COMPLENDIUM

OF STATUTORY PROVISIONS OF THE CONSTITUTION OF INDIA
ACTS AND RULES

GOVERNING ELECTIONS TO PANCHAYATI RAJ INSTITUTIONS

AND

MUNICIPALITIES

IN

HIMACHAL PRADESH

2015

STATE ELECTION COMMISSION HIMACHAL PRADESH
A

COMPENDIUM

OF STATUTORY PROVISIONS OF THE CONSTITUTION OF INDIA
ACTS AND RULES

GOVERNING ELECTIONS TO PANCHAYATI RAJ INSTITUTIONS

AND

MUNICIPALITIES

IN

HIMACHAL PRADESH

2015

STATE ELECTION COMMISSION HIMACHAL PRADESH

Note: This compendium is published just to facilitate all those who are involved in the election process. But in case of doubt as to the correctness of a particular statutory provision or a fasciculus of statutory provisions, one should advisedly refer to the original text in its proper setting.
P R E F A C E

Our country has been the cradle of a variety of cultural, social, political and administrative institutions. It has been witness to the existence and operation of different units of Local Self Government, both rural and urban, in the hoary past also, but the village panchayats and urban local bodies of the modern mould are characteristically, though not generically, different from the corresponding institutions of pristine India. Even these present-day institutions did not rest on the key-stone of adequate legislative frame-work in the Constitution of the country. This aspect of the matter attracted the attention of our political thinkers only about twenty five years back. A nation-wise debate was held and finally Indian parliament carried out the seventy-third and seventy-fourth amendments in the Constitution of India whereby Parts IX and IX-A have been inserted in and Schedules XI and XII have also been added to it in regard to panchayats and municipalities respectively. The purpose, inter alia, is to provide for the constitution of a three-tier Panchayati Raj and the establishment of a three-level municipal system. These amendments also aim at greater empowerment of these bodies so that they become effective instruments of development, service and governance in the activity area assigned to them. The amendments are also designed to be a bulwark against the erosion of their democratic character. This back-up legislation also provides for timely, free, fair, smooth and peaceful elections to Panchayati Raj and Municipal institutions. For this last-mentioned purpose, the Constitution now contemplates the constitution of an Election Commission in each State. Article 243K of the Constitution of India enjoins upon the States to establish a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats. By virtue of Article 243ZA, similar functions relating to election of municipalities are also vested in the very same State Election Commission. Naturally, these provisions have also found their way into and have also been the basis of a number of provisions in the Himachal Pradesh Panchayati Raj Act, 1994, the Himachal Pradesh Municipal Act, 1994 and the Himachal Pradesh Municipal Corporation Act, 1994.

Besides the afore-mentioned legislative enactments, statutory rules have also been framed regarding elections to these institutions. Further, following its establishment on 23rd April, 1994, the State Election Commission of Himachal Pradesh has conducted general elections to Panchayati Raj institutions as well as municipal bodies after every five years. It has also been conducting bye-elections since then. In the process, the issuance of circulars or letters embodying instructions for the guidance of field functionaries has been necessitated. This legislative and executive material has acquired fairly large corpus. Besides, the various provisions are scattered here and there. This renders access to them relatively difficult. For these reasons, the Commission had decided to compile all this material before the general elections to be held in the year 2015. Hence the first edition of this compendium was brought out in the year 1999 and second edition in 2004, hoping that the compilation would be of immense assistance to those engaged in conducting elections to Panchayati Raj Institutions and municipal bodies in this State of ours. Our hope has more than fulfilled, as even legal practitioners, libraries and teachers of public administration and political science have evinced keen interest in securing a copy of this Compendium.

Since the publication of the compendium in the year 2004, copious amendments have been carried out in the relevant Acts and Rules at the instance of this Commission and the Commission itself has made and issued more comprehensive and effective Codes of Conduct. Consequently a new, and updated edition of this Compendium is being published. It is hoped that, like its predecessor, this Compendium will also be great use to those who may be engaged in conduct of election to these bodies or may be accordingly or judicially involved in the subject-matter of this compilation.

Therefore, in all humility, we wish to place this book in the hands of those interested or involved in the matter but with the caveat that in case of doubt as to the correctness of a particular statutory provision, one should advisedly refer to the original text in its proper setting.

I would like to place on record my appreciation for the good work done by Dr. Ashwani Sharma, Secretary to the State Election Commission. I would also acknowledge with thanks the contribution of the Commission's staff, particularly, S/SH. Sanjeev Mahajan, Electoral Officer, Ghanshyam Chauhan PA, R. K. Negi and S. D. Sharma, Sr. Assistants in rendering assistance in the preparation of the manuscript of this publication.

Shimla-171002
State Election Commissioner,
CONTENTS

PART-I
(Section-A)

1. The Constitution of India (Part-IX), the Panchayats 1-6

(Section-B)

2. Extracts of the H. P. Panchayati Raj Act, 1994 (Act No. 4 of 1994) 7-48

3. The H. P. Panchayati Raj (Election) Rules, 1994 49-150

PART-II
(Section-A)


(Section-B)

5. Extracts of the H. P. Municipal Act, 1994. 158-190


PART-III


PART-IV

8. Extract of Meaning of “Ordinarily Resident” assigned to it in Section 20 of the Representation of the People Act, 1950. 296-318

PART-V

9. Various Notifications, Circular and Letters issued by the State Election Commission from time to time. 319-357
PART-I

SECTION-A

THE CONSTITUTION OF INDIA

(20th April, 1993)

'PART IX'

THE PANCHAYATS

243. Definitions.—In this Part, unless the context otherwise requires,—

(a) "district" means a district in a State.

(b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;

(c) "Intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;

(d) "Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

(e) "Panchayat area" means the territorial area of a Panchayat;

(f) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) "Village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. Gram Sabha.—A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may by law, provide.

