



राज्य निर्वाचन आयोग हिमाचल प्रदेश

STATE ELECTION COMMISSION HIMACHAL PRADESH

आर्मसडेल,शिमला-171002]Armsdale,Shimla-171002 Tel. 0177-2620152,2620159,2620154 Fax. 2620152

No. SEC. 13-6/ 2015-

Dated the 26th February, 2016.

To

The Returning Officer-cum-Deputy Commissioner
Municipal Corporation Dharamshala
District Kangra, Himachal Pradesh.

**SUBJECT: CONDUCT OF ELECTION TO PANCHAYATI RAJ
INSTITUTIONS ----DIRECTIONS THEREOF.**

Sir,

I am directed to convey for your guidance and compliance the following directions for ensuring proper, timely and smooth conduct of general elections to Municipal Corporation Dharamshala to be held as per programme issued by the Commission.

PART-I

1. PREPARATORY

- i. **APPOINTMENT OF RO / ARO :-** You have already been appointed as Returning officer under Rule 30 of the HP Municipal Corporation Election Rules, 2012 for the conduct of election to Municipal Corporation Shimla. Sub-Rule (2) of the said Rule empowers you to appoint Assistant Returning Officers to perform all or any of the duties of the Returning Officer. You may issue their appointment order in accordance with the provisions in the said Rule immediately. It is also advised that the officers of State Civil Services may be appointed as ARO as their responsibilities and duties are quasi-judicial in nature and any lapse on the part of ARO may vitiate the entire election process of Municipal Corporation.
- ii. **Briefing to AROs:-** You should hold at least two briefing sessions for Assistant Returning Officers in order to acquaint them with the provisions of Rules and Procedures of the conduct of Election. They must be made aware of the gravity

and serious nature of their duties. They shall be responsible for receipt of nomination papers, scrutiny of nomination papers, allotment of symbols, preparation of list of contesting candidates, counting of votes and finally declaration of results, as all these functions are of quasi-judicial nature. Every ARO may be assigned the duty to function as ARO for a group of wards. They ought to keep the record of each office separately in order to avoid any confusion at the time of scrutiny. The nomination papers received in respect of each ward must be kept in separate folders.

- iii. Appointment of Polling Parties:** Rule 31 of the Rules *ibid* provides for appointment of Presiding Officers & Polling Officers. It is believed that you may have already invited the names of employees to be deputed on election duty. Each polling party will consist of four persons i.e. One Presiding Officer and three Polling Officers. Presiding Officers and Polling Officers may be classified on the basis of scale of pay, their post and rank. As far as practicable, Gazetted Officers may be deployed as Presiding Officers.

Since elections to Municipal Corporation Dharamshala are being conducted in the month of March, which is also examination time for schools, therefore, you may take a precaution to appoint the school teachers as polling personnel as far as practicable. If appointment of teachers are inevitable, you may appoint them in consultation with the Head of Institution, so that exams as well as elections are conducted in a smooth manner.

- iv. Training / Rehearsal to Polling Parties:** While issuing appointment orders to the Polling Personnel, you must inform them the date of first rehearsal so that they could acquaint themselves with each other and also with the rules and procedures for the conduct of elections. You may provide them Presiding officer's Hand Book to enable them to go through the same, so that in case of any doubt they may seek clarification in the next rehearsal. You may also invite the prospective candidates and their polling agents, if they are so desirous to these rehearsals and explain to them on vital points with regard to election rules and procedures.

Although most of the Presiding Officers may have worked as such and may be well acquainted with the Electronic Voting Machines, yet the directions of Voting by Electronic Voting Machines may be explained to them in detail. The functions of the EVM, Voting through the EVMs, sealing of EVMs and Counting

process through EVMs must be explained thoroughly during the rehearsals. **Appointment orders of polling parties may be issued immediately on priority basis.**

