

FOR OFFICIAL USE ONLY



A

HAND BOOK

FOR

RETURNING OFFICERS/ASSISTANT RETURNING OFFICERS

FOR THE

CONDUCT OF ELECTIONS TO MUNICIPALITIES

THROUGH

ELECTRONIC VOTING MACHINE

2020

STATE ELECTION COMMISSION, HIMACHAL PRADESH

ARMSDALE, SHIMLA-171002



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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 there-under. The provisions enshrined therein and those embodied in the H.P. Municipal Act, 1994 and the election rules made there-under 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 Returning Officer. All the same, you must go through the provisions reproduced, summarised or made in this Handbook carefully and follow them meticulously.

Shimla
Dated : the December, 2020

(P. Mitra),
Chief Election Commissioner.

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PART – I

PRELIMINARY PREPARATIONS

You have been appointed as Returning Officer / Assistant Returning Officer under Rule 32 (2) of the Himachal Pradesh Municipal Election Rules, 2015. Prior to the conduct of poll you have to do a lot of preliminary exercises such as fixing of polling stations and Counting centers for a Municipality 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 32 of the Rules *ibid*, which is appended below for your ready reference.

Since the election to Municipalities shall be held through ***Electronic Voting Machines*** therefore the procedure for the conduct of elections to municipalities will be slightly different from the earlier elections.

You should draw up well in advance a programme and plan of detailed arrangements for the poll. A good deal of forethought 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.

32. Officers and their Duties.—(1) The Commission shall appoint the Deputy Commissioner of the District or such other officer, as it may deem fit to be the District Election Officer (municipalities). (Please see Annexure-I, dated 30-9-2015).

(2) The Commission shall appoint Returning Officer in respect of elections for the municipalities:

Provided that the Commission may appoint as many Assistant Returning Officers as may be necessary to perform all or any of the duties of the Returning Officer in respect of each municipality. (Please see Annexure-II, dated 21-10-2015 and Annexure-III, dated 16-11-2015).

(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 there-under.

(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 by the Commission under clause(v) of sub-rule(2) of rule 35 in this behalf, by affixing a list thereof at his office and at the office of the municipality showing therein clearly the polling area:

Provided that no polling station shall be located in a police station, hospital 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 33 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 authorised to work as Presiding Officer in case of an eventuality as required under rule 33. The polling officer so authorised may also be designated as Assistant Presiding Officer.

The Polling party will consist of One Presiding Officer and five 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 33 are re-produced as under:—

33. Appointment of polling personnel.—(1) The Returning Officer shall appoint Presiding Officers and such number of Polling Officers, as he considers 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 municipality servant, who is present at the polling station, as a polling officer during the absence of the former polling officer and inform the Returning Officer accordingly.

(2) If the Presiding Officer, owing to illness or any other unavoidable cause is absent from the polling station, his functions shall be performed by such polling officer, as has been authorized by the Returning Officer to perform the 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 make wide publicity in the ward so that the voter can know his polling station and 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 32 (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 43, alongwith the symbols allotted under rule 44.

(2) At each polling station there shall be setup 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 the relevant part of electoral roll, the ballot papers and other articles necessary for the conduct of poll.

(Note.—Since elections to Municipalities 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 alongwith 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 polling agents at these rehearsals. Explain at these rehearsals the vital points for the polling agents to remember at the 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 made 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-IV**. 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 complete set of EVM, consisting of one Control Unit and Ballot Units depending upon the number of contesting candidates for the use at the polling station. Beside one EVM should be kept ready as spare for each ward irrespective of the number of polling stations in the ward. Therefore you would require two EVMs for a ward where only one polling station is fixed for a ward. But if in any ward two polling stations are fixed you should prepare three EVMs *i.e.* one extra, which can be used in case of failure of an EVM. 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, if there are more than sixteen contesting candidates, one additional ballot unit would be supplied to the polling party. While providing EVMs to the polling parties care should be taken that firstly the EVMs of the State Election Commission are supplied and the EVMs procured from the ECI are kept as spare, so that the same could be returned to them after the election process is over.

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 authorised Engineers by the ECI in Districts has been 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 for which the permission has been given to the District Election officer (Panchayat) 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 can not 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.

Since the forms are prescribed in the Rules on the basis of traditional method of voting *i.e.* Ballot Box and Ballot Paper, therefore wherever Ballot Box appears in the Forms it may be construed as Electronic Voting Machine as far as practicable.

DEPUTATION OF STAFF AND PUNISHMENT ON BREACH OF OFFICIAL DUTY:

Section 281(4) of the H.P. Municipal Act, 1994 provides that the officers or staff employed in connection with the preparation, revision and correction of the electoral roll for, and the conduct of all elections shall be deemed to be on deputation with the State Election Commission for the period during which they are so employed. Rule 34 of the HP Municipal Election Rules 2015 also provided for duties of the Deputy Commissioner and other officers / staff. The provisions of Section 281 of the HP Municipal Act, 1994 and the *ibid* Rules are appended below for your reference :

281. State Election commission.—(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 municipalities shall be vested in the State Election Commission constituted under articles 243-K and 243-ZA of the Constitution of India and section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 in the manner, as may be prescribed by rules.*

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

(3) *The Governor shall, when so requested by the State Election Commissioner, make available to him such staff as may be necessary for the discharge of the functions conferred on him under this Act.*

(4) *The officers or staff so employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of election shall be deemed to be on deputation with the State Election Commission for the period during which they are so employed.*

The Commission has empowered 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 Districts. For details please refer to Annexure-V of this hand book.

Section 304-F of Act *ibid* provides that Officers etc. at election duty shall not act for candidates or to influence voting. Further Section 304-L 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 304-F and 304-L are reproduced for ready reference:

304.F. Officers etc. at elections not to act for candidates or to influence voting.—(1) No person, who is district election officer or a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election, shall in the conduct or the management of the election to any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

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

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

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

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

304-L. 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.

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

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

(4) The persons to whom this section applies are the district election officers, returning officers, assistant returning officers, presiding officers, polling officers, and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of 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, but shall not include duties imposed otherwise than by or under this Act.

34. Duties of the Deputy Commissioner and other officers/staff.—(1) The Deputy Commissioner / District Magistrate and other officers/staff shall, subject to the supervision and control of the Commission, do all such acts and things as may be necessary for effectively conducting the elections in the manner provided by these rules or orders made there-under.

(2) The District Election Officer (municipalities) Returning Officers and the officers or staff employed in connection with the preparation, revision and correction of the electoral rolls for and the conduct of elections shall be deemed to be on deputation with the 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 Commission.

(3) The Commission may nominate an observer who shall be an officer of Government to watch the conduct of election in a municipality or a group of municipalities and to perform such other functions as may be entrusted to him by the State Election Commission.

(4) The observer nominated under sub-rule (3) shall have the power to direct the Returning Officer for municipality or a group of municipalities for which he has 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 observer 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 that polling station or place cannot be ascertained:

Provided that where an observer has 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 over – emphasized. You have to perform a very difficult task. It is of utmost importance that you should have thorough knowledge of election law and procedure as 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 Act, 1994 and the Himachal Pradesh Municipal Election Rules, 2015. The provisions of Rule 32 and 34 are already mentioned above. You must go through them 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 a Municipality. 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.

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 roll of all the wards of the municipality, duly authenticated by the Electoral Registration Officer ;
- ii. One copy of relevant reservation orders issued for a Municipality;
- 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. Posters of symbol of all kinds for supply to the contesting candidates along with other election material;
- viii. A copy of the notice of election issued by the Returning Officer in Form-19 under rule 36 of the H.P. Municipal Election Rules, 2015;
- ix. Sufficient number of Form- 21 (Notice of Nomination) under rule 40.