243B. Constitution of Panchayats.—(1) There shall be constituted in every State, Panchayats at the village, intermediate and district, levels in accordance with the provisions of this Part.

(2) Notwithstanding anything in clause (1) Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lacs.

243C. Composition of Panchayats.—(1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats;

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.
(3) The Legislature of a State may, by law, provide for the representation—

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats, at the intermediate level, in the Panchayats at the district level;

(b) of the Chairperson of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—

   (i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;

   (ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of—

(a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243D. Reservation of seats.—(1) Seats shall be reserved for—

(a) the Scheduled Castes; and

(b) The Scheduled Tribe.

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribe in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provide that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:
Provided further that not less one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayat at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. Duration of Panchayats etc.—(1) every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243F. disqualifications for membership.—(1) a person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

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

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

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

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243G. Powers, authority and responsibilities of Panchayats.—Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to—

(a) the preparation of plans for economic development and social justice;

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule;
243H. **Powers to impose taxes by, and Funds of, the Panchayats.**—The Legislature of a State may, by law,—

(a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

243-I. **Constitution of Finance Commission to review financial position.**—(1) The Governor of a State shall, as soon as may be within one years from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to—

(a) the principles which should govern—

    (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

    (ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by, the Panchayats;

    (iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243J. **Audit of accounts of Panchayats.**—The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243K. **Elections to the Panchayats.**—(1) The superintendence, direction and control of the preparation of electoral rolls for and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of Office of the State Election Commission shall be such as the Governor may by rule determine:
Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243L. Application to Union territories.—— The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M. Part not to apply to certain areas.—— (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall apply to—

(a) the States of Nagaland, Meghalaya and Mizoram;

(b) the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part—

(a) relating to Panchayats at the district level shall apply to the hill areas to the District of Darjeeling in the State, of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution.—

(a) the Legislature of a State referred to in sub-clause (a) of clause (2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purpose of article 368.

243N. Continuance of existing laws and Panchayats.——Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier;
Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243O. Bar to interference by courts in electoral matters.—Notwithstanding anything in this Constitution,—

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under article 243 K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of State.

"ELEVENTH SCHEDULE"

(Article 243 G)

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and water shed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social Forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
10. Rural housing.
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centers and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.
THE HIMACHAL PRADESH PANCHAYATI RAJ ACT, 1994

ARRANGEMENT OF SECTIONS

Sections:

CHAPTER –I
PRELIMINARY

1. Short title, extent, application and commencement.
2. Definitions.

CHAPTER –II
GRAM SABHA

3. Declaration of Sabha area.
3-A. Diminuation of Sabha area not to affect the term of certain office bearers.

CHAPTER –III
GRAM PANCHAYAT


CHAPTER-V
PANCHAYAT SAMITI

77. Establishment of Panchayat Samiti.
78. Constitution of Panchayat Samiti.
79. Election of Chairman and Vice-Chairman of Panchayat Samiti.

CHAPTER –VI
ZILA PARISHAD

88. Establishment of Zila Parishad.
89 Constitution of Zila Parishad.
90. Election of Chairman and Vice-Chairman

CHAPTER -VI-A
SPECIAL PROVISIONS RELATING TO THE GRAM PANCHAYATS, PANCHAYAT SAMITIS AND ZILA PARISHADS LOCATED IN THE SCHEDULED AREAS.

97-A. Application of this chapter.
97-B. Declaration of village in scheduled areas.
97-C. Functions of Gram Sabha.
97-D. Reservation of seats of office bearers in Panchayats.
97-E. Nomination of persons.
97-F. Acquisition of land in the scheduled areas.
97-G. Management of minor water bodies in the scheduled areas.
97-H. Minor minerals in scheduled areas.
97-I. Powers and functions of Gram Panchayats and Panchayat Samitis.

7
CHAPTER-VIII
GENERAL PROVISIONS RELATING TO INCORPORATION, DURATION, TERRITORIAL CONSTITUENCIES OF PANCHAYATS AND QUALIFICATIONS ETC. OF OFFICE BEARERS

119. Incorporation of Panchayats.
120. Duration of Panchayats.
121. Qualification to vote and to be a candidate.
121-A. Account of election expenses and maximum limit thereof.
121-B. Lodging of account.
122. Disqualifications.
123. Bar to hold more than one office.
124. Territorial constituencies.
125. Reservation for Chairpersons.
126. Publication of names of office bearers of Panchayats.
127. Oath or affirmation of allegiance.
128. First meeting and term of office.
129. No confidence motion.
130. Resignation by office bearers.
131. Casual vacancies.
132. Defect or irregularity not to vitiate proceedings.

CHAPTER – IX
OFFICERS AND STAFF OF PANCHAYATS

140. Power of State Government to dissolve Panchayat for default, abuse of power, etc.
146. Removal of office bearers of Panchayats.

CHAPTER-X-A
ELECTROL OFFENCES

158-A. Promoting enmity between classes in connection with the election.
158-B. Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.
158-C. Disturbances at election meetings.
158-D. Restrictions on the printing of pamphlets, posters, etc.
158-E. Maintenance of secrecy of voting.
158-F. Officers etc., at elections not to act for candidates or to influence voting.
158-G. Prohibition of canvassing in or near polling stations.
158-H. Penalty for disorderly conduct in or near polling stations.
158-I. Penalty for misconduct at the polling station.
158-J. Penalty for failure to observe procedure for voting.
158-K. Penalty for illegal hiring or procuring of conveyance at elections.
158-L. Breaches of official duty in connection with election.
158-M. Penalty for Government Servants for acting as election agent, polling agent or counting agent.
158-N. Prohibition of going armed to or near a polling station.
158-O. Removal of ballot papers from polling station to be an offence.
158-P. Offence of booth capturing.
158-Q. Grant of paid holiday to employees on the day of poll.
158-R. Liquor not to be sold, given or distributed on Polling day.
158-S. Other offences and penalties thereof.

