

FOR OFFICIAL
USE ONLY



STATE ELECTION COMMISSION, HIMACHAL PRADESH
ARMSDALE, SHIMLA-171002.

A

HAND BOOK

FOR

RETURNING OFFICERS/ASSISTANT RETURNING OFFICERS

FOR THE

CONDUCT OF ELECTIONS TO MUNICIPAL CORPORATION

SHIMLA

THROUGH

ELECTRONIC VOTING MACHINE

2021

INTRODUCTION

Returning Officer plays a pivotal role in the election management. A Returning Officer is called so because he holds the election in the constituency and returns the result. The election management should be transparent and there should not be any scope for complaint of partiality on the part of any official involved in the election management. The Commission takes very serious view about lack of neutrality on the part of any election official

The smooth conduct of the election right from the issue of public notice inviting nominations to the declaration of results and subsequent safe custody of election papers depends primarily on the Returning Officer. He is, therefore, required to be fully conversant with the laws and procedures relating to elections. Any erroneous or fallacious interpretation of law and its wrong application may vitiate an election. Further, the aggrieved party has no immediate remedy; he has to wait till the result is declared to file an election petition. Where an election is set aside, the whole process from nomination of candidates to poll and declaration of result has to be gone through again.

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. Municipal Corporation Act, 1994 and the election rules made thereunder are by and large pari-materia, with some variations here and there. Therefore, you may not require major re-orientation for functioning as a Municipal Corporation Returning Officer. All the same, you must go through the provisions reproduced, summarize or appended in this Handbook carefully and follow them meticulously.

Shimla

Dated The st March , 2021

State Election Commissioner
Himachal Pradesh

PART – I

The Elections to Municipal Corporation are being conducted through Electronic Voting Machines however, the procedures prescribed under the various Rules is based on conventional method of Ballot Paper and Ballot Box, therefore, it is advised that in the foregoing paragraphs of this hand book the word "ballot box wherever occurs may be construed as Electronic Voting Machines".

PRELIMINARY PREPARATIONS:-

You have been appointed as Returning Officer under Rule 30 of the Himachal Pradesh Municipal Corporation (Election) Rules, 2012. You can appoint as many Assistant Returning Officers as may be necessary to perform all or any of the duties of the Returning Officer under Rule 30(2) of these Rules. Prior to the conduct of poll you have to do a lot of preliminary exercises such as fixing of polling stations for a ward and identification of the number of sensitive polling stations. Keeping in view the sensitivity of polling stations you have to deal with the law and order situation. Thereafter you have to appoint polling personnel, counting staff and impart them training and provide them with necessary election material etc. The Duties of the Returning Officer has been prescribed under Rule 30 of the Rules *ibid*, which is appended below for your ready reference..

You should draw up well in advance a programme and plan of detailed arrangements for the poll. A good deal of forethoughts and advance planning are necessary if the election is to be carried through efficiently and to your credit. Many of you must have already been Returning Officer in the earlier elections; even then, you are required to go through this Handbook chapter by chapter carefully.

Rule 30. Returning Officers and their duties .-(1) The state Election Commission shall appoint the Deputy Commissioner of the District or such other as he may deem fit to be the Returning Officer in respect of elections for the Municipal Corporation .

(2) The Returning Officer shall appoint as many Assistant Returning Officers as may be necessary to perform all or may the duties of Returning Officer.

(3) *It shall be the duty of the Returning officer to do all such acts and things as may be necessary for effectively conducting the election in the manner provided by these rules or orders made hereunder.*

(4) *The Returning officer shall fix such number of polling stations for every ward as he may deem necessary and shall publish on the date specified under rule 30(4) in this behalf by pasting a list there of at his office and at the office of the Municipal Corporation showing there in clearly the polling areas.*

Provided that no polling station shall station be located in a police station, hospitals or a place having sectarian or religious significance :

Provided further that as far as possible the polling station shall be located in a Government, Semi Government or Municipal buildings, and in case no such building is available, the polling station shall be located in a temporary structure.

1. POLLING STAFF:

Rule 31(1) provides that the Presiding Officer and Polling Officers for each polling stations shall be appointed by you. While appointing the polling officer, one of the polling officers shall be authorized to work as Presiding Officer in case of an eventuality as required under rule 31(2). The polling officer so authorized may also be designated as Assistant Presiding Officer.

The Polling party will consist of One Presiding Officer and three Polling Officers. In the interest of free and fair poll you should ensure proper mixing of polling personnel drawn from different offices and departments at the time of formation of a polling party. You should prepare lists of personnel to be appointed as Presiding Officers and Polling Officers well in advance according to number of polling stations in your area. Some reserve polling parties must be kept ready which may take over in case of any eventuality. The provisions of rule 31 are re-produced as under:-

Rule- 31. Appointment of Polling Personnel:-

(1) *The Returning Officer shall appoint Presiding Officer and such number of polling officers, as he thinks necessary, in respect of each polling station :*

Provided that if the polling officer is absent from the polling station, the presiding officer may appoint any Government or semi-Government or Municipal servant, as a polling officer during the absence of the former officer and inform the Returning Officer accordingly.

(2) *If the Presiding Officer, owing to illness or any other un-avoidable cause is absent from the polling station, his functions shall be performed by such polling officer, as has been previously authorised by the Returning officer to perform such functions during any such absence .*

2. POLLING STATION: You are required to fix such number of polling stations for every ward as you may deem necessary and publish on the date specified in the Election Programme issued by the State Election Commission at the office of the Municipality showing therein clearly the polling area. You may arrange sufficient publicity in the ward so that a voter can know his polling station well before the day of polling.

Take care that no polling station shall be located in a police station, hospital or place having sectarian or religious significance, as has been provided under rule 30(4). Polling station should be located in a Government, Semi Government or Municipal building. In case no such building is available, the polling station shall be located in a temporary structure. All the arrangements at a polling station should be made in accordance with the rule 59, which is re-produced as under:-

59. Arrangement at Polling Station :-

(1) Outside each polling station there shall be displayed prominently -

(a) a notice specifying the polling area the voters of which are entitled to vote at the polling station or where polling station has more than one polling booths, at each one of such booths or the description of the voter allotted to any such booth; and

*(b) another notice in Hindi in Devnagri script containing the list of contesting candidates prepared under **rule 42**, alongwith the symbols allotted under **rule 43**.*

(2) At each polling station there shall be set up one or more compartments in which voters can record their votes in secrecy.

(3) The Returning Officer shall provide at each polling station required number of ballot boxes, copies of title relevant part of electoral roll, the ballot papers, and other articles necessary for the conduct of poll.

(Note: Since elections to Municipal Corporation are being conducted through Electronic Voting machines therefore there is no need to provide Ballot Boxes at each Polling Station)

3. TRAINING TO THE STAFF :

You should convey the programme for training and collection of election material to the Presiding Officers along with the appointment orders. You must give sufficient number of rehearsals to the polling personnel so that they could acquaint themselves with each other and also with the rules and procedure for the conduct of elections. The staff must have already been trained at earlier polling rehearsals. Brush up their knowledge and experience by more rehearsals, as may be considered necessary. Invite the candidates to such rehearsals and encourage them to secure the attendance of their prospective candidate's polling agents at these rehearsals. Explain at these rehearsals the vital points for the polling agents to remember at the time of poll.

You should also conduct training for the counting staff. Although counting through Electronic Voting machines is easier and time saving. All the votes recorded in the machine are valid and there is hardly any scope for errors. However you must make the staff, deputed for counting, to appreciate that entire election may be quashed by wrong, irregular or careless counting.

4. ELECTION MATERIAL:

Each polling party has to be supplied with necessary election materials for conducting poll at a polling station. A list of such polling materials is given in **Annexure-I**. You should assess your total requirements for the same and procure your stock of election materials well in time to avoid any difficulty in procuring any item at last moments.

i. ELECTRONIC VOTING MACHINES

You must provide to each polling party one set of EVMs, consisting of one Control Unit and such numbers of Ballot Units as are to be used at the polling stations. As there is provision only for 16 candidates in one Ballot Unit, the

number of Ballot Units to be provided in each polling station would depend on the number of contesting candidates at the election.

First level checking of each EVMs supplied by the State Election Commission has been done by the Engineers of Bharat Electronic Ltd. As for as EVMs procured from the Election Commission of India are concerned, the authorized Engineers by the ECI in Districts are being requested to check the same immediately.

ii. FORMS & OTHER STATIONERY ITEMS:

All the forms and stationery items required for conduct of poll will be supplied by the Commission except the items (if any) for which the permission has been given to the Deputy Commissioner by the Commission. You may write to him to supply such items in the required quantity. If, in any case, any form is received in less quantity you may use Xerox copies of the same.

In addition to above, you may require brass seals, tags, arrow cross mark seals for tendered votes, stickers etc. in sufficient numbers. Ensure that these items have been received by you in full quantity. Sort out all the materials required for each polling station and put them at one place in sack etc. to arrange their delivery to each Presiding Officer in time.

You should, however, ensure that the election material is supplied to polling party in full quantity according to the prescribed scale. Some of the items of election material are so important and 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-1**. You will depute some responsible officials to receive back these items from the polling parties at the receiving centre after the conduct of poll.

5 DEPUTATION OF STAFF AND PUNISHMENT ON BREACH OF OFFICIAL DUTY

Section 9 of the H.P. Municipal Corporation Act 1994 provides that the superintendent direction and control of the preparation of electoral rolls, delimitation of wards, reservation and allotment of seats by rotation and conduct of all elections to the Corporation shall vest in the State Election Commission. Further Section 9 (E) of the Act *ibid* provides that 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 be on deputation with the State Election Commission for the period during which they are so employed. The provisions of Section 9 and 9-E of the HP Municipal Corporation Act, 1994 are appended below for your reference :

9. (1) Election to the Corporation.- (1) The superintendence, direction and control of the preparation of electoral rolls, delimitation of wards, reservation and allotment of seats by rotation for, and the conduct of, all elections to the Corporation, shall be vested in the State Election Commission.

(2) The Government as well as Corporation shall, when so requested by the State Election Commission, make available to the Commission such staff, material and monetary resources as may be necessary for the discharge of the functions conferred on the State Election Commission by sub-section (1)

(3) The Commission shall frame its own rules and lay its own procedure.

9-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 Municipal Corporation 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 be 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.

The Commission has empowered the Deputy Commissioner in Himachal Pradesh to take disciplinary action and in appropriate case, pass orders of suspension from service against all officials/officers (other than Class-I officers) for negligence, dereliction of duty or other misconduct in the conduct of elections or counting, or other work connected with elections whether before, during or after the poll in their respective Districts. For details please refer to Annexure-II and III of this hand book.

Section 23 of the Act *ibid* provides that Officers etc. At election duty shall not act for candidates or to influence voting. Further Section 27 also provides for punishment to the official who is found guilty of any act or omission in breach of his official duty in connection with the election. Provisions of Section 23 and 27 are reproduced for ready reference:

23. Officers etc. at elections not to act for candidates or to influence voting.—(1) *No person, who is a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or official appointed by the returning officer or the presiding officer to perform any duty in connection with an election or a member of police force, shall, in the conduct or 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.*

(2) *No such person as aforesaid, shall endeavour:—*

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote in 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 for a term which may extend to six months, or with fine, or with both.*

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

27 Breaches of official duty in connection with election.-(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. An offence punishable under section shall be cognizable.*

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

(3) *The persons to whom this section applies are 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 candidature or the recording of counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly.*

6 Nomination of Observer: The Commission may nominate observer (s) to watch the conduct of elections process in accordance with sub-rules (3) and (4) of Rule 32 of the Rules ibid. Details guide lines will be issued separately.

(3)*The Commission may nominate observer who shall be the officers of the State Government to watch the conduct of election in a Corporation or a group of Corporation and to perform such other functions as may be entrusted to them by the State Election Commission.*

(4) *The observer (s) nominated under sub-rule (3) shall have the power to direct the Returning Officer for Corporation for which they have been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the observers, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station or place cannot be ascertained:*

Provided that where an observer (s) have directed the Returning Officer under this sub-rule to stop counting of votes or not to declare the result, the observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate direction.

PART-II

FROM FILING OF NOMINATIONS TO WITHDRAWAL OF CANDIDATURE:

You are the kingpin of the electoral machinery and, therefore, the importance of your duties cannot be undermined . You have to perform a very difficult task. It is of utmost importance that you should have thorough knowledge of election law and procedures pertaining to your duties. In the matter of scrutiny of nominations, you perform a quasi-judicial function. The powers, duties and functions of the Returning officers have been given in great detail in the Himachal Pradesh Municipal Corporation Act, 1994 and the Himachal Pradesh Municipal Corporation (Election) Rules,2012. The provisions of Rule, 30are already mentioned above. You must go through these provisions carefully.