1. PRESENTATION OF NOMINATION PAPERS:

The nomination papers are to be presented before you under rule 38 of the H.P. Municipal Election Rules, 2015. 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 16 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 Rule 38 are reproduced as under :

Section 16. Disqualifications.—(1) A person shall be disqualified for being chosen as and for being an office bearer of a Municipality:—

- (a) If he is so disqualified by or under any law for the time being in force for the purposes of elections to the State Legislature (Chapter-III of the Representation of People Act, 1951, annexed as **Annexure-VI** in this Hand Book:

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

- (b) If he has been convicted of any offence involving moral turpitude, unless a period of six years has elapsed since his conviction; or
- (c) if he has encroached upon, or is a 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 or a Co-operative Society 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 purposes of this clause, the expression “beneficiary” shall include the spouse and legal heirs of the encroacher; or

- (d) if he has been convicted of an electoral offence under Chapter-XVII-A of the Act (Annexed as Annexure-VII in this Hand Book) under any law for the time in force; or
- (dd) if he has incurred more expenditure than prescribed under Section 17-A or has failed to lodge account under Section 17-B within thirty days of the declaration of the result of the election; or
- (e) if he has been ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1973(2 of 1974); or
- (f) if he has been disqualified for appointment in public service, except on medical ground; or

- (g) if he is in the employment or service under any municipality or of any other local authority or Co-operative Society or the State Government or Central Government or the Public Sector Undertaking under the control of the Central or the State Government.

Explanation.—For the purposes of this clause, the expressions "service" or "employment" shall include persons appointed, engaged or employed on whole- time, part- time, casual, daily or contract basis; or

- (h) if he is registered as a habitual offender under the Himachal Pradesh Habitual Offenders Act, 1969(8 of 1970); or
- (i) if, save as hereinafter provided, he has directly or indirectly any share or interest in any work done by an order of a municipality, or in any contract or employment with, or under or by, or on behalf of the municipality; or
- (j) if he has not paid the arrears of any tax imposed by a municipality or had not paid the arrears of any kind due from him to the municipal fund; or has retained any amount which forms part of the municipal fund;
- (k) if, is a tenant or lessee holding a tenancy or lease under a municipality is in arrears of rent of lease or tenancy held under the municipality;
- (l) if he has been convicted of an offence punishable under the Protection of Civil Rights Act, 1955, unless a period of six years has elapsed since his conviction; and
- (m) if he is so disqualified by or under any other law made by State Legislature.
- (n) if he has made any false declaration as required under this Act or the rules made thereunder; and
- (o) **deleted vide Act No. 28 of 2005.**

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

- (i) if such question arises during the process of an election, by an officer who may be authorised in this behalf by the State Government, in consultation with the State Election Commission; and
- (ii) if such question arises after the election process is over, by the Director.

It is clarified for your guidance that under rule 19 read with rule 38, power to decide a question that may arise during the scrutiny of nomination papers has been vested in a Returning Officer/ Assistant Returning Officer.

38. Nomination of candidates for election.—(1) Any person registered as a voter within the municipality, may be nominated as a candidate for the office of Member of a ward by another person, who is registered voter in the electoral roll of that ward of the municipality.

(2) The nomination paper in form-20 duly filled in and signed by the proposer and candidate shall be delivered to the authority specified under clause (c) of sub-rule(1) of rule 36 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 which is reserved for Scheduled Castes or 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 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:

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 Municipality 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-VIII**.

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 39 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 39 of the H.P. Municipal Election Rules, 2015 is quoted below:

39. Security deposits.—(1) A candidate shall not deemed to have been nominated as member for election to a ward unless he has deposited a sum of Rupees 2500/- (Rupees two thousand five hundred only) as security with the Returning Officer in cash against a proper receipt and in case of a candidate belonging to Scheduled Castes or Scheduled Tribes, the security shall be a sum of Rupees. 1250/-(Rupees one thousand two hundred and fifty only.) :

Provided that where a candidate has been nominated by more than one nomination paper for election in the same ward, separate security amount shall not be deposited for every set of nomination.

(2) If a candidate by whom or on whose behalf the security has been deposited, withdraws his candidature within the time specified in rule 35 and 36 or if the nomination of 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 so deposited shall be forfeited to the State Government.

(4) If the security so 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 as Govt. treasuries may not be available at Nagar Panchayat level . The Assistant Returning Officer shall deposit all the money received by him with the Returning Officer alongwith receipt books. After depositing the money into Govt. Treasury the Returning Officer will give all the Challans in original alongwith used and unused receipt books issued to him to the District Election Officer (Municipalities)-cum-Deputy

Commissioner. The District Election Officer (Municipalities)-*cum*-Deputy Commissioner shall keep a separate account of receipt books pertaining to municipalities in a register. The Returning Officer will also send receipt book wise summary of amount received to the State Election Commission with a copy to the District Election Officer (Municipalities) and retain a copy of the same for his record. The proforma for sending summary is as under:—

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

4. NOTICE OF NOMINATION:

Rule 40 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 40 is as under:

40. Notice of nominations.—The Returning Officer shall, on receiving the nomination papers under sub-rule(2) of rule 38, enter on the nomination papers it’s 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. on 12-2020.

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 municipality and ward.— No candidate shall contest election for more than one municipality and within the municipality from more than one ward 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 (Annexed at Annexure-VIII) may be adhered to strictly in this regard.**

The provisions of Rule 41 are reproduced below for ready reference:

41. Scrutiny of nomination papers.—(1) On the date fixed for the scrutiny of nomination papers under rule 36 the candidate or his proposer, 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 38.

(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) that there has been a failure to comply with any of the provisions of rule 38 or rule 39; or
- (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) of sub-rule (1) of rule 36. 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 rebut 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 42 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 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 42 of the Election Rules are reproduced below:

42. 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 36, 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 43 are reproduced below :—

43. 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 42, 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. 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 out of the symbols specified by the State Election Commission *vide* Notification No.

SEC-13-89/2009-I-3238-3267, dated 10-9-2015 under rule 44 of the Election Rules. Copy of this Notification is annexed at **Annexure-IX**. 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. ***The candidate shall have no choice of symbols.*** For allotment of symbols, the names of the candidates shall be picked as appearing in the list of contesting candidates in alphabetical order and the symbol shall be picked up in the order given in the above referred notification.

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 44, which is reproduced for your convenience:

44. Allotment of symbols to candidates.—(1) 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 37 :

Provided that there shall not be any choice of symbol 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 symbol so assigned and be supplied with a specimen thereof by the Returning Officer. In that event the list of contesting candidates shall also contain symbol allotted to each candidate.

10. APPOINTMENT OF POLLING AGENT:

It is not necessary for a candidate to appoint a polling agent. Such appointment may, if the candidate so desires, be made at any time he likes or not at all. In other words, the appointment of a polling agent is optional. Every such appointment 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-47 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 46 and 47 are reproduced as under:—

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 17-A of the Himachal Pradesh Municipal 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. The provisions of section 17-A, 17-B and Rule 48 are as follows :—

Section 17-A. Account of election expenses and maximum thereof:—

(1) Every candidate at an election shall, either by himself or his election agent or by any other person with his authority consent or knowledge, 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, consent or knowledge between the date on which he has been nominated and the date of declaration of result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be prescribed by the State Government in consultation with 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.

Section 17-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 the date of their election are different, the later of those two dates, lodge with the officer as may be appointed by the State Election Commission, account of his election expenses which shall be a true copy the account kept by him or his election agent or by any other person with his authority, consent or knowledge.

48. Maximum election expenses and account thereof.—(1) The maximum limit of election expenditure to be incurred by a contesting candidate or/and through his authorized agents shall not exceed.—

(a) for member of Municipal Council : Rs. 75,000/-; and

(b) for member of Nagar Panchayat : Rs. 50,000/-

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

(2) Every candidate contesting election from a ward 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 17-A of the Act.

(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 301 of the Act.

(9) A statement of account of the total election expenditure maintained shall be submitted as directed by the Commission under section 17-B of the Act to the Returning Officer or any other officer authorised by the Commission or both 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.

(Please See Notification No.)

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. 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-33 and information thereof shall be sent to the State Election Commission through the Deputy Commissioner immediately.

In case no nomination paper has been filed for any seat or if no candidate has been duly nominated for any seat, a report to this effect should also be sent to the State Election Commission through the Deputy Commissioner concerned for further action. The provisions of Rule 50 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 35.