CHAPTER XI

DISPUTES RELATING TO ELECTION

159. Definitions.
160. State Election Commission.
160-A. Requisitioning of premises, vehicles, etc., for election purposes.
160-B. Payment of compensation.
160-C. Release of premises from requisition.
160-D. Delegation of functions of the state Government with regard to requisitioning.
160-E. Deputation of staff and punishment on breach of official duty.
161. Officer authorised to hear election petitions.
162. Election petitions.
163. Presentation of petition.
163-A. Parties to the petition.
164. Contents of petition.
165. Procedure on receiving election petition.
166. Withdrawal and transfer of petitions.
167. Procedure before the authorised officer.
168. Appearance before the authorised officer.
169. Power of the authorised officer.
170. Documentary evidence.
171. Secrecy of voting not to be infringed.
172. Answering of incriminating questions and certificate of indemnity.
173. Expenses of witnesses.
174. Decision of authorised officer.
175. Grounds for declaring elections to be void.
175-A. Grounds for which a candidate other than the elected person may be declared to have been elected.
175-B. Procedure in case of equality of votes.
176. Abatement of election petitions.
177. Costs and payment thereof out of security deposits and return of such deposits.
178. Execution of orders as to costs.
180. Corrupt practices.
181. Appeals.
182. Bar of interference by Courts in election matters.
183. Power to make rules for conduct of elections.

CHAPTER XII
RULES AND BYE-LAWS

186. Power to make Rules.-

CHAPTER XIV
MISCELLANEOUS

200. Repeal and savings.
    Schedules-V.
THE HIMACHAL PRADESH PANCHAYATI RAJ ACT, 1994

(ACT NO. 4 OF 1994)

CHAPTER-I

PRELIMINARY

1. Short title, extent, application and commencement.—(1) This Act may be called the Himachal Pradesh Panchayati Raj Act, 1994.

(2) It shall extend to the whole of the State of Himachal Pradesh, except the areas administered by a municipality.

(2-A) In their application to the scheduled areas in the State as referred to in clause (1) of Article 244 of the Constitution of India, the remaining provisions of this Act shall apply, subject to the provisions of Chapter VI-A of this Act.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) “annual value” means,—

(i) double the land revenue for the time being assessed on any land, whether the assessment is livable or not; or

(ii) where the land revenue has been permanently assessed, or has been wholly or in part compounded or redeemed, double the amount which, but for such permanent assessment, composition or redemption, would have been livable; or

(iii) where no land revenue has been assessed, double the amount which, would have been assessed if the average village rate had been applied:

Provided that, in any tract in which, under the settlement for the time being in force, the improvement of the land due to canal irrigation has been excluded from account in assessing the land revenue and rate has been imposed in respect of such improvement, that rate shall be added to the land revenue for the purpose of computing the annual value:

(2) “backward classes” means such classes of citizens other than Scheduled Castes and Scheduled Tribes as may be identified and notified for the purposes of reservation for appointments or posts in the services under the State Government;

(3) “block” means such area in a district as may be declared by the Government by notification to be a block;

(4) “building” means any shop, house, out-house, hut, shed, stable, whether used for the purpose of human habitation or otherwise and whether of stone, concrete, bricks masonry, wood, mud, thatch, metal or any other material whatever and includes a wall;

(5) “bye-laws” means bye-laws made by a Panchayat under this Act and includes model bye-laws framed by the State Government under section 188;

(6) “case” means ‘criminal proceedings’ in respect of an offence triable by a Gram Panchayat;

(6-A) “cattle” means domestic animals and includes elephants, camels, buffaloes, cows, oxen, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(7) “collector”, “Magistrate” or “Sub-Judge” with reference to a “Gram Sabha” or a “Gram Panchayat” means a Collector, a Judicial Magistrate or a Sub Judge of the District or the Sub Division, as the case may be, in which such Gram Sabha, or Gram Panchayat is constituted;

(8) “complaint” means any allegation made orally or in writing to the Gram Panchayat, with a view to its taking action under Chapter-IV of this Act, that some person, whether known or unknown has committed an offence;
(9) “common land” means the land which is not in the exclusive use of any individual and has, by usage, custom, prescription or by law, been reserved for the common purposes of village community or has been acquired for such purposes;

(10) “decree”, “decree holder”, “judgment debtor” and “legal representative” shall have the same meanings as are assigned to them in section 2 of the Code of Civil Procedure, 1908 (5 of 1908);

(11) “Deputy Commissioner” means the Deputy Commissioner of a district and includes any officer specially appointed by the Government to perform the functions of a Deputy Commissioner under this Act:

Provided that such officer shall not perform any function in respect of which the decision of the Deputy Commissioner under this Act is final;

(11-A) “Divisional Commissioner” means the Divisional Commissioner of a Division and includes any officer specially appointed by the State Government to perform function of Divisional Commissioner;]

(12) “Director” means the Director of Panchayati Raj appointed under this Act and includes any other officer specially appointed by the Government to perform the functions of the Director under this Act;

(13) “district” means a revenue district;

(13-A) “family” means a joint family of all persons descended from common ancestor including adoption, who live, worship and mess together permanently as shown in the parivar register of the Gram Panchayat;

(13-B) “Financial Commissioner” means the Financial Commissioner (Appeal) to the Government of Himachal Pradesh;”.

