



राज्य निर्वाचन आयोग हिमाचल प्रदेश

STATE ELECTION COMMISSION HIMACHAL PRADESH

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No. SEC-16-1/2011- I- 5042-576 dated the 10th Nov- 2015.

NOTIFICATION

Whereas Hon'ble Supreme Court of India in Writ Petition (Civil) No. 161 of 2004 titled as People's Union for Civil Liberties & Another, has directed the Election Commission to provide necessary provisions in ballot papers and EVMs for displaying a separate button for "None of the Above" (NOTA) "उपरोक्त में से कोई नहीं" so that the voters, who decide not to vote for any of the candidates in the election, are able to exercise their right not to vote while maintaining their right of secrecy;

Therefore, the State Election Commission, Himachal Pradesh in compliance to the directions passed by the Hon'ble Apex Court and in exercise of the powers vested in it under Article 243-K and ZA of the Constitution of India, Section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 Section 281 of H.P. Municipal Act, 1994 and Section 9 of the H.P. Municipal Corporation Act, 1994 read with Rule 52 (1) of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 Rule 58 (2) of the H.P. Municipal Election Rules, 2015 and Municipal Corporation Election Rules, 2012 and all other powers enabling it in this behalf, hereby orders that the option "None of the Above" (NOTA) "उपरोक्त में से कोई नहीं" shall be given in the ballot papers/EVMs, henceforth, in the last column/box after the names of all contesting candidates for the elections to PRIs/Municipalities. The number of votes polled to "None of the Above" (NOTA), "उपरोक्त में से कोई नहीं" shall be shown at the last in result sheet of counting and form of return along with the names of the candidates and number of votes polled in favour of each contesting candidate. However, the effect of "None of the Above (NOTA)" "उपरोक्त में से कोई नहीं" shall be same as not voting in favour of any candidate. Therefore, even if, "None of the Above (NOTA)" "उपरोक्त में से कोई नहीं" gets maximum number of votes, the contesting candidate securing/ highest number of votes next to "None of the Above (NOTA)"


उपरोक्त में से कोई नहीं "shall be declared elected. Option of NOTA will be provided by affixing stamp "उपरोक्त में से कोई नहीं" on the last box of the ballot paper after the names of all contesting candidates, issued by the State Election Commission in respect of Panchayati Raj Institutions. However, in case of election in Municipalities the option "None of the above (NOTA)" will be printed in the last column/box of the ballot paper to be used in EVMs during Municipal Elections.

This is issued in supersession of earlier Notification No. SEC. 16-1/2011-2513-2623 dated 18th November, 2014..

By Order
(T.G. Negi)
State Election Commissioner
Himachal Pradesh.

Endst No. SEC-16-1/2011-I- 5062-5176 dated the 10th Nov, 2015.
Copy to:

1. The Secretary to H/E the Governor of H.P for the information of his Excellency.
2. The Chief Secretary to the Govt. of H.P.
3. The Principal Secretary to the Hon'ble Chief Minister, H.P.
4. All the Additional Chief Secretaries to the Govt. of Himachal Pradesh.
5. All Principal Secretaries to the Govt. of Himachal Pradesh.
6. The Secretary (Panchayati Raj) to the Government of Himachal Pradesh, Shimla-2.
7. The Secretary, Vidhan Sabha Himachal Pradesh, Shimla-4.
8. The Director-cum-Special Secretary Panchayati Raj Department Shimla-9 (HP) for information and necessary action.
9. The Director, Urban Development Department, HP, Shimla-2.
10. All the Distt. Election Officer (Municipalities)-cum-Deputy Commissioner (except Tribal) Himachal Pradesh.
11. All the Distt. Election Officer (Panchayat)-cum-Deputy Commissioner, HP.
12. All the Assistant District Election Officers (Panchayat)-cum-District Panchayat Officers Himachal Pradesh in order to ensure strict compliance of these directions.
13. All the Block Development Officers Himachal Pradesh for information and strict compliance.
14. E-gazette.
15. Guard File.


(Dr.A.K.Sharma)
Secretary
State Election Commission
Himachal Pradesh.