

WEST BENGAL STATE ELECTION COMMISSION
18, SAROJINI NAIDU SARANI
(Rawdon Street)
KOLKATA – 700 017

No. 3052(17)-SEC/5C-9/2013

Date : 24.07.2013

From : The O.S.D. & E.O.
Joint Secretary,
West Bengal State Election Commission,

To : The District Panchayat Election Officer &
District Magistrate, Cooch Behar / Jalpaiguri / Uttar Dinajpur /
Dakshin Dinajpur / Malda / Murshidabad / Nadia / North 24-Parganas /
South 24-Parganas / Howrah / Hooghly / Purba Medinipur /
Paschim Medinipur / Purulia / Bankura/ Burdwan / Birbhum.

Sub: Eighth Panchayat General Elections, 2013 – additional guidelines for counting.

Sir,

I am directed to invite your attention to No.1601(17)-SEC dated 17.06.2013 and No.1642(17)-SEC dated 20.06.2013 of this Commission and to communicate a few additional issues relating to counting process.

1) Counting of ballot papers of election duty votes:

It is reiterated that counting of E.D. votes for any tier shall be taken up first before ballot boxes for that tier are opened for counting.

a) For Zilla Parishad constituency, E.D. votes shall be counted by the Block Development Officer in the capacity of Assistant Panchayat Returning Officer at a pre-appointed place within the counting centre. Following the actual counting candidate-wise, the votes secured shall be recorded in Form 19.

b) Similarly, E.D. votes cast in a Gram Panchayat or Panchayat Samiti constituency, shall be counted at the same hall where ballot papers of that constituency or of majority polling stations of that constituency, are being counted. Panchayat Returning Officer or Assistant Panchayat Returning Officer in-charge of that hall shall count such E.D. votes in the usual manner in presence of the candidates and election agents or counting agents. The votes secured shall be recorded in Form 19. After completion of counting of ED votes all the valid ballot papers and all the rejected ballot papers shall be bundled and kept together in a packet separately for each tier in a sealed cover with the seal of Panchayat Returning Officer. The candidates, election agents or counting agents as may desire to affix their seals thereon on the packets. The sealed packets shall be recorded the name of constituency, the date of counting and the brief description of the contents.

c) In order to implement the aforesaid working process, all E.D. votes received shall have to be kept arranged tier-wise, constituency-wise and hall-wise before bringing them to the counting centre.

2) Counting of Polled ballot papers : All polled ballot papers lodged in sealed boxes shall be counted finally at the counting table without sending any ballot paper for rejection by the A.R.O.

a) When sealed ballot boxes for Gram Panchayat and other tiers are received at the table, Counting Officer shall check and show to all counting agents that the seals including paper seals (paper seal is applicable for Godrej ballot boxes only) are intact and not tampered. With the Box only ballot paper a/c & paper seal a/c should come to the table keeping P.R.O.'s declaration at R.O.'s table.

b) On opening the ballot box or boxes, the ballot papers shall first be sorted out. If there is any ballot paper / papers of any other tier mixed up in it, such ballot papers of other tiers shall be kept in a separate bundle in a sealed packet and on the packet so sealed shall be recorded the name of the specific tier of the Panchayat Body. After segregating these ballots, the main counting of votes may start for that specific tier of Panchayat constituencies. For this, there should be a few paper cartons or Pigeon Holes (of different size) on each table. When sorting is completed, the ballot papers in the stack for each candidate shall be made into bundles of 25 or 40. With bundles of 25 or 40 ballot papers there is likely to be a shorter bundle whose number should be written in a small slip of paper and kept with the bundle. Thus the no. of votes secured by each candidate shall be ascertained.

c) While sorting the ballot papers candidate-wise and while making bundles for 25 ballot papers, the counting officer and the Counting Assistant shall carefully check that (i) the arrow cross mark on the ballot paper is rightly placed against that candidate and (ii) the ballot paper and the vote cast is valid and not subject to rejection .

d) It may be noted that a ballot paper shall be rejected only when ---

- (i) there is no mark at all or the mark is made other-wise than with the instruments supplied for the purpose , or
- (ii) the mark is in blank area , i.e. to say, at an area not within the panel assigned to any candidate, i.e. to say at the back side of ballot paper or shaded area , or
- (iii) there are marks against two or more candidates (except in case of double member GP seats) , or
- (iv) there is any writing or mark by which the voter can be identified , or
- (v) the ballot paper is mutilated beyond recognition , or
- (vi) the ballot paper is not genuine or it is spurious.