(14) “Government” or “State Government” means the Government of Himachal Pradesh;

(15) “Gram Panchayat” means the Executive Committee of the Gram Sabha established under section 8 of this Act;

(16) “Gram Sabha” or “Sabha” means a Gram Sabha established under section 4 of this Act and ‘Sabha area’ means an area declared to be a ‘Sabha area’ under section 3 of this Act;

(17) “land” means land assessed to land revenue and includes land whereof the land revenue has been wholly, or in part released, compounded for, redeemed or assigned;

(18) “land holder” means any person responsible for the payment of the land revenue, if any, assessed on land and includes the proprietor of land, the land revenue of which has been wholly, or in part, released, compounded for, redeemed or assigned;

(19) “land revenue” includes tirni or grazing dues levied for grazing on Government land;

(20) “member” means a member of the Gram Panchayat, Gram Sabha, Panchayat Samiti or Zila Parishad, as the case may be;

(21) “municipality” means an institution of self-Government constituted under article 243-Q of the Constitution of India and includes a Cantonment Board set up under the Cantonments Act, 1924 (2 of 1924);

(22) “offence”, “bailable offence”, “non-bailable offence”, “cognizable offence”, “Officer-in-charge of a police station” and “police station” shall have the same meanings as are assigned to them in section 2 of the Code of Criminal Procedure, 1973 (2 of 1974)

(23) “office-bearer” means a Member, Pradhan or Up-Pradhan of a Gram Panchayat and a Member, Chairman or Vice-Chairman of a Panchayat Samiti or of a Zila Parishad, as the case may be;

(24) “Official Gazette” or “Gazette” means the Rajpatra of Himachal Pradesh;

(25) “panch” means a member of Gram Panchayat while discharging the judicial functions of the Gram Panchayat under this Act and includes a Pradhan or Up-Pradhan;

(26) “panchayat” means a Gram Panchayat, a Panchayat Samiti or a Zila Parishad, as the case may be;

(27) “panchayat forest” means a forest which has been so declared by the State Government by notification issued in this behalf;

12
(27-A) “Panchayat Sahayak” means a person appointed as Panchayat Sahayak by the Gram Panchayat under section 135 or an official deputed by the State Government under section 136, as the case may be, to perform the functions of Secretary of Gram Panchayat under this Act;

(28) “Panchayat Samiti” means a Panchayat Samiti constituted under section 78 of this Act and having jurisdiction over the block area;

(29) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;

(30) “prescribed” means prescribed by rules made under this Act;

(31) “prescribed authority” means the authority notified as such by the Government under this Act;

(32) “proceedings” means a revenue matter triable by a Gram Panchayat;

(33) “public place” means a space not being private property which is open to use or enjoyment of the public whether such space is vested in a Panchayat or not;

(34) “public street” means any road, street, bridge, lane, square, court, alley or passage which the public has a right to pass along and includes on either side, the drains or gutters and the land up to defined boundary of any abutting property, notwithstanding any projection over such land of any varandah or other superstructure;

(35) “public servant” means a public servant as defined in section 21 of the Indian Penal Code, 1860(45 of 1860);

(36) “schedule” means a schedule appended to this Act;

(37) “scheduled areas” means the areas specified and declared as scheduled areas in the State of Himachal Pradesh under para-graph 6 of the Fifth Schedule to the Constitution of India for the purposes of clause(1) of Article 244 of the Constitution;

(38) “Scheduled Castes” shall have the same meaning as assigned to it in clause (24) of article 366 of the Constitution of India;

(39) “Scheduled Tribes” shall have the same meaning as assigned to it in clause (25) of article 366 of the Constitution of India;

(40) “section” means the section of this Act;

(41) “Secretary” means a person, by whatever name called, appointed under section 133 and sub-section (1) of section 134 to discharge the functions of the Secretary of the Gram Panchayat, the Panchayat Samiti and the Zila Parishad concerned;

(42) “Sub-Divisional Officer” means the officer-in-charge of a Sub-Division of a District constituted for revenue and general purposes and where a Sub-Division does not exist such other officer as may be declared by the Government as Sub-Divisional Officer, for the purposes of this Act;

(43) “suit” means a civil suit triable by a Gram Panchayat;

(44) “tax” includes a cess, duty, fee, rate or toll, leviable under this Act;

(45) “tenant”, “rent”, and “rates and cesses” shall have the same meanings as are assigned to them in section 4 of the Himachal Pradesh Land Revenue Act, 1954( 6 of 1954);

(46) “village” means any local area, recorded as a revenue estate in the revenue records of the district in which it is situated or any other local area which the Government may, by general or special order, declare to be a village;

(46-A) “ward” means a single member territorial constituency in a Panchayat area as determined under section 124 of the Act;

(47) “water-courses” means a Kuhal or channel which is used for irrigation or providing drinking water and the management whereof has been partly or wholly entrusted to a Panchayat; and

(48) “Zila Parishad” means a Zila Parishad constituted under section 89 of this Act.
CHAPTER-II
GRAM SABHA

3. Declaration of Sabha area.—(1) The Government may, by notification, declare any village or group of contiguous villages with a population of not less than one thousand and not more than five thousand to constitute one or more Sabha areas for the purposes of this act and also specify its headquarter:

Provided that in a Scheduled area the Government may by order declare any village or group of contiguous villages with a population of less than one thousand to constitute a Sabha area:

Provided further that the Government may, after having due regard of the geographical location, lack of means of transport and communication and administrative convenience, declare an area comprising a village or group of contiguous villages having a population either less than one thousand or more than five thousand to constitute a Sabha area.

(2) The Government may, at the request of the Gram Sabha concerned or otherwise, and after previous publication of a proposal by a notification, at any time,—

(a) increase any Sabha area by including within such Sabha area any village or group of villages;
or
(b) diminish any Sabha area by excluding from such Sabha area any village or group of villages;
or
(c) alter the headquarter of any Sabha area; or
(d) alter the name of any Sabha area; or
(e) declare that any area shall cease to be a Sabha area:

(2-A) When on account of the reason that the Sabha area is, during the term of the Gram Panchayat, increased or diminished or ceased under sub-section (2), the increase or diminution or cessation of the Sabha area shall not affect the term of the office bearers of Gram Panchayat, till the expiration of the duration of the Gram Panchayat specified in sub-section (1) of section 120 or its dissolution under section 140 of this Act.