- v. **Arrangement for Counting:-** You will fix counting venue for whole of the Municipality at the District Collectorate. A separate counting centre may be set up for the counting of votes for a group of wards in order to avoid crowd at a particular place. The polling parties must be informed about the counting centre in advance as they will hand over the polled EVMs directly at the respective counting centers. Each counting centre will have sufficient staff to receive EVMs. **The counting of votes is most important and full of responsibility. Therefore, you may appoint responsible staff for counting duty. Appointment orders of counting personnel may be issued as soon as possible.** The number of counting tables, staff per table etc. may be decided by you.
- vi. **Training of Counting Staff:-** The Counting staff may also be imparted training / rehearsal in order to acquaint them with the statutory provisions. The relevant directions issued by the State Election Commission on counting through EVMs may be discussed with them during training. **The counting will be undertaken on the same day on which the poll is taken.** Therefore at the hour fixed for closing of poll the counting centre must be ready. As soon as all EVMs pertaining to a ward are received, the counting process may be undertaken for that ward after observing all the statutory requirements. About this the candidates may be informed in advance so that they or their counting agents make themselves available, if they so wish.
- vii. **Sector Officers:** You may appoint Sector Officers to oversee and facilitate the election process and to help & guide polling parties. The Officers having vehicle should be appointed as Sector Officers. The Sector Officer will communicate any incident or occurrence to the Returning Officer immediately. Sector Officers may be provided with standby EVMs in respect of relevant wards so that they may replace the EVMs if there is any technical failure at any polling station.
- viii. **Transmission of Urgent Messages & other Arrangements:** Urgent messages may be transmitted immediately on priority basis. **Cell Phone numbers of all the polling personnel, Sector officers, ROs /AROs should be available with you.**

- ix. **Election Material:** Since volume of the forms, stationery and election material is not very big, therefore, the election material such as cloth for voting compartments, various seals etc. will be supplied to you by the District Election Officer (Panchayat) Kangra. The forms etc. are available on the website of the Commission and you can use the Xerox copies of the same.
- x. **Ballot Paper:-** The Ballot Paper will be required to use in the EVM, for Tendered Votes and for Poll Duty Ballots. The ballot paper will be supplied by the State Election Commission. There shall be no choice of symbol under Rule 44 of the Rules *ibid*. The names of the contesting candidates will be printed on the ballot paper as they will appear in the list of contesting candidates. ***Therefore, immediately after the date and time of withdrawal is over, the list of contesting candidates will be prepared under Rule 42 on form-25 and provided to the Commission through fax / E-mail. At the same time you will also depute a responsible official to deliver the original lists to the representatives of the Commission in the HP Government Printing Press.*** The official so deputed will read the proof of the ballot paper and go back only after receiving the delivery of ballot papers.

Since ballot papers are the most sensitive document among all the election material therefore responsible person with armed security personnel should be deputed. You will also arrange for the safe and secure transportation of ballot papers from Shimla to the District Headquarter.

The State Election Commission has decided to provide option of “NOTA” “उपरोक्त में से कोई नहीं” on ballot paper. Therefore, while fixing ballot paper on the ballot unit one extra button than the number of contesting candidates will be unmasked.

- xi. **Hand Books:-** The Presiding Officer’s hand Books are being prepared in the Commission and will be supplied to you as soon as these are ready. ***The detailed guidelines for Presiding Officers alongwith statutory provisions are being given in these Hand Books.*** You will provide these hand books to the Presiding Officers in the first briefing session so that they may get ample time to acquaint

themselves with the provisions and procedure for the conduct of elections. **It should be emphasized that these hand books should be thoroughly gone through by all the concerned officers and all provisions should be clearly understood.**

- xii. Polling Stations:-** Rule 30 (4) of the Election Rules provides that the Returning Officer shall fix such number of polling stations for every ward as he may deem necessary. You may have already fixed the polling stations for different wards of Corporation. However, if it appears to you that number of electors in a polling station are considerably high you may fix an auxiliary polling station. Where in a ward the number of **women electors is considerably high an auxiliary polling station could be set-up for women.** Every such polling station should be selected after inspection by a Government Officer authorised by you so as to see that premises are safe, well- lit and suitable for the purpose. If an auxiliary polling station is set up, it may be ensured that it is fixed in the same or adjoining building in order to facilitate the electors and avoid any confusion.

