



A

HAND BOOK

FOR

RETURNING OFFICERS/ASSISTANT RETURNING OFFICERS

FOR

THE

CONDUCT OF ELECTIONS TO GRAM PANCHAYATS,

PANCHAYAT SAMITIS AND ZILA PARISHADS

2020

STATE ELECTION COMMISSION, HIMACHAL PRADESH

ARMSDALE BUILDING, SHIMLA-171 002

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P R E F A C E

In any election, the Returning Officers play a pivotal role. Right from the issue of public notice inviting nominations of candidates to the declaration of results and subsequent safe custody of election papers depends primarily on work done by Returning Officers. They are, therefore, required to be fully and reliably conversant with the laws and procedures relating to elections. Any erroneous interpretation of law and its wrong application may vitiate an election. Where an election is set aside, the whole election process from nomination of candidates to poll and declaration of result has to be undertaken denovo. This costs money, time and human effort also.

Fortunately, you are acquainted with the basic guiding principles contained in the Representation of People Act, 1951 and the Rules made thereunder. The provisions enshrined therein and those embodied in the H.P. Panchayati Raj Act, 1994 and the election rules made thereunder are by and large parimateria, with some variations here and there. Therefore, you may not require major re-orientation for functioning as a Returning Officer in Panchayat elections. All the same, you must go through the provisions reproduced, summarized or made in this Handbook carefully and follow them meticulously.

I hope that this hand-book will be of great use to all who are involved in the process of conduct of elections. However, in case of doubt one should refer to the original Act, Rules, Regulations and instructions issued by this Commission.

December, 2020

P. Mitra,
Himachal Pradesh.

INTRODUCTION

The District Election Officer (Panchayat) or the Returning Officer authorised by the District Election Officer (Panchayat) of the District, in view of the provisions of Rule 31 of the H.P. Panchayati Raj (Election) Rules, 1994 shall appoint Presiding Officers and polling officers for the conduct the election to Panchayati Raj Institutions. It is your primary duty and responsibility to ensure free and fair poll at the polling station in accordance with the law and procedure laid down for the purpose. You enjoy full legal powers to control the proceedings with regard to the elections. Therefore, it is essential that you fully acquaint yourself with the law and procedure laid down under the rules.

You will inform the polling party well in advance for collection of material to be used at the polling station, a list of which is given at **Annexure-I**. You should, ensure that the material in question is supplied to polling party in full quantity and according to the prescribed scale, because some of the items of election material are so important that in the absence of which election cannot be completed successfully. Out of the material supplied to the polling parties some of the items are non-consumable. These items have been mentioned under Note-2 below Annexure-I. You will arrange to receive these items back from the polling parties at the receiving centre after the conduct of poll.

1. FILING OF NOMINATION PAPERS AND WITHDRAWAL BY CANDIDATES:

You have been appointed Returning Officer/Assistant Returning Officer by the District Election Officer (Panchayat) for the conduct of elections to Panchayati Raj Institutions under Rule 30 of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994. Under this rule, you can also be required to act as Presiding Officer for the conduct of elections to the Panchayat (Panchayat means Gram Panchayat, Panchayat Samiti and Zila Parishad). This is obviously a task of great responsibility for which you have to acquaint yourself with provisions of the Act and the Rules on the subject. The election programme and instructions issued by the State Election Commission in this behalf will be provided to you by the District Election Officer (P). You should be available at the place/places where nominations are to be received according to the programme specified by the District Election Officer (Panchayat). Under no circumstances

the time, date and place notified for the receipt of the nomination papers shall be changed and the implementation of the programme has to be ensured without deviation and with high sense of responsibility.

When form of Nomination Paper is supplied to any prospective candidate, you will also ensure that a copy of Annexure prescribed under ***“The Himachal Pradesh Panchayats and Municipalities Elections (Disclosure of specified information by the candidates) Regulations, 2004”*** notified by the Commission *vide* its notification No. SEC.16-21/97-123 dated 17-2-04 is also supplied to him. These Regulations are hereby annexed as **Annexure-II** for your guidance. Every candidate for election to the office of Panchayat shall furnish or cause to furnish alongwith his nomination paper the said Annexure with regard to his conviction or acquittal or discharge in criminal cases, if any, in the past etc.

The nomination papers for the office of Member, Up-Pradhan & Pradhan of Gram Panchayats, Members of Panchayat Samiti and Zila Parishad are to be filed constituency-wise at the places specified for the purpose. The following items must be available with you, before the date and time of receipt of nomination papers at the appointed place:—

- (i) One complete set of electoral roll of the Panchayat, duly authenticated by the District Election Officer (Panchayat);
- (ii) Sufficient number of forms of nomination and disclosure of specified information for each office;
- (iii) Forms of notice of withdrawal;
- (iv) Forms for preparing the list of contesting candidates;
- (v) Symbol posters of all kinds for supply to the contesting candidates;
- (vi) Receipt book for receipt of deposit of security money;
- (vii) A copy of the notice issued by the District Election Officer (Panchayat) in Form-17 under rule 33 of the H.P. Panchayati Raj (Election) Rules, 1994;
- (viii) Sufficient number of Form-19 (form of oath or affirmation) prescribed in Rule 36 of the rules *ibid.*

These forms shall be supplied to you by the District Election Officer (Panchayat) of the District concerned.

2. PRESENTATION OF NOMINATION PAPERS AND DEPOSIT OF SECURITY:

As per notice issued in Form-17 each candidate during the time and at a place specified for the purpose shall either by himself or through his proposer file nomination paper duly signed by the contesting candidate and proposer who is a voter of the constituency in Form-18, if he is otherwise not disqualified to file the same. Any person who is subject to any disqualification as a voter under the Act shall not be eligible to sign any nomination paper as a proposer. However, for your guidance provisions of Section 122 of the H.P. Panchayati Raj Act, 1994 and Rule 35, 36 and 37 of H.P. Panchayati Raj (Election) Rules, 1994 are reproduced below:

“Section 122 (1).—A person shall be disqualified for being chosen as, and for being, an office bearer, of a Panchayat:—

(a) if he is so disqualified by or under any law for the time being in force for the purposes of the election to the State Legislature:

*(See extract of disqualification for State legislature defined in Chapter-III of Part II of Representation of People Act, 1951 at **Annexure-III** of this Hand Book):*

Provided that no person shall be disqualified on the ground that he is less than 25 years, if he has attained the age of 21 years:

(b) if he has been convicted of any offence involving moral turpitude unless a period of six years has elapsed since his conviction; or

*(bb) if he has been found to have been guilty of any corrupt practices under Section 180 of this Act (See **Annexure-IV** of this Hand Book);*

(c) if he or any of his family member(s) has encroached upon any land belonging to, or taken on lease or requisitioned by or on behalf of, the State Government, a Municipality, a Panchayat or a Co-operative Society unless a period of six years has elapsed since the date on which he or any of his family members, as the case may be is ejected therefrom or he ceased to be the encroacher; or

Explanation.—*for the purpose of this clause the expression “family members” shall mean grand-father, grand-mother, father, Mother, Spouse, Son(s), un-married daughter(s)”.*

- (d) *if he has been convicted of an electoral offences under Chapter X-A of the Act or under any law for the time being in force; (See Annexure-V of this Hand Book);*
- (e) *if he has been ordered to give security for good behaviour under Section 110 of the Code of Criminal Procedure, 1973; or*
- (f) *if he has been removed from public service or disqualified for appointment in public service, except on medical grounds; or*
- (g) *if he is in the employment or service under any Panchayat or of any Other Local Authority or co-operative Society or the State Government or Central Government or any Public Sector Undertaking under the Control of the Central or the State Government.*

Explanation.— *For the purposes of this clause the expression “service” or “employment” shall include persons appointed, engaged or employed on whole time, part time, casual, daily or contract basis but shall not include any person who is engaged on casual or seasonal work.*

- (h) *if he is registered as a habitual offender under the Himachal Habitual Offenders Act, 1969; or*
- (i) *if, save as hereinafter provided, he has directly or indirectly any share or interest in any work done by an order of a Panchayat, or in any contract or employment with, or under, or by, or on behalf of, the Panchayat; or*
- (j) *if he has not paid the arrears of any tax imposed by a Panchayat or had not paid the arrears of any kind due from him to the Sabha, Samiti or Zila Parishad Fund; or has retained any amount which forms part of, the Sabha, Samiti or Zila Parishad Fund;*
- (k) *if, he is a tenant or lessee holding a tenancy or lease under a Panchayat is in arrears or rent of lease or tenancy held under the Panchayat;*
- (l) *if he has been convicted of an offence punishable under the Protection of Civil Rights Act, 1955, unless a period of six years has elapsed since his conviction;*
- (m) *if he is so disqualified by or under any other law made by the State legislature;*

(n) *if he has made any false declaration as required under this Act or the rules made thereunder; and*

(o) ***deleted vide Act No. 17 of 2005.***

(2) *The question whether a person is or has become subject to any of the disqualification under sub-section (1), shall after giving an opportunity to the person concerned of being heard, be decided;*

(i) *if such question arises during the process of an election by an officer as may be authorized in this behalf by the State Government, in consultation with the State Election Commission; and*

(ii) *if such question arises after the election process is over, by the Deputy Commissioner.*

“Rule 35. Nomination of Candidates.—*(1) Any person may be proposed to be nominated as a candidate for election to fill a seat/office, if he is not disqualified to be elected to fill that seat/office under the provisions of section 122 of the Act.*

(2) Every nomination paper presented under sub-rule (1) shall be in Form-18 :

Provided that every nomination paper shall be accompanied by No Due Certificate issued by the concerned Panchayat in Form-18-A.

(3) *A nomination paper form shall be supplied by the Returning Officer or any other person authorised by him in this behalf to any voter on demand.*

“Rule 36. Presentation of nomination paper.—*On the date fixed for filing of nomination papers under rule 33, each candidate during the time and at a place, specified in this behalf shall either in person or through his proposer, deliver to the Returning Officer or any other person so authorised by him in this behalf the nomination paper, duly filled-up and signed by the candidate of the Panchayat area and by a voter of the constituency as a proposer:*

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted for an election in the same constituency:

Provided further that any person who is subject to any disqualification as a voter under the Act shall not be eligible to sign any nomination paper as a proposer:

Provided further that every candidate filing his nomination paper shall take an oath of affirmation and allegiance to the Constitution of India in writing in Form-19 before the Returning Officer or any other officer authorized by the State Election Commission and shall attach the same with his nomination paper.