2. PREPARATION OF BALLOT PAPER:

Since Elections to 443 office bearers of Municipalities are being held through Electronic Voting machines, therefore number of ballot papers to be supplied to you will not much but printing of 443 type of ballot papers within a week is challenging. 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 week 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 Deputy Commissioner 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 Commissioner will immediately *depute a responsible official to deliver the original lists to the representatives of the Commission in the H.P. 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 District Headquarters may be made under proper security. The District Election Officer (Municipalities)-cum-Deputy Commissioners should keep all ballot papers under lock and key in the treasury. Provisions of rule 58 are 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) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates prepared under rule 43. The ballot papers shall be printed in the design and colour as specified by the Commission:

Provided 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.

(Please see Notification No. SEC-16-1/2011-I-5042-5176 dt. 10-11-15)

Annexure as Annexure-XI of this Hand Book.

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 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 of all the contesting candidates and the symbol allotted to each of them have been printed properly and correctly;
- (ii) The serial number on the ballot paper corresponds with that on the counterfoil.
- (iii) The 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 Returning Officers should distribute the ballot papers to the Presiding Officers of the Polling Station well before their movement to the destination.
- (v) The 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 marked copy of the electoral roll. The voter will then move to second Polling Officer. The **second Polling Officer** will first apply the indelible ink mark on his left hand forefinger and ask him to sign or put thumb impression in the voters register. *The second Polling Officer will issue him a slip and direct him to go to the third Polling Officer.*

Immediately on being permitted to vote the elector shall proceed to the polling officer in-charge of the control unit of the voting machine and give him the slip issued by polling officer No. 2, who shall put his signature on the slip and keep the slips handed over to him in safe custody. Thereafter he will press the appropriate button on the control unit, activate the ballot unit for recording of elector’s vote for member of the municipality.

The elector shall thereafter forthwith proceed to the voting compartment record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote and come out of the voting compartment.

5. ELECTRONIC VOTING MACHINE :

5.1 REQUIREMENT OF EVMs: *Each Polling Party will be provided with one EVMs. However you will prepare one EVM spare in respect of every ward, for example if there are two polling stations in a ward, you will prepare three EVMs. The spare EVM should be kept ready in order to meet any emergency.* 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. If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. The Returning Officer shall fix the label containing the names, symbol of the contesting candidates, in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their Election Agents present as are desirous of affixing the same. You will prepare the machines in accordance with the procedure specified in the foregoing paragraphs. But before preparing the Machine you must go through the manual supplied with the Machines so that you may acquaint yourself about various operations of the machine.

5.2 PROVISION FOR THE OPTION OF NOTA “मि जेडर एल स डेबल उघा”

The State Election Commission vide its Notification No. has decided to provide the option of NOTA “मि जेडर एल स डेबल उघा” to the electors in pursuance to the orders passed by the Hon’ble Supreme Court so that the voters, who decide not to vote for any of the candidates in the election, are able to exercise their right not to vote while maintaining their right of secrecy;

The option “None of the Above” (NOTA) “मि जेडर एल स डेबल उघा” shall be given in the ballot papers/EVMs, in the last column/box after the names of all contesting candidates for the elections to Municipalities. However, the effect of “None of the Above (NOTA)” “मि जेडर एल स डेबल उघा” shall be same as not voting in favour of any candidate. Therefore, even if, “None of the Above (NOTA)” “मि जेडर एल स डेबल उघा” gets maximum number of votes, the contesting candidate securing/ highest number of votes next to “None of the Above (NOTA)” “मि जेडर एल स डेबल उघा” shall be declared elected.

The Notification of NOTA is annexed as Annexure-X of this Hand book.

5.3 BALLOT PAPERS OF BALLOT UNITS OF VOTING MACHINES :

- (i) On every ballot unit, a ballot paper shall be displayed in the space meant thereof.
- (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 Council / Nagar Panchayat as the case may be, office for which the ballot paper shall be used *i.e.* Member, number and name of the ward, the year of election, these particulars shall be printed in Hindi in Devnagri script alone.

The following illustration in case of Municipal Council will make the position clear:—

(a) for Election of Ward No. 1 of Kotwali Bazar we will print:

“1-Kotwali Bazar- Dharamsala-2015”:

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 printing point of view:

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 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.
- (xv) In the last column of the every ballot paper the option of NOTA “निर्दल विकल्प” should be printed.

5.4 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-four days before the date of poll in the Constituencies.

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

- (i) You should, atleast 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.

5.6. 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) Masking the candidates, buttons which are not required to be used, depending on the number of contesting candidates including the option of NOTA “mi jkDr ea l s dkbz ughr A”
- (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 as explained in foregoing paragraph 5.10 of this hand book.

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.

5.7 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.

5.8 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 equal to the number of contesting candidates plus one extra for the option of NOTA "mijkr ealsdkb/ ughr". For example, if the number of candidates is nine, the first ten nine 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.
- (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.

5.9 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 sixteen, only one ballot unit will be used. In such case, the slide switch shall be set to the position marked 1. If there are sixteen contesting candidates then the option of NOTA "mijkr ealsdkb/ ughr" will be provided on 17th position by adding another ballot unit and so on.
- (iii) Where the number of contesting candidates is more than sixteen and upto thirty two, 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 two and is upto forty eight, 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 16 appear, to the position marked '2' in the second ballot unit in which the names of contesting candidates at serial nos. 17 to 32 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 eight, 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.

5.10 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.

5.11. INTER-LINKING OF BALLOT UNITS AND CONTROL UNIT :

- (i) Where the number of contesting candidates exceeds sixteen, 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 above mentioned 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.

5.12 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' as explained in foregoing paragraph 5.16 of this hand book.
- (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.

5.13 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.

5.14 SETTING THE NUMBER OF CONTESTING CANDIDATES :

- (i) A control unit of the voting machine can cater upto sixty four 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) While setting the number of contesting candidates please ensure that one additional candidate is set in the Control Unit in order to provide option of NOTA "mi jkDr ea l s dkb/ ughr".

- (iii) 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 against the last contesting candidate in the ballot unit should be pressed. For example, if there are nine contesting candidates and the machine is to be set for nine candidates, candidate’s button of the ninth candidate on the ballot unit should be pressed. If the number of contesting candidates (including NOTA) is more than 16, say, 23, the candidate’s button against the name of the contesting candidate at serial no. 23 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 9’ or, as the case may be ‘Cd 23’.
 - e. If by mistake, a wrong button on the ballot unit has been pressed e.g. instead on 9, either 8 or 10 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 of the last contesting candidate on such ballot unit or set of ballot units. In the above example, mask the button 1 to 8 and 10 to 16 and leave only the button of candidate number 9 unmasked, if the number of contesting candidates is nine; or mask all the sixteen buttons on the first ballot unit and all the buttons, except the button of candidate no. 23, 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.

5.15 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 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.

5.16 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. PREPARATION OF WORKING COPIES OF ELECTORAL ROLLS:

Four working copies of the electoral roll for each polling station shall be supplied to you by the District Election Officer (Municipalities)-cum-Deputy Commissioner 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 State Election Commission has already requested the Government of Himachal Pradesh to take all necessary steps during the election period for preventing and checking promptly and strictly any instance of the commission of election offences. The Commission should be kept informed about the violation of the Model Code of Conduct.

9. DEATH OF CONTESTING CANDIDATE BEFORE POLL:

If a candidate, whose nomination has been found valid on scrutiny and who has not withdrawn his candidature, dies and report of his death is received before the commencement of the poll and the number of remaining contesting candidates is more than one, the election shall not be countermanded, but in case only one candidate remains in the field, the election process shall begin de-novo, as per the directions of the State Election Commission, provided that no fresh nomination shall be necessary for a candidate who was a contesting candidate at the time of countermanding of the election. This fact should be reported to the Deputy Commissioner immediately for further necessary action by him. For your convenience, the provisions of Rule 49 are reproduced below:—

49. Death of candidate before poll.—If a candidate whose nomination has been found valid on scrutiny and who has not withdrawn his candidature, dies and a report of his death is received before the commencement of the poll and the number of remaining contesting candidates is more than one, the election shall not be countermanded but in case there remains only one candidate in the field, the election shall take place de-novo as per the directions of the Commission:

Provided that no fresh nomination shall be necessary for candidate who was a contesting candidate at the time of countermanding of the election.

