the Returning Officer, the acknowledgment (duly signed by the candidate) being also obtained through the same person.

Yours faithfully,


(SUMIT MUKHERJEE)

SECRETARY

(Annexure I)

Annexure for tabulating Trends/ Results

Number & Name of Constituency..... Round Number..... Date.....

[illegible]

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 in a separate folder for cross checking later.

(ANNEXURE-II)

No. and Name of Assembly Constituency-

Polling Station No. -

Sl. No	Round No.	Control Unit No.		Table No.	Whether candidate wise votes counted by the counting supervisors/ Assistants and additional staff tally with the votes counted at random checking by the staff drawn from reserved pool by the observer Yes/No	Remarks
		I	II			

(ANNEXURE-III).

Check list of final Report of the observer to be sent to the Commission after Counting.

1. Whether arrangements for counting has been done as per the instruction of the Commission's letter (yes/No)
2. If No, what are the discrepancies?
3. Whether randomization of counting staff was done as per the instruction of the Commission in the morning? (yes/No)
4. Whether pairing of counting supervisor and counting assistant was done as per the instruction of the Commission? (yes/No)
5. Whether Micro-Observer was present? (yes/No)
6. Whether postal ballot papers were counted before the counting of votes in EVM*? (Yes/No)
7. Whether after each round or counting, random checking of 2(two) EVMs was done by the observer? (Yes/No)
8. Whether the figures at random checking done by staff drawn from reserve pool tally with the figures of round wise counting provided by the counting supervisor/counting assistant? (Yes/No)
9. Whether the signature of the counting agents taken in Part –II of Form 17 C? (yes/No)
- 9A. Whether a photocopy of the Part-II of Form 17C, duly signed by the counting supervisor and counting agents present, distributed among counting agents present at respective Counting Tables by Counting Supervisor for each round of Counting?
10. Whether the total votes shown in Part-II of form 17 C tally with the votes counted in EVM? (Yes/No)
11. Whether the counting agents of the candidates were present at the time of counting? (Yes/No)
12. Whether the seating arrangements of the counting agents were done as per the Commission's instruction? (Yes/No)
13. Whether Videography of counting was done? (yes/No)
14. Whether there was any demand for recounting or re-totaling? (Yes/No)
15. Whether any significant incident occurred during counting of votes? If yes, give details
16. Whether candidates/election agent/ counting agents were present at the time of declaration of result? (yes/No)
17. Whether the counting was started in time? If not, give remarks.
18. Total No. of rounds counted in each assembly constituency.

No. of postal ballot	No. of postal ballot found invalid for counting

19. Whether information about total no. of postal ballot papers received up to the time of announcement of Counting provided by the RO? (Yes/No)
20. Whether additional no. of Tables kept for counting of postal ballot papers, and if so, how many?
21. Whether are Counting Supervisor and two counting Assistants appointed for each table provided for counting of Postal Ballot paper?
22. Whether one ARO appointed for counting of PB?