Explanation:- *For the purpose of these rules a person who is unable to write his name shall be deemed to have signed an instrument or any other papers if he has placed his thumb impression on such instrument or paper in the presence of the Returning Officer. Such an officer on being satisfied as to his identity shall attest the thumb impression.”*

“ 37. Security deposits.—*A candidate shall not be deemed to be nominated for election unless he has deposited or caused to be deposited as security with the Returning Officer in cash against receipt:—*

- (a) in case of a member of a Gram Panchayat from any constituency a sum of rupees one hundred and where a candidate is woman or a member of Scheduled Castes or Scheduled Tribes or Backward classes a sum of fifty rupees;*
- (b) in case of Pradhan & Up-Pradhan of a Gram Panchayat a sum of one hundred and fifty rupees and where a candidate is a woman or member of Scheduled Castes or Scheduled Tribe or Backward Classes a sum of seventy five rupees;*
- (c) in case of a member of Panchayat Samiti a sum of one hundred fifty rupees and where a candidate is a woman or member of Scheduled Castes or Scheduled Tribes or Backward Classes a sum of Seventy five rupees;*
- (d) in case of member of Zila Parishad a sum of two hundred rupees and where a candidate is a woman or a member of Schedule Castes or Scheduled Tribes or Backward Classes a sum of one hundred rupees:*

Provided that where the candidature of a candidate has been proposed by more than one nomination paper for election to any single seat or office not more than one security deposit shall be required under this rule”.

While receiving the nomination papers, the preliminary checking may be done to see that all the columns in the nomination papers are duly filled in and nomination papers have been signed by the proposer and the candidate himself. No due certificate as required under Rule-35 on form-18 A is attached. Besides specified information as directed by the Commission is also attached on the prescribed Annexure. You will satisfy that necessary security deposit has been made in

accordance with the provisions of the rules and the receipt to this effect has been issued to the person making the deposit.

In case, it is found during the course of checking the nomination papers that the form is incomplete in any respect, the same may be got completed before you by the person filing the same and every reasonable help in the matter may be extended to him.

3. NOTICE OF NOMINATION:

As RO/ARO. You may have to receive nomination papers for more than one Officer. Therefore, in order to avoid mixing of Nomination Papers. Please ensure that all Nomination Papers of a particular office are kept together in one folder.

On receipt of the nomination paper under Rule 35 enter serial number allotted to it and record a certificate stating the date, time at which the nomination paper has been received by you and subsequently display the notice of nomination in Form-20 containing description similar to those contained in the nomination paper both of candidate and his proposer.

4. SCRUTINY OF NOMINATION PAPERS:

On the date and time fixed for scrutiny of the nomination papers as per notice in Form-17, you have to examine all the nomination papers of all the candidates which have been delivered within the time and in the manner laid down in rule 35 and 36 *ibid*. Nomination Papers shall be presented for three days, therefore, in order to save time you may have a look on the Nomination Papers submitted to you during free time *i.e.* before after office hours in order to check the eligibility of contesting candidates. You may prepare rough notes if you have any questions with regard to a particular Nomination Paper. If any question arises about the eligibility of a contesting candidate during the election process, it will be decided by you after due application of mind *vide* notification No. PCH-HA(2)15/99-21592-21607 dated 8th September, 2000, copy of which is annexed as **Annexure-VI** in view of provision of this Act. Your decision shall be final therefore due diligence has to be applied and a speaking order should be passed eligibility of a candidate has to be seen on the date of scrutiny and not on the date of filing of nomination

under Rule 39(2)(a). While examining the nomination papers no other person except the candidate and one other person authorised in writing by each candidate be allowed to attend the proceeding of the scrutiny. The candidate and authorised person should be given all reasonable facilities for examining the nomination papers. Immediately after all the nomination papers have been scrutinised and decision of accepting and rejecting the same made in accordance with the prescribed provisions of rules, ***a list of validly nominated candidates should be prepared on Form-21 and displayed on the notice board at prescribed place.***

In case a nomination paper is rejected, the RO shall pass a reasoned order for rejection. Nomination paper shall not be rejected merely by writing “Rejected” as it will not suffice the purpose of scrutiny. The instructions issued by the Commission *vide* its letter dated 29th October, 2015 (Annexed at **Annexure-VII**) may be adhered to strictly in this regard. However, to facilitate proper scrutiny, the provision of rule 39 of the election Rule *ibid* is reproduced below:

“Rule 39. Scrutiny of nomination papers.—(1) On the date fixed for the scrutiny of nomination papers under rule 33, the candidate and one other person duly authorised in writing by each candidate but no other person, may attend and the Returning Officer shall give them all reasonable facilities for examining the nomination paper of all the candidates, which have been delivered within the time and in the manner laid down in rule 35 and 36.

(2) The Returning Officer shall examine the nomination papers, and decide all objections, which may be made to any nomination, and may either on such objection or on his own motion after such summary inquiry if any, as he thinks necessary reject any nomination on any of the following grounds, namely:—

- (a) that on the date fixed for the scrutiny of nomination the candidate either is not qualified or is disqualified for being chosen to fill in the seat under the provisions of these Rules or the Act or any other law for the time being in force; or***
- (b) that there has been any failure to comply with any of the provisions of rule 35 or rule 36; or***
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.***

- (3) *Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.*
- (4) *The Returning Officer, shall not reject any nomination paper on the ground of any defect, which is not of a substantial character.*
- (5) *The Returning Officer shall hold the scrutiny on the date and time appointed in this behalf under clause (d) of rule 33 and shall not allow any adjournment of the proceeding except when such proceedings are interrupted or obstructed by riot, open violence or by causes beyond his control:*

Provided that in case an objection is raised by the Returning Officer or is made by the candidate or the person duly authorized in writing by the candidate, the candidate concerned may be allowed time to rebut it not later than the next day but one following the date for scrutiny; and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

- (6) *The Returning Officer shall record on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected shall record; in writing, a brief statement of reasons for such rejection.*
- (7) *For the purpose of this rule an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an voter for the constituency.*
- (8) *Immediately after all the nomination papers have been scrutinised and decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare in Form-21 a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it on the notice board at the offices of the Returning Officer and the Panchayats."*

5. WITHDRAWAL OF CANDIDATURE:

Any validly nominated candidate may withdraw his candidature under rule 40 of the H.P. Panchayati Raj (Election) Rule, 1994. According to this Rule a candidate may withdraw his candidature by giving a notice in person or by his proposer or election agent duly authorized. In this behalf in writing. Therefore, only three person *i.e.* candidate, his proposer and his election agent are authorised for withdrawal of candidature under this Rule. When you receive a notice for withdrawal from a person other

than the candidate, it is your primary duty to check whether the person is his proposer or election agent. Also, do demand for written authorization and ensure his identity through some other persons who may be present in your office at the time of withdrawal or some other appropriate mode. The provision of Rule 40 is reproduced hereunder:—

“Rule 40. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by notice in writing in Form-22 subscribed by him and delivered to the Returning Officer or the authority determined in this behalf under clause (e) of rule 33, before 3 O’ clock of the afternoon on the date specified under clause (iii) of rule 32, and no person who has thus withdrawn his candidature shall be allowed to cancel notice of withdrawal.

(2) The notice may be given either by the candidate in person or by his proposer or election agent duly authorized in this behalf in writing by the candidate.

(3) Upon receiving such a notice of withdrawal of candidature the Returning Officer or the specified authority shall cause a notice, Form-23, to this effect to be affixed in some conspicuous place in his office and at the office of the Panchayat concerned.

6. LIST OF CONTESTING CANDIDATES:

After the expiry of the period within which candidature can be withdrawn under rule 40 *ibid*, you should immediately prepare **a list of contesting candidates under rule 41 in Hindi in Devnagri script in alphabetical order** along with address in Form-24 and affix at some conspicuous place in his office and at the Office of Panchayat concerned. The provisions of Rule-41 are appended below:—

41. List of contesting candidates.—(1) On completion of the scrutiny of nomination papers and after the expiry of the period within which candidature may be withdrawn under rule 40, the Returning Officer shall forthwith prepare a list of contesting candidates in Hindi in Form-24 and cause it to be affixed at some conspicuous place in his office and at the office of the Panchayat concerned.

(2) The said list shall contain in Hindi in Devnagri script the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.

7. ALLOTMENT OF SYMBOLS:

After the list of contesting candidates is prepared and number of contesting candidate is more than one, you are required to allot to each contesting candidate appearing in the list of contesting candidates, the symbols approved by the State Election Commission *vide* Notification No. SEC. 16-22/99-1800-46 dated 30-06-2015 in accordance with the order of the serial number of the office-wise symbols specified in the Notification. In addition, the State Election Commission has specified, common symbols *vide* Notification No. SEC.16-22/99-1800-46 dated 30-06-2015 for allotment to the candidates in election to all three tiers of Panchayati Raj Institutions only when all the symbols notified for a particular office have been exhausted. The candidate will have no choice of symbol. A specimen of the symbol allotted should be supplied immediately to each candidate. The list of contesting candidate should contain symbols allotted to each candidate.

Symbols approved by the State Election Commission are as per Annexure- VIII.

After the publication of the list of contesting candidate, one copy of the same should be sent to the District Election Officer (Panchayat) immediately.

8. PREPARATION OF BALLOT PAPERS:

Immediately after the preparation of the list of contesting candidates for the office of the Member, Up-Pradhan & Pradhan Gram Panchayat, Members of Panchayat Samiti and Zila Parishad, the Returning Officer/Assistant Returning Officer, as the case may be, are to proceed to the place and hand over the record to the officer specified by the District Election Officer (Panchayat) in order to start preparation of ballot papers to be used in elections. The ballot papers printed in different colours, separately for Member, Up-Pradhan & Pradhan Gram Panchayat, Members of Panchayat Samiti and Zila Parishads are to be prepared under your close personal supervision. The ballot papers supplied to you well in advance by the District Election Officer (Panchayat) in five different colours on which 10 symbols have already been printed, **the names of contesting candidates shall be got written by you in bold and clear legible letters in Hindi in Devnagari Script with ball point pen only. The names shall be written strictly in accordance with the list of contesting candidate and they shall be written in the same order as they are appearing in the said list.**

*The State Election Commission has decided to provide option of “NOTA” “उपरोक्त में से कोई नहीं” on ballot paper vide its Notification No. SEC. 16-1/2011-2513-2623 copy of which is annexed as Annexure-IX. Therefore, you would require one block extra on the ballot paper then the number of contesting candidates to apply “NOTA” stamp. While applying the stamp on ballot paper, care must be taken that it is applied within the border of last block of the ballot paper, specimen of a ballot paper on which NOTA stamp is applied is annexed herewith as **Annexure-X**.*

For example if there are five candidates for a particular office you will keep the six blocks on ballot papers. The sixth block will be used for application of NOTA stamp and the remaining portion of ballot papers after the NOTA option shall be detached with the help of metal rule leaving behind the shaded portion of the bottom.