As mentioned above vide para iii supra, you may fix the polling stations in Government buildings other than the Schools as far as practicable, in view of the ongoing exams.

The Polling Stations are required to be classified into “Normal” or “Sensitive” keeping in view of the input from the Police Authorities and Magistracy. The number of Polling Stations categorized as “Sensitive” may be intimated to the Commission on or before 15th March, 2016 .

2. PART-II

ELECTION PROGRAMME

- i. Nomination:-** The filing of nomination papers shall start from the dates notified by the Commission under Rule 33 of the Rules *ibid.* The Nominations papers

shall be received at the place and before the ARO determined by you keeping in view the administrative convenience under Rule 34 (1) (b) & (c) of the Rules *ibid*. The place of receipt of nomination papers preferably should be District Collectorate. *The time for receipt of nomination papers is prescribed between 11.00 am to 3.00 pm. under Rule 37 (2) of the Rules *ibid*.*

- ii. **DISCLOSURE OF SPECIFIED INFORMATION:** Every contesting candidate is required to disclose the information specified under “**The Himachal Pradesh Panchayats and Municipalities Elections (Disclosure of Specified information by the Candidate) Regulations, 2004**”. According to this every candidate seeking election to the office of a Councillor of Municipal Corporation shall submit the information in the Annexure-I as per Regulation 5 (2) of the said regulations in the form of an affidavit duly made and signed by him in the presence of a Magistrate or a Notary Public or an Oath Commissioner. The forms in respect of Annexure-I, are also available on the website of the Commission and is required to be issued along with the nomination form to the contesting candidates. Please ensure that the said **Annexure** is received with each set of nomination papers to be filed by the contesting candidates.
- iii. **Scrutiny of Nomination Papers:** Rule 40 of the Rules *ibid* provide for scrutiny of nomination papers. At the time of the scrutiny of the nomination papers the candidates and one person authorized in writing by each candidates shall only be allowed to attend the proceedings of the scrutiny. The Returning officer shall give all reasonable facilities to the candidates for examining the nomination paper of all candidates. The orders of acceptance/rejection of nomination papers should, as far as possible, be brief yet reasoned.
- iv. **Withdrawal of Candidature:-** *Any validly nominated candidate can withdraw his candidature before 3.00 pm on the date fixed for the withdrawal of candidature.* Rule 41 of the Rules *ibid* provides that a candidate can give notice in writing in Form-23 to withdraw his candidature. Notice can be delivered to the Returning Officer or specified authority by candidate himself.
- v. **List of Contesting candidates:** After the time of withdrawal is over, the Returning Officer will prepare list of contesting candidates in Hindi in Devnagari script on Form 25 under Rule 42 of the Rules *ibid*. The names of the contesting

candidates in the list shall be arranged in alphabetical order. If two or more candidates bear the same name, they shall be distinguished by the addition of their nick name, fathers name, occupation or residence or in some other manner. The list of contesting candidates will contain the addresses of contesting candidates as given in the nomination papers.

vi. Allotment of Symbols to the contesting candidates: You will allot the symbols in accordance with the notification issued by the Commission vide Notification No SEC (13)-6/2016- 7207-16 dated 26th March, 2016 . **There shall be no choice of symbols for a contesting candidates.** For allotment of symbols, the names of the contesting candidates shall be picked up in accordance with their serial number in the list of contesting candidates in alphabetical order and the symbol shall be picked up from the list of free symbols notified by the Commission in the respective order.

vii. Account of Election Expenses:- Section 13-A of the HP Municipal Corporation Act, 1994 provides for maintaining accounts of election expenses and for maximum limit thereof for candidates at election of Councillor. *The maximum limit of expenditure prescribed under Rule 48 of the Rules ibid is Rs. 1.00 lac.*