As a Returning Officer/Assistant Returning Officer, your duty starts from the receipt of nominations papers. This is a very responsible task for which you have to fully acquaint yourself with the law and procedure laid down for the purpose. While performing your duty, you have to implement the provisions of the law and abide by the relevant procedure and instructions faithfully. Soon after the receipt of directions regarding movement programme to the place where the nomination papers etc. are to be received, you will proceed strictly in accordance with the movement programme to the place where you have to receive the nomination as per the election programme and the notice of election. Under no circumstances will the time, date and place notified for this purpose in the notice of election be changed.

You may be appointed as Returning Officer/ Assistant Returning Officer for one or more wards of Municipal Corporation. In order to avoid any confusion or mixing-up of papers at the time of scrutiny etc. prior arrangements for keeping ward-wise nomination papers should be made and proper maintenance of these papers may be ensured. It will be appropriate to keep the nomination papers of every ward in separate file.

Before the receipt of nomination papers at the appointed place, the following items must be available with you:-

- i. One complete set of the electoral rolls of all the wards of the Municipal Corporation duly authenticated by the Electoral Registration Officer(Municipal Corporation)
- ii. One copy of reservation orders issued for the Municipal Corporation elections.
- iii Sufficient number of forms of nomination papers and disclosure of specified information.
(The forms of nomination papers shall be supplied free of cost to the public)
- iv Receipt book for issue of receipt of security deposits ;
- v Forms of notice of withdrawal ;
- vi Forms for preparing the list of contesting candidates ;
- vii All kinds of symbol poster for supply to the contesting candidates along with other election material.
- viii A copy of the notice of election issued by the Deputy Commissioner in Form-19 under rule 34 of the H.P. Municipal Corporation (Election) Rules, 2012.
- ix Sufficient number of Form-19 (Notice of Nomination) under rule 34.

1. PRESENTATION OF NOMINATION PAPERS:

The nomination papers are to be presented before you under rule 34 of the H.P. Municipal Corporation (Election) Rules, 2012. Each candidate during the time and at a place specified for the purpose shall, either in person or through his proposer, file nomination papers duly signed by the contesting candidate and the proposer, who is a voter of that municipality, in form-20, if he is not disqualified under section 8 of the Act 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.

A person who is unable to write his name shall be deemed to have signed an instrument or any other paper 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.

For your guidance, the provisions of section 16 of the Act and Rule³⁷ are reproduced as under :

Section 8.Disqualification of Councilors.—(1) A person shall be disqualified for being c

(a)if he is so disqualified by or under any law for the time being in force for the purposes

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 ; and

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) A person shall also be disqualified for being chosen as, and for being , a Councillor:—

(a) if he is of unsound mind and stands so declared by a competent court ;

(b) if he is an undischarged insolvent ;

(c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(d) if he has in proceedings for questioning the validity or regularity of an election, been found to have been guilty of —

if he has incurred more expenditure than prescribed under section 13-A or has failed to lodge account under section 13-B within 30 days of the declaration of the result of the election;

(i) any corrupt practice under section 21 of this Act ;

(ii) any offence punishable under sections 171-E or 171-F of the Indian Penal Code 1860 (45 of 1860), or any offence punishable under section 29 or clause (a) of sub-section (2) of the finding ;

(e) if he has been convicted by a criminal court to imprisonment for an offence involving moral turpitude, unless a period of six-years has elapsed since his conviction;

"Explanation.—" moral turpitude" shall mean the cases where a charge framed by a competent court involves an offence for which the maximum sentence is death or life imprisonment or 10 years or more.

(f) if he holds any office of profit under the Corporation ;

(g) if he is a licensed architect, draftsman, engineer, plumber surveyor or town planner or is a partner of a firm of which any such licensed person is also a partner;

(h) if he holds any office of profit under the Government or the Municipal Corporation;

(i) if he is interested in any subsisting contract made with, or any work being done for the Corporation except as a share holder (other than a director) in an incorporated company or as a member of a co-operative society ;

(j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity in connection with any cause or

proceeding in which the Corporation or any of municipal authorities is interested or concerned ;

(k) if he, having held any office under the Government, the Corporation or any other local authority, any Government company or any corporate body owned or controlled by the Government, has been dismissed from service ;

(l) if he has encroached upon or is beneficiary of the encroachment upon any land belonging to, or taken on lease or requisitioned by or on behalf of, the State Government, a municipality, a panchayat, co-operative society or any other local authority, unless a period of six years has elapsed since the date on which he is ejected therefrom or he ceases to be the encroacher ;

Explanation.—For the purpose of this clause the expression "beneficiaries" shall include the spouse and legal heirs of the encroacher ; and

(m) if he is registered as a habitual offender under the Himachal Pradesh Habitual Offenders Act, 1969 (8 of 1974);

(n) if he has been ordered to give security for good behavior under section 110 of the Code of Criminal Procedure, 1973, (2 of 1974);

(o) if he fails to pay any arrears of any kind due to him otherwise than as an agent, receiver, trustee or an executor to the Corporation within three months after a notice in this behalf has been served upon him;

(p) if he is in the employment or service under any panchayat or of any other local authority or co-operative society or Central Government of the State Government or any public sector undertaking under the control of the Central or the State Government.

Explanation.—For the purpose of this clause the expression "service" or "Employment" shall include person appointed engaged or employed on whole time, part time, casual, daily or contract basis ;

(r) if he has made any false statement or declaration in writing under this Act or the rules made thereunder;

(3) Notwithstanding anything contained in sub-sections (1) and (2) above—

(a) a disqualification under clause (e) of sub-section (2) shall take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence until that appeal or petition is disposed of ;

(b) a person shall not be deemed to have incurred any disqualification under clause (f) or clause (g) of sub-section (2) by reason only of his receiving.—

(i) any pension ; or
(ii) any allowance or facility for serving as a Mayor or Deputy Mayor or as a Councillor; or
(iii) any fee for attendance at a meeting of any committee of the Corporation;

(c) a person shall not be deemed to have any interest in a contract or work such as is referred to in the clause (i) of sub-section (2) by reason only of his having a share or interest in

(i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or

(iv) the sale to the Corporation or to any other municipal authority or any officer or other employee of the Corporation on behalf of the Corporation of any article in which he regularly trades or the purchase from the Corporation or from any such authority, officer or other employee on behalf of the Corporation of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work ; or

(v) the letting out on hire to the Corporation or the hiring from the corporation of any article not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; and

(vi) any agreement or contract with the Corporation or any other municipal authority for taking water or any other thing which the Corporation may generally supply.

(4) If a person sits or votes as a Councillor of the Corporation when he is not qualified or that he is disqualified for such Councillorship, he shall be liable in respect of each day on which he so sits or votes to a penalty of five Hundred Rupees to be recovered as an arrears of tax under this Act.

(5) If any question arises as to whether a Councillor of the Corporation has become subject to any of the disqualification mentioned in sub-sections (1) and (2) the question, shall be referred for the decision of such authority and in such manner as the Government may by notification provide.

(6) If a person who is chosen as a Councillor the Corporation, becomes a Member of the House of the People, the Council of States, the State Legislative Assembly, or is or becomes member of a municipality, or an Office bearer of a panchayat, then at the expiration of a period of fifteen days from the date of publication of the election result, as the case may be, within fifteen days from the date of the commencement of term of office of a Member of the House of People,

the Council of State, the State Legislative Assembly or member of the municipality, or an office bearer of a panchayat, his seat in a Corporation shall become vacant, unless he has previously resigned his seat in the House of People, the Council of State, the State Legislative Assembly, the Panchayat or the municipality, as the case may be.

Explanation.—For the purposes of sub-section (6) the expression "office bearer of the panchayat" shall have the same meaning as is assigned to it under clause (23) of section 2 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994).

37. Nomination of candidates for election.- (1) *Any person registered as voter within the Corporation, may be nominated as a candidate for the office of Councillor of a ward by another person, who is registered voter in the electoral roll of that ward of the Corporation.*

(2) *The nomination paper in **Form-20** duly filled up and signed by the proposer and candidate shall be delivered to the authority specified under clause (c) of sub-rule(1) of **rule 34** by each candidate either in person or by his proposer between 11 A.M. and 3.00 P.M. on the date specified for the filing of nomination papers.*

(3) *In any ward/Corporation which is reserved for the members of Scheduled Castes and Scheduled Tribes, the nomination paper shall not be treated as valid, unless it contains a declaration by the candidate specifying particular caste or tribe of which he is a member and the candidate submits a certificate issued by the competent authority authorized by the State Government, certifying that the candidate belongs to such **Scheduled** caste or **Scheduled** tribe, as the case may be.*

(4) *On the presentation of the nomination papers, the Returning Officer shall satisfy himself about the name and the serial number of the candidate and his proposer, as entered in the nomination paper are the same as those entered in the Electoral roll :*

*Provided that not more than three nomination papers shall be presented by or on behalf of any candidate or accepted by **the Returning Officer** for election in the same ward/Corporation:*

Provided further that the Returning Officer shall permit any clerical or technical error in the nomination papers or to the said nomination papers in regard to the said names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the Electoral roll and where necessary may direct that any clerical or printing error in the said entries be ignored.

Every candidate for election to the office of Municipal Corporation shall furnish or cause to furnish alongwith his nomination paper the Annexure-I specified by the State Election Commission vide its regulation, "HIMACHAL PRADESH PANCHAYATS AND MUNICIPALITIES ELECTIONS (Disclosure of specified information by the candidates) Regulations, 2004," framed and notified vide its

notification No. SEC. 16-21/97-123 dated 17.2.04 pertaining to his conviction or acquittal or discharge in criminal cases etc.,if any, in the past etc. (see extract of regulation framed by the State Election Commission as stated at **Annexure-VII**.

The said Regulations will also be applicable to the candidates for the offices of Councilor Municipal Corporation vide Notification No. SEC-16-21/97 dated 23.11.2010

2. DEPOSITS, RETURNS AND FORFEITURE OF SECURITY .

A candidate shall not be deemed to be nominated for election unless he has deposited or caused to be deposited as security money with the Returning Officer in cash against receipt.

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. You will satisfy yourself that necessary security deposit has been made in accordance with the provisions of the rule 26 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 of 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.

For facility of reference, the provision of rule 38 of the H.P. Municipal Corporation Election Rules, 2012 is quoted below:

38. Security deposits.- (1) A candidate shall not deemed to have been nominated for election to a ward/Corporation unless he has deposited or cause to be deposited as security with the Returning Officer in cash against receipt the following sum of money:-

(a) ¹

(b) **in case of councilor a sum of *Rs. 3000/- but in case where a candidate is woman or a member of Scheduled castes or Scheduled Tribes, a sum of Rs. 2000/- :**

Provided that where a candidate has been nominated by more than one nomination paper for election in the same ward/Corporation, not more than one deposit shall be required under this rule.

(2) If a candidate by whom or on whose behalf the security has been deposited, withdraws his candidature within the time specified in **rule 34** or if the nomination of

¹deleted vide notification dated 11-02-2016

any candidate is rejected the security deposit shall be refunded to the person by whom it was made or if such person is dead, to his legal representatives, after the date of declaration of result of election.

(3) If the contesting candidate is not elected and the number of valid votes polled in his favour are less than one sixth of the total number of valid votes polled, the security deposited shall be forfeited to the State Government.

(4) If the security deposited is not forfeited under **sub-rule (3)**, the same shall be refunded to the candidate by whom it was made or if he is dead, to his legal representatives, after the notification of the result of election is issued and published in the Official Gazette.