Please keep in mind that there are ten symbols printed on the ballot paper. Therefore, if there are ten contesting candidate for an office you would require ballot paper with eleven blocks. Therefore, if for any office, there are ten or more than ten candidates after the time of withdrawal of candidature is over, you will immediately inform the Distt. Election Officer (Panchayat) name of the post along with number of electors so that adequate number of ballot papers could be supplied to you by the Commission. This information must reach the Distt. Election Officer (Panchayat) at once through quickest mode who will inform the commission at once.

The following colour scheme of ballot paper have been prescribed by the SEC for Lahaul & Sapiti, Kinnaur and Pangi Bharmaur of Chamba District only :

- | | |
|-----------------|-------------|
| 1. Member G.P. | Light Blue |
| 2. Pradhan G.P. | Yellow |
| 3. Member P.S. | Light Green |
| 4. Member Z.P. | Pink |
| 5. Up-Pradhan | White |

The following colour scheme of ballot paper have been prescribed by the SEC for other non tribal districts :

- | | |
|-----------------|------------|
| 1. Member G.P. | White |
| 2. Pradhan G.P. | Ligh Green |
| 3. Member P.S. | Pink |
| 4. Member Z.P. | Light Blue |
| 5. Up-Pradhan | Yellow |

Any lapse in the preparation of ballot papers will nullify the entire election process. Therefore, you are advised to carry out the work of preparation of ballot papers with utmost care and sense of responsibility and ensure that the persons engaged for the purpose are discharging the work with the same sense of responsibility.

9. DEATH OF CONTESTING CANDIDATE BEFORE POLL:

If a candidate whose nomination has been found valid on scrutiny and who has not withdrawn his candidature, dies and report of his death is received before the commencement of the poll and number of remaining contesting candidates is more than one the election shall not be countermanded, but in case there remains only one candidate in the field, election shall take place *denovo* as per the directions of the State Election Commission. Provided that no fresh nomination shall be necessary for a candidate who was a contesting candidate at the time of countermanding of the election. Report of this fact be sent to the District Election Officer (Panchayat) immediately for further action by him.

10. UNCONTESTED ELECTION:

If for any seat, there is only one candidate whose nomination papers have been found to be valid after the date and time fixed for withdrawal of the nominations, the candidate be declared elected to fill the seat on Form-28 and information thereof be sent to the State Election Commission through District Election Officer (Panchayat) immediately.

In case no nomination paper has been filed for any seat or if no candidate has been duly nominated for any seat, a report to this effect should also be sent to the District Election Officer (Panchayat) for further action under Rule 49 (2) of the rules *ibid*.

11. POLL DUTY BALLOT:

An elector on poll duty within the same Block shall be entitled to cast his vote. The elector on poll duty shall apply to the returning officer in Form-28-A seven days before the date of poll. The Returning officer shall issue him Poll Duty Ballot each to be used for the election of Member, Up-Pradhan, Pradhan of Gram Panchayat, Members of Panchayat Samiti and Zila Parishad. While issuing Poll Duty Ballot paper to an elector on Poll Duty the Returning Officer will ensure that ballot papers have been prepared in accordance with the directions issued by the Commission and “NOTA” उपरोक्त में से कोई नहीं option is available on the poll duty Ballot. The poll duty Ballot paper will be issued from the same bundles which are to be issued to the Presiding Officer for the concerned Gram Sabha. He will note down the serial numbers of the issued ballot papers with him and keep a record of the same on the register maintained for the issue of ballot papers. The Commission *vide* its letter No. SEC.16-49/2009-4221-33 dated 4th December, 2010 has issued instructions regarding use of poll duty ballot for voters on election duty, copy of which is

annexed as **Annexure-XI**. The provision enshrined under Rule 49-A to F are also reproduced below for your ready reference:—

49-A. Electors on poll duty entitled to vote.—Subject to their fulfilling the requirements hereinafter specified, the electors who are on poll duty within the same block shall be entitled to vote at an election of Panchayat.

49-B. Intimation by voters on Poll Duty.—An elector on poll duty within the same Block, who wishes to vote at an election shall apply in Form-28A to the Returning Officer for the Panchayat so as to reach him at least seven days or such shorter period as the State Election Commission may allow before the date of poll; and if the Returning Officer is satisfied that the applicant is an elector on poll duty, he shall issue him Poll Duty Ballots, each to be used for the election of member, Up-Pradhan, Pradhan of Gram Panchayat, Member of Panchayat Samiti and Member of Zila Parishad.

49-C. Form of ballot paper.—The ballot papers to be issued to the electors on Poll Duty within the same Block shall be same as are issued to other electors of the concerned Panchayat.

49-D. Issue of ballot paper.—(1) The Poll Duty Ballot Papers shall be delivered to such voter by the Returning Officer for the Gram Panchayat personally together with,—

- (a) two Declaration forms in Form-28B (one for Gram Panchayat and other for Panchayat Samiti and Zila Parishad);
- (b) five covers in Form-28C (one for each ballot paper);
- (c) two large cover addressed to the Returning Officer in Form-28D (one for Gram Panchayat and other for Panchayat Samiti and Zila Parishad); and
- (d) instructions for the guidance of the elector in Form 28-E.

(2) The Returning Officer for the Gram Panchayat shall at the same time—

- (a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll;
- (b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and
- (c) ensure that the elector is not allowed to vote at a polling station.

(3) Before any ballot paper is issued to an elector on election duty at an election, the serial number of the ballot paper shall be effectively concealed in such a manner as the State Election Commission may direct .

(4) After ballot papers have been issued to all the electors on poll duty, the Returning Officer for the Gram Panchayat shall seal in a packet the marked copy of the electoral roll and record on the packet a brief description of its contents and the date on which it is sealed.

(5) The Returning Officer for the Gram Panchayat shall also seal in a separate packet the counterfoils of the ballot papers issued to electors on poll duty and record on the packet a brief description of its contents and the date on which it has been sealed.

49-E. Recording of Vote.—(1) An elector who has received Poll Duty Ballot Papers and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in Form-28-E and then enclose each ballot paper in separate cover in Form-28C.

(2) The elector shall sign the declaration in Form-28B in the presence of Returning Officer of the Panchayat or such officer as may be notified in this behalf by the State Election Commission.

49-F. Return of ballot paper.—(1) After an elector has recorded his vote and made his declaration under rule 49-E, he shall return the ballot paper and declaration to the Returning Officer for the Gram Panchayat or such officer as may be notified in this behalf by the State Election Commission within such time as may be fixed and in accordance with the instructions communicated to him in Form-28E.

(2) If any cover containing a poll duty ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1) he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The Returning Officer for Gram Panchayat or such officer as may be notified in this behalf by the State Election Commission shall ensure that all covers containing poll duty ballot papers received by him are delivered to—

- (a) the Assistant Returning Officer for Gram Panchayat of the concerned Gram Panchayat in the case of election of Gram Panchayat;*
- (b) the Returning Officer of the concerned Panchayat Samiti in the case of election of members of Panchayat Samiti at the time of counting of votes; and*
- (c) the Returning Officer of the concerned Zila Parishad in **the case of election of members of Zila Parishad at the time of counting of votes.**"*

PART-II

ARRANGEMENTS FOR POLL

The District Election Officer (Panchayat) himself or the Returning Officer authorised by him shall appoint a Presiding Officer and three Polling officers for each polling station for the conduct of the election under rule 31 of the H.P. Panchayati Raj (Election) Rule, 1994. The State Election Commission, Himachal

Pradesh has separately published a handbook of instructions for Presiding Officers. All the Returning Officer/Assistant Returning Officers are also required to go through these instructions carefully.

(i) *Presiding Officer.*—Presiding Officer is required to perform a very important function. He should as far as possible be one working in a supervisory capacity or having previous experience of working as such in any election of Panchayat, Vidhan Sabha or Lok Sabha. In case of absence of Presiding Officer from polling station in certain unavoidable circumstances the senior polling officer, who has been designated as such shall perform the duties of a Presiding Officer.

(ii) *Polling Officer.*—At least three Polling Officers may be appointed at each polling station and it may be ensured that all of them are available at the polling station according to the movement programme and in case of absence of any polling officer, the Presiding Officer shall make suitable arrangement locally by appointing one such who should be an employee of the Government or of a Government undertaking.

(iii) *Polling material.*—It may be ensured that all the polling material is handed over to each polling party before their departure to the polling station and also ensure that the party has fully acquainted themselves with the whole process of the election.

(iv) *Cash Advance.*—***Presiding Officer shall be given at least ₹ 100/- cash advance*** for meeting cooliage and other contingent charges which may arise during the poll. In case the polling party has to move on foot a considerable distance alongwith election material then you may increase the cash advance keeping in view the distance of the Polling Station from Road. The Polling Party will submit account of contingent expenses with receipt/voucher at the time of relieving.

(v) *Ballot Papers.*—Ballot papers for each polling station/polling booth shall be issued according to the actual number of electors in the finally published electoral roll plus a few more so as to round of to the next ten. For example in case number of electors is 381 total number ballot papers to be issued shall be 390. Before it is issued it may be ensured that serial number of the ballot paper is the same on the foil and the counterfoil and also ensure that ballot papers for all the offices are issued except in case of a office which has been declared elected as un-opposed. A register shall be maintained for issue of ballot

papers. It may be ensured that the names of the contesting candidates against the symbol allotted to the candidates have properly and correctly been written on the ballot papers and **NOTA** stamp has been applied at the last block of each ballot paper.

(vi) *Ballot Boxes.*—Under the rules two ballot boxes shall be kept at each polling station one for the offices of Member, Up-Pradhan, Pradhan and the second for the office of Member Panchayat Samiti and Zila Parishad, one additional box per ward shall be issued as spare. In case, it is not possible to issue spare ballot for each ward, you may issue some ballot boxes to sector Officers, who will remain mobile and in case of any demand of additional ballot boxes it will be provided to the polling party immediately.

As an alternative, if two or more polling stations are located in a building. You may provide additional ballot box to certain Polling parties, which can be used by a party as and when required. But if common ballot box is used the Polling party will immediately request the Sector Officer to provide additional box in order to maintain the stock of common ballot box. Provisions of rule 60 are reproduced below for guidance:—

“60. Voting procedure.—(1) At each polling station two ballot boxes shall be used at a time, one for casting votes for the election of members Pradhan and Up-Pradhan of Gram Panchayat and the other for the election of the members of Panchayat Samiti and Zila Parishad.