(3) If the whole of the Sabha area is included in a municipality, the Sabha area shall cease to exist and its assets and liabilities shall in the manner prescribed be disposed of.

3-A. Diminution of the Sabha area not to affect the term of certain office bearers.—
Notwithstanding anything to the contrary contained in this Act, but subject to the provision of sub-section (2-A) of section 3, when on account of reason that the Sabha area or the portion thereof is included in a municipality or a portion of municipality excluded therefrom is included in a Sabha area, during the term of the office of the office bearers of a Panchayat Samiti or Zila Parishad, such increase or diminution of the Sabha area, shall not affect the term of the office bearers of the Panchayat Samiti or Zila Parishad, till the expiration of its duration specified in sub-section (1) of section 120 of this Act or its dissolution under section 140 of this Act.

4. Establishment of Gram Sabha.—(1) The Government may, by order, establish a Gram Sabha by name in every Sabha area.

(2) For every Gram Sabha established under sub-section (1), there shall be a list of voters which shall be prepared in accordance with the provisions of this Act and the rules made thereunder.

(3) Every person who is qualified to be registered in the Legislative Assembly roll relatable to the Sabha area or whose name is entered therein and is 1ordinarily resident within the Gram Sabha area shall be entitled to be registered in the list of voters of that Sabha area:

1 See meaning of Ordinary Resident given in Section 20 of RPA, 1950 in Part-IV of this book.
Provided that no person shall be entitled to be registered in the list of voters for more than one Sabha area:

Provided further that no person shall be entitled to be registered in the list of voters of a Sabha area if he is already registered as a voter in a Municipality.

Explanation-I.—The expression “ordinarily resident” shall have the meaning assigned to it in section 20 of the Representation of the People Act, 1950 (43 of 1950) subject to the modification that reference to “Constituency” therein will be construed as a reference to “Sabha area”.

Explanation-II.—A person shall be disqualified for registration in the list of voters of Sabha area if he is disqualified for registration in the Legislative Assembly roll.

___________
CHAPTER-III
GRAM PANCHAYATS

8. Constitution of Gram Panchayats.—(1) There shall be a Gram Panchayat for a Gram Sabha and every Gram Sabha shall, in the prescribed manner, elect from amongst its members a Pradhan and Up-Pradhan of the Sabha who shall also be called the Pradhan and Up-Pradhan of the Gram Panchayat and shall also elect from amongst its members an Executive Committee called the Gram Panchayat consisting of such number of persons not being less than seven and more than fifteen, including Pradhan and Up-Pradhan as the Government may by notification determine:

Provided that the number of members excluding Pradhan and Up-Pradhan to be assigned to each Gram Sabha, shall be determined on the following scale:

(a) with a population not exceeding 1750 .. five
(b) with a population exceeding 1750 but not exceeding 2750 .. seven
(c) with a population exceeding 2750 but not exceeding 3750 .. nine
(d) with a population exceeding 3750 but not exceeding 4750 .. eleven
(e) with a population exceeding 4750

Provided further that the number of members of a Gram Panchayat, excluding Pradhan and Up-Pradhan, shall be determined in such a manner that the ratio between the population of the Gram Sabha and the number of seats of members in such a Panchayat to be filled by election shall, so far as practicable, be the same throughout the Sabha area:

Provided further that the member of the Panchayat Samiti, representing a part or whole of the Gram Sabha area shall also be the member of the concerned Gram Panchayat(s) and shall have the right to vote.

(2) Seats shall be reserved in a Gram Panchayat—

(a) for the Scheduled Castes, and
(b) for the Scheduled Tribes,

and the number of seats so reserved shall bear, as nearly as may be, same proportion to the total number of seats in the Gram Panchayat as the population of the Scheduled Castes or the Scheduled Tribes in the Sabha area bears to the total population of the Sabha area:

Provided that in case no reservation of seats is possible as aforesaid due to small population of the Scheduled Castes and the population of Scheduled Castes of the Sabha area is at least five percent of the total population of the Sabha area, one seat shall be reserved for the Scheduled Castes in such a Gram Panchayat:

Provided further that where there is no eligible candidate belonging to the Scheduled Castes to be elected as a member of the Gram Panchayat, no seat shall be reserved for Scheduled Castes:

Provided further that in non-tribal areas where there is Scheduled Tribes population in a Gram Sabha, seats shall be reserved for such members of the Scheduled Tribes within the reservation provided for the members of the Scheduled Castes and the determination of seats to be reserved amongst the Scheduled Castes and Scheduled Tribes shall be in proportion to their population in that Gram Sabha.

Explanation.—The expression “non-tribal area” for the purpose of this proviso shall mean the areas other than the Scheduled Areas specified in relation to the State of Himachal Pradesh.

(3) One-half of the total number of seats reserved under sub-section (2) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.
(3-A) One-half (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women.

(4) The State Government may, by general or special order, reserve such number of seats for persons belonging to Backward Classes in a Gram Panchayat, not exceeding the proportion to the total number of seats to be filled by direct election in the Gram Panchayat as the population of the persons belonging to Backward Classes in that Gram Sabha area bears to the total population of that area and may further reserve one-half of the total seats reserved under this sub-section for women belonging to Backward Classes.

(5) The seats reserved under sub-sections (2), (3), (3-A) and (4) shall be allotted by rotation to different constituencies in the Sabha area in such manner as may be prescribed.