3) All ballot papers shall be carefully checked in the light of the aforesaid ground and may be rejected where necessary. However, every rejection should be carefully weighed before decision is taken. There should be a positive attitude towards checking the ballot papers.

4) Every rejected ballot paper shall bear an order of rejection containing its ground. For this purpose, the rubber stamp containing the word "Rejected" with the reasons as given below may be prepared.

Rejected

- | | |
|------|--------------------|
| i) | No Marking |
| ii) | Mark on Blank Area |
| iii) | Multiple Voting |
| iv) | Voter Identifiable |
| v) | Mutilated |
| vi) | Not Genuine |

Counting Officer
Panchayat Election

The stamps should be supplied to all counting tables and the R.O. /A.R.O.'s table.

- 5) When candidate-wise number of ballot papers and number of rejected ballot papers are ascertained, the counting officer shall check up whether the total number of ballot papers actually found by him in the box and shown in the ballot paper A/C (Form 18) to be found in the box match.
- (i). If these two figures match, the counting officer shall sign part II of the ballot paper A/c (Form 18) with suitable entries.
 - (ii). If the two figures do not match and the difference is not more than five and the difference between the vote secured by the leading candidate and that by his nearest rival is more than discrepancy, he will verify the figures of ballot papers or if any ballot paper has been left out either in the box or elsewhere or whether the figures in the ballot paper A/c are correct in order to reconcile the discrepancy. After this exercise and as much of reconciliation of discrepancy, the counting officer shall sign suitable entries.
 - (iii). If the two figures do not match and the difference is not more than five but the difference between the vote secured by the leading candidate and that by his nearest rival is less than the discrepancy, he will first try to reconcile the discrepancy in the manner in sub-para (ii). If the discrepancy persists, he will bring the matter to the notice of the A.P.R.O in charge of the counting hall, who shall once again check up to satisfy himself that the figures in the ballot paper account and also those prepared by the counting officer are correct. If he, in consultation with the Panchayat Returning Officer and examination of the declaration of the Presiding Officer, reaches the conclusion that the only explanation for discrepancy can be that a few voters had with some deliberate motive or other-wise, left the polling stations, during some crowded moments without inserting the ballot paper in the box and that the logical step is to accept the figures as found after opening the box, he will then advise the Counting Officer to accept the figures as found by him and proceed accordingly.
 - (iv). If the discrepancy is more than five, the Counting Officer irrespective of whether the difference between two leading candidates is higher or lower than the discrepancy, shall try to reconcile the discrepancy in the manner as stated in sub-para (ii) .If the discrepancy persists, he shall bring the matters to the attention of the A.P.R.O. who shall examine the matter in the manner as stated in sub-para (iii).
- If he, in consultation with the P.R.O., is satisfied that the process involved is not vitiated at any stage and that the ballot papers found in the box or boxes can be relied upon for arriving at the result, he shall direct the Counting Officer to accept the figures as found by him and proceed accordingly.
- (v). If on, any occasion referred to at sub-para (iii) or sub-para (iv) the P.R.O. thinks that there is strong likelihood that there has some corrupt practice vitiating the election practice, he shall ask the Counting Officer to prepare the Result Sheet on the basis of ballot papers found by him. After the result sheets of all Counting tables of the constituency are finally prepared, the P.R.O. shall withhold declaration of result and refer the matter to the Commission through the District Panchayat Election Officer & District Magistrate, as quickly as possible within the same day.
- 6) After completion of the exercise stated in para 5 and unless directed by the P.R.O. in the matters referred in sub-para (v) of the Counting Sheet in Form 20A and the signed copy of the Counting Sheet , candidate-wise and rejected bundles of ballot papers, copy of ballot paper account and paper seal A/c , if any, shall be placed at the R.O / A.P.R.O's table.