(2) The Polling Officer shall first issue the ballot paper separately for election of the members Pradhan and Up- Pradhan of Gram Panchayat and after having cast the votes in ballot box No. 1 and thereafter he shall issue the ballot papers for the election of the members of Panchayat Samiti and Zila Parishad separately for which a ballot box No. 2 shall be used.

(3) On receiving the ballot papers, the voter shall forthwith proceed to the compartment and mark the ballot paper by putting the seal provided for the purpose on or before the name and symbol of the candidate to whom elector wants to vote, printed on the ballot paper. He shall insert it in the relevant sealed ballot box kept before the Polling Officer.

(4) Every voter shall without undue delay quit the Polling Station as soon as he has cast his vote.

(vii) *Working Copies of Electoral Rolls.*—For each polling station at least two copies of electoral rolls should be issued. In this behalf detailed instructions are contained in Para-13 of the Handbook for Presiding Officers issued by the State Election Commission.

(viii) *Safe Custody of used Ballot Boxes.*—Arrangements in advance may be made for safe transportation and custody of ballot boxes, received back from polling stations to the place of counting of votes, especially the ballot boxes used for the offices of member Panchayat Samiti and Zila Parishad. Adequate security arrangements should be made for the security of polled ballot boxes. These boxes shall be kept in high security arrangement as provided in rule 68 of the rules *ibid* is reproduced below:

“68. Transmission of ballot boxes, packets etc. to the Returning Officer.—(1) *The Presiding Officer shall deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer, or such other Officer authorised by him in this behalf, may direct:—*

- (a) *the ballot boxes;*
- (b) *the sealed papers account;*
- (c) *the sealed packets referred to in rule 67; and*
- (d) *all other papers/material used at the poll.*

(2) *The Returning Officer or any other officer authorised by him in this behalf under the over all directions of the District Election Officer (Panchayats) shall make adequate arrangements for the safe transport of ballot boxes pertaining to the Gram Panchayat to the Gram Panchayat Headquarters and ballot boxes pertaining to Panchayat Samiti and Zila Parishad to Panchayat Samiti Headquarter as per election programme. The building in which the ballot boxes are kept shall be adequately guarded by armed Police/Home guard forces”.*

The contesting candidates can appoint election agent, polling agent and counting agent as the case may be as provided in the rules which are reproduced below for guidance:

“Rule 43. Appointment of election agent.— *If a candidate desires to appoint an election agent, such appointment shall be made in Form-25 either at the time of delivering the nomination paper or at any time before election”.*

“Rule 44. Appointment of polling agent:- (1) *At any election in which poll is to take place, any contesting candidate, or his election agent, may appoint a person who is not disqualified to be a candidate or member to Panchayats under the Act to act as polling agent of such candidate at each polling station. Such appointment shall be made by a letter in writing in duplicate in Form-26 signed by the candidate or his election agent, as the case may be.*

(2) *The candidate or his election agent, as the case may be, shall deliver the duplicate copy of the letter or appointment to the polling officer who shall on the date fixed for the poll present and sign the declaration contained therein, before the Presiding Officer. The Presiding Officer shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station unless he has complied with the provisions of this sub-rule”.*

“45. Appointment of counting agent.—(1) Each contesting candidate or his election agent may appoint a person who is not disqualified to be a candidate or a voter under the Act to act as counting agent by a letter in writing, duplicate in Form-27 signed by the Candidate or his election agent, as the case may be.

(2) The candidate or his election agent shall also deliver the duplicate copy of the letter or appointment to the counting agent who shall on the date fixed for counting of votes, present it to, and sign the declaration contained therein before, the Returning Officer or such other officer authorised by him under rule 75 and such officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with the provisions of this sub-rule.”

“46. Revocation of the appointment or death of election, polling and counting agent.—The appointment of the election agent, polling agent and counting agent, as the case may be, may be revoked by the candidate at any time before the commencement of or during the poll by a declaration in writing signed by him and copy of the same shall be submitted by the candidate to concerned Returning Officer. In case of death of the above agents new agents may be appointed by the candidate under intimation to the Returning Officer.”

“47. Non-attendance of agent.—Where any act or thing is required or authorised by these rules to be done in the presence of agents, the non attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.”

PART-III

COUNTING OF VOTES AND DECLARATION OF RESULTS

1. DATE, PLACE AND TIME OF COUNTING:

The counting of votes shall be started at a place, date and time fixed in the election programme or as per directions issued by the State Election Commission or the District Election Officer (Panchayat).

2. ADMISSION TO THE PLACE FIXED FOR COUNTING:

You will not allow any person at the place of counting other than the persons authorized as per rule 73 which is reproduced hereunder:

“73. Admission to the place fixed for counting.—(1) The Returning Officer or such other Officer authorised by him in this behalf, shall exclude from the place fixed for counting of votes all persons except:—

(a) such persons as he may appoint to assist him in the counting;

- (b) person authorised by the State Election Commission or the District Election Officer (Panchayats).*
 - (c) public servant on duty in connection with the election; and*
 - (d) candidates, their election agents and counting agents.*
- (2) No person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule(1).*
- (3) The Returning Officer or such other officers authorised by him in this behalf, shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.*
- (4) Any person, who during the counting of votes misconducts himself or fails to obey the lawful direction of the Returning Officer or such other officers authorised by him in this behalf may be removed from the place where the votes are being counted, by the Returning Officer, or by any Police Officer on duty or by any person authorised in this behalf by the Returning Officer”.*

3. COUNTING STAFF AND ARRANGEMENT :

At each counting table a party will consist of Counting Officers duly trained for the purpose. There can be more than one counting table in one counting hall. The Returning Officer or such other officer authorised by him shall exercise close supervision over each counting table. The candidates or his agents may be allowed to sit at a reasonable distance from the counting table, they shall in no case be allowed to touch the ballot papers or render help in sorting out or counting of votes with the counting staff. Immediately after the counting is over for a constituency results may be declared and counting for next constituency to be started thereafter the candidate and his agent allowed inside the counting hall should not be allowed to sit after declaration of the result of that constituency. Every care should be taken that the security staff on duty perform their duty/function properly for the strict maintenance of discipline and order at the place of counting.

4. PROCEDURE FOR COUNTING OF VOTES :

After receipt of the ballot boxes of the constituencies for which the counting is required to be done by you in accordance with the election programme fixed under rule 32, the ballot box(es) shall be opened after having shown the seal etc. to the candidate or their agents present at the place and time of counting that the seals are intact as provided under Rule 74, which is reproduced below:—

Rule-74:

74. Scrutiny and opening of ballot boxes.—(1) *The Returning Officer or such other Officers authorised by him in this behalf may have the ballot boxes used at more than one polling station for the election of same office opened and votes polled therein counted simultaneously.*

(2) *Before any ballot boxes opened at a counting table, the counting agents present at the table shall be allowed to inspect the paper seal or such other seals as might have been affixed thereon and to satisfy themselves that it is intact.*

(3) *The Returning Officer or such other officer authorised by him, shall satisfy himself that none of the ballot boxes has in fact been tampered with.*

(4) *If the Returning Officer or such other Officer authorised by him is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 71 in respect of that polling Station.*

The most important and responsible work of counting of votes is to be undertaken by you or by an officer authorized by you as per election programme or as per directions issued by the State Election Commission or the District Election Officer (Panchayat). Therefore, you are required to familiarize yourself with the procedure of counting carefully. After the box is opened the ballot papers shall be sorted-out office-wise/colour-wise. In case there are more than one ballot boxes for a constituency the ballot papers of all the boxes should be mixed up together and thereafter sorted out office-wise/colour wise as per procedure laid down in rule 75.

During the process of counting of votes strict supervision over staff deployed is required, particularly when margin of votes between two candidates is comparatively narrow. If counting is done properly and carefully there will be no chance of receiving request for recount. Please remember that the result of entire election may be nullified by wrong, irregular or careless counting. The detail procedure of counting is provided under Rule 73-A and Rule 75 which are reproduced for your reference please.

While counting you will firstly deal with the poll duty ballot papers received in respect of Member, Up-Pradhan & Pradhan Gram Panchayat respectively. The Poll Duty Ballot paper received in respect of Panchayat Samiti & Zila Prishad will be handed over to the concerned RO/ARO. The procedure for counting of poll duty ballot papers is prescribed under Rule 73-A, which is reproduced as under:

"73-A. Counting of votes received through poll duty ballot papers.—(1) *The Returning Officer shall at the first instance deal with the poll duty ballot papers in the manner hereinafter provided.*

(2) No cover in Form-28-D received by the Returning Officer after the expiry of the time fixed in this behalf shall be opened and no vote contained in such a cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinize the declaration in Form-28B contained therein and if the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form-28C, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper contained therein.

(4) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form-28-D and all such covers in Form-28-D shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its content.

(5) The Returning Officer shall then place all the declarations in Form-28B which he has found to be in order in a separate packet which shall be sealed before any cover in Form-28-C is opened and on which shall be recorded the particulars referred to in sub-rule (4).

(6) The covers in Form-28D not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinize each ballot paper and decide the validity of the vote recorded thereon.

(7) A poll duty ballot paper shall be rejected—

- (a) if it bears any mark other than mark to record the vote or writing by which the elector can be identified; or*
- (b) if no vote is recorded thereon; or*
- (c) if votes are recorded in favour of more candidates than one; or*
- (d) if it is a spurious ballot paper; or*
- (e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or*
- (f) if it is not returned in the cover sent along with it to the elector by the Returning Officer.*

(8) A vote recorded on a poll duty ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been recorded.

(9) A vote recorded on a poll duty ballot paper shall not be rejected merely on the 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 ballot paper is marked.

(10) The Returning Officer shall count all the valid votes recorded in favour of each candidate and record the total thereof in the result sheet in—

(a) Form-32 in the case of member of Gram Panchayats;

(b) Form-34 in the case of Pradhan/Up Pradhan;

(c) Form-36 in the case of member of Panchayat Samiti; and

(d) Form-38 in the case of member of Zila Parishad announces the same.

(11) All the valid ballot papers and the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and the candidates or their election agents or counting agents, if they desire to affix their seals thereon, and on the packet so sealed the name of the constituency, the date of counting and a brief description of its contents shall be recorded."