Section 13-B of the Act ibid provides for lodging of account within thirty days from the date of declaration of result. The authority appointed for lodging of account is Returning Officer (Deputy Commissioner). You may acquaint the candidates about these provisions. All vouchers, receipts and acknowledgements etc. in support of the expenditure incurred shall be maintained correctly by the candidates. The Returning Officer or any Officer authorized by him can check the register of expenditure maintained by the candidates. The incurring or authorising expenditure in contravention of section 13- A will be deemed to be a corrupt practice under sub-section 5-A of the Section 21 of the HP Municipal Corporation Act, 1994 and may disqualify a candidate

viii. Model Code of Conduct:- With a view to maintain a healthy and peaceful atmosphere during the election period, as would be conducive for ensuring a free and fair election, the Commission has formulated a Model Code of Conduct for the guidance of political parties, candidates and others. It should be impressed upon all concerned that Model Code of Conduct be not violated at any stage. You are requested to ensure that in no circumstances Model Code of Conduct is violated. Violation of Model Code of Conduct is an electoral offence under Sub-Section (4) of Section 30 (h) of HP Municipal Corporation Act, 1994. The code

has come into force within the territorial jurisdiction of Municipal Corporation Dharamshala with the announcement of election programme by the Commission.

- ix. Public Holiday:-** There shall be paid holiday on the day of poll to every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at the election to Municipal Corporation Dharamshala.
- x. Control Room:-** In order to monitor the movement of the polling parties, peaceful conduct of the poll and counting of votes, a control room shall be set up by RO at the District Headquarters three days before the poll and till the completion of elections. The RO shall depute a responsible person as incharge of the control room. The control room should have a telephone with fax, so that urgent messages are communicated to and from the RO and the Commission Headquarter during this time. The control room shall function round the clock until the elections are completed. Fax machines at the District Headquarters shall also remain open to receive and transmit messages. In the Commission's Secretariat, **control room shall be at Room No. 530 Armsdale Building HP Secretariat Shimla-2 with telephone No. 2020154. Besides this the telephone number 2620152, and 2620159 and fax No. 2620152 shall remain available in the Commission's Office. You will intimate the name of the Officer incharge manning the control rooms with telephone, cell and fax numbers to the Commission also.**

It would be desirable to have security arrangement at the Control room also.

PART-III

CONDUCT OF POLL:

i. Issue & Receipt of Postal Ballot:- The electors who are on poll duty shall be entitled to vote. An elector on poll duty, who wishes to vote at an *election shall apply to the Returning Officer for issue of Postal Ballot paper seven days before the date of poll.* The Returning Officer, if satisfied, that the applicant is an elector and on poll duty, shall issue a Postal Ballot for the office of Councillor. If a voter at polling station is on poll duty on other polling station within the same ward, he will be issued Election Duty Certificate (EDC). The ballot papers to be issued as Postal Ballot Papers and for Tendered Votes will be supplied by the Commission.

It should be ensured that Postal Ballot papers are issued to the Polling personnel well in time and received back well before the date of Poll so that the same could be handed over to the concerned AROs for counting at the counting centre.

ii. **Dispatch of Polling Parties:** Movement programme for the polling parties should be prepared separately well in advance so that there is no cause for any confusion in the minds of the officials deputed for the purpose. Arrangement of vehicles, wherever needed, has also to be done in advance. Needless to say that in the use of vehicles all are expected to observe utmost economy.

iii. **Law & Order:-** The Principal Secretary (Home) and Director General of Police are being requested by the Commission to make available adequate force according to realistic projection of requirements by you. Requirement of police force and Home Guards will be assessed by you in consultation with the magistracy and Superintendent of Police. **The number of security personnel to be deployed for maintaining law and order at the sensitive stations will be suitably increased. Utmost care should be taken before classifying a polling station as sensitive.**

iv. **Setting up of Polling Station by Polling Parties:-** The Polling Parties may be directed that they will establish the polling booths in the previous evening as in the morning the poll will be started early. There should be proper arrangement of light at the polling Station and the polling compartment should be made in such a manner that there is proper day light, so that voters may not face any problem to record his vote through EVM.