(6) If for any reason the election to any Gram Panchayat does not result in the election of required number of persons as specified in sub-section (1), the Deputy Commissioner, shall within one month from the date on which the names of the elected persons are published by him under section 126 arrange another election to make up the deficiency.
CHAPTER-V

PANCHAYAT SAMITI

77. Establishment of Panchayat Samiti.—(1) For each Block there shall be a Panchayat Samiti, having jurisdiction, over the entire block excluding such portions of the block as are included in a Municipality constituted under any law for the time being in force.

78. Constitution of Panchayat Samiti.—(1) Every Panchayat Samiti shall consist of-

(a) the directly elected members from territorial constituencies as determined under the Act;

(b) the Members of the House of the people and the Members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Panchayat Samiti area;

(c) the Members of the Council of States, where they are registered as electors within the Panchayat Samiti area;

(d) one-fifth of the Pradhans of Gram Panchayats in the Panchayat Samiti area, by rotation, for such period as the prescribed authority may determine, by lot:

Provided that a Pradhan who was a member under this clause for one term shall not be eligible to become member for a second term during the remainder of his term of office as Pradhan;

(e) the member of the Zila Parishad, representing the ward which comprises wholly or partly the Panchayat Samiti area.

(2) The Pradhans of Gram Panchayat and other members of the Panchayat Samiti whether or not chosen by direct election from territorial constituencies in the Panchayat Samiti shall have the right to vote in the meetings of the Panchayat Samiti except in the election and removal of the Chairman or Vice-Chairman only the elected members shall have the right to vote.

(3) The number of elected members of a Panchayat Samiti under clause (a) of sub-section (1) shall consist of persons elected from the territorial constituencies in the Samiti area as may be notified from time to time by the Government at the rate of one member for every three thousand five hundred population or part thereof:

Provided that in a Panchayat Samiti area having a population of not exceeding fifty two thousand five hundred] there shall be minimum of 15 elected members:

Provided further that where the population of a Panchayat Samiti area is more than [one lakh and forty thousand], it shall be divided into territorial constituencies in such manner that the total number of constituencies shall not exceed forty and the population of each constituency shall, as far as practicable, be the same in each constituency:

Provided further that the Government may, irrespective of the population of the Panchayat Samiti area, declare, by a notification, that the provisions of this section shall apply to a Panchayat Samiti in a scheduled area, subject to such exceptions and modifications as may be specified by it in such a notification.

Explanation.—For the purpose of sub-section (3) of this section the word part thereof shall mean the calculation to the nearest multiple of one-half ignoring less than one-half and counting one-half or more as one for determining the population for fixing the seats.

(4) Seats shall be reserved in a Panchayat Samiti for the:-

(a) Scheduled Castes; and

(b) the Scheduled Tribes;

and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat Samiti as the population of the Scheduled Castes in that Panchayat Samiti area or of the Scheduled Tribes in that Panchayat Samiti area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat Samiti in such manner, as may be prescribed.
(5) One-half of the total number of seats reserved under sub-section (4) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(5-A) One-half (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat Samiti shall be reserved for women.

(6) The State Government may, by general or special order, reserve such number of seats for persons belonging to Backward Classes in a Panchayat Samiti, not exceeding the proportion to the total number of seats to be filled by direct election in the Panchayat Samiti as the population of the persons belonging to Backward Classes in that Panchayat Samiti area bears to the total population of that area and may further reserve one-half of the total seats reserved under this sub-section for women belonging to Backward Classes.

(7) The seats reserved under sub-sections (4), (5), (5-A)] and (6) shall be allotted by rotation to different constituencies in the Samiti area in such manner as may be prescribed.

79. Election of Chairman and Vice-Chairman of Panchayat Samiti.—(1) After the declaration of result of election of the elected members of the Panchayat Samiti in the prescribed manner, the Deputy Commissioner concerned or any Gazetted Officer appointed by him in this behalf shall as soon as possible but not later than one week of such declaration call under his presidency a meeting of all elected members for the purpose of oath, or the affirmation of allegiance under section 127.

(2) Immediately after oath or affirmation of allegiance under section 127 is administered or made, the elected members of a Panchayat Samiti shall, in the prescribed manner, elect one of its members to be the Chairman and another member to be the Vice-Chairman of the Panchayat Samiti:

Provided that if the office of the Chairman or Vice-Chairman, as the case may be, is vacated or falls vacant during the tenure on account of death, resignation or no-confidence motion, a fresh election within a period of two months from the date of occurrence of vacancy shall be held from the same category, in the prescribed manner.
CHAPTER VI
ZILA PARISHAD

88. Establishment of Zila Parishad.—(1) For each district there shall be a Zila Parishad, having jurisdiction, over the entire district excluding, such portions of the district as are included in a Municipality constituted under any law for the time being in force.

89. Constitution of Zila Parishad.—(1) Every Zila Parishad shall consist of—

(a) the directly elected members from territorial constituencies in the district as determined under this Act;

(b) the Members of the House of People and the Members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district;

(c) the members of the Council of States, where they are registered as electors within the district; and

(d) the Chairmen of all Panchayat Samitis in the district:

Provided that when the total number of members under clauses (b), (c) and (d) exceed the total number of members under clause (a), only one-fifth of the members under clause (d) shall be selected by rotation for such period as the prescribed authority may determine, by lot. Subject to the condition that a Chairman who was a member under this clause for one term shall not be eligible to become member for a second term during the remainder of his term of office as the Chairman of Panchayat Samiti.

(2) The number of elected members of a Zila Parishad under clause (a) of sub-section (1) shall consist of persons elected from the territorial constituencies in the district as may be notified from time to time by the Government at the rate of one member for every twenty five thousand population or part thereof:

Provided that in a district having population of not exceeding two lakhs and fifty thousand, there shall be minimum of ten elected members in a Zila Parishad:

Provided further that the Government may irrespective of the population of the district, declare, by a notification, that the provisions of this section shall apply to a Zila Parishad in a scheduled area, subject to such exceptions and modifications as may be specified by it in such a notification.