Once the counting of Poll Duty Ballot Papers in respect of a Office has been completed then the polled ballot boxes shall be opened for the counting of ordinary ballot paper in respect of that office. The detailed procedure prescribed for counting of votes under Rule 75 is appended below:—

75. Procedure for counting of votes.—*The Returning Officer or any officer authorised by him, on the date, time and place fixed under rule 32, shall start the counting of votes in the following manner, namely:—*

(i) the counting of votes for the office/seats of Gram Panchayat shall take place at the headquarters of Gram Panchayat and for the members of Panchayat Samiti and Zila Parishad at the Block headquarters as per election programme;

(ii) the Returning Officer or such other Officer as may be authorised by him in this behalf shall take out the ballot box constituency-wise according to serial number and allow opportunity to candidates or their election agent to inspect the ballot box(es) and the seals to satisfy themselves that they are intact;

(iii) after each ballot box is opened, the candidates or the election agents, who may be present, shall be allowed to inspect the ballot box and satisfy themselves that it bears the proper labels inside the ballot box;

(iv) all the ballot papers in each box shall be taken out and the empty box be shown to the candidates or the election agents for their satisfaction that no ballot paper has been left inside the box;

(v) the ballot papers taken out of each box shall be mixed up with other ballot papers taken out of other ballot boxes concerning the same office and after that shall be sorted out separately for each seat/office. The ballot paper for the members of Gram Panchayat shall be retained on the same tables and ballot papers for the office of Pradhan and Up-Pradhan shall be passed on without counting them to the Returning Officer for their counting at later stage. After the counting the result of members of Gram Panchayat shall be declared on Form 33 after preparing the result sheet on Form 32. After the declaration of result of all the members of the Gram Panchayat, the counting for the offices of Up-Pradhan/Pradhan shall be taken and result declared on Form 35 after preparing result-sheet on Form 34;

(vi) the ballot papers taken out of boxes after mixing up with other ballot boxes concerning the election for each office shall be sorted out separately for members, Panchayat Samiti and Zila Parishad at Block level. The ballot papers for the seat of members of Panchayat Samiti shall be retained on the same table and the ballot papers for the seat of members, Zila Parishad shall be passed on the another tables without counting them after tallying with the Ballot Paper account. Counting for the seat of members, Panchayat Samiti shall be taken up first and the result of the members Panchayat Samiti shall be declared on Form 37 after preparing result sheet on Form 36. After this counting for the member, Zila Parishad shall be taken up and result of counting of votes of members of Zila Parishad shall be prepared on Form 38 Part-I. The ballot paper account along with Form 38 Part-I and ballot paper in the sealed envelope shall be sent to the District Election Officer (Panchayats) who after compiling the Form 38 Part-I received from each block, prepare the result sheet in Form 38 part-II and then declare the result on Form 39:

Provided that the declaration of results on Forms 33,35,37 and 39 shall be made only after a reasonable opportunity for exercise of right to recount has been given under rule 79 to the candidate or his election agent or his counting agent.

When counting of ballot papers in respect of an office is complete, you will prepare the result sheet on relevant form and announce the particular of result sheet and wait for some time as

required under Rule-79 to give the time for filing of application of recount, if desired by any candidate or his agent. If no application is filled within a reasonable time you will proceed to declare the result. If application for recount is filed, you will proceed in accordance with the provisions of Rule-79, which is reproduced in the foregoing paras.

5. SCRUTINY AND REJECTION OF BALLOT PAPERS:

While counting any rejection of any ballot paper has to be done very carefully. For your guidance illustrative cases of valid and invalid votes have been Annexed as Annexure-XII. The scrutiny and rejection of ballot papers shall be made strictly in accordance with the provisions of rule 76, which is reproduced as under:

“76. Scrutiny and rejection of ballot papers.—(1) A ballot paper contained in a ballot box shall be rejected if:—

- (a) it bears any mark or writing by which the voter can be identified;*
- (b) it is a spurious ballot paper;*
- (c) it has been so damaged or mutilated that its identification as a genuine ballot paper cannot be established;*
- (d) it bears a serial number, or is of a design, different from the serial numbers, or as the case may be, of design of the ballot paper, authorised for use at the particular polling station;*
- (e) it does not bear any mark which it should have borne under the provisions of sub-rule (3) of rule 59;*
- (f) it has not been marked by the Presiding Officer;*
- (g) it has been marked in the columns of more than one candidates; or*
- (h) it has been marked with an equipment and in the manner other than the equipment and the manner prescribed for that purpose:*

Provided that where Returning Officer or such other officer authorized by him, on being satisfied that any such defect as is mentioned in clause (d) or clause (e) has in respect of all or any ballot papers used at a polling station been caused by the mistake or failure on the part of the Presiding Officer or Polling Officer concerned, and has directed that the defect should be overlooked, a ballot paper shall not be rejected only on the ground of such defect under clause (d) or clause (e):

Provided further that if the mark put by a voter has spread over two columns of the ballot paper then, the vote shall be counted in favour of the candidate in whose column the major portion of the mark fall.

(2) Before rejecting any ballot paper under sub-rule (1) the Returning Officer or such other officers authorised by him shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(3) The Returning Officer or such other Officer authorised by him, shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form whether in his own hand or by means of a rubber stamp.

(4) All ballot papers rejected under this rule shall be bundled together."

You should instruct the counting assistants that only those ballot papers which are really doubtful or which the counting agents of the candidates desire to be treated as doubtful should be kept on the doubtful group so that the number of doubtful ballot papers to be decided by the Returning Officer are not become unnecessarily large.

You should endorse on every ballot paper which you reject the word 'R' and the ground (s) for such rejection in abbreviated form either in your own hand or by means of a rubber stamp. You should also initial each such endorsement.

A rubber stamp in the following form specifying the various reasons for rejecting a ballot paper may be used. In that case, what you are required to do is to affix this stamp which mentions all the reasons and make a tick mark (✓) against the particulars reason for which the ballot paper is to be rejected and then affix your initial.

REJECTED

- (i) No marking
- (ii) Mark on blank area
- (iii) Multiple voting
- (iv) Voter identifiable
- (v) Mutilated
- (vi) Not genuine
- (vii)

6. COUNTING TO BE CONTINUOUS:

As far as possible you are to proceed continuously with the counting of votes in accordance with the election programme issued under rule 32 and rule 75 of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 or any other specific directions issued by the State Election Commission or the District Election Officer (Panchayat) in this behalf.

7. RECOUNTING OF VOTES:

After you have completed the counting, filled in the result sheet and announced the result in accordance with the procedure set out in rule 75, any candidate or election agent may apply in writing stating the grounds on which he demands recount of all or any of ballot papers already counted. His application may be considered and decide in accordance with the procedure laid down in rule 79:

79. Recount of votes.—(1) After the completion of the counting and preparation of result sheet under rule 75, the District Election Officer (Panchayat) or Returning Officer, as the case may be, or any other Officer authorised by him shall announce the particulars of the result sheet.

(2) After such announcement has been made, a candidate or, in his absence, his election agent or any of his counting agent may apply in writing to the District Election Officer (Panchayat) or Returning Officer, as the case may be, or any other Officer authorised by him in this behalf for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount:

Provided that if no application for recount is received within reasonable time the result shall be declared in accordance with the provisions of clauses (v) and (vi) of rule 75.

(3) On an application for recount under sub-rule(2), the District Election Officer (Panchayat) or Returning Officer, as the case may be, or other officer authorised by him in this behalf shall decide the matter and may allow the application in whole or in part or may reject it if it appears to him to be frivolous or unreasonable:

Provided that every decision of the District Election Officer (Panchayat) or Returning Officer, as the case may be, or any other Officer authorised by him shall be in writing and contain the reasons therefor.

(4) If the District Election Officer (Panchayat) or Returning Officer, as the case may be, or any other officer authorised by him in this behalf, decides under sub-rule (3) to allow an application either in whole or in part, then he shall—

(a) count the ballot papers again in accordance with his decision;

(b) amend the result sheet to the extent necessary after such recount; and

(c) announce the amendment so made by him.

(5) After the total number of votes polled in favour of each candidate has been announced under sub-rule (4), the District Election Officer (Panchayat) or Returning Officer, as the case may be, or such other officer authorised by him, shall complete and sign the result sheet and no application for a recount shall be entertained thereafter.

8. EQUALITY OF VOTES :

If after the counting of votes is completed and equality of votes is found to exist between any candidates and an addition of one vote will entitle any of these candidates to be declared elected. The decision of winning candidates will be taken by draw of lot between those candidates. The candidate on whom the lot falls shall be considered to have received an additional vote and he shall be declared as elected. Provision of Rule 80 is reproduced as under:

“80. Equality of Votes.—If, after the counting of votes is completed and equality of votes is found to exist between any candidates and an addition of one vote will entitle any of these candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls has received an additional vote.”

PART-IV

RETURN OR FORFEITURE OF CANDIDATES DEPOSITS

Each candidate nominated under the provisions of rule 36 shall at or before the time of delivery of his nomination paper caused to be deposited as security prescribed in rule 37 for different offices of Panchayats and no candidate shall be deemed to a duly nominated unless such security has been deposited. The deposit made, as such, shall either be returned to the candidate or person legally authorised or the deposit is forfeited to the State Government in accordance with the provisions of rule 81 of Himachal Pradesh Panchayati Raj (Election) Rules, 1994 :

“81. Return or forfeiture of candidates deposits.—(1) The deposit made under rule 37 shall either be returned to the persons making it or his legal representative or be forfeited to the State Government in accordance with the provisions of this rule.

(2) Except in cases hereinafter mentioned in this rule, deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.

(4) Subject to the provisions of sub-rule (3) the deposit shall be forfeited, if at an election where poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates.”

1. DEPOSIT OF AMOUNT RECEIVED ON ACCOUNT OF VARIOUS RECEIPTS DURING THE ELECTIONS:

While discharging duty as Returning Officer/Assistant Returning Officer you will receive various amounts such as amount on account of sale of voter list, security deposit and on account of challenge of identity of a voter etc.

The amount received on account of sale of voter list and challenge of identity of a voter etc. shall be deposited in the following receipt head :

0070- Other Administrative Services

02-Election

101-Sale proceeds of election form and documents

02-Sale proceed for election forms and documents by the State Election Commission

The forfeited Security money shall be deposited in the Government treasury under following receipt head :

0070- Other Administrative Services

02-Election

104-Fees Fines Forfeitures

02-Fees Fines Forfeitures by the State Election Commission

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

0070- Other Administrative Services

02-Election

800-Other Receipt

03-Miscellaneous Receipt by the State Election Commission.

The amounts so received shall be deposited by the Returning Officers in the Government treasury and not by the Assistant Returning Officers as Govt. treasuries may not be available at Panchayat level.

The Assistant Returning Officer shall deposit all the money received by him with the Returning Officer alongwith receipt books. After depositing the money into Govt. Treasury the Returning Officer will sent all the challan in original alongwith used and unused receipt books issued to him and receipt book-wise summary of amount received to District Election Officer (P) and retain a copy of the same for his record.