10. 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. 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 of such polling station, shall announce an adjournment of the poll for a date to be notified later and the Commission 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 State 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 municipality and the Tehsil concerned.

11. 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 49 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 once recommenced 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 electronic voting machine.

(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.

12. FRESH POLL IN THE CASE OF DESTRUCTION OF BALLOT BOX :

If during the election, any ballot box 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 will report the matter immediately to the Commission and the Commission in the event of being satisfied that in

consequence thereof the result of the poll of that polling station can not 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.

13. 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 32 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 specified under the rules or the directions issued in this behalf, by the Commission, may be adopted in a ward or wards of a municipality as the Commission may specify.

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

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 synchronies 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 boxes, canvas bags for the ballot boxes, 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 seeking 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 45 provides that polling should commence at the stroke of 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 292. The provisions of rule 45 and Section 292 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 292 of the Act which reads as under:—

“292. Secrecy of voting.—(1) No witness or other person shall be required to state for whom he has voted at an election.

(2) Every officer, clerk, agent or other person who performs any duties 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 authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(3) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding 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 voters in the elections.—(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 alternatively.

(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 the name of 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. The expenditure norms fixed by the Commission vide letter dt. 31-10-2015 are appended in this hand book and Annexed as Annexure-XI.

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 the 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 and the 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 in the ward 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 days 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 ward. Strict vigil should be kept over the movement of undesirable elements and vehicles.

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

- (i) The 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) the account of votes recorded in Form-43
 - (c) the sealed packets referred to in direction No. 21 ; and
 - (d) all other papers used at the poll
- (ii) The Returning Officer shall make adequate arrangements for the safe transport of the voting machines, packet and other papers 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 12.00 noon 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, municipality-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

1. STRICT SUPERVISION DURING COUNTING.—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 the Returning Officer. Therefore, you are required to familiarize yourself with the procedure of counting carefully. The Returning Officer shall on the date, time and place fixed under Rule 35 start counting of votes in the manner hereinafter provided

Before the commencement of counting the Returning Officer shall read out the provision of Section 292 of the HP Municipal Act, 1994 to such person as may be present. Counting shall be undertaken according to serial numbers of the wards

292. Secrecy of Voting.—(1) no witness or other person shall be required to state for whom he has voted at an election.

(2) Every Officer, clerk, agent or other person who performs any duties 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 authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(3) Any person who willfully act in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months, or with fine, or with both.

The provisions of Rule 77 of the H.P. Municipal Election Rules, 2015 shall apply for counting of votes through Electronic Voting Machines. Rule 77 provides as under:—

77. Admission to the place of counting.—(1) The Returning Officer shall exclude from the place fixed for the counting of votes under rule 35 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 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 particular Municipality or the area in which a particular Municipality falls is authorised under Rule 77(1)(d) to enter the counting center for that particular Municipality.

2. COMMENCEMENT OF 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, The provisions of the relevant rules are reproduced for your convenience .

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 votes.

3. COUNTING OF POLL DUTY BALLOT.—(i) The poll duty ballot are to be counted first. therefore you must ensure that all Poll Duty Ballot Papers received in time are delivered at the counting center well in time and no Poll Duty Ballot Paper is left undelivered, if otherwise received in time. Any Poll Duty Ballot received after the commencement of counting will not be entertained.

Counting of poll duty ballot papers shall be done at your Table. All poll duty ballot papers should be brought before you. First of all the Poll Duty Ballots received in respect of the ward for which counting is to be undertaken shall be counted

(ii) Covers containing poll duty ballots 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 particular of the ward.

(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.....

(iv)

(v)

(vi)

(vii) The valid poll duty ballots received shall be counted and the total number of votes received by each candidate and enters in the result sheet at Form-47 of these directions at appropriate place and announced for the information of the candidate.

2. SCRUTINY AND INSPECTION OF VOTING MACHINE :

(i) The Returning Officer shall take out the Electronic Voting Machines according to serial number of the wards. Before the votes recorded in any control unit of a voting machine are counted, the candidate or his Election Agent or his Counting gent present at the counting table shall be allowed 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 have in fact been tampered with.
- (iii) If the Returning Officer is satisfied that any voting machine has in fact been tampered with he shall not count the votes recorded in that machine and shall refer the matter to the State Election Commission for further orders.

3. COUNTING OF VOTES.—Before counting of votes you must go through the provision of Rule 80 and proceed in accordance with the procedure provided therein (Although in Rule the word “ballot paper” is used whereas the elections are being conducted through EVMs) . The Provision of Rule 80 are reproduced below:

80. Counting of votes and declaration of results.—(1) Every ballot paper, which is not rejected under Rule 79 shall be deemed to be valid and shall be counted after being sorted out candidate-wise:

Provided that no packet containing tendered ballot paper shall be opened out and no such paper shall be counted.

(2) The Returning Officer shall as far as practicable, proceed continuously with the counting and shall, during any interval when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents or the counting agents who may desire to affix their seals and shall take sufficient precautions for their safe custody during such intervals.

(3) The ballot papers taken out of each box shall be mixed-up with other ballot papers taken out of other ballot boxes concerning the same office and after that it shall be sorted out separately for each office. The ballot papers for the member of Municipal Council/Nagar Panchayat shall be retained on the same table. The result of member of Municipal Council/Nagar Panchayat shall be declared on Form-46 after preparing the result sheet on Form-47 :

Provided that before declaring the result on Forms-46 and after the counting of all valid votes of polling station has been completed, the Returning Officer who have made the entries on a result sheet in Forms-47 and announce the particulars. After such announcement has been made, a candidate or, in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount. On such an application being made the Returning Officer shall decide the matter and may allow the application; in whole or in part or may reject it if it appears to him to be frivolous or unreasonable. Every decision of the Returning Officer on such application shall be in writing and contain the reasons therefor.

(4) Immediately after declaration of result the Returning Officer shall affix 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 State Government as required under Section 27 of the Act.

(5) All valid ballot papers shall thereafter be bundled candidate-wise together and kept alongwith the bundle of rejected ballot papers in a separate packet, which shall be sealed and on which shall be recorded the following particulars, namely :—

- (a) the name of the ward/ Municipal Council/Nagar Panchayat;
- (b) the particulars of the polling station where the ballot papers have been used ; and
- (c) the date of counting.

(6) When counting of votes have been completed and the result has been declared the Returning Officer shall prepare a return in Form-43 Part-II and forthwith affix a copy of the same in a conspicuous place in his office. The Returning Officer, after the date of election shall notify the names of elected candidates together with the name of candidate, if any, deemed to have been elected under the provisions or rule 50 and send a copy of the same to the Commission for publication in the Official Gazette of the State Government and one copy of the return prepared in Form-44 shall be sent to the Commission, immediately, after declaration of the result.

4. PROCEUDRE IN CASE OF COUNTING THROUGH EVMs:

- (i) 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 by pressing the appropriate button marked “Result 1” provided in the control unit whereby the total votes polled and votes polled in favour of each candidate shall be displayed on the display panel of the control 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 have:—
 - (a) The number of such votes recorded separately in respect of each candidate in Part-II of Form-43
 - (b) Part-II of Form 43 completed in other respects and signed by the counting supervisor and also by the candidates or their election agent or their counting agent present; and
 - (c) The votes polled in favour of candidates shall be entered in Form-46 alongwith votes polled in favour of NOTA
 - (d) Corresponding entries made in a result sheet in Form-47 and on the basis of such particulars so entered in the result sheet proceed to announce the result of poll.
- (iii) When the counting of vote has been completed for all the polling stations in a ward, the Returning Officer shall forthwith declare the result in Form-46 in the following manner:—
 - (a) the candidate who is found to have obtained the largest number of valid votes shall be declared to have been elected.
 - (b) if after the counting of votes tie is found to exist between any two 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. The procedure to be followed in case of tie is provided under Rule 82, which is mentioned below.