v. **Preparation of voting machine by the Returning Officer:**

Each Polling Party will be provided one EVM. The Returning Officer shall fix the label containing the names and symbol of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their Election Agents present as are desirous of affixing the same. You will set the number of contesting candidates and close the candidate set section in the control unit and secure it with seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

vi. **Polling Process:-** The voters when enters the polling station will proceed to the **first Polling Officer**. He will check the electors name and other particulars with the relevant entry in the electoral roll and then call out the serial number name and other particulars of the electors. He will make necessary entries in the marked copy of the

electoral roll. The voter will then move to second Polling Officer. The **second Polling Officer** will first apply the indelible ink mark on his left hand forefinger and ask him to sign or put thumb impression in the voters register. *The second Polling Officer will also issue him a slip and direct him to approach the third Polling Officer.*

Immediately on being permitted to vote the elector shall proceed to the third polling officer in-charge of the control unit of the voting machine, who shall put his signature on the slip and keep the slip with him. These slips will be kept in sealed cover in safe custody after the poll is over. Thereafter the third Polling Officer will activate the ballot unit for recording of elector's vote. The elector shall thereafter forthwith proceed to the first voting compartment record his vote and come out of the voting compartment.

vii. Reporting of Various Occurrences:- If any untoward incident, act or omission occurs during the poll process, you will immediately report such occurrence to the State Election Commission for seeking directions. The two hourly poll percentage and polling by elderly voters will also be communicated to the Commission.

viii Closing of Poll:- The poll shall be closed at an hour fixed for the closing of voting and thereafter no elector shall be admitted in the polling station. However, all electors present at the hour fixed for closing of poll shall be allowed to cast their vote. If any question arises whether a voter was present at the polling station before it was closed it shall be decided by the Presiding Officer and his decision shall be final.

For closing of poll after the last voter has recorded his vote, the voting machine has to be closed so that no further recording of votes in the machine is possible. The close button should be pressed only when the Presiding Officer is absolutely certain that no elector who was present at the time fixed for the close of poll remains to vote.

A few minutes before the hour appointed for closing the poll, the Presiding Officer will announce to all those within the limits of the polling station who are waiting to vote that they will be allowed to record their votes in turn. He will distribute to all such electors, slips signed by him in full, which should be serially numbered from serial No. 1 onwards according to the number of electors standing in the queue at that hour the poll will be continued even beyond the closing hour until all these electors have cast their votes. He may depute police or other staff to watch that no one is allowed to join the queue after the appointed closing hour.

xi. Sealing of EVM:- After the poll has been closed and the 'account of votes recorded' in the voting machine has been prepared, the voting machine should be sealed and secured for transportation to the counting centre. Each carrying case should then be sealed at both ends by passing a thread through the two holes provided for the purpose on both sides of

the carrying case and putting thread seal with an address tag showing the particulars of the election, the polling station and the unit contained therein and carrying the Presiding Officer's dated signatures and seal on it. The particulars on the address tag on the control unit and ballot unit shall be the same. The contesting candidates or their polling agents, who are present at the polling station and desirous of putting their seals on the address tag, should also be allowed to do so. The names of the contesting candidates/polling agents who have affixed their seals on the address tags on the carrying cases of the ballot unit(s) and control unit should also be noted by you in the declaration which you have to make at the close of the poll.

xii. Movement to Counting Centre:- The Programme for the movement of polling parties to the collection / counting centres shall be prepared by you and communicated to the polling parties well in advance, so that there is no cause for any confusion in the minds of the officials. Arrangement of vehicles, wherever needed, has also to be done in advance. The Polling Parties will move as soon as the Electronic Voting Machines and other packets are ready and packed. All security staff deputed with a polling party will be on duty till relieved by issuance of a poll duty certificate. Adequate security should be provided to the Polling Parties. Transportation shall be done strictly according to the movement programme. The Polling Parties will hand over the EVMs at the respective collecting / counting centers. Therefore, the polling parties must know location where they have to deliver EVMs, well in advance.

xiii. Return of Material / Stationery:- Out of the material to be supplied to the polling parties some items mentioned below are non-consumable. Therefore, these items should be received back after completion of poll. The Assistant Returning Officers will not relieve the polling parties until the following items are received back:

- | | |
|-----------------------------|--|
| 1. EVMs | 7. Metal rule for detaching ballot paper |
| 2. Self Inking pad | and pusher |
| 3. Presiding Officer Seal | 8. Needle (Sua) |
| 4. Rubber Seal for marking | 9. Cup for setting indelible ink. |
| Ballot paper | |
| 5. Distinguishing mark seal | 10. Gunny bags. |
| 6. Material for voting | 11. Presiding Officer Handbook. |
| Compartment | 12. R O Seal |

xiv. Duty Certificate to Polling personnel, on last day of Poll:- The Polling Parties will be relieved of their duties by issuing a duty certificate to them. The duty certificate will be

issued by the Assistant Returning Officers after all material issued to the polling parties have been received back.

PART-IV

COUNTING PROCESS:

- i. Setting up of Counting Centre:-** The Counting of Votes will be done by RO/ARO. The counting of votes will be done at the District Headquarters as per programme issued by the Commission. Once the poll is closed and the EVMs have been received, the control units shall be brought to the counting centre. All efforts should be made to commence counting as soon as the EVMs of a ward have been collected.

- ii. Critical Arrangements:- Adequate lighting arrangements at the counting centers shall have to be made.** In case electricity is not available or otherwise, petromax lamps / emergency light or generator have to be arranged and kept lighted as stand by. **Counting of votes in candle light is not permissible.** Petromax lamps/emergency light or generator may be kept available by hiring. Adequate security arrangements be made at the counting centre(s). These arrangements will continue till all the results have been declared and all machines and papers have been collected, sealed and secured. In case of sensitive counting centers adequate security arrangement shall have to be ensured.

The Postal Ballot Papers received in time shall be counted first.

Although the Corporation elections are expected to be by & large peaceful, still in order to maintain peace, adequate security arrangements shall have to be made. The pattern of deployment of police force and Home Guards at each Polling Stations and at the counting centers will be decided by you in consultation with the Superintendent of Police.

- iii) Declaration of Result:-** After counting of a ward is over the particulars of counting as entered in the result sheet shall be shared with candidates or their agents and after a suitable pause, if no objection is made or no recount is applied, the result shall be declared on Form-44.

- iv) Sealing of EVMs / Other Packets:-** After the counting of ballot papers is over, the EVM unit will be sealed and kept intact in safe and secure conditions. The Postal Ballot, tendered and rejected ballot paper shall be sealed in separate bundles. The ballot paper account shall also be sealed. These sealed packets shall remain in the custody of Returning Officer in accordance with the Rule 84 of the Rules *ibid*.

LOGISTICS:

- i. **Contingency to Presiding Officer :-** The Presiding officer shall be advanced Rs.100/- for contingent expenditure. While issuing relieving order to these Officers account of this expenditure may be obtained along with balance, if any.
- ii. **Diet Money to Polling Party:-** Each member of the polling party including security personnel shall be paid Rs. 100/- as diet money. This amount will be paid in cash against receipt and no vouchers etc. will be required from the polling party in this regard.
- iii. **Refreshment to Counting Parties:-** At the time of counting the counting parties will be provided with light refreshment etc. keeping in view the time and duration of counting. If counting lasts till four hour or less the polling parties will be provided light refreshment and in case counting continues for more than four hour the staff deployed for counting may be provided dinner as the case may be. In case of difficulty in providing dinner a cash payment @ Rs. 100/- per head may be made.
- iv. **Refund/Deposit and Forfeiture of various type of Money:-** You will receive various amounts, such as fee for inclusion of names, fee on account of sale of voter lists, amount of forfeited security etc. The amount so received shall be deposited in the following Receipt Head of Accounts:

Major Head: 0070-Other Administrative Services-02-Election 101-Sale proceeds for election Forms and documents-02-Sale proceeds for election Forms and documents by State Election Commission.

As far as security money is concerned, Sub-Rule (3) and (4) of Rule 38 provides for refund of security money, if not forfeited. You will deposit the forfeited security money in the Govt. Treasury immediately after receipt of such amount from Assistant Returning Officer in the following receipt Head:

Major Head: 0070-Other Administrative Services-02-Election 104-Fee fines forfeitures-02-Fee fine forfeiture by State Election Commission.