3. DEPOSIT OF AMOUNT RECEIVED ON ACCOUNT OF VARIOUS RECEIPTS DURING THE ELECTIONS IN GOVERNMENT TREASURY

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 list 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. The Assistant Returning Officers shall deposit all the money received by them with the Returning Officer alongwith receipt books. After depositing the money into Govt. Treasury the Returning Officer (Deputy Commissioner) will give all the Challans in original alongwith used and unused receipt books issued to him to the District Election Officer (Panchayat). The District Election Officer (Panchayat) shall keep a separate account of receipt books pertaining to Municipal Corporation in a register. The Returning Officer (Deputy Commissioner) will also send receipt book wise summery of amount received to the State Election Commission with a copy to the District Election Officer (Panchayat) and retain a copy of the same for his record. The proformaforsummery account is as under :-

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

4. NOTICE OF NOMINATION:

Rule 39 of the Election Rules provides that the Returning Officer will daily display the notice of nomination after the time for filing nominations is over in form No. 21. The provision of Rule 39 is as under:

39. Notice of Nominations - The Returning Officer shall on receiving the nomination papers under **sub-rule(2) of rule 37** enter on the nomination papers its serial number and shall sign thereon a certificate stating the date on which and the hour at which, the nomination paper has been delivered to him. A notice of nominations in **Form-21** containing description similar to those contained in the nomination papers both of the candidate and his proposer shall be affixed in some conspicuous place in his office.

It would be vital for the Returning Officer to enter the exact time and date of delivery of a nomination paper to him.(e.g. at 2.46 P.M. on05.2017)

5. RESTRICTION ON CONTEST OF ELECTION IN MORE THAN ONE MUNICIPALITY AND WARD:

No person shall be allowed to contest election for more than one ward within a municipality or for more than one municipality under rule 53 of the Election Rules, which is reproduced as under:

53. Restriction on contesting of election for more than one office of the Corporation.- No candidate shall contest election for more than one office of the Corporation at the same time.

6. SCRUTINY OF NOMINATION PAPERS:

The Returning Officer shall examine the nomination papers at the time appointed in this behalf, hear objections, if any, presented by the objectors in person to the eligibility of any candidate and decide those objections after such inquiry, as he may consider necessary. The decision rejecting or accepting a nomination paper and a brief statement of the reasons for rejection shall be endorsed on the nomination paper and signed by the Returning Officer.

The Returning Officer may permit any clerical error in the nomination paper in regard to names or numbers to be corrected in order to bring them in conformity with

the corresponding entries in the electoral roll. However, where necessary, he may direct that any clerical or printing error in the said entries shall be over looked.

No person except the candidate and one person duly authorised in writing by the candidate, shall be permitted by the Returning Officer to attend the scrutiny of nomination papers on the date, place and time specified in the notice of election. ***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 12th December, 2000 may be adhered to strictly in this regard.***

The provisions of Rule 40 are reproduced below for ready reference:

40. Scrutiny of nomination papers.- (1) On the date fixed for the scrutiny of nomination papers under **rule 34** the candidate and one other person duly authorized in writing by each candidate, may attend **process of scrutiny** and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all the candidates which have been **received by him** within the time and in the manner laid down in **rule 37**

(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 the office under the provisions of these rules or the Act or any other law for the time being in force; or
- (b) (b) that there has been a failure to comply with any of the provisions of **rule 37** or **rule 38**; or
- (c) (c) that the signatures of the candidate or the proposer on the nomination paper are not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorize the rejection of **other nomination of the same candidate where such rejection is not warranted.**

(4) The Returning Officer shall hold the scrutiny on the date and time appointed in this behalf under

clause (d) sub-rule (1) of **rule 34. The process of scrutiny once started shall not be adjourned,** except, when such proceedings are interrupted or obstructed by riots, open violence or by causes beyond the control of the Returning Officer :

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 defer it not later than the **day next to the day of scrutiny** and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(5) 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.

(6) For the purpose of this rule, an entry in the Electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is a voter for that ward

(7) Immediately after all the nomination papers have been scrutinized and the decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare in **Form 22** a list of validly nominated candidates that is to say, candidates whose nomination have been found valid and affix on the notice board at the office of the Returning Officer.

7. WITHDRAWAL OF CANDIDATURE:

Any validly nominated candidate may withdraw his candidature under rule 41 of the Election Rules. The notice of withdrawal of candidature must be delivered to you on the date, time and place specified for this purpose in the notice of election and receipt for such notice will be issued to the person presenting the notice in form 23 appended at the bottom of the notice of withdrawal. A notice to this effect shall be affixed in Form

24 for information of the general public. However for your convenience, the provisions of rule 41 of the Election Rules are reproduced below:

41. Withdrawal of candidature.- (1) Any candidate may withdraw his candidature by notice in writing in **Form-23** subscribed by him and delivered to the Returning Officer or the Authority specified in this behalf under clause (e) of sub-rule (1) of **rule 34**, before 3 P.M. on the date specified in the said rule, and no person who has thus withdrawn his candidature shall be allowed to cancel the notice of such withdrawal.

(2) Upon receiving a notice of withdrawal of candidature, the Returning Officer or the specified authority shall cause a notice in **Form-24** to this effect to be affixed in some conspicuous place in his office.

8. LIST OF CONTESTING CANDIDATES:

Immediately after the expiry of the hours fixed for the withdrawal of candidatures, a list of contesting candidates shall be prepared by you in Hindi in Devanagari script in alphabetical order. The provision of Rule 42 are reproduced below :-

42. List of contesting candidates.- (1) On completion of the scrutiny of the nomination papers and after the expiry of the period within which candidature may be withdrawn under **rule 41**, the Returning Officer shall forthwith prepare a list of contesting candidates in Hindi in **Form-25** and cause it to be affixed on the notice board of his office and shall also supply a copy thereof, to each of the contesting candidates and on demand to his election agent.

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

9 Candidates set up by a Political Party:-

The party concerned shall communicate to you on Form SEC-I the name and the specimen signature of the President/Secretary or any office bearer authorized by it to send a notice in Form -II in writing to this effect that such and such person has been nominated by the party for such and such ward but not later than 3. PM on the last date for the withdrawal of candidature. If the relevant notice is not received by the prescribed time in regard to a particular individual, you may treat as an independent

candidate. The Form SEC-I and SEC-II have been annexed at Annexure----- in the RO hand book. To ascertain whether a candidate has been set by a political party, you will check the declaration made by the candidates in Form No. 20 and tally the signature of the President/Secretary or any authorized office bearer as contained in the Form SEC-I and as contained in the notice in Form-II.

9A. ALLOTMENT OF SYMBOLS:

After the list of contesting candidates has been prepared and if the number of contesting candidates are more than one, the Returning Officer shall allot a symbol to each contesting candidate. When a candidate is setup by a Political Party he will be allotted a symbol reserved for that party by the Election Commission of India. When a candidate is not setup by a Political Party, a free symbol specified by the State Election Commission under Rule 35 of the Election Rules shall be allotted to him. The symbols are specified by the State Election Commission vide Notification No. SEC(F)2-2020-2665 Dated the 13th March, 2021. Copy of this Notification is annexed at **Annexure-VIII**. The candidates who has not been set up by a Political Party shall have no choice of symbols. They shall be allotted free symbols from the list of free symbols. These symbols shall be allotted in seriatim irrespective of the Sr. No. of the candidates in the list of contesting candidates. After the publication of the list of contesting candidates containing the symbols, one copy of the same should be sent to the Deputy Commissioner immediately. No jumping of symbols or allotment of free symbol not notified by the Commission shall be permissible. As regard the allotment of reserved symbol the Returning Officer has no choice once he is satisfied that a candidate is entitled for a symbol reserved for a particular party. An example for allotment of symbols given below:-

Sr. No.	Name of Contesting candidate in alphabetically orders	Party/ independent	Symbols
1	अमर सिंह	आजाद	उगता हुआ सूरज
2	इन्द्र सिंह	कांग्रेस	हाथ
3	कबीर सिंह	भाजपा	कमल का फूल
4	नागपाल	आजाद	कार
5	नागेश	आम आदमी पार्टी	झाड़ू
6	हेमलता	कम्युनिस्ट पार्टी (मा0)	हथौड़ा हंसिया और सितारा

If a notice from the authorized office bearer of the Party concerned not intimating the fact of setting up of a particular candidate from a particular ward is not received by the Returning Officer by the prescribed time and date, that candidate may be deemed to have filled Nomination papers as an independent candidate and thus may be allotted a free symbol if his nomination paper is found to be in order. The list of contesting candidates and the symbols allotted to each candidate shall be sent through a special messenger and thorough an E-mail to the Secretary, State Election Commission immediately after the completion of process of allotment of symbols so as to enable timely printing of Ballot Papers. A specimen poster of symbols allotted should be supplied immediately to each candidate. The symbols shall be allotted according to the provision of Rule 43.

36. Classification of Symbols. (1) *For the purpose of these rules symbols will be either reserved or free.*

(2) *A reserved symbol will be symbol which is reserved for a recognised political party for exclusive allotment to contesting candidates set up by that party.*

(3) *A free symbol shall be other than a reserved symbol.*

A specimen poster of the symbol allotted should be supplied immediately to each candidate. The symbols shall be allotted according to the provisions of Rule 31, which is reproduced for your convenience:

43. Allotment of symbols to candidates.-(1) ²*After the list of contesting candidates is prepared and if the number of candidates is more than one, the Returning Officer shall allot symbol to each contesting candidate according to the serial number in the list of contesting candidates and of the approved symbols in accordance with the serial number of the symbols specified in the notification under rule 35:*

Provided that there shall not be any choice of symbols for a candidate.

(2) *In every case where an election symbol has been assigned to a candidate under **sub-rule (1)** such candidate shall forthwith be informed of the election symbol so assigned and be supplied with a specimen there-of by the Returning Officer. In that event the list of contesting candidates shall also contain election symbol allotted to each candidate.*

10. APPOINTMENT OF ELECTION AGENT / POLLING AGENT:-

It is not necessary for a candidate to appoint an election agent or polling agent. Such appointments may, if the candidate so desires, be made at any time he likes or not at all. In other words, the appointment of a election agent or polling agent is optional. Appointment of election agent shall be made on Form-26 and appointment of polling agent has to be made in Form-27. A polling agent shall not be allowed to enter a polling station unless he delivers a copy of his appointment for that polling station after duly completing and signing the declaration contained therein before the Presiding Officer.

Rule-33 provides that 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. The provision of Rule 32 and 33 are reproduced as under: -

45. Appointment of Election Agent.-If a candidate desires to appoint an election agent, such appointment shall be made in **Form-26** either at the time of delivering the nomination paper or at any time before election.

46. Appointment of polling agent.-(1) The number of polling agents, that may be appointed by a candidate shall be one for each polling station.

(2) Every such appointment shall be made in **Form-27** and the same shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the documents of his appointment under **sub-rule (2)** after duly completing and signing the declaration contained therein before the Presiding Officer.

47. Non-attendance of agent. - Where any act or thing is required or authorized 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, invalidate the act or thing done.

11. ELECTION EXPENSES :

Every contesting candidate shall either himself or by his election agent or by any other person with his authority, consent or knowledge keep an account of election expenditure incurred from the date he has been nominated and the date of declaration of result under section 13-A of the Himachal Pradesh Municipal Corporation Act, 1994. The candidate shall have to lodge a true copy of the account of expenditure kept by him or his election agent or any other person with his authority consent or knowledge in a register to be called the register of election expenditure. The form of the register shall be the same as

has been prescribed in form-28. This form will be supplied to the candidate by the Returning Officer.

48. Maximum election expenses and account thereof.³(1)*The maximum limit of election expenditure to be incurred by a contesting candidate or his authorized agent shall not exceed one lac rupees:*

Provided that the State Government may enhance limit of maximum election expenditure to be incurred by a contesting candidate or his authorized agents in consultation with the Commission.

(2) *Every candidate contesting election from a ward Corporation shall keep an account of election expenditure in a register to be called the register of election expenditure in **Form-28**.*

(3) *The account under sub-rule (2) shall be maintained as per provision of section 13 A.*

(4) *The account shall be correctly **and truly** maintained in respect of each item of expenditure on day to day basis from the date of **filing of nomination papers up-to the date a day after the declaration of result.***

(5) *All expenditure by the candidate or his authorized election agent on all the items of expenditure maintained in **Form-29** shall be included in the account as kept under sub- rule (2) of election expenditure.*

(6) *All documents such as vouchers, receipts, acknowledgements etc. in support of expenditure incurred and recorded in the register shall be maintained correctly.*

(7) *The day-to-day account maintained shall be made available for inspection at any time during the process of election to the Returning Officer or any other officer authorized by him **or the Commission.***

(8) *Failure to submit the account of election expenses within the time and in the manner required by the Act and these rules or, to produce a true copy of the accounts of election expenditure on demand by an officer authorized to do so, shall be deemed to be a corrupt practice under section 21.*

(9) *A statement of account of the total election expenditure maintained shall be submitted to the **Returning Officer within thirty days of declaration of the result***

(10) *The statement of account shall be submitted in **Forms 29 and 30** alongwith an affidavit of the candidate in **Form- 31***

(11) *On receipt of the statement of accounts, the **Returning Officer** shall issue an acknowledgement in **Form- 32***

PART-III

GENERAL PROCEDURE AND PREPARATION FOR CONDUCT OF ELECTION

With the withdrawal of candidatures and the allotment of symbols to the candidates, the first stage of the election process comes to an end. Then begins the second stage of preparation for the conduct of poll . This stage is very crucial. You will find the work challenging. Great care and planning for adherence to the time schedule is essential.