(3) All members of Zila Parishad, whether or not elected by direct election from territorial constituencies in the district shall have the right to vote in the meeting of the Zila Parishad except in the election or removal of the Chairman and Vice-Chairman only the elected members shall have the right to vote.

(4) Seats shall be reserved in the Zila Parishad—

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes;

and number of seats so reserved shall bear, as nearly may be, the same proportion to the total number of seats to be filled by direct election in the Zila Parishad as the population of the Scheduled Castes in the district or of the Scheduled Tribes in the district bears to the total population of the district.

(5) One-half of the total number of seats reserved under sub-section (4) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(5-A) One-half (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Zila Parishad shall be reserved for women.
(6) The State Government may, by general or special order, reserve such number of seats for persons belonging to Backward Classes in a Zila Parishad, not exceeding the proportion to the total number of seats to be filled by direct election in the Zila Parishad as the population of the persons belonging to Backward Classes in that district bears to the total population of that district and may further reserve one-half of the total seats reserved under this sub-section for women belonging to Backward Classes.

(7) The seats reserved under sub-sections (4), (5), (5-A) and (6) shall be allotted by rotation to different constituencies in the district in such manner as may be prescribed.

90. Election of the Chairman and Vice-Chairman.—(1) After the declaration of the results, the Deputy Commissioner shall, as soon as possible but not later than one week of such declaration, call under his presidency a meeting of elected members of the Zila Parishad for the purposes of oath or affirmation or allegiance under section 127.

(2) Immediately after oath or affirmation of allegiance under section 127 is administered or made, the elected members of a Zila Parishad shall, in the prescribed manner, elect from amongst themselves one of its members to be the Chairman and another to be the Vice-Chairman of the Zila Parishad: Provided that if the office of the Chairman or Vice-Chairman, as the case may be, is vacated or falls vacant during the tenure on account of death, resignation or no-confidence motion, a fresh election within a period of two months from the date of occurrence of vacancy shall be held from the same category, in the prescribed manner.
CHAPTER-VI-A

SPECIAL PROVISIONS RELATING TO THE GRAM PANCHAYATS, PANCHAYAT SAMITIS AND ZILA PARISHADS LOCATED IN THE SCHEDULED AREAS

97-A. Application of this Chapter.—(1) The provisions of this Chapter shall apply to the Gram Panchayats, Panchayat Samitis and Zila Parishads constituted in the scheduled areas in the state.

(2) The provisions of this Chapter shall prevail over anything inconsistent therewith elsewhere in this Act.

97-B. Declaration of village in scheduled areas.—For the purposes of section 3, a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community or communities and managing their affairs in accordance with traditions and customs.

97-C. Functions of Gram Sabha.—(1) Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and without detriment to any law for the time being in force, the customary mode of dispute resolution.

(2) Every Gram Sabha shall,—

(i) approve plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Gram Panchayat, at the village level;

(ii) be responsible for the identification or selection of persons as beneficiaries under poverty alleviation and other programmes.

(3) Every Gram Panchayat shall obtain from the Gram Sabha, a certification of utilization of funds by that Panchayat for the plans, programmes and project referred to in sub-section (2).

97-D. Reservation of seats of office bearer in Panchayats.—The reservation of seats in the scheduled areas to every Gram Panchayat and Panchayat Samiti shall be in proportionate to the population of the communities in that Gram Panchayat or the Panchayat Samiti, as the case may be:

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats:

Provided further that all seats of Pradhan of Gram Panchayats and Chairman of Panchayat Samitis shall be reserved for the Scheduled Tribes.

97-E. Nomination of persons.—The Government may nominate persons belonging to such scheduled Tribes who have no representation in Panchayat Samitis or the Zila Parishad, as the case may be:

Provided that such nomination shall not exceed one-tenth of the total members to be elected in the Panchayat Samiti or Zila Parishad, as the case may be.

97-F. Acquisition of land in the scheduled areas.—The Gram Sabha shall be consulted before making the acquisition of land in the scheduled areas for development of projects and before re-settling or rehabilitating persons evicted by such projects in the scheduled areas; the actual planning and implementation of the projects in the scheduled areas shall be co-ordinated at the State level.

97-G. Management of minor water bodies in the scheduled areas.—Planning and management of minor water bodies in the scheduled areas shall be entrusted to Gram Panchayats, Panchayat Samitis or the Zila Parishads, as the case may be, in such manner as may be prescribed.

97-H. Minor minerals in the scheduled areas.—(1) The recommendations of the Gram Sabha, made in such manner as may be prescribed, shall be taken into consideration prior to grant of prospecting license or mining lease, for minor minerals in the scheduled areas.
(2) The prior recommendation of the Gram Sabha, made in such manner as may be prescribed, shall be taken into consideration for grant of concession for the exploitation of minor minerals by auction.

97-I. Powers and functions of Gram Panchayats and Panchayat Samitis.—(1) The Gram Panchayat or as the case may be, the Gram Sabha shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed in respect of the following matters, namely:—

(a) the ownership of minor forest produce;

(b) enforcement of prohibition or regulation or restriction of the sale and consumption of any intoxicant;

(c) management of village markets by whatever name called; and

(d) exercising control over money lending to the Scheduled Tribes.