Any miscellaneous amount received during the election shall be deposited in the following receipt head:

Major Head: 0070-Other Administrative Services-02-Election 800-other receipt-03 Misc. receipt by State Election Commission

You will send all the Challans in original alongwith used and unused receipt books and a summary of amount received (receipt book wise) to

the Assistant District Election Officer (Panchayat)-cum-District Panchayat Officer and retain a copy of the same with you for your record. The proforma for sending summary is as under:

Sr. No.	Sr. No. of receipt book	Total receipt issued from a book	Amount	Total blank receipts in a book	Full blank receipt books in total (Unused books)	Detail, if any
---------	-------------------------	----------------------------------	--------	--------------------------------	--	----------------

Note: even if no receipt is issued from a receipt book it has to be mentioned in the summary of receipt book.

- v. **Submission of TA claims:-** All the officials to be appointed on election duty may be advised to submit their TA claims in accordance with the TA Rules applicable to the State Govt. employees to the Returning officer through their head of office immediately so that liability toward TA claims may be cleared as soon as possible.
- vi. **Deputation of Staff & Breach of Official Duty:-** Section 9-E of the HP Municipal Corporation Act, 1994 provides that the officer or staff employed in connection with the preparation, revision and correction of the electoral roll for, and the conduct of all elections shall be *deemed to be on deputation with the State Election Commission* for the period during which they are so employed and such officers and staff shall, during the period, be subject to control, Superintendence and discipline of the State Election Commission. Section 23 of the HP Municipal Corporation Act, 1994 provides that no person who is a District Election Officer or a Returning Officer, or an Assistant Returning Officer, or a Presiding or Polling Officer at an election, or an Officer or Clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate. *Any person who contravenes these provisions shall be punishable with imprisonment which may extend to six months, or with fine or with both.*

Besides Section 27 of the Act *ibid* provides that if any person appointed to perform any duty in connection with *election is without reasonable cause guilty of any act or omission in breach of his official duty he shall be punishable with fine which may extend to five hundred rupees. The offences punishable under Section 23 and 27 are cognizable in nature.*

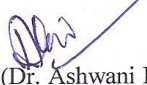
PROHIBITION OF PUBLIC MEETING: Section 24 (2) of the Himachal Pradesh Municipal Corporation Act, 1994 Provides that no person shall convene, hold, attend, join or address any public meeting or procession in connection with an election or display to the public any election matter by means of cinematography, television or other similar apparatus. It further provides the no person propagate any election matter to the public by holding or arranging any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the numbers of the public thereto in any polling area **during the period of forty-eight hours ending with the hour fixed for the conclusion of poll for any election in that polling area.**

viii. **BAN ON THE SALE OF LIQUOR:** Section 30-I of the Act ibid provides that liquor or other substances of a like nature shall not be sold, given or distributed during the forty eight hour ending with the hour fixed for the conclusion of poll on the day of poll and on the day of counting in the Municipal areas. The dates for closing of liquor vends shall be notified by the Returning Officer according to the notification of election programme when issued by the Commission.

ix. **PROHIBITION ON CARRYING OF ARMS DURING THE ELECTION PROCESS:** Since you are also the District Magistrate, therefore you may issue an order imposing ban on carrying of arms during the election process except the forces appointed for maintaining law and order, security or on election duty .

You are, requested that the aforesaid directions / guidelines may be adhered to strictly in order to ensure free, fair and smooth conduct of elections to Municipal Corporation Dharamshala.

The Commission wishes smooth success for your diligent and consistent hardwork.


(Dr. Ashwani Kumar Sharma)
Secretary
State Election Commission
Himachal Pradesh

Endst. No. SEC. 13-6/2015-7329-7379 Dated the 26th February, 2016.
Copy forwarded for information and necessary action to:

1. The Secretary to H.E. the Governor of H.P.
2. The Principal Private Secretary to the Hon'ble Chief Minister, H.P.