- 7) The A.P.R.O. on getting the counting sheet shall examine it vis-à-vis ballot paper A/c and other papers and on being satisfied that the counting process is in order, shall get the figures in the Counting sheet tabulated in the Result Sheet in Form 22.
- 8) In the procedure outlined in foregoing paragraphs –
- i. All counting tables shall be supplied with (i) a few cardboard boxes/pigeon holes of different sizes (ii) “Rejected” rubber stamp in addition to stationeries.
 - ii. There shall be a Tabulator (belonging Gr. B or Gr. C as may be available) posted at the R.O.’s table in each hall (in case of small halls , his service may be shared).
 - iii. Results Sheets in Form 22 may come from different tables. They may be assigned consecutive serial No. and then a finally compiled Result Sheet may be prepared by changing by hand the column for Polling Station as a column for sheet No.
- 9) During the process of counting of votes in connection with : --
- a. A Gram Panchayat election, the counting officer shall count all the valid votes in the ballot box and record the total number thereof in counting sheet in Form 19A and announce the same, and
 - b. A Panchayat Smiti and Zilla Parishad election, the counting officer shall count all the valid votes in the ballot box and record the total number thereof in counting sheets in Form 20 and announce the same.
 - c. After the counting of all ballot papers contained in ballot boxes used at the polling station have been completed, the counting officers shall make the entries in the result sheet in Form 21 in respect of Gram Panchayat Election and announce the same where a GP constituency has been formed amalgamating two assembly parts, counting shall be carried on in two tables for the said parts. However, the final result may be compiled and declared from the first table (such as from the table counting 25/1 etc.).
 - d. Declaration of results in Form 23 and the certificate of Election in Form 24 shall also be signed, declared & handed over to the candidate on acknowledgement of receipt by the Counting Officer at the table. In case of any difficulty, he may however contact the A.R.O. in-charge.
 - e. After issue of certificate of Election, all papers shall be handed over to the A.R.O. in-charge of the hall for recording and sealing.
- 10) In respect of double member Gram Panchayat constituency, the procedure in general as described in para 3.4.0, shall apply. The points of differences are stated below :
- a. Two separate Form 19A and Form 21 – one for each candidate – shall be used by the Counting Officer.
 - b. For such constituencies, continuation of Form 19A shall be supplied to the related counting table and two separate sets of continuation sheets shall be used by the Counting Officer with the help of two Counting Assistants. If necessary, A.R.O. in-charge may arrange for one more Counting assistant from reserved personnel.

- c. Each ballot paper shall be taken up and the Counting Officer shall read out the names of candidate in whose favour the vote is cast against each seat. The vote shall be recorded against each candidate by the Counting Assistant concerned by putting 1(one) mark in the column of the candidate by putting the mark as stated one below the other. After putting 1(one) mark 4(four) times, for the next vote secured, a cross mark(X) shall be given. This shall be done for the convenience of totaling the number of votes secured by a candidate. The process shall go on upto the last ballot paper. In case of a ballot paper where a valid vote has been cast in favour of a candidate whereas no vote has been cast against any candidate in the other column or if vote cast is rejected for any of the grounds specified, the valid vote cast shall be recorded against the candidate concerned and no marking shall be made for the other seat. The order or rejection shall be recorded (rubber stamp provided may be used) by mentioning clearly "for seat No....."

Finally, the total No. of votes secured by each candidate against each seat shall be totaled and recorded in Form 19A and then in Form 21 separately for each seat. The declaration and issue of certificate of Election shall be handed over to the A.R.O. in-charge in the hall for record and sealing.

11) For the purpose of implementing this procedure, the following steps shall have to be taken -

- a. continuation of Form 19A in sufficient number may be supplied to the related table.
- b. If possible, one additional Counting Assistant may be provided at the table.