- 1. DEATH OF A CANDIDATE BEFORE POLL :-**In case of unfortunate death of a contesting candidate, you will immediately send a report to the Commission under Rule 49 of the Rules, *ibid*. In such an eventuality, the poll shall be countermanded, the provision of Rule 49 is reproduced as under:

49. Death of candidate before poll :- *The poll shall be countermanded for the ward of the Corporation, if any of its validly nominated and contesting candidate set by a recognized political party demises and report of his death is received before the commencement of the Poll. On such an occurrence, the Returning Officer shall, upon being satisfied of fact of the death shall send a report to the Commission and proceedings with reference to the election shall be commenced afresh in all respects as if for a new election in accordance with these rules:*

Provided that no further nomination shall be necessary in the case of a person who was already a validly nominated candidate or a contesting candidate, as the case may be, at the time of the countermanding of the poll.

- 2. 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 shall be declared elected to fill the seat on form-25 and information thereof shall be sent to the State Election Commission. .

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 State Election Commission through the Deputy Commissioner concerned for further action under rule 35. The provisions of Rule 35 are given below:-

50. Contested and un-contested elections.- *(1) Subject to the provisions of rule 49, if there is only one contesting candidate in the field, the Returning Officer shall forthwith declare such candidate duly elected to fill the office and issue a declaration in **Form-33**. If there is no contesting candidate in the field, the Returning Officer shall report the matter to the Commission with a view to take further action accordingly.*

(2) *If the number of contesting candidate in the field is more than one, a poll shall be taken on the date specified under rule 34.*

2. PREPARATION OF BALLOT PAPER:

Since Elections to Councilors of Municipal Corporation are being held through Electronic Voting Machines, therefore number of ballot papers to be supplied within a week will require promptness. Although the interval between the last date for withdrawal of candidature and the day of poll is ten days but It will be seen that hardly a period of 5 days at the most will be available for printing as rest of the time will be required for transportation and distribution of ballot papers. Therefore, it is imperative that you should furnish to the Commission the names of the contesting candidates as arranged in form – 25 in Hindi in Devanagari script containing the allotted symbols through special messenger immediately after the preparation of the list of contesting candidates.

The Deputy Commissioners will immediately *depute a responsible official to deliver the original lists to the representatives of the Commission in the HP Government Printing Press.* The official so deputed will read the proof of the ballot paper and go back only after receiving the delivery of ballot paper. The Deputy Commissioner will also make special arrangements for transporting the ballot papers. The arrangement for transporting the ballot papers from the press to Deputy Commissioners (Returning Officers) headquarters may be made under proper security guard. The Deputy Commissioners (Returning Officers) should keep all ballot papers under lock and key in the treasury. The Government of Himachal Pradesh has recently amended Rule 58 of the Rules *ibid*, which provides as under:

58. Form of ballot papers.- (1) Every ballot paper alongwith its counterfoil shall be in **Form-35** and the particulars therein shall be in Hindi in Devnagri script.

(2)⁴Provided that after the name and symbol of last candidate, there shall be a column with the words “**None of the above**” written therein. The size of the column shall be same as used for other candidates.

The instructions issued by the Commission in this regard are annexed

Provisions for the option of None of the Above (NOTA) "उपरोक्त मेंसे कोई नहीं"

The State Election Commission vide its Notification No. SEC.16-1/2011-I-5042-5176 dated 10-11-2015 is annexed as has decided to provide the option of NOTA "उपरोक्त में से कोई नहीं" to the electors in pursuance to the order passed by the Hon'ble Supreme Court so that the voters, who decides not to vote for any of the candidates in the elections, are able to exercise their right not to vote while maintaining their rights to secrecy.

The option "None of the above"(NOTA) "उपरोक्त में से कोई नहीं" shall be given in the EVMs / ballot papers in the last column/ box after the names of all contesting candidates for the election to Municipal Corporation. However, the effect of "None of the above"(NOTA) "उपरोक्त मेंसेकोई नहीं" shall be same as not voting in favor of any candidate. Therefore, even if, "None of the above"(NOTA) "उपरोक्त मेंसेकोई नहीं" gets maximum number of votes, the contesting candidates securing/highest number of votes next to "None of the above"(NOTA) ""उपरोक्त मेंसे कोई नहीं" shall be declared elected.

3. VERIFICATION AND ISSUE OF BALLOT PAPERS TO PRESIDING OFFICERS:

Although only a few amount of ballot papers will be supplied to you mainly for the use of fixing it at the ballot unit of EVM and these type of ballot papers for Tendered Vote or in order to issue a ballot papers to the electors on Poll Duty. On receipt of the ballot papers, you should check all of them to ensure that: -

- (i) The names, photograph and symbol allotted to each contesting candidates have been printed properly and correctly;
- (ii) The serial number on the ballot paper corresponds with that on the counterfoil.
- (iii) The Deputy Commissioner(Returning Officers) should give clear instructions that ballot papers with duplicate numbers and the numbers of ballot papers with missing numbers are clearly noted in a register.
- (iv) The Deputy Commissioners(Returning Officers) should distribute the ballot papers to the Presiding Officers of the Polling Station well before their movement to the destination.
- (v) Defective ballot papers, if any, in the stitched bundle of ballot papers should be first removed from the bundle by the Returning Officer or by some other responsible officer nominated by the Returning Officer and then that bundle has

to be re-stitched immediately. If, in spite of compliance with this procedure, any ballot paper is found defective at the polling station, it will be cancelled by the Presiding Officer.

Polling Process:- The voters when enters the polling station will proceed to the first Polling Officer. He will check the electors name and other particulars with the relevant entry in the electoral roll and then call out the serial number name and other particulars of the electors. He will identify the electors and make necessary entries in the of the electoral roll. The voter will then move to second Polling Officer. The **second Polling Officer** will first apply the indelible ink mark on his left hand forefinger and ask him to sign or put thumb impression in the voters register.

Thereafter, the elector shall proceed to the polling officer in-charge of the control unit of the voting machine,. Thereafter he will press the appropriate button on the control unit, activate the ballot unit for recording of elector's vote. The elector shall thereafter forthwith proceed to the voting compartment record his vote by pressing the button on the balloting unit against the name, photograph and symbol of the candidate for whom he intends to vote.

5. ELECTRONIC VOTING MACHINE

5.1 REQUIREMENT OF EVMS:*Each Polling Party will be provided with one EVM.*The names of the candidates shall be arranged on the balloting unit in Hindi in Devnagri Script in the same order in which they appear in the list of the contesting candidates. The Returning Officer shall fix the ballot paper containing the names, photographs, symbols of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their Election Agents present as are desirous of affixing the same. You will prepare the machines in accordance with the procedure specified in the foregoing paragraphs. But before preparing the Machine you must go though the manual supplied with the Machines so that you may acquaint yourself about various operations of the machine.

5.2 BALLOT PAPERS FOR BALLOT UNITS OF VOTING MACHINES

- i. On every ballot unit, a ballot paper shall be displayed in the space meant for it
- ii. The Commission has specified that the said ballot papers shall be in the following form and language(s) :-

- a. The total length of the ballot paper for the EVMs manufactured by Bharat Electronics Limited (BEL), will be 461.5 mm and the width will be 140 mm.
 - b. At the top of the ballot paper, there shall be a space provided for indicating the particulars of the election and the name of the constituency, of the size 7.5 mm x 140 mm in the case of BEL – manufactured machines.
- iii. In the space so provided, on the top left hand corner, the serial number of the ballot paper shall be printed. On the top right hand corner, the sheet number shall be printed if the ballot paper is printed on more than one sheet, where the number of contesting candidates exceeds sixteen. The particulars of the election shall also be printed in the said space. These particulars will contain the name of Municipal Corporation, number, name of the ward and the year of election, these particulars shall be printed in Hindi in Devnagri script alone.

The following illustration in case of Municipal Corporation Dharamshala will make the position clear:-

- (a) for Election of Ward no. 1- Annadale of Municipal Corporation Dharamshala, we will print:

1-

Provided that where the number of contesting candidates is less than sixteen, the above particulars may be printed either at the top or at the bottom most portion (space meant for the candidate at serial number sixteen), as may be considered convenient from the point of view of printing.

Provided further that where the number of contesting candidates is sixteen or more, the above particulars may be printed in a vertical column, on the left hand side of the ballot paper, with a thick line dividing the said column and the panels containing the serial numbers and names of the contesting candidates.

- iv. Below the space provided at the top for printing the particulars of the election, there shall be a thick black line of 1.00 mm.
- v. Below this line, there shall be printed the serial number of each contesting candidate, his name, photograph and the symbol allotted to him, in a separate panel for each candidate.
- vi. The size of the panel for each contesting candidate shall be 27.5 mm

(length) x140 mm (width).

- vii. The panels of the candidates shall be separated from each other by a thick black line of 1.00 mm.
- viii. The names of the contesting candidates shall be arranged on the ballot paper in the same order in which their names appear in the list of contesting candidates.
- ix. The names of not more than sixteen candidates shall be arranged on one sheet of a ballot paper. If the number of contesting candidate is less than sixteen, the space below the panel for last contesting candidate shall be kept blank, except where the particulars of election, etc., are printed at the bottom.
- x. If the number of contesting candidates exceeds sixteen, the ballot paper shall be printed on two sheets of the above mentioned size and dimensions if the number of candidates is between seventeen and thirty two, on three sheets if the number of contesting candidates is between thirty three and forty eight, on four sheets if their number is between forty nine and sixty four.
- xi. In such cases where the ballot paper is printed on more than one sheet, the names of contesting candidates from S.No.17 to 32 shall be printed on the second sheet, from S.No.33 to 48 on the third sheet and from 49 onwards on the fourth sheet. If the number of candidates is less than thirty two the space below the panel for the last contesting candidate in the second sheet shall be kept blank. Similarly, for the third and fourth sheets of the ballot papers.
- xii. On each such sheet, in the space provided for indicating the particulars of the election, its number shall be indicated in bold words and letters, e.g., 'Sheet No.1', 'Sheet No.2', etc.
- xiii. The names of the contesting candidates shall be printed in the same language or languages in which the list of contesting candidates has been prepared. The serial number of the candidate shall be indicated in the international form of Indian numerals.
- xiv. Serial number and the name of the candidate shall be printed on the left hand side and his symbol on the right hand side in the panel meant for him. The photograph of each contesting candidate shall be printed between the name and symbol of the concerned contesting candidate.
- xv. In the last column of the ballot paper "None of the above"(NOTA) "उपरोक्तमेंसेकोई नहीं" shall be printed after the panel of the last contesting candidate.

5.3 COMMISSIONING OF MACHINES :

- i. Each & every machine has to be thoroughly tested for its 100% error free functioning at the time of Poll. You may get these machines checked from the identified engineers by the Election Commission of India for which you can take help from the District Election officer-cum-Deputy Commissioner.
- ii. Before a voting machine is supplied to a Presiding Officer for use at a polling station, some preparations, as detailed below, are to be made at your level. These preparations have to be made in the presence of the candidates and/or their agents.
- iii. You should decide well in advance as to when the voting machines shall be prepared. This will depend on the number of machines to be prepared, the time required for the movement of polling parties with the voting machines to the polling stations, the time likely to be taken for the receipt of ballot papers from the State Election Commission.
In any case, all required EVMs must be duly prepared three to five days before the date of poll in the Constituencies.

5.4 NOTICE TO THE CANDIDATES ABOUT DATE AND TIME OF PREPARATION OF VOTING MACHINES

- i. You should, at least one week before the date on which the preparation of the voting machines is to be taken up, give notice of the same in writing to each candidate or his election agent intimating him the place or places where the machines will be prepared and the date and time at which such preparation will commence. Proper acknowledgement /receipt should be obtained and kept in record. You should intimate the candidate/his election agent the number of representatives that every candidate will be permitted to bring with him at the aforesaid place or places.
- ii. If for any reason, none of the candidates or their agents is present on the date and time given in the notice sent to them, you should not postpone the operation of preparing the voting machines. You should go ahead even if no candidate or agent is present. However, announcements should be made from the public address system fitted in the building before starting the preparation. If any

candidate or his election agent or persons authorized by him in writing come late, they will be allowed to witness the process thereafter only.