5. PROCEDURE IN CASE OF TIE :

When, after the counting, it is found that any two candidates have got equal votes, the result will be decided by lot under rule 82 and the candidate on whom the lot falls shall be declared elected. Provision of rule 82 is re-produced for your guidance :—

82. Procedure in case of tie.—If after the counting of votes, tie is found to exist between any two 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.

6. COUNTING AFTER RE-POLL :

If any re-poll has been held at a polling station, you should follow the same procedure as detailed above for such further counting. Provision of rule 63 regarding commencement of counting after fresh poll are reproduced below : -

81. Commencement of counting after fresh poll.—(1) If a fresh poll is held under Rule 52, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and time and place which has been fixed by the Commission in that behalf and of which notice, has previously been given to the candidates and their agents.

(2) The provisions of Rules 78, 79 and 80 shall apply to such further counting.

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-83. While in your custody some papers are open for inspection to general public while some others are not. These are mentioned in Rule 84. These papers are to be disposed of after the period mentioned in the Rule 85. The provisions of Rule 83,84 and 85 are re-produced for your guidance:—

83. 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 90 days from the date of publication of the result of election.

84. Production and inspection of election papers :— (1) While the—

- (a) packets of counterfoils of used ballot papers;
- (b) packets of unused ballot papers;
- (c) packets of used ballot papers; and
- (d) packets of marked copies of the electoral roll, are in the custody of Returning Officer,

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 282 of the Act.

(2) All other papers relating to the election shall be open 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 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.

85. 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 282 of the Act, the packets and other papers referred to in Rules 83 and 84 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.

4. SEALING OF VOTING MACHINES:

- (i) After the result of voting recorded in a control unit has been ascertained candidate wise and entered in Part-II of Form-43 and Form-47 under these directions, the Returning Officer shall re-seal the unit and his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.



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STATE ELECTION COMMISSION HIMACHAL PRADESH

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

Email:secysec-hp@nic.in secysechp@gmail.com

No. SEC (13) -90/2015- 2836-2980

Dated the 30th Sept., 2015

NOTIFICATION

In exercise of the powers vested under Section 281 of the Himachal Pradesh Municipal Act 1994, read with Rule 32(1) of the Himachal Pradesh Municipal Election Rules, 2015, the State Election Commission Himachal Pradesh do hereby appoint the Deputy Commissioners of the Districts as District Election Officers (Municipalities) in respect of their concerned Districts.

Above officers shall exercise all the powers vested under the provisions of the Himachal Pradesh Municipal Act, 1994 and the Himachal Pradesh Municipal (Elections) Rules, 2015 and all other powers enabling in this behalf for the conduct of elections of the Municipalities in their concerned Districts of Himachal Pradesh.

By order,
Sd/-
State Election Commissioner
Himachal Pradesh.

Endst. No. SEC (13) 90/2015-2836-2956

Shimla-2, Dated the 30th Sept., 2015.

Copy for information and compliance is forwarded to :—

1. All the Deputy Commissioners except tribal areas.
2. All the Sub-Divisional Officers (Civil) H.P except tribal areas.
3. All the Executive Officers/Secretaries/Administrators Municipal Councils and Nagar Panchayats in Himachal Pradesh.

Sd/-
Secretary
State Election Commission,
Himachal Pradesh.

Endst. No. SEC (13) 90/2015-2957-2980

Shimla-2, Dated the 30th Sept., 2015.

Copy for information forwarded to :—

1. The Secretary to H/E the Governor of Himachal Pradesh
2. The Chief Secretary Government of Himachal Pradesh
3. Additional Chief Secretary (Urban Development) Govt. of H.P.
4. Additional Chief Secretary-cum-F.C. (Revenue) Govt. of H.P.
5. All the Divisional Commissioners Himachal Pradesh
6. The Director (Urban Development) H. P. Shimla-2
7. E-Gazette
8. Guard file

Sd/-
Secretary,
State Election Commission
Himachal Pradesh.



राज्य निर्वाचन आयोग

STATE ELECTION COMMISSION HIMACHAL PRADESH

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

Email: secysec-hp@nic.in secysechp@gmail.com

No. SEC (13) -90/2015-3776-3883 Dated the 21st Oct., 2015

NOTIFICATION

In exercise of the powers vested under Section 281 of the Himachal Pradesh Municipal Act 1994, read with Rule 32(2) of the Himachal Pradesh Municipal Election Rules, 2015, the State Election Commission, Himachal Pradesh do hereby appoint the following officers as Returning Officers/Assistant Returning Officers in respect of the Municipalities/ Nagar Panchayats as shown against the Municipalities / Nagar Panchayats in the Districts:—

Sl.No.	Name of the Distt.	Name of the Municipality/Nagar Panchayat	Returning Officer	Assistant Returning Officer
1.	Shimla	M.C. Rampur	S.D.O. (C) Rampur	Tehsildar Rampur
		M.C. Theog	S.D.O. (C) Theog	Tehsildar Theog
		M.C. Rohru	S.D.O. (C) Rohru	Tehsildar Rohru
		N.P. Sunni	Tehsildar Sunni	Naib Tehsildar Sunni
		N.P. Jubbal	Tehsildar Jubbal	Naib Tehsildar Jubbal
		N.P. Chopal	Tehsildar Chopal	Naib Tehsildar Chopal
		N.P. Kotkhai	Tehsildar Kotkhai	Naib Tehsildar Kotkhai
		N.P. Narkanda	Tehsildar Kumarsain	Naib Tehsildar Kumarsain
		2.	Solan	M.C. Solan
M.C. Nalagarh	S.D.O. (C) Nalagarh			Tehsildar Nalagarh
M.C. Parwanoo	Tehsildar Kasauli			Naib Tehsildar Kasauli
M.C. Baddi	Tehsildar Baddi			Tehsildar Baddi Brotiwala, Nalagrah Development Authority.
N.P. Arki	S. D. O. (C) Arki			Tehsildar Arki

3.	Sirmaour	M.C. Nahan	S.D.O. (C) Nahan	Tehsildar Nahan
		M.C. Paonta	S.D.O. (C) Paonta	Tehsildar Paonta
		N.P. Rajgrah	S.D.O. (C) Rajgrah	Tehsildar Rajgrah
4.	Bilaspur	M.C Bilaspur	S.D.O. (C) Bilaspur	Tehsildar Bilaspur
		M.C. Shri Naina Devi	Tehsildar Naina Devi Ji at Swarghat.	Naib-Tehsildar Railway, Bilaspur.
		M.C. Ghumarwin	S.D.O.(C) Ghumarwin	Tehsildar Ghumarwin
		N.P. Talai	Tehsildar Jhanduta	Naib Tehsildar Jhanduta
5.	Mandi	M.C. Mandi	S.D.O. (C) Mandi Sadar.	Tehsildar Mandi Sadar
		M.C. Sundernagar	S.D.O. (C) Sundernagar.	Tehsildar Sundernagar
		M.C. Nerchowk	Tehsildar Balh	Naib-Tehsildar Sundernagar
		N.P. Sarkaghat	S.D.O. (C). Sarkaghat	Tehsildar Sarkaghat
		N.P. Joginder Nagar	S.D.O. (C) Joginder Nagar	Tehsildar Joginder Nagar
		N.P. Rewalsar	Tehsildar Kotli	Naib-Tehsildar Kotli
		N.P. Karsog	S.D.O. (C) Karsog	Tehsildar Karsog
6.	Kullu	M.C. Kullu	S.D.O. (C) Kullu	Tehsildar Kullu
		M.C. Manali	S.D.O. (C) Manali	Tehsildar Manali
		N.P. Bhuntar	A. C. Kullu	Tehsildar Bhuntar
		N.P. Banjar	S.D.O. (C) Banjar	Tehsildar Banjar
7.	Una	M.C. Una	S.D.O. (C) Una	Tehsildar Una
		M.C. Santokhgarh	Tehsildar Haroli	Naib-Tehsildar Haroli
		N.P. Daulatpur	Tehsildar Amb	Naib-Tehsildar Bangana
		N.P. Gagret	S.D.O. (C) Amb	Naib-Tehsildar Amb
		N.P. Mehatpur	S. D. O. (C) Bangana	Tehsildar Bangana
		N.P. Tahaliwal	S. D. O. (C) Haroli	Naib-Tehsildar Una