12) **Recounting :** Recounting can not be demanded by a candidate merely because he has been defeated . He will have to specify reason and the particular round or rounds or particular polling station or any specific part of it as far as possible for which recounting is demanded. It is also mentioned that in case of Gram Panchayat, recounting may be declared after the votes secured by the candidates and other particulars are inserted in Form 19A and declared by the Counting Officer and in case of Panchayat Samiti and Zilla Parishad, recounting may be demanded at this time of preparation of Counting Sheet in Form 20. No demand can be made after the Result Sheet is completed and signed by the Counting Officer or the Returning Officer as the case may be.

13) The provisions under rule 106 of the West Bengal Panchayat (Election) Rules shall be applicable mutatis mutandis for considering and deciding any demand for recounting. A copy of the said rule may be given to the Counting Officers at the time of training or later at the counting table.

14) Apart from declaration by the Counting Officer at the table when the counting sheet is completed, the A.R.O in-charge of the hall may declare the position after each round of counting on the basis of Result Sheet completed and signed.

The Returning Officer may also announce the names of winning candidates and other particulars from time to time. However, the District Panchayat Election Officer and District Magistrate may decide for each district how such announcements shall be made.

15) The Panchayat Returning Officer, after completing the Counting of votes in a particular tier viz. Gram Panchayat Constituencies, Panchayat Samiti Constituencies and Zilla Parishad Constituencies shall make an arrangement for sealing all the papers relating to election specified in rule 93 and 113 of the West Bengal Panchayat (Election) Rules, 1974 for keeping it in his custody are :

- a) The packets of unused ballot papers with counterfoils attached there to;
- b) The packets of used ballot papers whether valid, tendered or rejected;

- c) The packets of the counterfoils of used ballot papers;
- d) The packets of the marked copies of electoral rolls;

While in the custody of the Returning Officer the aforementioned packets shall not be opened and their contents shall not be inspected by or produced before any person or authority except under orders of a competent court.

16) Apart from these the Panchayat Returning Officer shall make into separate packets of the Counting Sheets the result sheets and the declaration sheets in respect of Gram Panchayat election. Each such packet shall also be sealed with the seals of Returning Officers concerned and with the seals either of the candidate or of his election agent or of his Counting Agent who may be present at the counting centre and may desire to affix his seal thereon.

The packets at item no (b) shall be sealed by the Panchayat Returning Officer concerned with their own seal immediately after counting of votes is over and with a Secret Seal which will be supplied by the Commission. The Returning Officer for Gram Panchayat/Panchayat Samiti can use one Secret Seal as allotted to him for the entire G.P./P.S. constituencies which are under his control. For the Zilla Parishad Constituencies the Secret Seal as to be allotted to the Panchayat Returning Officer for Zilla Parishad Constituencies can be used at the time of sealing the election papers relating to Zilla Parishad Constituencies within his jurisdiction, or with the secret seal allotted to the P.R.O. for G.P./P.S. Constituencies being an Assistant Panchayat Returning Officer for Z.P Constituencies. The Secret seal will be in addition to the seals, if any put on these packets by such the candidates, their election agents and counting agents, as may desire to affix their seals thereon.

The Panchayat Returning Officer should point out to the candidates or their election agents present that it is in their own interest to affix their seals. They may also be permitted to note the number of the Commission's secret seal used. All these packets specified in preceding paragraph should be separated from the rest of the papers relating to the election to the constituencies concerned and kept in a separate steel trunk.

17) All the packets under items (a) (c) and (d) shall also be sealed by the P.P.O. immediately with secret seal of this Commission and placed in a different steel trunk or trunks;

18) The P.R.O. should put a responsible Officer-in-charge for the supervision of the actual sealing of these packets as there is a possibility to mix up the election papers of other constituencies;

Each steel trunk shall be locked properly. The lock shall also be sealed with the secret seal of the Commission. The key of the lock of each trunk will be kept in a suitable and secured place in consultation with the District Panchayat Election Officer.

19) After the packets sealed with the secret seal of the Commission, the secret seal 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 special messenger

Yours faithfully,

O.S.D. & E.O.
Joint Secretary,
West Bengal State Election Commission