- iii. When the candidates and their agents are present, you should explain to them the procedure to be followed by you for preparing the voting machines. You should allow them to inspect the control units and ballot units during the process of their preparation.

5.5. PREPARATION OF THE BALLOT UNIT

Each ballot unit has to be prepared at the Returning Officer's level by: -

- (A) Inserting and fixing ballot paper in the space meant for the purpose;
- (B) Unmasking the candidates, buttons which are not required to be used, depending on the number of contesting candidate plus one additional button for NOTA;
- (C) Setting the slide switch at the appropriate position, i.e. , 1, 2, 3 or 4, as the case may be, according to the number of such units which are to be used depending upon the number of contesting candidates and the sequence in which each unit is to be used, and
- (D) Sealing the unit (detailed step-by-step operations during sealing of EVM

The technical details about the operations mentioned at (A), (B) and (C) above are *given in Chapter III of the Electronic Voting Machine Manual published by the manufacturing company*. You should carefully read the instructions given in that chapter and also the instructions given in the following paragraphs and each instruction should be meticulously followed at the time of carrying out the above operations.

5.6 FIXING THE BALLOT PAPER

- i. There is provision for fixation of ballot paper on the ballot unit under a transparent acrylic sheet (ballot paper screen). Every ballot paper before it is fixed on a ballot unit shall be either signed on its back by the Returning Officer.
- ii. For fixing the ballot paper under that screen, you have to first open the top cover of the ballot unit. This can be done by pressing simultaneously, towards right, the latches at the top and bottom on the right edge of the unit and swinging the cover up. The top cover and the lower portion of the ballot unit will then open like a book. Thereafter, you should open the ballot paper screen, which is hinged

to the top cover on the extreme left side. The release latches of the screen are inside the top cover. By pressing the latches simultaneously, first slightly towards right and then pushing them downwards, the ballot paper screen will become free for opening on the upper side of the top cover. While opening the screen, every care should be taken to ensure that it does not get damaged in the process. After so opening the ballot paper screen, the ballot paper should be placed in the space provided for the purpose on the upper side of the top cover of the ballot unit. The ballot paper should be properly aligned so that each candidate's name and his symbol are in line with the corresponding lamp and button and the thick lines dividing the panels of candidates on the ballot paper are exactly in line with the corresponding grooves on the ballot unit. It should be noted that alignment of the ballot paper is a very important step. There should not be any misalignment as this will create confusion in the minds of the voters and might lead to serious complications. After ensuring such alignment, you should close and press-fit the ballot paper screen to secure the ballot paper firmly underneath that screen.

- iii. After ballot paper has been firmly fixed and the ballot paper screen has been pressed-fit on the upper side of the top cover, the screen should be sealed on the inner side of the top cover. This should be done by passing a thread through the two holes on the screen specially provided for the purpose on the inner side. The thread should be tightened and given a firm knot. The two ends of the thread should be placed on an address tag and you should put your seal on the thread and the address tag supplied by the Commission.

5.7 MASKING OF CANDIDATE'S BUTTONS WHICH ARE NOT TO BE USED

- i. On the ballot unit, only those candidate's buttons should be visible which are to be used by voters. In other words, the number of candidate's buttons, which should be visible, will be one more than the number of contesting candidates. For example, if the number of candidates is nine, the first ten from the top (i.e., 1 to 10) candidates' buttons should be visible and the remaining six buttons (i.e., 11 to 16) should be masked. In this case 10th button will be used for NOTA
- ii. The masking of the unwanted buttons can be done by moving the white masking tabs on to the candidate's buttons, when the ballot unit is open like a book as explained in Para above.

5.8 SETTING OF SLIDE SWITCH

- i. Inside the ballot unit, on the top right side, there is a slide switch, which has four positions 1, 2, 3, and 4. The positioning of this slide switch determines the serial order in which a particular ballot unit is to be linked with the control unit and kept inside the voting compartment for use at a polling station.
- ii. Where the number of contesting candidates is upto fifteen, only one ballot unit will be used. In such case, the slide switch shall be set to the position marked 1. Where the number of contesting candidates is more than fifteen and upto thirty one, two ballot units will be used. In the first ballot unit in which the ballot paper containing the names of candidates at serial nos. 1 to 16 is fixed, the slide switch shall be set to the position marked '1' and the second ballot unit where the ballot paper containing the names of candidates from 17 onwards is fixed, shall be set to the position '2'. Likewise, if three ballot units are to be used in a constituency where the number of contesting candidates exceeds thirty one and is upto forty seven, the slide switch will be set to the position marked '1' in the first ballot unit in which the names of candidates at serial nos. 1 to 15 appear, to the position marked '2' in the second ballot unit in which the names of contesting candidates at serial nos. 17 to 31 appear and to the position marked '3' in the third ballot unit. Similarly, if the fourth ballot unit is also to be used in case the number of contesting candidates exceeds forty seven, then the slide switch will be set to the position marked '4' in the last ballot unit.

Note: It is absolutely essential to ensure that the slide switch is set in the appropriate position in each ballot unit as any wrong linking of the ballot units will render the machine non-functional and on pressing any buttons on the control unit the letters 'LE' indicating linking error will appear on the display panel of the control unit. The linking error should be set right by interlinking the ballot units in the proper sequential order.

5.9 SEALING OF THE BALLOT UNIT

- i. After that, the ballot unit should be closed by bringing the top cover back to its original position. The ballot unit should then be sealed. For this purpose, pass two threads one through the three holes at the top and the other through the three holes at the bottom specifically provided for the purpose, give a firm knot to each thread and seal each thread with the Returning Officer's seal by placing its two ends on one more address tag after duly filling up the particulars.
- ii. The candidates or their agents will be permitted to affix their seals also, if they

so desire, in addition to the seal of the Returning Officer.

- iii. After the ballot unit has been so prepared and sealed, it should be kept back in its carrying case. Another address tag should be attached to the handle of the carrying case.

5.10 INTER-LINKING OF BALLOT UNITS AND CONTROL UNIT

- i. Where the number of contesting candidates exceeds fifteen, more than one ballot unit, depending upon the actual number of contesting candidates, are to be used. All such ballot units to be used at a polling station are to be inter-linked and the first ballot unit will alone be linked with the control unit.
- ii. The ballot units shall be so inter-linked that the second ballot unit, i.e. the ballot unit in which the slide switch is set at position 2, is linked with the first ballot unit in which the slide switch is set at position 1. Where three ballot units are to be used, the third ballot unit will be linked with the second ballot unit and the second with the first, and where all the four ballot units are to be used, the fourth unit will be linked with the third unit, the third with the second and so on.
- iii. For linking one ballot unit with another, there is a socket provided in a compartment at the bottom portion of the ballot unit. The connector of the interconnecting cable of the second ballot unit will be plugged into the abovementioned socket of the first ballot unit. Likewise, the connector of the third ballot unit's interconnecting cable will be plugged into the second unit and that of the fourth unit into the third unit.
- iv. As mentioned above, the first ballot unit alone will be plugged into the control unit. The socket for plugging the interconnecting cable of the ballot unit into the control unit is provided in the rear compartment of the control unit.
- v. That rear compartment in the control unit also contains the 'Power' switch and this switch when put to 'ON' position makes the battery of the voting machine operational and supplies the power both to the control unit as well as to all the ballot units when linked to the control unit in the manner described above.

NOTE:

- A. Where more than one ballot unit are used, utmost care should be taken to ensure that they are interlinked in the proper sequential order as explained in paragraph 11 above.
- B. The connector of the interconnecting cable - one end of which is fused with the

ballot unit - is a multi-pin connector. The connector goes into the socket of the other ballot unit or of the control unit only one way, which can be found out easily by looking at the orientation of the pins and the word 'Top' written or inscribed on the hood of the connector.

- C. The connector of the interconnecting cable can be disconnected from the control unit or from the other ballot unit only by releasing the spring type clips on both sides of the connector hood. These spring type clips will be released when pressed inward simultaneously and the connector should then be pulled out while keeping the spring type clips so pressed.
- D. The pins of the connector are quite delicate and the connector should not be forced in the socket in such a way as may damage or bend the pins. The machine will work only when the connection is made properly.
- E. Connecting the ballot units and the control unit or disconnecting them properly requires some practice so as to avoid any damage to the machine. This aspect should be clearly impressed and stressed upon during training to all election officers, including Presiding Officers and Polling Officers, who handle and operate the voting machines.

5.11 PREPARATION OF CONTROL UNIT

- i. Like the ballot unit, some preparations are to be made also in the control unit of the voting machine at the Returning Officer's level. These preparations are: -
 - a. Installation of the battery,
 - b. Setting the number of contesting candidates, and
 - c. Sealing that section of the control unit, which is called 'Candidate Set Section'.(Refer **Annexure** for detailed step-by-step operations during sealing of EVM).
- ii. The details of these operations are given in Chapter 3 of the Electronic Voting Machine Manual published by the manufacturing company. The instructions given in that manual should be meticulously followed in the above operations. These operations are explained below.

5.12 BATTERY INSTALLATION

- i. As mentioned above, the Electronic Voting Machine operates on a special battery, which is supplied by the manufacturing company. A new battery only,

should be used whenever a machine is used at any election. There is provision for installation of the battery on the top side of the control unit in the 'Candidate Set' Section. For installing the battery in the compartment specifically provided for the purpose in the 'Candidate Set' Section, the cover of that section may first be opened by pressing slightly inwards the latch provided on the left side. The battery has a socket and that socket mates with a plug in the battery compartment in the 'Candidate Set Section'. The socket of the battery is covered with a small strip of adhesive tape. Remove this tape and install the battery by mating its socket to the plug and ensure that the battery is pressed tight.

5.13 SETTING THE NUMBER OF CONTESTING CANDIDATES

- i. A control unit of the voting machine can cater upto sixty three candidates. Therefore, at every election where the voting machine is used, the control unit has to be set according to the number of contesting candidates at that election.
- ii. For setting the number of contesting candidates, the following operations shall be performed: -
 - a. The number of contesting candidates can be set in the control unit only by linking this unit with the ballot unit or with all the ballot units where more than one ballot units are to be used. The process of linking the ballot units with the control unit has already been explained above.
 - b. After the control unit and the ballot unit(s) have been linked, push the 'Power' switch to 'ON' position so that both the units get the necessary power to make them operational.
 - c. Press the button marked 'Cand Set' in the 'Candidate Set Section' of the control unit. Thereupon, the two-digit Display Panel on the left side of the Display Section of the control unit will flash the letters 'Cd' blinking and the four-digit Display Panel on the right side will flash.
 - d. When the letters 'Cd' start flashing on the Display Panels on the control unit, the candidate's button next to the last contesting candidate in the ballot unit should be pressed. For example, if there are nine contesting candidates, the machine is to be set for ten candidates, (9 candidate plus NOTA). Therefore button next to the last candidate i.e. tenth button on the ballot unit should be pressed. If the number of contesting candidates is more than 16, say, 23, the candidate's button next to the name of the

last contesting candidate i.e. at serial no. 24 in the second ballot unit should be pressed. On that button being pressed, the Display Panels will stop flashing the letters 'Cd' and instead the full panel will display the number of candidates for which the machine has been so set, like 'Cd 10' or, as the case may be 'Cd 24'.

- e. If by mistake, a wrong button on the ballot unit has been pressed e.g. instead on 10, either 9 or 11 was pressed, such wrong setting can be corrected by pressing the 'Cand Set' button again. The machine will again flash the letters 'Cd' and the correct button on the ballot unit should be pressed so as to set the correct number of contesting candidates.

NOTE :

- A. The number of contesting candidates can be set in any number of control units by using only one ballot unit or one set of ballot units (where more than one ballot units are to be used depending upon the number of contesting candidates). To ensure that no wrong button is pressed, mask all the candidate's buttons except the button next to the last contesting candidate on such ballot unit or set of ballot units; or mask all the sixteen buttons on the first ballot unit and all the buttons, except the button number 24, on the second ballot unit where the number of contesting candidates is 23.
- B. Where the work of setting the number of contesting candidates in different control units is distributed amongst different officers, each such officer may use a separate ballot unit, or as the case may be, a separate set of ballot units (where more than one units one used) for setting the number of contesting candidates in all the control units allotted to him.

