



ASSAM STATE ELECTION COMMISSION

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No. SEC. 53/2016/Pt/67

Dated Dispur the 31st May, 2017.

To

- 1) DC & DEO, Karbi Anglong, Diphu.
- 2) DC & DEO, West Karbi Anglong, Hamren.
- 3) SDO(C) & DEO, Bokajan.

Sub: Guidelines for Counting of Votes of Karbi Anglong Autonomous Council Election, 2017

Sir,

While referring to relevant provisions of counting of votes in the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951, it appears to the Commission that there are variations in the aforesaid Rules with procedure of counting under the R.P. Act and Rules. With a view to streamline the counting procedure at parity with such provision applicable for MP/ MLA Election, following guidelines are issued by the Commission to be followed by the DEOs.

1. The Rule 161 and Rule 162 of Assam Autonomous Districts (Constitution of District Councils) Rules, 1951, regarding appointment of time, place, date of counting of votes and person who may be present during Counting will be followed.
2. The Commission prescribes the following procedure as regards counting votes in place of the procedures under the Rule 163 and Rule 164 of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 to keep parity with provisions under the R.P. Act and Rules.

A. Counting of Votes Received by Post:

- a) The Returning Officer shall first deal with postal papers which shall be counted first. The covers in 14-A containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed. The covers in 14 -A received on time should be opened one after another in presence of the candidates or their election agents and counting agents.
- b) The Returning Officer shall count all the valid votes in the sealed covers in 14-A and record the total number thereof in the result sheet in Form-21-C(1) and announce the same.
- c) Thereafter, all the valid Ballot Papers and all rejected Ballot papers shall be separately bundled and kept together in a packet which shall be sealed with seal of the Returning Officer and of such candidates, their election agents or counting agents as may desire to affix their seal and shall record the name of the Constituency, the date of counting and a brief description of the content.
- d) A ballot paper received in sealed cover may be rejected on the grounds mentioned in Rule 164.

B. Scrutiny and opening of Ballot Boxes

- a) The Returning Officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box or boxes counted simultaneously.
- b) Before a ballot box is opened at a counting table the counting agents present at the table shall be allowed to inspect the seals as might have been affixed thereon and to satisfy themselves that it is intact.

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- c) The Returning Officer shall satisfy himself that none of the Ballot Boxes has, in fact been tampered with.
- d) If, the Returning Officer is satisfied that any Ballot Box has in fact, been tampered with, he shall not count the ballot papers contained in that box, keep it separately and securely.

C. Counting of Votes

- a) The Ballot paper taken out of each ballot box of each polling station shall be put in pigeon hole candidate wise. For any doubtful vote there shall be a separate pigeon hole named as **doubtful**. The Returning Officer of the Authorised Officer will verify these doubtful votes. After counting all the valid Ballot papers, rejected ballot papers to be bundled separately.
- b) The Returning Officer shall reject a Ballot paper -
 - i) if, it bears any mark or writing by which an elector can be identified; or
 - ii) if no vote is recorded thereon; or
 - iii) if, it bears no mark at all or to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or it bears a mark made otherwise than with instrument supplied for the purpose; or
 - iv) if, votes are given on it in favour of more than one candidate; or
 - v) if, the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate, the vote has been given; or
 - vi) if, it is a spurious ballot paper; or
 - vii) if, it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
 - viii) if, it bears a serial number or is of a design, different from the serial numbers or as the case may be, design, of the ballot paper authorized for use at the particular polling station ; or
 - ix) if, it does not bear both mark and the signature of Presiding Officer which it should have been borne under Rule 148: or
 - x) In case of Postal Ballot Paper - cover in Form 14-A if not returned in the cover sent along with it to the elector by the Returning Officer:

Provided that, where the Returning Officer is satisfied that any such defect mentioned in clause (viii) or (ix) has been caused by any mistake or failure on the part of the Presiding Officer or Polling Officer, the Ballot Paper shall not be rejected merely on ground of such defect:

Provided further, that a ballot paper shall not be rejected merely on ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

- c) Before rejecting any ballot paper under para above, the Returning Officer shall allow each counting agent a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.
- d) The Returning Officer shall endorse on every ballot paper rejected by him the word "rejected" and the ground of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.
- e) All ballot papers rejected under this rule should be bundled together.