The proforma for sending summary is as under :

Sl. No.	Sl. No. of Receipt Book		Total receipts issued from the book	Amount	Total blank receipts in a book	Full blank receipt books in total (Unused books)	Detail, if any
	From	To					

2. CUSTODY OF PAPERS RELATING TO ELECTIONS

The papers relating to election of Members of Gram Panchayat, Up-Pradhan, Pradhan, and Member of Panchayat Samiti shall be kept in the office of Block Development Officer under safe custody and election papers relating to the election of Members Zila Parishad shall be kept in the office of District Election Officer (Panchayat) in safe custody.

Ballot papers rendered surplus, being in excess of the actual requirement, shall be kept properly under lock and key in the custody of an Officer duly appointed by the District Election Officer (Panchayat). The Officer so appointed shall maintain an account of these ballot papers properly in a register to be maintained for each office separately.

3. DEPUTATION OF STAFF AND PUNISHMENT ON BREACH OF OFFICIAL DUTY

Section 158 (f) of the H.P. Panchayati Raj Act 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 158-L 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 158-F and L are cognizable in nature.* However No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

Further Section 160-E of the Panchayati Raj 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. The provisions of section 158-F, 158-L and 160-E are reproduced below for your ready reference :—

158-F. Officers etc., at elections not to act for candidates or to influence voting.—(1) *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 to any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.*

(2) *No such person as aforesaid, and no member of a police force, shall endeavour—*

- (a) *to persuade any person to give his vote at an election; or*
- (b) *to dissuade any person from giving his vote at an election; or*
- (c) *to influence the voting of any person at an election in any manner.*

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months, or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

158-L. Breaches of official duty in connection with elections.—(1) If any person to whom this section applies 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.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the district election officers, returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

"160-E. Deputation of staff and punishment on breach of official duty.—(1) The State Government shall depute staff from Government or Semi Government Organizations of the State Government for the conduct of all elections to the Panchayat bodies and the officers or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to have been on deputation with the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(2) If any person deputed on election duty under sub-section (1) disobeys any orders issued by an officer appointed to conduct the election under this Act regarding the performance of an election duty or deliberately abstains himself from duty or contravenes any provisions of this Act and the rules made thereunder, he shall be punishable with fine which may extend to five hundred rupees.

LIST OF POLLING MATERIAL FOR POLLING PARTY

1.	Ballot boxes	3 No. for each Polling Station
2.	Ordinary pencil	2 No.
3.	Self inking pad	1 No.
4.	Ball point pen	1 No.
5.	Presiding Officer seal	1 No.
6.	Rubber seal for marking ballot paper	2 Nos.
7.	Distinguishing mark seal	1 No.
8.	Readymade voting compartment	2 Nos.
9.	Indelible Ink	1 Phile of 5 cc
10.	Blade	1 No.
11.	Metal rule for detaching ballot paper/pusher	1 No.
12.	Needle (Sua)	1 No.
13.	Pin	1 small packet
14.	Cup for setting the indelible ink	1
15.	Full scape paper	3 sheets
16.	Sutli (thread)	One bundle
17.	Sealing wax	2 sticks (Per ward)
18.	Gum Paste	1 small
19.	Match box	1 No.
20.	Stitched bundles of ballot papers with counterfoils.	According to requirement
21.	Card board pieces	4
22.	Packing paper	2 sheets
23.	Electoral Roll	3 Copies
24.	Labels for ballot box	8
25.	Candles	2 big size
26.	Flexible wire	6 Pieces
27.	Gunny bags	1
28.	Cover for unused ballot papers	(SE-7)-5
29.	Cover for counterfoils for used ballot paper	(SE-6)-5
30.	Cover for tendered ballot papers and list of tendered votes .	(SE-4)-2 No.

31.	Cover for returned and cancelled ballot papers	(SE-6)-2 No.
32.	Cover for appointment of election agent	(SE-7)-4 No.
33.	Cover for ballot paper account	(SE-6)-2 No.
34.	Cover for marked copy of electoral roll	(SE-7)- 1 No.
35.	Cover for list of challenged vote	(SE-6)-1 No.
36.	Cover for other copies of electoral roll	(SE-7)-2 No.
37.	Cover for Presiding Officer Diary	(SE-6)-2 No.
38.	Envelope (clothed)	(SE-8)-2 No.
39.	Cover for Misc. record	(SE-6)-1 No.
40.	Cover for brief record and declaration of Companion in respect of blind and infirm voter.	(SE-6)-1 No.
41.	Form of list of challenged votes	2
42.	Form of list of tendered votes	20
43.	Presiding Officer Diary	2
44.	Form of ballot paper account	15 per booth
45.	Form of appointment of polling agent	30 per booth

NOTE.—(1) Any essential articles not supplied initially or required later on in any emergency may be purchased locally by the presiding officer out of advance given.

(2) Following material are non-consumable and are required to be returned to the officials at the receiving centre:-

1. Ballot boxes
2. Self inking pad
3. Presiding Officer seal
4. Rubber seal for marking ballot paper
5. Distinguishing mark seal
6. Voting compartment of fibre
7. Metal rule for detaching ballot paper/pusher
8. Needle (Sua)
9. Cup for setting the indelible ink
10. Gunny bags
11. Presiding Officer Hand-Book

Extract of Regulation framed by the State Election Commission "The Himachal Pradesh Panchayat and municipalities Election (disclosure of specified information by candidate) Regulation, 2004"

STATE ELECTION COMMISSION

NOTIFICATION

Shimla-171002, the 17th February, 2004

No. SEC. 16-21/97-123.—Whereas the voter's right to know the antecedents and some other information about the candidates for an election has been held by the Supreme Court of India to be a fundamental right;

Whereas it is considered that the disclosure of specified information by the candidates for election to a Gram Panchayat, Panchayat Samiti, Zila Parishad and Municipality shall contribute to the purity of the electoral process and shall be in the interest of smooth conduct of free and fair elections;

Whereas the availability of such information is of use to an elector to make a proper informed and well considered choice about the manner in which he has to exercise his right of franchise;

Whereas the availability of such information would be of use to the Returning Officer by facilitating the scrutiny of nomination papers; and

Whereas the disclosure of information by a candidate about his antecedents in regard to criminal background, assets and liabilities, etc. is not provided for in the extant law.

Now, therefore, in exercise of the powers vesting in it under Article 243-K and 243-Z A of the Constitution of India, Section 9 of the Himachal Pradesh Municipal Corporation Act, 1994, Section 281 of the Himachal Pradesh Municipal Act, 1994 and Section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 and all other powers enabling it in this behalf, the State Election Commission of Himachal Pradesh hereby makes the following regulations namely the Himachal Pradesh Panchayats and Municipalities Elections (Disclosure of Specified Information by the Candidate) Regulations, 2004 :—

1. Name, extent and commencement.—(1) These regulations shall be called the Himachal Pradesh Panchayats and Municipalities Elections (Disclosure of Specified Information by the Candidates) Regulations, 2004.

2. These regulations shall extend to the whole of the State.

3. The regulations shall come into force on the first day of March, 2004 and shall apply to all elections to Panchayats and Municipalities the election programme in regard to which is framed on or after this date.

2. Definitions.—In these Regulations, unless a contrary intention appears from the context, the expression,—

- (a) **“Act”** means the Himachal Pradesh Panchayati Raj Act, 1994 or the Himachal Pradesh Municipal Act, 1994 or the Himachal Pradesh Municipal Corporation Act, 1994, as the case may be;
- (b) **“Annexure”** means the annexure to these Regulations;
- (c) **“Authorised Officer”** means the officer authorized to receive the nomination papers and includes the Returning Officer and the Assistant Returning Officer;
- (d) **“Commission”** means the State Election Commission of the State;
- (e) **“Constituency”** means a territorial constituency of a Gram Sabha, Panchayat Samiti or Zila Parishad, as the case may be, for the representation of which a member is to be elected and in relation to Pradhan or of a Gram Panchayat, **“Constituency”** means the whole of a Gram Sabha area;
- (f) **“Election”** means all elections including bye-elections to Panchayats and Municipalities;
- (g) **“Magistrate”** means a District Magistrate, an Additional District Magistrate, a Sub-Divisional Magistrate, an Executive Magistrate or a Judicial Magistrate;
- (h) **“Municipality”** means a Nagar Panchayat or a Municipal Council or a Municipal Corporation, as the case may be;
- (i) **“Nomination Paper”** means the nomination paper to be filed by candidate seeking direct election to an office in a Panchayat or a Municipality;
- (j) **“Panchayat”** means a Gram Panchayat or a Panchayat Samiti or a Zila Parishad, as the case may be;
- (k) **“Part”** means a part of the Annexure;
- (l) **“Returning Officer”** means an officer appointed for the conduct of election and includes an Assistant Returning Officer;
- (m) **“Specified Information”** means the information about the antecedents, etc., as indicated in Regulations 3 and 4 below and in the Annexure;
- (n) **“State”** means the State of Himachal Pradesh;
- (o) **“Ward”** means a ward of a Municipality for the representation of which a member is to be elected.

3. Disclosure of Information by Candidates for election to Gram Panchayat.—Every candidate for election to the office of a Member or Pradhan of a Gram Panchayat shall furnish or cause to furnish along-with his nomination paper the specified information indicated in Annexure to these Regulations pertaining to his conviction or acquittal or discharge in criminal cases, if any, in the past, the criminal cases pending against him for which the maximum punishment provided in the relevant law is imprisonment for two

years or more and in which charge has been framed or cognizance has been taken by a court, his assets and liabilities and the particulars of his children on the lines given in the Annexure.

Explanation.—Such a candidate shall not be bound to submit details about his educational qualifications, as envisaged in Part-V of the Annexure.

4. Disclosure of Information by Candidates for Election to Municipality, Panchayat Samiti and Zila Parishad.—Every person seeking election to the office of a Member of a Panchayat Samiti or a Zila Parishad or a Municipality shall furnish or cause to furnish alongwith his nomination paper the specified information indicated in the Annexure to these Regulation pertaining to his conviction or acquittal or discharge in criminal cases, if any, in the past, the criminal cases pending against him for which the maximum punishment provided in the relevant law is imprisonment for two years or more and in which charge has been framed or cognizance has been taken by a court, his assets and liabilities and the particulars of his children and his educational qualifications on the lines given in the Annexure.

5. Annexure to be in the Form Affidavit or Declaration.—(1) A person seeking election to the office of Member or Pradhan of a Gram Panchayat shall submit the specified information in the Annexure in the form of an affidavit in the manner described in clause (2) next following or a declaration to be made and signed by him in the presence of a Gazetted Officer of the Government of India or of the Government of the State or the official authorized to receive the nomination papers, who is hereby authorized to attest the same.