5.14 CLEARING THE MACHINE

- i. After the number of contesting candidates has been set in the control unit in the manner described above, all the data recorded in the machine relating to a previous election, if any, should be cleared. For this purpose, the button marked 'Clear' in the Result Section of the control unit should be pressed. On the 'Clear' button being pressed, all the counts in the machine shall be automatically set to ZERO and the display panels on the control unit will start displaying that the

number of votes recorded in the machine for each contesting candidate is '0' (ZERO).

- ii. After the control unit has been set according to the number of contesting candidates plus NOTA at the election, the power should be switched off and the control unit and the ballot unit(s) should be delinked by removing the interconnecting cable from the control unit.

5.15 SEALING THE 'CANDIDATE SET SECTION'

- i. After the battery has been installed in the 'Candidate Set Section' and the control unit has been set according to the number of contesting candidates, the 'Candidate Set Section' should be closed and sealed so that no body can have access to the battery and the 'Cand Set' button in the 'Candidate Set Section', thereafter.
- ii. The 'Candidate Set Section' shall be closed by replacing the cover and pressing it tight. It should be sealed by passing a thread through the two holes provided for the purposes on the left side, giving a tight knot to the thread and placing the two ends of the thread on an address tag for Control Unit, which should be sealed with the Returning Officer's seal.
- iii. The candidates and their agents shall be allowed to put their seals, if they so desire, on the address tag along with the seal of the Returning Officer. The control unit should then be put in its carrying case, which will now be ready for transportation to the polling station. On the handle of the control unit also, an address tag should be attached containing the above particulars.

6. CONTACT WITH CANDIDATES

Meet the contesting candidates as often as you can and keep them informed of the arrangements made. The contesting candidates, if they are tactfully approached, will be of great help to you in preserving law and order before, during and after the poll. If you can secure their co-operation, many of your difficulties would be easily solved.

7. ELECTORAL ROLLS:

Three copies of the complete set of final electoral rolls for each polling station shall be supplied to you by the Electoral Registration Officer for further distribution to the respective Presiding Officers for use at the polling station as per instructions contained in the Handbook for Presiding Officers.

8. MODEL CODE OF CONDUCT AND ITS OBSERVANCE:

It hardly needs to be emphasized that for the smooth conduct of an election a peaceful atmosphere should prevail during the election process. The most patent cause which tends to mar the conduct of elections and disturb the atmosphere of friendly rivalry that should prevail is the violation of statutory provisions of election law relating to corrupt practices and electoral offences by some or other party or candidates or their workers or supporters. This, vitiates the general atmosphere in the ward and tends to create problems for the authorities responsible for the maintenance of law and order as well. With a view to maintaining a healthy and peaceful atmosphere during the election period, which would be conducive for ensuring a free and fair election, the Commission has formulated a Model Code of Conduct for the guidance of parties and candidates, their workers/supporters and others.

It should be impressed upon the contesting candidates that any violation of the Code committed by any party or candidate cannot but create a feeling of bitterness and resentment in the minds of the other parties and candidates and their supporters. Moreover, to the extent any such violation is made, the election falls in its standard of probity, integrity and orderliness. The Commission should be kept informed about the violation of the Model Code of Conduct.

9. ADJOURNMENT OF POLL IN EMERGENCIES: -

If the proceedings at any polling station are interrupted or obstructed by riot or open violence, or if it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station under Rule – 51 of the above mentioned Rules shall announce an adjournment of the poll to a date to be notified later and inform the Returning Officer. After the adjournment of poll you will proceed as per the procedure given in 51. Rule 51 is reproduced as under:-

51. Adjournment of poll in emergencies.- (1) *If at an election the proceedings at any polling station are interrupted or obstructed, by riot or open violence, or if it is not possible to take the poll at that polling station on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station, shall announce an adjournment of the poll for a date to be notified later and shall forthwith inform the Returning Officer.*

(2) *Where a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commission and to the Government and shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station at which and the hours during which, the polling shall*

take place. The votes cast at such election shall not be counted until such adjourned poll is completed and the ballot box used at such polling station shall be sealed and kept in safe custody till the commencement of the counting.

(3) In all the cases under this rule, the Returning Officer shall affix a notice specifying the date, place and hours of polling fixed under sub-rule (2) at his office and in the office of the Corporation and the Tehsil concerned.

10. PROCEDURE FOR RECOMMENCEMENT OF ADJOURNED POLL:

Where the poll has been adjourned at a polling station, the adjourned poll will recommence according to the provisions of Rule 55, from the stage at which it was left immediately before the adjournment. Where the poll could not be commenced due to some un-avoidable circumstances, the provisions of rule 55 (which is reproduced below) will apply to every such adjourned poll as they apply to original poll.

***55. Procedure on adjournment of poll.**-(1) If the poll at any polling station is adjourned under rule 51 the provisions of these rules with regard to poll shall apply to every such fresh poll as they apply to the original poll.*

(2) When an adjourned poll is recommence under sub-rule (2) of rule 51, the voter who has already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is to be held with the sealed packets containing the marked copy of the Electoral roll and required number of ballot papers and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of such candidates or their agents as may be present and use the same for the conduct of adjourned poll.

11. FRESH POLL IN THE CASE OF DESTRUCTION OF BALLOT BOX :-

If during the election, any EVM is damaged or destroyed or forcibly taken out of the custody of the Presiding Officer and is tampered with, the Presiding Officer will immediately inform you. If you are satisfied that due to such things, the result of that polling station cannot be ascertained, you will declare the poll void under rule 52, which is re-produced as under: -

***52. Fresh poll in the case of destruction etc. of the ballot box.**-(1) If at any election any ballot box is unlawfully taken out of the custody of the Presiding Officer or is in any way tampered with, or is either accidentally or intentionally destroyed, lost or damaged, the polling at the polling station to which such ballot*

box relates shall be liable to be declared as void.

Explanation.-*Damage to a ballot box also includes damage or destruction of ballot papers done at the time of counting of votes but before the completion of counting and declaration of result.*

(2) Whenever the polling at any polling station becomes liable to be declared as void under sub-rule (1), the Presiding Officer shall, as soon as practicable after the act or event causing such damage or destruction, report the matter to the Returning Officer who in the event of his being so satisfied that in consequence thereof the result of the poll of that polling station cannot be ascertained, declare the polling void and shall appoint a day taking the poll afresh at such polling station, and fix the hours during which the poll shall be taken and shall not count the votes cast at other polling stations of the ward until such fresh poll has been completed.

12. METHOD OF VOTING :-

The voting shall be held through Electronic Voting Machines. Every person will cast his vote in person and no vote shall be received by proxy as laid down in rule 54, which is reproduced as under:

54. Method of voting.-*(1) At every election where a poll is to be taken votes shall be cast in person and given by ballot or electronic voting machine at the polling station fixed under rule 30 and no votes shall be cast by proxy :*

Provided that the giving and receiving of votes by electronic voting machine, in such manner as may be prescribed under the rules or the directions issued in this behalf, by the Commission , may be adopted in a ward or wards of a Corporation as the Commission may specify.

(2) No voter shall vote in the election of the Corporation more than once notwithstanding that his name may have been erroneously registered in the Electoral roll more than once.

63. Persons entitled to vote by post - Subject to their fulfilling the requirements herein after specified, the persons who are voters and are on election duty shall be entitled to vote by post at an election in a ward of the Corporation.

64. Intimation by voters on election duty : (1) A voter on election duty who wishes to vote by post at an election shall send an application in Form-36 to the Returning Officer so as to reach him atleast seven days or such shorter period as the Returning Officer may allow before the date of the poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him for the election of Councillor in Form-38.

(2) Where a person being a Polling Officer, Presiding Officer or other public servant on poll duty in the ward of which he is an elector, wishes to vote in person

at an election in a Corporation/ward and not by post, he shall send an application in Form 37 to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is a public servant and voter on poll duty in the ward, he shall issue to the applicant a election duty certificate in Form -38. (a) Where Election Duty Certificate has been issued to an elector under subrule(1) and (2) the Returning Officer shall mark “EDC” against his name in the marked copy of the Electoral roll to indicate that an election duty certificate has been issued to him; and (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

65. Facilities for persons on election duty - (1) The provisions of rule 62 shall not apply to any person who produces at the polling station, an election duty certificate in Form-38 and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate the Presiding Officer shall - (a) obtain thereon the signatures of the person producing it; (b) have the person’s name and Electoral roll number as mentioned in the certificate entered at the end of marked copy of the Electoral roll; and (c) issue to him a ballot paper, and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

PART-IV

ARRANGEMENTS FOR THE POLL

The period between the withdrawal of candidatures and the poll will be the busiest time for you. Maintain a forward diary of the many things that you have to do from time to time including the vehicles required for the poll and keep it up-to-date by adding remarks to show the progress made in respect of each item. Here is a sample list (not exhaustive) of your tasks during the period.

1. MOVEMENT PROGRAMME:

Make transport and other arrangements, if any, for the polling personnel. Please ensure that each polling party reaches its destination at around 4.00 o’clock in the evening one day before the poll. You will also ensure safe transport of polling parties with EVMs after the poll from the polling stations to the counting centre .

2. POLICE ARRANGEMENTS:

Check up the police arrangements and movements to synchronise with the movements of the polling parties. Ensure that police personnel and the polling party remain in contact with each other and move toward their destination together.

3. REVIEW YOUR REQUIREMENTS:

Review your requirements of ballot papers with counterfoils, paper seals, various forms, stationery articles etc. in the light of the actual number of contesting candidates and the total number of polling stations.

4. LIAISON WITH CANDIDATES :

Meet the contesting candidates for removing their misapprehensions, if any, and seek their co-operation for smooth, free and fair conduct of elections. Supply the contesting candidates with the lists of polling station and the forms for appointment of polling/counting agents.

5. COMMENCEMENT OF THE POLL :

Rule 60 provides that polling should commence exactly at the hour fixed for the purpose. If for any unforeseen or compelling reasons polling is not started at the appointed hours, it should not be extended and the poll must close at the appointed closing time, but the voters who are present at the polling station at the closing time shall be allowed to vote even if polling continues for some time after the closing hour. During the polling, secrecy of voting should be maintained in accordance with Section 22. The provisions of rule 60 and section 22 are as under :-

"60. Commencement of poll.- The Presiding Officer shall start the poll exact at the time mentioned in notice of election and before commencement of the poll, he shall bring to the notice of all, who are present, the provisions of section 22 the provisions of this section are as under:-

22 Maintenance of secrecy of voting :- (1) Every Officer or Official, 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-rule (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both."

6. FACILITIES TO WOMEN ELECTORS:

Where in a ward the number of women electors exceeds 600, a separate voting compartment may be established. If the number of women electors is less than 600 but it is still considered high, the presiding officer may be directed during the training that a separate queue for women electors may be formed. In order to provide facilities to women electors the provisions of rule 57 may also be followed ,which are reproduced below:-

57. Facilities for women electors :

(1) *Where a Polling Station is for both men and women voters the Presiding Officer may direct that they shall be admitted in the polling station alternately in separate batches.*

(2) *The Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women voters and the Presiding officer in taking the poll and in particular to help, in searching, any woman voter in case it becomes necessary.*

7. CASH ADVANCE:

Arrange a reasonable cash advance for the Presiding Officers for meeting cooliage and any other contingent charges which may have to be defrayed during the poll.

8. RETURN OF POLLING PARTIES:

Arrange in advance for the return of the polling parties after the poll and the receipt of the EVMs and other materials and other papers which they bring back. Make arrangements in advance for the safe custody of these EVMs pending counting and for the receipt of non-consumable items from the polling parties.

9. LAW AND ORDER FOR FREE, FAIR AND SMOOTH ELECTIONS:

You must ensure, in consultation with the authorities concerned, that law and order is maintained in and around the polling stations so that free and fair poll takes place. Adequate measures should be taken to provide full security to the polling personnel, the EVMs, ballot papers and other election materials till the polling parties reach the collection/counting centers after the close of poll.

You must have ensured that all standing instructions and directions of the Commission aimed at maintaining a peaceful atmosphere on the date of poll have been strictly followed and duly complied with by the authorities concerned. These cover issues like identification of sensitive areas/polling stations and taking special preventive and security measures to avoid any untoward incident in those areas/polling stations, restrictions on the plying of vehicles on the day of poll, prohibition of sale of liquor during specified period including the day of poll and counting, deposit of fire arms by those possessing fire arms , unearthing of the unlicensed arms and weapons and declaration of day of poll as a holiday in the Municipal Corporation. Strict vigil should be kept over the movement of undesirable elements and vehicles.

