

**OFFICE OF THE CHIEF ELECTORAL OFFICER
KERALA
Election (General) Department**

No. 3366/EL3/2021/Elec.

Thiruvananthapuram,
Dated: 30.04.2021.

From
Chief Electoral Officer

To
All District Election Officers
All Returning Officers

Sir,

Sub: - S11- Kerala – General Election to Kerala Legislative Assembly,
2021- Consolidated instructions on Counting – reg.

All Returning Officers are requested to ensure that following steps are scrupulously followed after counting of votes have been completed

Declaration of Result

- i) Before RO declare result, he should obtain an authorization for declaration of result from the Observer concerned.
- ii) After completing and signing the Result Sheet in Form – 20 and after RO has obtained the necessary approval of the Commission, wherever required, and a No Objection from the Commission's Observer in the format prescribed (*para 16.2.1 of Handbook of Returning Officers*), the candidate to whom the largest number of valid votes have been given should then be declared elected.
- iii) RO shall not declare the result without receiving the authorization from the Observer.
- iv) If two candidates 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. In such case, matter must be reported to the Commission first, for such directions as the Commission may like to give.
- v) The declaration of result shall be made in Form 21 C. The name and address of the elected candidates shall be as given in list of contesting

candidates (Form 7A), name of political party should be written as given in latest Political Parties and Election Symbols Notification. Name of the Constituency should be in accordance with the latest Delimitation Order.

- vi) **After ROs signature affix ROs rubber Stamp.**
- vii) The ink signed Form – 21C with the seal of the RO should be sent to this Office with a Certificate that the above have been adhered to. For any lapse in the process, RO will be accountable.
- viii) Result of Election shall be prepared in Form 21 E.
- ix) In Form 21 E
Total number of electors include Service Electors.
Total number of valid votes polled & rejected votes include postal votes.
Names of the candidates shall be in the same order as in the list of Contesting Candidates in Form 7A/ Ballot Paper (Not in descending order of votes polled).
- x) Immediately after completion of counting, the **Form 21C in English and Malayalam (also in Tamil and Kannada wherever applicable) and Form 21E shall be prepared, scanned with high resolution and send to this office by e-mail (resultkla2021@gmail.com), so as to reach this Office by evening of 02.05.2021.**
- xi) The ink signed Form 21C and 21 E in triplicates shall be sent through Special Messenger so as to reach this Office .

All communications to the Election Commission of India shall be send to following e-mail id.

Sri. Arvind Anand, Secretary, Election Commission of India, New Delhi

e-mail: arvind.anand@eci.gov.in

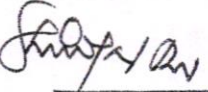
Phone No. 011-23052063

Yours faithfully,

D. Balamurali.

**Additional Chief Electoral Officer
for Chief Electoral Officer**

Approved for Issue


Section Officer

16 DECLARATION AND PUBLICATION OF RESULT OF ELECTION

16.1 GENERAL

16.1.1 After the counting has been completed in all respects, Returning Officer has to proceed to make the formal declaration of result of election.

16.1.2 If any polled EVMs have been kept apart on account of technical malfunction or tampering with, then, Commission's permission is mandatory, before declaring the result. Hence, before declaring result, Returning Officer must, verify and satisfy himself/herself that there is no such case or any other such case, which requires to be referred to the 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 his/her constituency. If that be so, send a detailed report to the Commission forthwith giving all the required information and obtain prior approval before making the declaration of result.

16.2 RESULT SHEET - FORM 20

16.2.1 Every Observer shall, after completely satisfying himself/herself about the fairness of counting of votes and complete accuracy of compilation of result, shall issue an authorization to the Returning Officer concerned in the following format for the declaration of the result:

.....Observer Code (.....), for.....
 Assembly Constituency /Assembly Segment ofParliamentary
 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_____

16.2.2 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.

16.2.3 After completing and signing the Result Sheet in Form 20 appended to the Conduct of Election Rules, 1961, and after obtaining the necessary approval of the Commission, wherever required, and a No Objection from the Commission's observer in the above format, Returning Officer may complete and sign the Result Sheet in Form 20 appended

"No voter to be left behind"

to the conduct of Election Rules 1961. The candidate obtained the largest number of valid votes should then be declared elected. Returning Officer must declare the result by public announcement.

16.3 EQUALITY OF VOTES

16.3.1 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 drawing of lot. This will be in the rarest of rare cases and in such a case also, matter first be reported to the Commission for such directions as the Commission may like to give.

16.4 FORMAL DECLARATION OF RESULT - FORM 21C OR 21D

16.4.1 The formal declaration of result should be made by Returning Officer either in Form 21C or Form 21D of the Conduct of Elections Rules, 1961, as may be appropriate (**ANNEXURE 40**). 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 the political party should be written as given in the latest Political Parties and Election Symbols notification. Returning Officer should authenticate his/her signature by affixing his/her seal.

16.4.2 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 Returning Officer has to rectify some error in his/her original declaration, there should be no change in that date which should continue to be the date on which the result was declared.

16.5 AUTHORITIES TO WHOM COPIES OF DECLARATION SHOULD BE SENT

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

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

16.6 REPORT OF RESULT OF ELECTION

16.6.1 Returning Officer 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 Kendra 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 and Company Affairs (Legislative department), 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

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

16.6.3 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) Total number of votes rejected;
- v) Number of votes polled for 'NOTA';
- vi) Names of contesting candidates with their party affiliations and votes polled by each; and
- vii) Name of the candidate declared elected.