(2) A person seeking election to an office mentioned in Regulation 4 above shall submit the specified information in the Annexure 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.

(3) The Candidate and attesting officer shall sign on each page of the Annexure.

6. Securing of Form of Annexure.—Every person wishing to obtain from the office of the Returning Officer or other authorized officer a set of the relevant nomination paper forms shall also obtain with it a copy of the form of the Annexure.

7. Supply of Additional Copies of the Annexure.—(1) Each candidate for election to an office in a Panchayat or a municipality shall supply two additional photo-copies or attested copies of the Annexure alongwith his nomination papers in addition to the original copy.

(2) Nothing in these Regulations shall be deemed to require a candidate, who has furnished the original annexure and two copies as required above to an authorized officer, to furnish more sets of copies to the same authorized officer alongwith his nomination paper in case he files more than one nomination paper for election to the same office and the same constituency or ward.

(8) Publication of the Specified Information.—The Officer authorized to receive the nomination paper shall publish the information contained in the Annexure furnished by each candidate by displaying a

photocopy thereof outside the place where he is receiving the nomination papers and making another copy available on each working day from the date of receipt thereof to the date of withdrawal of nomination papers for inspection, by the general public including the members of Press (including electronic media) thereafter it will be kept open for such inspection in office of Returning Officer or Assistant Returning Officer upto two days before the date fixed for poll:

Provided that it will be open for the State Election Commissioner to order the display of the specified information at a place in addition to or in substitution of the places mentioned in this Regulation.

9. Preservation of Specified Information.—The original copy of the Annexure, which is duly attested, shall be annexed to the nomination paper and the nomination paper together with each Annexure shall be preserved in the Office of the Returning Officer for a period of six years from the declaration of the result unless ordered by a court or by an authority dealing with an election petition pertaining to the election involving that particular candidate or by the Commission to be preserved for a longer time.

10. Supply of Certified copies of the Annexure.—Certified copies of the Annexure filed by a candidate may be supplied by the Returning Officer on payment against receipt of copying fee amounting to Rs. 10/- for each Annexure on an application made to him in writing by another candidate for the same office and from the same constituency or ward or from a member of Press (including electronic media).

Explanation.—No fee will be charged for inspection of an annexure.

11. Effect of Non-furnishing of Annexure.—The failure or omission of a candidate to furnish the specified information in the manner laid down in these Regulations shall render the nomination paper of the candidate concerned liable to be rejected by the Returning Officer/Assistant Returning Officer concerned.

12. Saving of Powers of Returning Officer.—Nothing contained in these Regulations shall have the effect of annulling or curtailing the powers of the Returning Officer authorized to scrutinize and examine the validity of a nomination paper in regard to such scrutiny, examination or decision given by or under the relevant Act and the rules made thereunder.

Sd/-

*State Election Commissioner
Himachal Pradesh.*

(Affidavit/Declaration to be Furnished by a Candidate alongwith Nomination Paper Before the Returning Officer)

For.....Election.....from.....Ward/Constituency of.....Municipality/Gram
Panchayat/Panchayat Samiti/Zila Parishad of.....Tehsil/Development Block
of.....District.....H.P.

Part-I

I.....(Name), son/daughter/wife of Shri.....resident of.....(Village, Tehsil and District) do hereby solemnly affirm/state on oath and declare as under :—

(1) That I have, in the past, been convicted of criminal offence in the cases the details of which are given below:—

- (a) Case No.;
- (b) Section of Act and description of the offence for which convicted;
- (c) Date of conviction;
- (d) Court by which convicted;
- (e) Sentence imposed (indicating whether simple or rigorous imprisonment, the period of such imprisonment and/or the amount of fine imposed).
- (f) Details of appeal/revision/review, if any, etc. filed against such conviction and indicating the result.

(2) That I have, in the post, been acquitted/discharged in the cases the details of which are given below:—

- (a) Case No.
- (b) Section of the Act and brief description of the offence in which discharged or acquitted;
- (c) Name of the Court by which discharged/acquitted;
- (d) Date of discharge/acquittal;
- (e) Details of appeal/revision/review, if any, filed against such discharge/acquittal indicating the result thereof.

(3) That the following case(s) in which the maximum imprisonment laid down by law is two years or more, is/are pending against me in which cognizance* has been taken by a court:—

- (a) Case number;
- (b) Section of the Act and description of the offence of which cognizance taken;
- (c) The court which has taken cognizance;
- (d) Date of order of the Court taking cognizance;
- (e) Details of appeal(s)/application(s) for revision/review/writ petition, if any, filed against the aforementioned order of the court taking cognizance.

**A court shall be deemed to have taken cognizance of a case when it frames charges or, where the framing of a charge by a court is not necessary, where the court in a prima facie finding, decided to issue process to the accused with a view to proceeding with the trial.*

Part-II

(a) Details of movable assets

(4) That I give herein below the details of the assets (movable, bank balance, etc.) of myself, my spouse and dependants*:

(The assets held jointly with someone, indicating the extent of joint ownership will also have to be given);

Sl. No.	Relationship	Cash	Deposit in banks, financial institutions and non-banking financial companies post offices, LIC, etc.	Shares, bonds, and debentures in companies	Motor vehicles (Details of make, etc.)	Jewellery (give details of approximate weight and value)	Adhaar No. Optional
1	2	3	4	5	6	7	8
I	Self						
II	Spouse(s) Name(s)						
III	*Dependant-1 (name with relationship)						
IV	Dependant-2 (name with relationship)						
V	Dependant-3 (name with relationship)						

The word “Dependant**” in Part-II means a son or daughter substantially dependant on the candidate financially.*

*** More columns may be added in case of more than three dependants.*

(b) Details of Immovable Assets

Note.—Properties in joint ownership indicating the extent of joint ownership will also have to be indicated:

Sl. No.	Relationship	*Land (other than that under or attached with a building such as sehan, lawns, etc.) Mohal/Village/Town with name of Tehsil and District with area of the land	Building** (Mohal/Village/Mohalla or locality of a town) Market value in thousand rupees	Others
1	2	3	4	5
I	Self			
II	Spouse(s) Name(s)			
III	Dependant-I (name with relationship)			
IV	Dependant-2 (Name with relationship)			
V	Dependant-3 (name with relationship)			

*Land includes agricultural as well as non-agricultural land.

**Building includes a house, a flat, an office, a commercial building etc.

Part-III

(5) I give herein below the details of my liabilities to public financial institutions and dues to the Government:—

(Note.—Please give separate details for each item):

Sl. No.	Description	Name and address of Bank/Institution(s) department(s)
1	2	3
I	Loan from Banks	
II	Loans from financial institutions	
III	Government dues (including income tax, wealth tax, sales tax etc.)	
IV	Tax due to a Municipality or Panchayat	

Part-IV

(Two Child Norm)

(Deleted)

Part-V

(7) My educational qualifications from Matriculation onwards are as under:

(Give details of School and University Education from Matriculation onwards)

(Name of School/University and the year in which the course was completed should also be given).

Deponent/Declarant.

VERIFICATION

I, the deponent/declarant above-named, do hereby verify and declare that the contents of this affidavit/declaration are true and correct to the best of my knowledge and belief, that no part of it is false and that nothing material has been concealed therefrom.

Verified at.....this the.....day of.....20.....

**Deponent/Declarant.*

Date.....

***Attesting Officer.*

*This has to be an affidavit sworn and signed by the deponent before a Magistrate, an Oath Commissioner or a Notary Public in case of a candidate for an office in a Municipality or Zila Parishad or a Panchayat Samiti, whereas in case of a candidate for an office of that a Gram Panchayat this has to be in the form of an affidavit as here-in-above indicated or a declaration made and signed before the official authorized to receive the nomination papers or a Gazetted Officer of the Government of India or of the Government of the State. In each case, the deponent/declarant should append his signature on every page.

*The Attesting Officer should put his signatures and seal/stamp here in token of attestation of the signature of the deponent/declarant and also sign every page in the margin.

EXTRACT OF REPRESENTATION OF PEOPLE ACT, 1951
(Part-II Acts of Parliament)

CHAPTER-III.—Disqualifications for Members of Parliament and State Legislatures.

7. Definitions.—In this Chapter :

- (a) “appropriate Government” means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or legislative Council of a State— The State Government;
- (b) “disqualified” means disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

8. Disqualification on conviction for certain offences.—3[(1) A person convicted of an offence punishable under:

- (a) Section 153A (offence of promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery) or section 171F (offence of undue influence or personation at an election) or sub-section (2) of section 376 or section 376A or section 376B or section 376C or section 376D (offence relating to rape) or section 498A offence of cruelty towards a woman by husband or relative of a husband or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, hatred or ill-between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies) of the Indian Penal Code (45 of 1860), or
- (b) the Protection of Civil Rights Act, 1955 (22 of 1955), which provides for punishment for the preaching and practice of “untouchability” and for the enforcement of any disability arising therefrom ; or
- (c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

- (d) section 10 to 12 (offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or
- (e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or
- (f) the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or
- (g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987); or
- (h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Relation Institutions (Prevention of Misuse) Act, 1988 (42 of 1988); or
- (i) Section 125 (offence of promoting enmity between classes in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing or fraudulently destroying any nomination paper) of this Act, (or)¹
- (j) section 6 (offence of conversion of a Place of worship) of the Places of Worship (Special Provisions) Act, 1991,⁴ or
- (k) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971 shall be disqualified for a period of six years from the date of such conviction.

(2) A person convicted for the contravention of—

- (a) any law providing for the prevention of hoarding or profiteering; or
- (b) any law relating to the adulteration of food or drugs; or
- (c) any provisions of the Dowry Prohibition Act, 1961 (28 of 1961); or
- (d) any provisions of the Commission of Sati (Prevention) Act, 1987 (3 of 1988).

and sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment of not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(4) Notwithstanding anything [in sub-section (1), sub-section (2) or sub-section(3)] a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the Court.

Explanation.—In this section—

- (a) “law providing for the prevention of hoarding or profiteering” means any law, or any order, rule or notification having the force of law, providing for—
 - (i) the relation of production or manufacture of any essential commodity;
 - (ii) the control of price at which any essential commodity may be brought or sold;
 - (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
 - (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;
- (b) “drug” has the meaning assigned to it in the Drugs and Cosmetics Act, 1940 (23 of 1940);
- (c) “essential commodity” has the meaning assigned to it in the Essential Commodities Act, 1955 (10 of 1955).
- (d) “food” has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954 (37 of 1954).

[8A. Disqualification on ground of corrupt practices.—(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted, as soon as may be; after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period :

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date on which the order made in relation to him under section 99 takes effect.