D. Counting of ballot papers and sealing of used ballot papers

- a) Every ballot paper which is not rejected shall be counted as one valid vote for the candidate in favour of whom voting mark has been duly given provided that no cover containing tendered vote shall be opened and no such paper shall be counted.
- b) After the counting of all the ballot papers contained in all ballot boxes used at a polling station has been completed :-----
 - (i) the counting supervisor shall fill in and sign part-II-result of counting, in Form-21 A, which shall also be signed by the Returning Officer on verification; and
 - (ii) The Returning Officer shall make the entries in a result sheet in Form 21-C(1) and announce the particulars.
- c) The valid ballot papers of each candidate and the rejected ballot papers shall thereafter, be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seal of the Returning Officer and of such of the candidates, their election agents, counting agents as may desire to affix their seals thereon and on packets so sealed shall be recorded the following particulars, namely :-
 - i) Name of the constituency:
 - ii) The particulars of polling station where the ballot papers have been used; and
 - iii) The date of counting.

E. Counting to be continuous

- a) The Returning Officer, shall, as far as practicable, proceed continuously with the counting and shall during the intervals under any valid circumstances when the counting had to be suspended, keep the ballot papers, packets and all other papers relating to election sealed with his own seal and seals of such candidates or election agents as may desire to affix their seals and take sufficient precautions for their safe custody during the intervals.
- b) At the end of each round of counting, a certificate should be obtained from the candidates or their election agent or in their absence, from their counting agents that they are satisfied in regard to the counting in that round. If anyone has any complaint or doubt with regard to the counting at any counting table, the same should be appropriately dealt with and disposed of then and there by the Returning Officer.

The Returning Officer shall follow this procedure very meticulously to minimize the scope for raising any claim for recount by the candidates for their election agents or counting agents under Rule 165.

F. Recount of Votes:

- a) After completion of counting, the Returning Officer shall record in the result sheet in Form-21-C(1) the total no. of votes polled by each candidates and announce the same.

(4)

- b) After such announcement has been made, candidate, or in his absence, his election agents or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the ground on which he demands such recount. No such request for recount shall be accepted if not preferred within 10 minutes of announcement of the final counting.
- c) On such an application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it totally if it appears to him to be frivolous or unreasonable.
- d) Every decision of the Returning Officer under Rule 165 shall be in writing and contain the reason thereof.
- e) If the Returning Officer decided under Rule 165 to allow recount of the votes either wholly or in part; he shall -
 - i) do the recounting in accordance with provision under para 2(C) above.
 - ii) amend the result sheet in Form-21-C(1) to the extent necessary after such recount
 - iii) announce the amendment so made by him
- f) After the total number of votes polled by each candidate has been announced under Rule 165, the Returning Officer shall complete and sign the Result Sheet in Form-21-C(1) and no application for recount shall be entertained thereafter.

Provided that no step shall be taken on completion of the counting until the candidates and election agents present have been given a reasonable opportunity to exercise the right conferred by Rule 165.

3. The provisions under Rule 166, Rule 167 and Rule 168 of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 shall be followed.

With reference to Rule 166 and Rule 169 of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951, the Returning Officer shall also endorse the report of result of the Election, constituency wise and subsequent references to the State Election Commission in addition to other authorities mentioned in the aforesaid Rules.

4. Following further guidelines of general nature are to be followed by the DEO/ RO in connection with counting of votes.

- i) Number of counting tables in a Counting Hall shall not exceed 14 numbers.
- ii) The counting shall start at 8.00 AM on 22nd June, 2017 and continue till the counting process is over.
- iii) The Counting Hall should have a strong 3 layer security barricade around it so that people cannot enter into the vicinity of the Strong Room & Counting Hall.
- iv) There should be only one entrance for entry of people having proper security check at the time of entry. If possible, metal detector should be placed in service at every point.