8.	Hamirpur	M.C. Hamirpur	S.D.O. (C) Hamirpur	Tehsildar Hamirpur
		M.C. Sujanpur	S.D.O. (C) Sujanpur	Tehsildar Sujanpur
		N.P. Nadaun	S.D.O.(C) Nadaun	Tehsildar Nadaun
		N.P. Bhota	S D.O. (C) Bhoranj	Tehsildar Bhoranj
9.	Kangra	M.C. Kangra	S.D.O. (C) Kangra	Temple officer Kangra
		M.C. Palampur	S.D.O. (C) Palampur	Tesildar Palampur
		M.C. Nurpur	S.D.O.(C) Nurpur	Tehsildar Nurpur
		M.C. Nagrota	Tehsildar Kangra	Naib Tehsildar Kangra
		M.C. Dehra	S.D.O. (C) Dehra	Tehsildar Dehra
		M.C. Jawalamukhi	S.D.O. (C) Jawalamukhi.	Tehsildar Jawalamukhi
		N.P. Baijnath Paprola.	S.D.O. (C) Baijnath	Tehsildar Baijnath
		N.P. Jawali	S.D.O. (C) Jawali	Tehsildar Jawali
10.	Chamba	M.C. Chamba	S.D.O. (C) Chamba	Tehsildar Chamba
		M.C, Dalhousie	S.D.O. (C) Dalhousie	Tehsildar Dalhousie
		N.P. Chowari	S.D.O.(C) Bhatiyat at Chowari.	Tehsildar Bhatiyat at Chowari

Above officers shall exercise all the powers vested under the provisions of the Himachal Pradesh Municipal Act, 1994 and Municipal (Elections) Rules, 2015 and all other powers enabling in this behalf for the conduct of elections of the Municipalities in the concerned Districts of Himachal Pradesh.

This is issued in supersession of all previous orders issued by the State Election Commission in this behalf.

By order,
Sd/-
State Election Commissioner,
Himachal Pradesh.



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STATE ELECTION COMMISSION HIMACHAL PRADESH

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

Email:secysec-hp@nic.in secysechp@gmail.com

No. SEC (13) -90/2015-5305-09 Dated the 16th Nov., 2015

NOTIFICATION

In partial modification to Notification of even No. dated 21-10-2015, the State Election Commission, Himachal Pradesh do hereby appoint the Sub-Divisional Officers (Civil) Barsar as Returning Officer and Tehsildar Barsar as Assistant Returning Officers in respect of Nagar Panchayat Bhota.

By order,
State Election Commissioner,
Himachal Pradesh.

Endst. No. SEC (13) -90/2015-5305-09 Dated the 16th Nov, 2015

Copy for information and compliance is forwarded to :—

1. Deputy Commissioner Hamirpur.
2. The Sub-Divisional Officers (Civil) Bhoranj and Barsar H.P.
3. The Executive Officer/Secretary/ Nagar Panchayat Bhota Distt. Hamirpur, H.P.
4. The Tehsildar Bhoranj and Barsar.

Sd/-
Secretary,
State Election Commission,
Himachal Pradesh.

PART-VI

(CHAPTER III, Para I)

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

1.	Control Unit	1
2.	Balloting Unit(s)	Depending upon the No. of candidates.
3.	Register of voters (Form 26A)	3 Books
4.	Voter's Slip	1000
5.	Working Copies of Electoral Rolls	3
6.	Ballot Papers (for tendered votes/postal ballots)	25
7.	Indelible Ink	2 Phial of 5 C.C. each
8.	Address Tag for Control Unit	7
9.	Address Tag for Balloting Unit	7
10.	Special Tag	2
11.	Blue Paper Seals for EVM	4
12.	Strip Seal	3
13.	Rubber Stamp Arrow Cross Mark	1
14.	Stamp Pad (Purple)	1
15.	Metal Seal for Presiding Officer	1
16.	Match Box	1
17.	Presiding Officer's Diary	1
18.	Distinguishing Mark Rubber Stamp	1
19.	FORMS	
1.	List of Contesting Candidates(Form-23)	3
2.	List of Challenged Votes (Form-30)	6
3.	List of Blind and Infirm Voters (Form-28)	6

4.	List of Tendered Votes (Form-29A)	6
5.	Accounts of votes Recorded (Form-31A)	30
6.	Receipt Book for deposit of challenged votes fee	1 Book
7.	Letter to S.H.O.	5
8.	Declaration by the Presiding Officer before the Commencement of Poll and at the end of poll (Part I to IV).	10
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 inform voter.	30
12.	Passes for Polling Agents	20
20.	ENVELOPES	
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
18. For smaller envelopes (SE-8)	1
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) keep in the sealed cover.	5
23. Cover for unused and damaged special tag (SE-7)	1
24. Cover for unused and damaged strip seal (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 pencil	
2. Ball Pen	
3. Full scape Paper	3 sheets
4. Pins	25 pieces
5. Sealing Wax	Sticks

6.	Readymade Voting Compartment	
7.	Gum paste	1 bottle
8.	Blade	
9.	Candles	3 sticks
10.	Thin Twine Thread	20 mtrs.
11.	Metal rule	1
12.	Carbon Paper	3
13.	Cloth or Rag for removing oil etc.	3
14.	Packing paper	2 sheets
15.	Cup/Empty Tin/Plastic Box for holding indelible ink Bottle	1
16.	Cello Tape(small)	1

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. Distinguishing Mark Seal
4. Readymade Voting Compartment
5. Gunny bag containing Stationery
 - (i) Self inking pad
 - (ii) Readymade voting compartment
 - (iii) Metal Rule
 - (iv) Needle (Sua)
 - (v) Plastic box for holding indelible ink
 - (vi) All other unused items.
 - (vii) Hand books

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

No. Per (AP-B)E(3)-6/2000
Government of Himachal Pradesh
Department of Personnel (AP-II)

Dated, Shimla-171002, the 9-4-2001.

OFFICE MEMORANDUM

Subject.— Disciplinary jurisdiction of Election Commission of India over Government servants deputed for election duties.

The undersigned is directed to forward herewith a copy of O.M. No. 11012/7/98-Estt(A), dated 7-11-2000 from Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) New Delhi and to say that the Governor, Himachal Pradesh is pleased to order that the terms of settlement contained therein shall also be applicable to the employees of Government of Himachal Pradesh. The terms of settlement as contained therein may be brought to the notice of all concerned for information and compliance.

Sd/-
*Commissioner-cum-Secretary (Pers.) to the
Government of Himachal Pradesh.*

To

1. All the Secretaries to the Govt. of H.P.
2. All the Heads of Departments in H.P.
3. All the Deputy Commissioners in H.P.

Endst. No. Per. (AP-B)E(3)-6/2000, dated, Shimla-171002, the 9-4-2001.

Copy forwarded to the Chief Election Officer, Himachal Pradesh for information with reference to his letter No. 3-17/97-EN dated 5-12-2000.

Sd/-
*Under Secretary (Pers.) to the
Government of Himachal Pradesh.*

COPY OF OFFICE MEMORANDUM NO. 11012/7/98-ESTT.(A) DATED 7-11-2000 FROM THE
DIRECTOR GOVERNMENT OF INDIA MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING) ADDRESSED TO ALL MINISTERIES/DEPARTMENT
OF THE GOVERNMENT OF INDIA AND OTHERS

Subject.—Disciplinary jurisdiction of Election Commission of India over Government servants deputed for election duties.