10. TRANSMISSION OF EVMs , ELECTION PAPERS, ETC. TO THE RETURNING OFFICER:

Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct:-

- (a) the voting machines
- (b) account of voted recorded in Form-43

- (c) the sealed packets
- (d) all other paper used at the poll.

(2) The Returning Officer shall make adequate arrangements for their safe custody until the commencement of the counting of votes.

11. REPORTS TO THE COMMISSION ABOUT POLLING:

The Commission desires that it should be kept informed of the progress of the poll on the polling day. The Commission has accordingly decided that each Returning Officer should send three comprehensive reports giving details of every event such as percentage of polling, law and order, any other event worth mentioning. The first report should reach the Commission by 10.00 AM on the day of the poll, and the second by 4.00 P.M. after the close of poll. The third and final report should reach the Commission by 11.00 A.M. next morning. In the final report, ward wise percentage of polling and comments on events like counting of votes, declaration of results and law and order etc. may be sent to the Commission.

PART-V

COUNTING OF VOTES

The most important and responsible work of counting of votes is to be undertaken by you as per election programme issued by the State Election Commission and the notice of election issued by you. Therefore, you are required to familiarize yourself with the procedure of counting carefully.

1. STRICT SUPERVISION DURING COUNTING:

While counting of votes is in progress, strict supervision over the staff deployed shall be exercised particularly when the margin of votes between two candidates is very narrow. You should appreciate that proper and careful counting minimises chances of requests for recount. You will allow the authorized person only in the counting centre as provided under rule 77 which is reproduced as under:

“Rule 77. Admission to the place of counting.-(1) The Returning Officer shall exclude from the place fixed for the counting of votes under rule 33 a person, except:

- (a) such Government servants as he may appoint to assist him in the counting;*
- (b) every candidate and his counting agents;*
- (c) public servants on duty; and*
- (d) the State Election Commissioner or any other person authorized by the Commission.*

(2) Any person, who during the counting of votes mis-conducts or fails to

obey the lawful directions of the Returning Officer may be removed from that place where the votes are being counted.

(3) The number of counting agents of candidates shall not exceed the number of counting tables, fixed for the counting of votes of the ward/Municipal Corporation plus one more for the table of the Returning Officer.

*(4) Every appointment of counting agent(s) shall be made in **Form-45** in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer at the time of counting.*

It is clarified that the election observer appointed by the Commission, for a group of ward or the whole area of the municipal Corporation, is authorized under Rule 77(1)(d) to enter the counting centre.

2. COMMENCEMENT OF COUNTING

Unless otherwise directed, you are not required to obtain any specific permission for commencement of counting of votes. Commence the counting at the hour fixed for the purpose. Everyone present in the counting hall should be instructed to maintain secrecy of vote.

3. COUNTING OF POSTAL BALLOT

- i. The postal ballot papers are to be counted first. Counting of postal ballot papers shall be done at your Table. All received postal ballot papers should be brought before you. Only such papers as are received before the hour fixed for commencement of counting shall be counted.
- ii. Covers containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed, noting thereon the appropriate particulars.
- iii. As each cover is opened, you should take out the declaration made by the elector and scrutinize it. If the declaration is not found in the cover or the declaration has not been duly signed and or not attested by an officer competent to do so or is otherwise substantially defective or if the serial number of the ballot paper appearing in the declaration is different from the serial number on the cover, the cover containing the postal ballot paper should not be opened AND the ballot paper should be rejected. Each such rejected cover should be endorsed suitably and the declaration and the cover should be placed back in the cover. All such covers should be kept together in a separate packet duly sealed with full particulars such as the name of the

constituency, the date of counting and a brief description of contents should be noted thereon for easy identification.

- iv. All those declarations, which have been found to be in order, should then be kept in separate packet in order to ensure that the secrecy of the postal ballot is kept inviolate. The packet should then be sealed noting there on the particulars regarding the name of the constituency.
- v. Thereafter the covers containing the postal ballot should be opened one after another and the validity of the ballot paper shall be checked. These ballot papers shall be scrutinized and should be rejected :-
 - a. if no vote is recorded thereon; or
 - b. if votes are given on it in favor of more candidates than one; or
 - c. if it is spurious ballot papers; or
 - d. if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
 - e. if it is not returned in the cover sent along with it to the elector by you; or
 - f. 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 given; or
 - g. If it bears any mark (other than the mark to record to vote) or writing by which the voter can be identified.
- vi. There is no particular mark required by law to be made by a voter to indicate his vote on a postal ballot paper. Any mark can be accepted as valid so long as it had been so made and so placed on the ballot paper that the intention of the voter to vote for a particular candidate is clear beyond any reasonable doubt. Thus a mark made anywhere in the space allotted to that candidate should be taken as a valid vote in favor of the candidate concerned. Again a vote recorded on a postal ballot paper should 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 should be for a particular candidate clearly appears from the way the ballot paper is marked.
- vii. The valid votes should then be counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate should then be calculated,

entered in the Result Sheet in the appropriate place and announced by you aloud for the information of the candidate.

- viii. Thereafter, all the valid ballot papers and all the rejected ballot papers should be separately bundled and kept together in a packed and sealed with your seal and the seals of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon. The particulars such as the name of the constituency; the date of counting and a brief description of the contents should be recorded on the sealed packet for identifying it.

4. SCRUTINY AND INSPECTION OF VOTING MACHINE

- (i) The Returning Officer or such other Officer as may be authorized by him in this behalf shall take out all the Electronic Voting Machines used in a ward and allow the candidates or their election agent to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.
- (ii) The Returning Officer shall satisfy himself that none of the voting machines has in fact been tampered with.
- (iii) If the Returning Office is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall immediately bring this fact into the notice of State Election commission for further directions.

5. COUNTING OF VOTES

After the Returning Officer is satisfied that a voting machine has in fact not been tampered with he shall have the votes recorded therein counted. Votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit. While doing so, the Returning Officer shall seek attention of the candidates / his or her counting agents, if present, to observe this process and the displays appearing on the control unit and its entry in the statutory forms.

- (ii) As the votes polled by each candidate are displayed on the control unit, the Returning Officer shall :-
- (a) record the number of votes recorded separately in respect of each candidate in Part-II of Form-43 (**Annexed as Annexure-IX**)
- (b) complete Part-II of Form-43 in other respects and have it signed

by the counting supervisor and also by the candidates or their election agents or their counting agents present; and

- (c) announce the particulars, as entered in Form-43 give a pause, and if no objection is made or recount is applied for, the Returning Officer will take up the counting of next polling station.
- (d) make corresponding entries in the final result sheet in Form-44 (**Annexure-X**) and on the basis of such particulars so entered in the result sheet proceed to announce the particulars entered in 44 in respect of each candidate, again give a pause and if no objection is raised or recount is applied for, proceed to declare the result.

6. **PROCEDURE IN CASE OF TIE**

When, after the counting, it is found that any contesting candidates have got equal votes, the result will be decided by lot under rule 83 and the candidate on whom the lot falls shall be declared elected. Provision of rule 83 is re-produced for your guidance:-

“83. Procedure in case of tie.- If after the counting of votes, tie is found to exist between any contesting candidates, and the addition of one vote entitles any of those candidates to be declared elected that shall forthwith be decided between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.”

7. **RETURN OF ELECTION**

You will prepare a return of election after the completion of counting in Form-47. The name of any candidate elected un-contested under rule 50 shall also be included in this return. A copy of the same may be sent to the State Election Commission for publication in the official Gazette and copies of the same may be pasted as required under rules 80(4). Provisions of Rule-80(4) are reproduced as under:-

“Rule 80(4):- Immediately after declaration of result the Returning Officer shall paste a copy of Return of election in a conspicuous place at his office and send the same to the Commission and the Secretary (Urban Development) to the Government of Himachal Pradesh, as the case may be, for publication in the Official Gazette of the Government as required under section 13.”

8. CUSTODY, PRODUCTION, INSPECTION AND DISPOSAL OF ELECTION PAPERS:

You are well aware that election papers are very important and these are to be kept in safe custody because these can be summoned by a court of law . So take every care for their safe custody as required under rule-84 . While in your custody some papers are open for inspection to general public while some others are not. These are mentioned in rule 85. These papers are to be disposed off after the period mentioned in the rule 85. Rule 86 provides that disposal of these papers will be in such manner as may be prescribed. The provisions of rule 84, 85 and 86 are re-produced for your guidance:-

***“84. Custody of papers relating to elections.-** The Returning Officer shall retain the packets of the counter foils of used ballot papers, the packets of unused ballot papers, the packets of used ballot papers valid, tendered or rejected and all other papers relating to the elections in safe custody either in his own office or at such other place as he may specify in writing until the expiry of **three months** from the date of publication of the result of election.*

***85. Production and inspection of election papers :-** (1) While in the custody of the Returning Officer*

- (a) the packets of counterfoils of used ballot papers;*
- (b) the packets of unused ballot papers;*
- (c) the packets of used ballot papers; and*
- (d) the packets of marked copies of the electoral roll shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the orders of the competent court or of the officer authorized under **section 14.***

(2) All other papers relating to the election shall be opened to public inspection and any person may apply for such an inspection or supply of certified copies thereof on payment of a fee at the same rate as is charged in Himachal Pradesh for the inspection of documents forming part of a record of a dealt with by a Revenue Officer, or for supply of a copy of an order by Revenue Officer, as the case be, and such copies shall be supplied in accordance with the procedure to be followed for a similar application in respect of case dealt with by a Revenue Officer.

86. Disposal of election papers.-** Subject to any direction to the contrary given by **the State Government or by the Commission** or by a competent court or by an authorized Officer under section 14, the packets and other papers referred to in **rules 68,69,75,84 and 85 shall be retained

for a period of 90 days from the date of publication of results in the Official Gazette and shall thereafter be destroyed”.

Provided that if an election petition is pending, the packets and other papers referred to in this rule shall not be disposed of unless the petition is finally decided.”

PART-VI

ANNEXURE-I

**List of polling materials for a polling station
where Electronic Voting Machine is used.**

1	Control Unit	1
2	Balloting Unit(s)	1 (Depending upon the Nos. of Candidates)
3	Register of voters (Form 26A)	2 Books 1000(or keeping in view no. of elector in a polling station)
4	Voter's Slip	
5	Working Copies of Electoral Rolls	3
6	Ballot Papers (for tendered votes)	25
7	Indelible Ink	2 Phial of 5 C.C. each
8	Address Tag for Control Unit	3
9	Address Tag for Balloting Unit	3
10	Special Tag for ceiling inner door & result section	2
11	Blue Paper Seals for EVM	2
12	Rubber Stamp Arrow Cross Mark	1
13	Stamp Pad (Purple)	1
14	Metal Seal for Presiding Officer	1
15	Match Box	1
16	Presiding Officer's Diary	2
17	Distinguishing Mark Rubber Stamp	1
18	<u>FORMS</u>	
	1. List of Contesting Candidates(Form-25)	3
	2. List of Challenged Votes (Form-42)	
		6
	3. List of Blind and Infirm Voters (Form-40)	
		6
	4. List of Tendered Votes (Form-29A)	
		5
	5. Accounts of votes Recorded (Form-43)	10
	6. Receipt Book for deposit of challenged votes fee	1 Book

7. Letter to S.SH.O.	5	
8. Declaration by the Presiding Officer before the Commencement of Poll and at the end of poll (Part I to IV)	5	
9. Declaration by Elector about his age	10	
10. List of Electors who voted after giving declaration/refused to give declaration		10
11 Declaration by the companion of blind and infirm voter		10
12 .Passes for Polling Agents		15

20 ENVELOPS

1. For smaller envelopes (Statutory Covers)(SE-8)	1
2. For marked copy of electoral rolls (SE-8)	1
3. For other copies of electoral rolls (SE-8)	1
4. For Tendered Ballot Paper and Tendered Voters List	1
5. For Declaration by the Presiding Officer before commencement of the poll and at the end of the poll (SE-7)	1
6. For account of votes recorded (Form 31A) (SE-5)	1
7. For list of challenged votes (SE-5)	1
8. For unused and spoiled paper seals (SE-5)	1
9. For appointment letters of Polling Agents (SE-6}	1
10. For list of blind and infirm voters (SE-5)	1
11. For Presiding Officer's Diary's report (SE-6)	1
12. For Poll Duty (SE-5)	1
13.For Receipt Book and Cash forfeited (SE-6)	1
14.For declaration of comparisons (SE-5)	1
15. For smaller envelopes (others) (SE-7)	1