- v) For the purpose of entry into the Counting Hall, printed identity cards are to be issued by the Deputy Commissioner/Sub-Divisional Officer(C) and duly signed by the Deputy Commissioner or an authorised Officer. You may like to introduce printed identity cards with papers of different colours. The contesting candidates may be given Identity Card of one colour and the counting agents a different colours may be introduced. For the officials and staff and the other people engaged by the Deputy Commissioner/Sub-Divisional Officer(C), may use a different colour. The Identity card should be long in size having a thread to hang it round the neck so that the Identity card is easily visible on the chest of the person.
- vi) Nobody should be allowed to bring food or drinking water inside the cordoned off area. Drinking water bottles are to be supplied to all persons inside the cordoned off area.
- vii) There should be adequate arrangement for temporary sanitation in a corner of the cordoned off area with adequate arrangement of water and separate facilities for ladies.
- viii) There should be adequate provisions of light. The Assam State Electricity Board should be informed in advance to maintain uninterrupted supply of power. In addition you should keep alternative provision by installing generator.
- ix) The CC camera with screen at a distance of a Counting Hall should be installed to show progress of counting.
- x) A small medical unit with doctor and paramedical staff should be stationed in suitable place during the counting hours. They should be provided with all the facilities including food.
- xi) Endeavour should be made to minimize the number of people inside the counting Hall for smooth & speedy counting and to avoid lot of problems. The Deputy Commissioner /Sub-Divisional Officer(C) may hold a meeting with the representative of National and Recognised Political Parties and seek their co-operation to minimize the crowd inside the counting hall.
- xii) Each of the Counting Hall should have access to public address system to announce the results after every round of counting.
- xiii) Only the following officers are allowed to take a mobile phone beyond the entry point- Election Observer, Deputy Commissioner/Sub-Divisional Officer(C), Additional Deputy Commissioner, Election Officer, Superintendent of Police, Additional Superintendent of Police, Deputy Superintendent of Police and Officer in -charge of the local police station. In suitable place of the building a temporary telephone with landline should be installed which should function as a control room as well as information centre. The Officer in charge of the room should have with him the result sheets so that press etc. can obtain the results of counting.
- xiv) Please ensure presence of adequate number of force around the counting hall to deal with any untoward situation. Also a Fire Tender should be stationed in the vicinity of the counting hall.
- xv) Nobody would be allowed to carry any briefcase, handbag, file cover, water bottle etc. The counting agents of the candidates however may carry writing pads and pen.

- xvi) There will be a register to keep record of Ballot Boxes taken out from the Strong Room to the Counting Hall. It will record the name and designation of the officials who have received the Ballot Boxes. It will be good to record the number of the box embossed on the body. The name of the Polling Station should also be recorded. Signature of the officer who has received the Ballot Boxes from the Strong Room should be obtained in the register **on every occasion a Ballot Box is taken out.**
- xvii) In the Counting Hall also another register should be maintained to record details of the Ballot Boxes received from the Strong Room. Officers-in-charge of the Counting Hall should put his signature to confirm the records. The register will also record the number of Ballot Box and names of the Polling Stations.
- xviii) For every Counting Hall a separate register is to be maintained to record the names and signature of the Candidates/Counting Agents.
- xix) The results of counting after every round should be announced through public address system. The sound of the Public Address System should be so pitched not to disturb the neighbouring areas.
- xx) After the counting process is over, the Deputy Commissioners/Sub-Divisional Officer(C) on declaration of Result as per Sub-Rule 1 of Rule 165 of Assam Autonomous Districts (Constitution of District Councils) Rules, 1951, shall issue a certificate of being elected to the candidate securing the highest votes against each constituency.
- xxi) The Deputy Commissioner/Sub-Divisional Officer(C) shall arrange for safe custody of all records of counting including Ballot papers as required under provision of Assam Autonomous Districts (Constitution of District Councils) Rules, 1951.
- xxii) Police officers, whether in uniform or in plain clothes should not, as a general rule, be allowed to enter inside the Counting Hall **WITHOUT ANY EXCEPTION**, unless the Deputy Commissioner or the authorised officer for counting calls them in for the maintenance of law & order or some similar purpose.
- Such a step has been considered necessary to avoid allegation, the scope of any probable complaints/by some candidates or parties of being overawed by an unnecessary show of force.
- xxiii) Seating Arrangement for the Counting agents of candidates at the Counting tables will be arranged as per the following priority :
- a) Counting Agents of Candidates of recognized National Parties.
 - b) Counting Agents of Candidates of recognized State Parties.
 - c) Counting Agents of candidates of recognized State Parties of other states who have been permitted to use their reserved symbols in the Constituency.
 - d) Counting Agents of Candidates of recognized-unrecognized Political Parties.
 - e) Counting Agents of Independent Candidates.

- xxiv) Smoking inside the Counting Hall should be totally prohibited.
- xxv) Mobile telephones are not to be allowed inside the Counting Hall. Only election Observer of the Counting Hall are allowed to bring Mobile Phone inside Counting Hall.
- xxvi) Entire Counting process must be video graphed and the CD of the video be kept in safe custody.

5. Relevant provisions of this guidelines may be apprised/ informed to the Political Parties and candidates in a meeting convened by the Returning Officer.



Secretary

Assam State Election Commission

Dispur:Guwahati-781006

Dated Dispur the 31st May, 2017.

Memo No.SEC 53/2016/Pt/67 -A

Copy for information and necessary action etc:

- 1) All Election Observers appointed by the State Election Commission(through Respective RO).
- 2) The Superintendent of Police, Karbi Anglong, Diphu/ West Karbi Anglong, Hamren.
- 3) The SDPO, Bokajan.



Secretary

Assam State Election Commission

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