The undersigned is directed to say that one of the issues in Writ Petition © No. 606/1993 in the matter of Election Commission of India Vs. Union of India & others was regarding jurisdiction of Election Commission of India over the Government servants deputed for election duties under section 28-A of Representation of the People Act, 1951 and Section 13CC of the Representation of the People Act, 1950. The Supreme Court by its order dated 21-9-2000 disposed of the said petition in terms of the settlement between the Union of India and Election Commission of India. The said terms of settlement are as under:—

The disciplinary functions of the Election Commission over officers, staff and police deputed to perform election duties shall extend to:

- (a) Suspending any officer/official/police personnel for insubordination or dereliction of duty;
- (b) Substituting any officer/official/police personnel by another such person, and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;
- (c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission; within a period of 6 months from the date of the Election Commission.
- (d) The Government of India will advise the State Government that they too should follow the above Principles and decisions, since a large number of election officials are under their administrative control”.

2. The implication of the disposal of the Writ Petition by the Supreme Court in terms of the above settlement is that the Election Commission can suspend any officer/official/police personnel working under the Central Government or Public Sector Undertaking or an Autonomous body fully or substantially financed by the Government for insubordination or dereliction of duty and the Election Commission can also direct, substituting any officer/official/Police Personnel by another person besides making recommendations to the Competent Authority for taking disciplinary action for insubordination or dereliction of duty while engaged in the preparation of electoral rolls or election duty. It is also clarified that it is not necessary to amend the service rules for exercise of powers of suspension by the Election Commission in this case since these powers are deprived from the provisions of Section 13CC of the Representation of the People Act, 1950 and section 28-A of the Representation of the People Act, 1951 since provisions of these Acts would have overriding effect over the disciplinary rules. However, in case there are any conflicting provisions in an Act governing the disciplinary action, the same are required to be amended suitably in accordance with the terms of settlement.

3. All Ministries/Departments are requested to bring the above terms of settlement to the notice of all concerned for information and compliance.

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

MEMORANDUM

Shimla-2, dated the 13th July, 2001

Subject .— Disciplinary action against Govt. servants for breaches of official; duty while on deputation with the State Election Commission.

The matter regarding action for breaches of official duty by Govt. servants on deputation for the conduct of elections 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 direct 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 charges thereon.
3. The Distt. Election Officer (P)/Deputy Commissioner will frame charge under the relevant provision of the CCS/CCA Rules and the same will be sent to the parent Deptt. concerned with a copy to 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.
6. The penalty, if any, will be imposed by the concerned department after prior consultation with the State Election Commission.
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 framing of charges by the Distt. Election Officer (P) Deputy Commissioner.
9. The procedure outlined from clause 1 to 8 above to apply to cases of disciplinary action to be initiated after the election process of over but the period to and ending with the completion of the election process will be taken by or under direction already notified vide the notification No.SEC.16-18/96-IV-3841 to 4040 dated 13th December, 2000 or as amended from time to time.

By order,
Sd/-
(P. Mittra),
State Election Commissioner,
Himachal Pradesh.

**STATE ELECTION COMMISSION
HIMACHAL PRADESH**

Shimla-2, dated 13th December, 2000

NOTIFICATION

No. SEC. 16.-18/96-IV-3841 to 4040.—In exercise of the powers vested in it under Sections 160 and 160 E(1) 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 official /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 polling in their respective districts.

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-IV employees, and by the S.D.O.(C) in case of Class-II employees.

By order,
Sd/-
(P. Mittra)
State Election Commissioner,
Himachal Pradesh.

Annexure-VI

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 therefrom; or
- (c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or
- (d) section 10 to 12 offence of being a member of an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (prevention) Act, 1967 (37 of 1967); or
- (e) the Foreign Exchange (Regulation) Act, 1973 (46 of 1973); or
- (f) the 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 (3) 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 undertaken by, that Government.

Explanation.—For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government the contract 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.

ELECTORAL OFFENCES

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

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

- (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematography, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto; in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of poll for any election in that polling area.

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

Explanation.—In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.

304-C. Disturbances at election meetings.—(1) Any person who at a public meeting to which this section applies acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

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

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

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

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

- (2) No person shall print or cause to be printed any election pamphlet or poster :—
- (a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
 - (b) unless within reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document:—
 - (i) where it is printed in the Capital of the State, to the State Election Commissioner; and
 - (ii) in any other case, to the District Magistrate of the district it is printed.
- (3) For the purposes of this section :—
- (a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression "printer" shall be construed accordingly; and
 - (b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placed or poster having reference to an election, but does not include any hand-bill, placed or poster having reference to an election, but does not include any hand bill, placard or porter merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.
- (4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

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

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

304.F. Officers etc. at elections not to act for candidates or to influence voting.—(1) No person, who is district election officer or a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election, shall in the conduct or the management of the election to any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

- (2) No such person as aforesaid, and no member of a police force, shall endeavour:—
- (a) to persuade any person to give his vote at an election; or
 - (b) to dissuade any person from giving his vote 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 which may extend to six months, or with fine, or with both.

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

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

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

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

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

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

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker, or
- (b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

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

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

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

304-I. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconduct, himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

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

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

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

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

304-K. Penalty for illegal hiring or procuring of conveyance at elections.—If any person is guilty of any such corrupt practices as specified in sub-section (6) of section 301 of this Act, at or in connection with an election, he shall be punishable with imprisonment which may extend to three months, or with fine.

304-L. 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.

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

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

(4) The persons to whom this section applies are the district election officers, returning officers, assistant returning officers, presiding officers, polling officers, and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of 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, but shall not include duties imposed otherwise than by or under this Act.

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

304-N. Prohibition of going armed to or near a polling station.—(1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of polling station.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) if there is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both; and

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

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

(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;

- (a) **“Annexure”** means the annexure to these Regulations;
- (b) **“Authorised Officer”** means the officer authorized to receive the nomination papers and includes the Returning Officer and the Assistant Returning Officer;
- (c) **“Commission”** means the State Election Commission of the State;
- (d) **“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;
- (e) **“Election”** means all elections including bye-elections to Panchayats and Municipalities;
- (f) **“Magistrate”** means a District Magistrate, an Additional District Magistrate, a Sub-Divisional Magistrate, an Executive Magistrate or a Judicial Magistrate;
- (g) **“Municipality”** means a Nagar Panchayat or a Municipal Council or a Municipal Corporation, as the case may be;
- (h) **“Nomination Paper”** means the nomination paper to be filed by candidate seeking direct election to an office in a Panchayat or a Municipality;
- (i) **“Panchayat”** means a Gram Panchayat or a Panchayat Samiti or a Zila Parishad, as the case may be;
- (j) **“Part”** means a part of the Annexure;
- (k) **“Returning Officer”** means an officer appointed for the conduct of election and includes an Assistant Returning Officer;
- (l) **“Specified Information”** means the information about the antecedents, etc., as indicated in Regulations 3 and 4 below and in the Annexure;
- (m) **“State”** means the State of Himachal Pradesh;
- (n) **“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 alongwith 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 photocopies or attested copies of the Annexure along with 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 upto two days before the date fixed for poll:

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

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

10. Supply of Certified copies of the Annexure.—Certified copies of the Annexure filed by a candidate may be supplied by the Returning Officer on payment against receipt of copying fee

amounting to Rs. 10/- for each Annexure on an application made to him in writing by another candidate for the same office and from the same constituency or ward or from a member of Press (including electronic media).

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

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

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

Sd/-
State Election Commissioner,
Himachal Pradesh.

Adhaar No.

ANNEXURE

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

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

Part-I

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

- (1) That I have, in the past, been convicted of criminal offence in the cases the details of which are given below:-
 - (a) Case No.;
 - (b) Section of Act and description of the offence for which convicted;
 - (c) Date of conviction;
 - (d) Court by which convicted;
 - (e) Sentence imposed (indicating whether simple or rigorous imprisonment, the period of such imprisonment and/or the amount of fine imposed).
 - (f) Details of appeal/revision/review, if any, etc. filed against such conviction and indicating the result.
- (2) That I have, in the post, been acquitted/discharged in the cases the details of which are given below:
 - (a) Case No.
 - (b) Section of the Act and brief description of the offence in which discharged or acquitted;
 - (c) Name of the Court by which discharged/acquitted;
 - (d) Date of discharge/acquittal;

(e) Details of appeal/revision/review, if any, filed against such discharge/acquittal indicating the result thereof.