16. For Register of Voters containing signatures of voters (Form 26A) (SE-8)	1
17. For other relevant papers (SE-5)	1
	1
18. For smaller envelopes (SE-8)	
19. Cover for Presiding Officer's brief record under rule /direction 14 (SE-6)	1
20. Envelopes (SE-7)-2 (SE-8)-3	5
21. For unused ballot papers (SE-7)	5
	1
For any other paper that the R.O. has decided to keep in the	
22. sealed cover	1
23. Cover for unused and damaged special tag (SE-7)	1

(Wherever the envelopes are smaller in size the packing paper may be used and as the printed envelope is not available plain envelope can be used and purpose may be indicated with red ink)

21 SIGN BOARDS

- (a) Presiding Officer
- (b) Polling Officer
- (c) Entry
- (d) Exit
- (e) Polling Agent
- (f) Miscellaneous Notice specifying area etc. as required by Rule 30(1)(a)

22 STATIONERY

1. Ordinary & copying pencil	each
	1
2. Ball Pen	2
3. Pins	25 pieces
4. Sealing Wax	2 Sticks
5. Voting Compartment	1
6. Gum paste	1 bottle
7. Blade	1
8. Candles	1 No.
9. Thin Twine Thread	20 mtrs.
10. Metal rule	1
11. Carbon Paper	3
12. Cloth or Rag for removing oil etc.	3
13. Cup/Empty tin/Plastic Box for holding indelible ink	1

bottle

1

14. Cello Tape(small)

23 Lists of material to be returned by the Presiding Officer to the Returning Officer:

-
1. Arrow Cross Mark Rubber Stamp
 2. Metal Seal of Presiding Officer'
 3. Stationery bag containing
 - (i) Self inking pad
 - (ii) Voting compartment
 - (iii) Metal Rule
 - (iv) Plastic box for holding indelible ink
 - (v) All other unused items.
 - (VI) Hand book
-

ANNEXURE-II

STATE ELECTION COMMISSION HIMACHAL PRADESH

Shimla-2, dated the 13th December, 2000

NOTIFICATION

No. SEC. 16-18/96-IV-3841 to 4040.—In exercise of the power vested in it under Sections 160 and 160(E)(I) of the H.P. Panchayati Raj Act, 1994 and Article 243 K of the Constitution of India, the State Election Commission of H. P. hereby empowers the District Election Officers (Panchayat)/Deputy Commissioner in Himachal Pradesh to take disciplinary action and in appropriate case, pass orders of suspension from service against all officials/officers (other than Class-I officers) for negligence, dereliction of duty or other misconduct in the conduct of elections or counting, or other work connected with elections whether before, during or after the poll in their respective District.

Explanation:- This would also cover employees temporarily deputed for election duty in any capacity.

Lapses under this Section shall be brought to the notice of the District Election Officer (Panchayat)(Deputy Commissioner) by the District Panchayat Officers on reports obtained through Block Development Officer in case of Class-III and Class-IV employees and by the S.D.O. (C) in the case of class-II employees.

**By Order
State Election Commissioner,
Himachal Pradesh**

ANNEXURE- III

No. SEC-16-18/96-IV-1067
**STATE ELECTION COMMISSION
HIMACHAL PRADESH**

MEMORANDUM
Shimla-2 dated the 13 July,2001

Subject: **Disciplinary action against Govt. Servants for breaches of official duty while on deputation with the State Election Commission.**

The matter regarding disciplinary action for breaches of official duty by Govt. servants on deputation for the conduct of election with the State Election Commission has been under consideration of the Commission. Now the Commission in pursuance of **section 160-E of H.P. Panchayati Raj Act, 1994 and Section 281 (4) of H. P. Municipal Act, 1994 and *Rule 21(2) of the H.P. Municipal Corporation(Election)Rules, 1996,** directs as under :

1. That the case of delinquency/dereliction of official duty supported by documentary proof, if any, will be sent to the Commission
2. If a prima facie case is made out the Commission will convey its approval to Distt. Election Officer (P)/Deputy Commissioner concerned to frame charge there.
3. The Distt. Election Officer (P)/Deputy Commissioner will frame charges under the relevant provision of the CCS/CCA Rules and the same will be sent to the parent Deptt. Concerned with a copy of the State Election Commission.
4. The parent Department concerned will charge sheet the delinquent official under intimation to the State Election Commission and Distt .Election Officer (P)/Deputy Commissioner also.
5. After receiving the reply from the delinquent official the Department will examine the reply and take appropriate action accordingly.
7. The copy of final order will be sent to the State Election Commission, the Distt. Election Officer (P) and the Deputy Commissioner concerned for information.
8. The above proceedings should be finalized not later than six months from the date of
9. The procedure outlined from clause 1 to 8 above will apply to cases of disciplinary action to be initiated after the election process is over but the disciplinary action during the period to and ending with the completion of the election process will be taken by or under directions already notified vide the notification No.16-18/96-IV-3841 to 4040 dated 13th December, 2000 or as amended from time to time.

By Order
State Election Commissioner
Himachal Pradesh.

*(Note: * Rule 21(2) may now be read as rule 32(2) of the Himachal Pradesh Municipal Corporation Election Rule, 2012)*

ANNEXURE-IV

EXTRACT OF REPRESENTATION OF PEOPLE ACT 1951

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.**--

(1) A person convicted of an offence punishable under-

(a) section 153 A (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 171 E(offence of bribery)or section 171 F(offence of undue influence or personation at an election)or sub-section(1) or sub-section(2) of section 376 or section 376 A or section 376 B or section 376 C or section 376 D(offence relating to rape or section 498 A(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-will 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 “un-touchability”, and for the enforcement or any disability arising there from; 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 Narcotics 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 Religious Institutions (Prevention of Misuse) Act, 1988(41 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 135 A(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
- (j) section 6(offence of conversion of a Place of worship) of the Places of Worship(Special Provisions) Act, 1991; 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 for 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 regulation of production or manufacture of any essential commodity;
- (ii) the control of price at which any essential commodity may be bought or sold;
- (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
- (iv) the prohibition of the with - holding 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).

8 A. 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 8 A 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 the removal of such disqualification for the un-expired portion of the 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 under taken 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 will 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 per cent 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
- (b) has no good reason or justification for 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-V

21. Corrupt practices.—The following shall be deemed to be corrupt practices, namely

(1) Bribery as defined in sub-section (1) of section 123 of the Representation of the People Act, 1951; (43 of 1951);

(2) Undue influence as defined in sub-section (2) of the said section;

(3) An appeal by a candidate or his agent or by any other person with the consent of the candidate or his election agent to vote or refrain from voting on grounds of caste, race, community or religion 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 that candidate's election;

(4) The publication by a candidate or his agent or by any other person with the consent of the candidate or his election 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 from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(4-A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of 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 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; and

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of the candidate or his election agent for conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act;

(5-A) The incurring or authorising of expenditure in contravention of section 13-A.

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical powers :

Provided further that the use of any public transport vehicle or vessel or any railway carriage by an elector at his own for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this sub-section;

Explanation.—In this sub-section 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.

- (6) The holding of any meeting in which intoxicating liquors are served.
- (7) The issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof.
- (7-A) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of the 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 of India or any State or a local authority.
- (8) Any other practice which the Government may by rules specify to be corrupt practice.

ANNEXURE-VI

- 13A. Account of election expenses and maximum limit thereof.**—(1) Every candidate at an election shall, either by himself or by his election agent keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent or by any other person with his authority, or knowledge between the date on which he has been nominated and the date of declaration of the results thereof, both dates inclusive.
- (2) The account shall contain such particulars, as may be prescribed by the State Government in consultation with the State Election Commission.
- (3) The total of the said expenditure shall not exceed such amount as may be prescribed by the State Government in consultation with the State Election Commission.
- 13 B. Lodging of account.**—Every contesting candidate at an election shall within thirty days from the date of election of the returned candidate or, if there are more than one returned candidates at the election and dates of their election are different the later of those two dates, lodge with the officer, as may be appointed by the State Election Commission an account of his election expenses which shall be a true copy of the account kept by him or by his election agent or by any other person with his authority, consent or knowledge under section 13 A.

ANNEXURE - VII
(DISCLOSURE OF SPECIFIED INFORMATION)

THE HIMACHAL PRADESH
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 along with 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 up-to 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 Res. 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.

ANNEXURE-I

(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).
- (a) 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)
1	2	3	4	5	6	7
I	Self					
II	Spouse(s) Name(s)					
III	*Dependent-I (name with relationship)					
IV	Dependant-2 (name with relationship)					
V	Dependant-2 (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:

Sr. 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-1 (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):

Sr. 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 vide Act No. 28 of 2005)

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.....200.....

**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.**



राज्य निर्वाचन आयोग हिमाचल प्रदेश

STATE ELECTION COMMISSION HIMACHAL PRADESH

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

Email: secysec-hp@nic.in

No. SEC(F)1-16/2020-2771-2805

Dated

13th March, 2021

NOTIFICATION

In exercise of the powers vested in it under Article 243ZA of the Constitution of India and Section 9 of The Himachal Pradesh Municipal Corporation Act, 1994 read with rules 35 & 36 of the Himachal Pradesh Municipal Corporation Election Rules, 2012 and in supersession of Notification No. SEC-(13)/6/2016-7207-16 dated 26th February, 2016, the State Election Commission Himachal Pradesh hereby specifies the symbols (Reserved and Free) in the following Tables for allotment to the contesting candidates for elections to Municipal Corporations:-

(Table-A)

SYMBOLS RESERVED FOR NATIONAL POLITICAL PARTIES

Sl. No	Name of National Party	Symbol Reserved	
		Hindi	English
1	All India Trinamool Congress	फूल व घास	Flower and Grass
2	Bahujan Samaj Party	हाथी	Elephant
3	Bhartiya Janata Party	कमल	Lotus
4	Communist Party of India	बाल और हंसिया	Ears of Corn and Sickle
5	Communist Party of India(Marxist)	हथौड़ा हंसिया और सितारा	Hammer, Sickle and Star
6	Indian National Congress	हाथ	Hand
7	Nationalist Congress Party	घड़ी	Clock
8	National People's Party	किताब	Book

(Table-B)
FREE SYMBOLS

(Symbols to be allotted to candidates for the office of Councilor)

Sl. No.	Name of Symbol		Sl. No.	Name of Symbol	
	Hindi	English		Hindi	English
1	उगता हुआ सूरज	Rising Sun	6	मेज	Table
2	कार	Car	7	छाता	Umbrella
3	ताला और चाबी	Lock & Key	8	सीढ़ी	Ladder
4	कुर्सी	Chair	9	सिलाई मशीन	Sewing Machine
5	टैलीवीजन	Television	10	लैटर बाक्स	Letter Box

Reserved symbols specified in Table-A shall be allotted to the candidates who will be set up by a National Political Party duly notified as such by the Election Commission of India, while the candidates sponsored by un-recognised political parties or independent candidates shall be allotted the free symbols specified in Table-B. There shall be no choice of symbol for these candidates. These symbols shall be allotted in seriatim irrespective of the Sr. No.(Starting from one onwards) of the candidate in list of contesting candidates

By Order
State Election Commissioner
Himachal Pradesh.

Annexure – IX

FORM– 43
(See rule 74).

BALLOT PAPER ACCOUNT.

Election of Councillor from Ward No.....ward of Municipal Corporation.--⁵
Number and name of polling station.....

PART-I.

		Serial No.	Total No.
(i)	Ballot papers received		
(ii)	Ballot papers not used		
(iii)	Ballot papers issued to voters		
(iv)	Ballot papers cancelled		
(v)	Ballot papers used for tendered votes		

Dated: _____ Signature of Presiding Officer.
Place _____

PART-II
RETURN OF COUNTING

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5 ⁶	None of the above	
	Total number valid votes polled	
	Rejected Ballot Paper	
Total No. of ballot papers in the ballot box(s)		
Difference, if any		

Signature of Counting Supervisor Signature of Returning Officer

Date: _____

⁵ deleted vide notification 11-02-16

Annexure-- X

**FORM-44
RETURN OF ELECTION
[See rule 80 (6)]**

Election to the Municipal Corporation..... from Ward
No.....

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5		
6 ⁷	None of the above	

Total number of votes polled

Total number of valid votes polled

Total number of rejected votes.

I declare that(name & address)..... has been duly elected to fill the seat in
Municipal Corporation..... Ward No.....

Place:

Date:

Signature of Returning Officer