16.6.4 Returning Officer should further ensure that whenever he/she refer to a woman candidate in a message/mail communicating the result, he/she should add the prefix 'Kumari' or 'Srimati' to her name as the case maybe, so that it should be understood that the candidate is a woman.

16.6.5 Returning Officer should also ensure that the number of votes mentioned while reporting the result is given in words and not in numerals as the latter are likely to be mutilated during transmission.

16.6.6 To secure uniformity in communicating the result, a specimen form of fax/email is given below.

"No voter to be left behind"

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

16.7 CERTIFICATE OF RETURN OF ELECTIONS - FORM 21E

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

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

16.8 CERTIFICATE OF ELECTION - FORM 22

16.8.1 As soon as may be after a candidate has been declared elected, Returning Officer 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
.....

Signature of the returned Candidate

Date:

Attested and forwarded to the Secretary

Returning Officer

16.8.2 The certificate of 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 Legislative may be issued in English or Hindi or in any of the languages used for official purpose of the State. It should be open to the elected candidate to sign the acknowledgment in any language he likes.

16.8.3 The certificate of election should be handed over to the candidate, and its acknowledgement obtained immediately after declaration of result, if he happens to the 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.

16.8.4 In case the elected candidate is not present at the place of counting and does not visit 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 acknowledgement (duly signed by the candidate) may also obtained through the same person.

FORM 21C

(See rule 64)

(For use in General Election when seat is contested)

Declaration of the result of Election under section 66 of the Representation of the People Act, 1951.

*Election to the House of the People from the.....Parliamentary constituency in..
.....(State/Union territory).

*Election to the Legislative Assembly of.....(State/Union territory)
from.....Assembly constituency.

*Election to the Metropolitan Council of Delhi from.....Metropolitan Council constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

.....(Name).....(Address) sponsored
by.....(name of the recognised /registered political party) has been duly
elected to fill the seat in that House from the above constituency.

Place

Date

Signature.....

Returning Officer

*Score out, if inappropriate.

FORM 21E

(See rule 64)

Return of Election

Election to the.....from the.....constituency

Return of Election

Serial No.	Name of Candidate	Party affiliation	Number of votes polled

Total number of electors.....

Total number of valid votes polled.....

Total number of votes for 'None of the Above'.....

Total number of rejected votes.....

Total number of tendered votes.....

I declare that—

.....(Name)of.....
..... (address)has been duly elected to fill the seat.

Place

Date

Returning Officer

ഫാറം 21 സി
[64-ാം ചട്ടം കാണുക]

(പൊതുതിരഞ്ഞെടുപ്പിൽ ഒരു സ്ഥാനത്തേക്ക് മത്സരം ഉള്ളപ്പോൾ ഉപയോഗിക്കുന്നതിനുവേണ്ടി)

1951-ലെ ജനപ്രാതിനിധ്യ നിയമം 66-ാം വകുപ്പ് പ്രകാരമുള്ള തിരഞ്ഞെടുപ്പ് ഫല പ്രഖ്യാപനം.

- * (സംസ്ഥാനം/കേന്ദ്രഭരണപ്രദേശം) -ലെ
നിയോജകമണ്ഡലത്തിൽ നിന്നുള്ള ലോകസഭയിലേയ്ക്കുള്ള തിരഞ്ഞെടുപ്പ്.
- * (സംസ്ഥാനം/കേന്ദ്രഭരണപ്രദേശം) -ലെ
നിയോജകമണ്ഡലത്തിൽ നിന്നുള്ള നിയമസഭയിലേയ്ക്കുള്ള തിരഞ്ഞെടുപ്പ്.
- * മെട്രോപൊളിറ്റൻ മണ്ഡലത്തിൽ നിന്നുള്ള ദില്ലി മെട്രോപൊളിറ്റൻ കൗൺസിലിലേയ്ക്കുള്ള തിരഞ്ഞെടുപ്പ്.

1951-ലെ ജനപ്രാതിനിധ്യ നിയമം 66-ാം വകുപ്പിൽ അടങ്ങിയിരിക്കുന്ന വ്യവസ്ഥകൾ അനുസരിച്ചും 1961-ലെ തിരഞ്ഞെടുപ്പ് നടത്തിപ്പ് ചട്ടം 64-പ്രകാരവും:-

.....
(അംഗീകൃത/രജിസ്റ്റർ ചെയ്യപ്പെട്ട രാഷ്ട്രീയ കക്ഷിയുടെ പേര്) നിർദ്ദേശിച്ച ശ്രീ./ശ്രീമതി
.....
.....

(പേരും മേൽവിലാസവും) മേൽപ്പറഞ്ഞ മണ്ഡലത്തിൽ നിന്ന് പ്രസ്തുത സഭയിലെ സ്ഥാനം നികത്തുന്നതിനായി യഥാവിധി തിരഞ്ഞെടുക്കപ്പെട്ടതായി ഞാൻ പ്രഖ്യാപിക്കുന്നു.

സ്ഥലം
തീയതി

ഒപ്പ്:
വരണാധികാരി:

* ബാധകമല്ലാത്തത് വെട്ടിക്കളയുക.