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

(a) Case number:

(b) Section of the Act and description of the offence of which cognizance taken:

(c) The court which has taken cognizance:

(d) Date of order of the Court taking cognizance:

(e) Details of appeal(s)/application(s) for revision/review/writ petition, if any, filed against the aforementioned order of the court taking cognizance.

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

Part-II

(a) Details of movable assets

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

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

Sl No	Relationship	Cash	Deposit in banks, financial institutions and non-banking financial companies post offices, LIC, etc.	Shares, bonds, and debentures in companies	Motor vehicles (Details of make, etc.)	Jewellery(give details of approximate weight and value)
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:

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

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

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

Part-III

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

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

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

PART-IV

(Two-child-Norm)

(Deleted *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.....20.....

**Deponent/Declarant.*

Date.....

***Attesting Officer.*

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

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



ज॒क॒ट; फु॒क॒पु व॒क; क॒ख फ॒गेक॒पु इ न॑स॒क

STATE ELECTION COMMISSION HIMACHAL PRADESH

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

e-mail. secysec-hp@nic.in and secysechp@gmail.com

No. SEC (13) /89/2009-I-3238-3267

Dated 10-9-2015

NOTIFICATION

In exercise of the powers vested in it under Article 243-ZA of the Constitution of India and section 281 of the H.P. Municipal Act, 1994 read with Rule 37 of the Himachal Pradesh Municipal Election Rules 2015, the State Election Commission hereby specifies the following symbols for allotment to candidates in the elections to Municipal Councils and Nagar Panchayats in Himachal Pradesh:—

Sl. No.	Name of Symbols	Sl. No.	Name of Symbols
1	2	1	2
1.	Chair	11.	Hand Pump
2.	Lock & Key	12.	Television
3.	Sewing Machine	13.	Ceiling Fan
4.	Aero plane	14.	Cot
5.	Letter Box	15.	Spoon
6.	Railway Engine	16.	Gas Cylinder
7.	Apple	17.	Ball
8.	Bench	18.	Camera
9.	Bus	19.	Table
10.	Bat	20.	Almirah

This is in supersession of earlier Notification No. SEC. 13-89/2009-2269-83, dated 10 August, 2010.

By Order,

State Election Commissioner
Himachal Pradesh.

Endst. No. SEC.13/89/2009-1-3238-67-Shimla-2, Dated 10-9-2015.

Copy to:—

1. The Principal Secretary to the Governor of Himachal Pradesh.
2. The Chief Secretary to the Government of Himachal Pradesh.
3. Additional Chief Secretary (U D) to the Govt. of Himachal Pradesh.
4. All the Principal Secretaries to the Govt. of Himachal Pradesh.
5. All the Returning Officer-cum Deputy Commissioner (except Tribal Areas) in Himachal Pradesh.
6. Director, Urban Development Department, Palika Bhawan, Talland, Shimla-1
7. The Controller Printing & Stationary Department Shimla-5 through e-gazette.
8. Guard file.

Sd/-
Secretary,
State Election Commission,
Himachal Pradesh.

Urgent/Election Matter



STATE ELECTION COMMISSION HIMACHAL PRADESH

Armsdale, H.P. Sectt. Chotta Shimla-171002 Tel. 0177-2620152,2620159,2620154, Fax. 2620152

No. SEC 2-23/2005-4377

Dated the 31st Oct., 2015

To

The District election Officer (Panchayat) -cum-
Deputy Commissioner,
Bilaspur (H.P).

Subject.— Regarding providing of refreshment/meal, diet money and contingency etc. to the Officers/Officials sitting late hours in the office during election process.

Sir,

Pease refer to your letter No. Panch/BLP/-Eln/2015-3021, dated 28th Sept., 2015, on the subject cited above. The instruction regarding refreshment and meals to staff working during election process are as under:-

- (i) Light refreshment will be provided to the staff sitting beyond 5 PM in the office as approved by the concerned Deputy Commissioners. Light refreshment includes tea and two pieces of snacks.
- (ii) In case staff works beyond 8 PM, they can be provided simple dinner as approved by the Deputy Commissioner for single diet per person.
- (iii) Rs. 100/- will be provided to the Presiding Officer of each Polling party for every phase of election to meet out the contingent charges.
- (iv) The expenditure shall be incurred after having due approval of the Competent Authority and completing all codal formalities. The expenditure incurred on this count shall be booked under SOE. O.C.(20).
- (v) The expenditure on light refreshment during the rehearsal/meetings shall also be incurred on above pattern.
- (vi) In case of night stay of officials TA/DA will be granted in accordance with the rules of the Government.

Note.—The employees of private institution may not be deployed on Election Duty. However, the employees of Boards/Corporation/PSUs. may be deployed if need be.

Yours faithfully,

(DR. ASHWANI SHARMA)
Secretary,
State Election Commission,
Himachal Pradesh.

Endst. No. SEC 2-23/2005-4377

Dated the 31st Oct. 2015

Copy to:—

1. All The District Election Officer (Panchayat)-*cum*- Deputy Commissioner in H.P. for information and necessary action please.
2. All the Assistant District Election Officer (Panchayat)-*cum*- District Panchayat Officer in Himachal Pradesh for information and necessary action.
3. All the Block Development Officer in Himachal Pradesh for information and similar necessary action please.
4. File No. SEC. 15-38/2010 for further record.

Sd/-
Secretary,
State Election Commission,
Himachal Pradesh



राज्य निर्वाचन आयोग

STATE ELECTION COMMISSION HIMACHAL PRADESH

मज्जीठाहाऊस,शिमला.171002, Majitha House Shimla-171002 Tel. 0177-2620152,2620159,2620154, Fax. 2620152
Email –secysec-hp@nic.in,secysechp@gmail.com

No. SEC-16-1/2011-I- 5042-5176 dated the 10th November, 2015.

NOTIFICATION

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

Therefore, the State Election Commission, Himachal Pradesh in compliance to the directions passed by the Hon'ble Apex Court and in exercise of the powers vested in it under Article 243-K and ZA of the Constitution of India, Section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 Section 281 of H. P. Municipal Act, 1994 and Section 9 of the H. P. Municipal Corporation Act, 1994 read with Rule 52 (1) of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 Rule 58 (2) of the H. P. Municipal Election Rules, 2015 and Municipal Corporation Election Rules, 2012 and all other powers enabling it in this behalf, hereby orders that the option “None of the Above” (NOTA) “मि जे डीर एल स डीकल उघा” shall be given in the ballot papers/EVMs, henceforth, in the last column/box after the names of all contesting candidates for the elections to PRIs/Municipalities. The number of votes polled to “None of the Above” (NOTA), “मि जे डीर एल स डीकल उघा” shall be shown at the last in result sheet of counting and form of return along with the names of the candidates and number of votes polled in favour of each contesting candidate. However, the effect of “None of the Above (NOTA)” “मि जे डीर एल स डीकल उघा” shall be same as not voting in favour of any candidate. Therefore, even if, “None of the Above (NOTA)” “मि जे डीर एल स डीकल उघा” gets maximum number of votes, the contesting candidate securing/ highest number of votes next to “None of the Above (NOTA)” “मि जे डीर एल स डीकल उघा” shall be declared elected. Option of NOTA will be provided by affixing stamp “मि जे डीर एल स डीकल उघा” on the last box of the ballot paper after the names of all contesting candidates, issued by the State Election Commission in respect of Panchayati Raj Institutions. However, in case of election in Municipalities the option “None of the above (NOTA)” will be printed in the last column/box of the ballot paper to be used in EVMs during Municipal Elections.

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

By order,
(P. Mittra)
State Election Commissioner,
Himachal Pradesh.

Endst. No. SEC-16-1/2011-I-5042-5176 dated the 10th November, 2015.

Copy to:

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

Sd/-
(Dr. A. K. Sharma)
Secretary,
State Election Commission,
Himachal Pradesh.