(2) Any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the Election Laws (Amendment) Act, 1975 (40 of 1975), may if the period of such disqualification has not expired, submit a petition to the President for removal of such disqualification for the unexpired portion of the said period.

(3) Before giving his decision on any question mentioned in sub-section (1) or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion,]

9. Disqualification for dismissal for corruption or disloyalty.—(1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State Shall be disqualified for a period of five years from the date of such dismissal.

(2) For the purposes of sub-section (1), a certificate issued by the Election Commission, to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State Shall be conclusive proof of that fact :

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

9A. Disqualification for Government contracts, etc.—A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

Explanation.—For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

10. Disqualification for office under Government company.—A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five percent, share.

10A. Disqualification for failure to lodge account of election expenses.—If the Election Commission is satisfied that a person—

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and has no good reason or justification “of the failure” the Election Commission shall, by order published in the Official Gazette, declare him to be

disqualified and any such person shall be disqualified for a period of three years from the date of the order.

11. Removal or reduction of period of disqualification.—The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter [(except under section 8A)] or reduce the period of any such disqualification.

ANNEXURE-IV

EXTRACT OF SECTION 180 OF THE H.P. PANCHAYATI RAJ ACT, 1994

Corrupt Practices

180. The following shall be deemed to be corrupt practices for the purposes of this Chapter—

(1) Bribery, that is to say—

(A) any gift, offer or promise by candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw from being a candidate at an election; or

(b) a elector of the Panchayat area to vote or refrain from voting at an election; or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) an elector of the Panchayat area for having voted or refrained from voting;

(B) the receipt of or agreement to receive any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce an elector of the Panchayat area to vote or refrain from voting, or any candidate to withdraw his candidature.

Explanation.—For the purposes of this clause, the term “gratification” is not restricted to pecuniary gratification or gratifications estimable in money and it includes

all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or, for the purpose of, any election.

(2) Under influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who—

- (i) threatens any candidates or a member of the Sabha, or any person in whom a candidate or such member is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
- (ii) induces or attempts to induce a candidate of an elector of the Panchayat area to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;

shall be deemed to interfere with the free exercise of the electoral right of such candidate or an elector of the Panchayat area within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of his clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false and which he either believes to be false or

does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or, withdrawal, of any candidate, being a statement, reasonably, calculated to prejudice the prospects of the candidates election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle by a candidate or his agent or by any other person with the consent of a candidate or his agent, for the conveyance of an elector of the Panchayat area (other than the candidate himself, the members of his family or his agent) to or from any polling station or a place fixed for the poll.

Explanation.—In this clause, the expression ‘vehicle’ means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(a) The incurring or authorizing of expenditure in contravention of section 121-A.

(7) The obtaining of procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of the Government, the Govt. of India, of India or the Government of any other state or a local authority.

ANNEXURE-V

“Chapter X-A”

ELECTORAL OFFENCES

158-A. Promoting enmity between classes in connection with the election.—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

158-B. Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.—(1) No person shall;

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

- (b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto ;

In 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.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) In this section, the expression “election matter” means any matter intended or calculated to influence or affect the result of an election.

158.C. Disturbances at election meetings.—Any person who at a public meeting to which this section applies acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which election is held.

(4) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

158-D. Restrictions on the printing of pamphlets, posters, etc.—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and address of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

- (a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

- (b) unless within reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,—
 - (i) where it is printed in the capital of the State, to the State Election Commissioner; and
 - (ii) in any other case, to the Deputy Commissioner of the District in which it is printed.
- (3) For the purposes of this section,—
 - (a) Any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression “printer” shall be construed accordingly; and
 - (b) “election pamphlet or poster” means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with the fine which may extend to two thousand rupees, or with both.

158-E. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs, any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

158-F. Officers etc., at elections not to act for candidates or to influence voting.—(1) No person who is a district election officers 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 to any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

- (2) No such person as aforesaid, and no member of a police force, shall endeavour—
 - (a) to persuade any person to give his vote at an election; or
 - (b) to dissuade any person from giving his vote at an election; or
 - (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(4) An offence punishable under sub-section be cognizable.

158-G. Prohibition of canvassing in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

158-H. Penalty for disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station—

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighborhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

158-I. Penalty for misconduct at the polling station.—(1) Any person during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful direction of the presiding officer may be removed from the polling station by the presiding officer or by any Police Officer on duty or by any person authorized in this behalf by such Presiding Officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

158-J. Penalty for failure to observe procedure for voting.—If any elector to whom a ballot paper has been issued, refuse to observe the procedure prescribed for voting the ballot paper issued to him shall be liable for cancellation.

158-K. Penalty for illegal hiring or procuring of conveyance at elections.—If any person is guilty of any such corrupt practice as is specified in clause (6) of section 180 of this Act, at or in connection with an election he shall be punishable with imprisonment which may extend to three months, or with fine.

158-L. Breaches of official duty in connection with elections.—(1) If any person to whom this section applies 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.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the District Election Officer (Panchayat) Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

158-M. Penalty for Government Servants for acting as election agent, polling agent or counting agent.—If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

158-N. Prohibition of going to or near a polling station.—(1) No person, other than the Returning Officer, the Presiding Officer, any Police Officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959) of any kind within the neighborhood of a polling station.

(2) If any person contravenes the provision of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959) where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the license granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

158-O. Removal of ballot papers from polling station to be an offence.—(1) Any person who at any election unauthorisedly takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees or with both.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a Police Officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be handed over for safe custody to a police office by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

158-P. Offence of both capturing.—Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years, and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years, and with fine.

Explanation.—For the purposes of this section “booth capturing” includes among other things, all or any of the following activities, namely:—

- (a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of election;

- (b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;
- (c) coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;
- (d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes; and
- (e) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

158-Q. Grant of paid holiday to employees on the day of poll.—(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the Panchayat bodies shall, on the day of poll be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

158-R. Liquor not to be sold, given or distributed on Polling day.—(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, catering house, tavern, shop or any other place, public or private, within a polling area during the period of forty eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed off in such manner as may be prescribed.

158-S. Other offences and penalties therefore.—(1) A person shall be guilty of an electoral offence if at any election he—

- (b) fraudulently defaces or fraudulently destroys any nomination paper; or
- (c) fraudulently defaces or fraudulently destroys or removes any list, notice or other document affixed by or under the authority of Returning Officer; or
- (d) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or
- (e) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
- (f) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (g) without due authority destroys, takes opens or otherwise interferes with any ballot box or ballot papers then in use for purposes of the election; or
- (h) fraudulently or without due authority as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall—

- (a) if he is a returning officer or an assistant returning officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both; and
- (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election on part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression “official duty” shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

EXTRACT

1. LIST OF OFFICE WISE SYMBOLS

1. GRAM PANCHAYAT :

(A) Symbol to be used for the Election of Members :

- | | |
|--------------------|-----------------|
| 1. Rising Son | 11. Kite |
| 2. Hockey and Ball | 12. Spade |
| 3. Radio | 13. Candle |
| 4. Bat | 14. Aero plane |
| 5. Ladder | 15. Glass Jar |
| 6. Car | 16. Axe |
| 7. Ceiling Fan | 17. Globe |
| 8. Chair | 18. Spoon |
| 9. Apple | 19. Water Melon |
| 10. Drum | 20. Balloon |

(B) Symbol to be used for the Election of Up-Pradhan :

- | | |
|--------------------------------|-----------------------------|
| 1. Letter Box | 11. Cultivator Cutting Crop |
| 2. Table | 12. Violin |
| 3. Sewing Machine | 13. Baby Doll |
| 4. Mango | 14. Almirah |
| 5. Moon | 15. Black Board |
| 6. Electric Bulb | 16. Camera |
| 7. Tractor | 17. Tabla (two) |
| 8. Basket Containing Vegetable | 18. Dancing girl |
| 9. Pressure Cooker | 19. Hurricane Lamp |
| 10. Bench | 20. Wheel Barrow |

Symbols to be used for the Election of Pradhan :

- | | |
|-----------------|------------------|
| 1. Lock and Key | 11. Ring |
| 2. Table Fan | 12. Pencil |
| 3. Hand Pump | 13. Sword |
| 4. Jeep | 14. Motorcycle |
| 5. Umbrella | 15. Scissor |
| 6. Bucket | 16. Soldier |
| 7. Cup & Saucer | 17. Coconut Tree |

- | | |
|------------|------------|
| 8. Dholak | 18. Banana |
| 9. Whistle | 19. Box |
| 10. Ball | 20. Bell |

2. PANCHAYAT SAMITI

Symbol to be used for the Election of Member, Panchayat Samiti :

- | | |
|-------------------|-----------------|
| 1. Wrist watch | 11. Diesel Pump |
| 2. Table lamp | 12. Carrot |
| 3. Railway Engine | 13. Gas Stove |
| 4. Bow & Arrow | 14. Bridge |
| 5. Basket | 15. Brick |
| 6. Harmonium | 16. Comb |
| 7. Truck | 17. Road Roller |
| 8. Ship | 18. Fort |
| 9. Coconut | 19. Flower |
| 10. Jug | 20. Gum Bottle |

3. ZILA PARISHAD) :

(3) Symbols to be used for the Election of Member, Zila Parishad :

- | | |
|-----------------|--------------------------------|
| 1. Television | 11. Two leaves |
| 2. Gas cylinder | 12. Door |
| 3. Bats Man | 13. Electric Pole |
| 4. Book | 14. Bungalow |
| 5. Hat | 15. Cultivator Winnowing Grain |
| 6. Star | 16. Saw |
| 7. Bus | 17. Maize |
| 8. Kettle | 18. Fire Engine |
| 9. Flute | 19. Glass Tumbler |
| 10. Boat | 20. Fork |

LIST OF COMMON SYMBOLS

Common symbols to be used for the Election of Gram Panchayat/Panchayat Samiti/Zila Parishad :

- | | |
|------------------------|----------------|
| 1. Cot | 9. Wool |
| 2. Fountain pen | 10. Slate |
| 3. Dumroo | 11. Doli |
| 4. Walking Stick | 12. Brief Case |
| 5. Flower Basket | 13. Lady purse |
| 6. Spade & Stoker | 14. Frock |
| 7. Two Swords & Shield | 15. Brush |
| 8. Window | |

ILLUSTRATIVE STAMP OF NOTA

ILLUSTRATIVE CASES OF VALID AND INVALID

BALLOT PAPER

NOTE

The Commission has brought this pamphlet showing illustrative cases of valid and invalid ballot paper for your guidance. But it is not possible to visualise all kinds of valid & invalid markings, the specimen given in the pamphlet are not exhaustive, but only illustrative.