(2) The Panchayat Samiti shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed, in respect of the following matters, namely:-

(a) exercising control over institutions and functionaries in all social sectors; and

(b) control over local plans and resources for such plans including tribal sub-plans.]
CHAPTER-VIII

GENERAL PROVISIONS RELATING TO INCORPORATION, DURATION, TERRITORIAL CONSTITUENCIES OF PANCHAYATS AND QUALIFICATION ETC. OF OFFICE BEARERS

119. Incorporation of Panchayats. Every Gram Panchayat, Panchayat Samiti and Zila Parishad shall be a body corporate by the name specified, therefor in the notification under section 3 or section 77 or section 88, as the case may be, having perpetual succession and a common seal and shall by the said name, sue and be sued and shall subject to the provisions of this Act and the rules made thereunder, have power to acquire, hold or transfer property movable or immovable, to enter into contracts and to do all other things necessary for the purposes of this Act.

120. Duration of Panchayats.—(1) Every Panchayat shall continue for five years from the date appointed for its first meeting and no longer unless sooner dissolved under this Act.

(2) An election to constitute a Panchayat shall be completed-

(a) before the expiry of its duration specified in sub-section (1); and

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

(3) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayats, would have continued under sub-section (1) had it not been so dissolved.

121. Qualification to vote and to be a candidate.—(1) Every person whose name is included in the list of voters of a Sabha area shall be qualified to vote at the election of an office bearer of a Panchayat within whose area the Sabha area situates.

(2) Every such person unless disqualified under this Act or any other law for the time being in force shall be qualified to be elected as an office bearer, of a Panchayat.

121-A. Account of election expenses and maximum limit thereof.—(1) Every candidate at an election of member of Zila Parishad shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

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

(3) The total of the said expenditure shall not exceed such amount as may be prescribed by the State Government in consultation with the State Election Commission.

121-B. Lodging of account.—Every contesting candidate at an election of member of Zila Parishad shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the officer, as may be appointed by the State Election Commission, an account of his election expenses which shall be a true copy of the account kept by him or his election agent, under section 121-A.

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

1 Rs. 1.00 lac prescribed under Rule 92 for ZP members.
(a) if he is so disqualified by or under any law for the time being in force for the purposes of the election to the State Legislature:

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

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

(bb) if he has been found to have been guilty of any corrupt practices under section 180 of this Act; or

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

Explanation.—For the purpose of this clause the expression “family members” shall mean grand-father, grand-mother, father, mother, spouse, son(s), un-married daughter(s); or

(d) if he has been convicted of an electoral offence under Chapter X-A of this Act or under any law for the time being in force; 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 removed from public service or disqualified for appointment in public service, except on medical grounds; or

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

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

(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 Panchayat, or in any contract or employment with, or under, or by, or on behalf of, the Panchayat; or

(j) if he has not paid the arrears of any tax imposed by a Panchayat or had not paid the arrears of any kind due from him to the Sabha, Samiti or Zila Parishad Fund; or has retained any amount which forms part of, the Sabha, Samiti or Zila Parishad Fund;

(k) if, he is a tenant or lessee holding a tenancy or lease under a Panchayat is in arrears of rent of lease or tenancy held under the Panchayat;

(l) if he has been convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (22 of 1955), unless a period of six years has elapsed since his conviction;

(m) if he is so disqualified by or under any other law made by the State Legislature; and
(n) if he has made any false declaration as required under this Act or the rules made thereunder:

[Provided that section 11 of the Himachal Pradesh Panchayati Raj (Amendment) Act, 2005 shall not have the effect on the office bearers of existing Panchayats.]

(Proviso inserted vide Act No. 17 of 2005 w.e.f. 30.5.2005 to provide protection to the existing office bearers at the time of amendment).

(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—

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

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

123. Bar to hold more than one office.—(1) If any person is elected to more than one office in a Panchayat he shall within 15 days from the date of declaration of result of such election, inform the prescribed authority in writing about holding one of the office of his choice. If such information is not received within the said period, he shall be deemed to hold one office only in the following order of priority to the exclusion of the remaining—

(a) a member of Zila Parishad;
(b) a member of Panchayat Samiti;
(c) a Pradhan of Gram Panchayat;
(d) an Up-Pradhan of Gram Panchayat; and
(e) a member of Gram Panchayat.

(2) If a person who is chosen as an office bearer of a Panchayat or becomes a Member of the House of the People, the Council of States, the State Legislative Assembly, or is or becomes an office bearer of a Municipality, then at the expiration of a period of fifteen days from the date of publication of the election result of, as the case may be within fifteen days from the date of the commencement of term of office of a Member of the House of People, the Council of States, the State Legislative Assembly or the office bearer of Municipality, his seat in a Panchayat shall become vacant unless he has previously resigned his seat in the House of People, the Council of States, the State Legislative Assembly or the Municipality, as the case may be.

124. Territorial Constituencies.—For the convenience of the election and also after every increase or decrease of the Panchayat area, the Deputy Commissioner shall, in accordance with such rules as may be prescribed in this behalf by the State Government—

(a) divide the Panchayat area into as many single member territorial constituencies as the number of members are required to be elected;

(b) determine the extent of each territorial constituency; and

(c) determine the territorial constituency or constituencies in which seats are reserved under this Act.

125. Reservation for Chairpersons.—(1) There shall be reserved by the Government, in the prescribed manner such number of offices of Chairpersons in Panchayats at every level in the State for the persons belonging to the Scheduled Castes and Scheduled Tribes and the number of such offices, bearing as may be the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the population of the State.

1 See Notification dt. 8.9.2000 authorising RO / ARO to determine the question of disqualification.
2 See letter dated 22.12.95 of Panchayati Raj Department for prescribed authorities in Part-V of this book.
(2) One-half of offices of Chairpersons reserved in each category, for persons belonging to the Scheduled Castes and Scheduled Tribes and of the non-reserved offices in the Panchayats at every level shall be reserved for women.

(3) The State Government may, by general or special order, reserve such number of offices of chairpersons for persons belonging to Backward Classes in Panchayats at every level, not exceeding the proportion to the total number of offices to be filled by direct election in the Panchayat as the population of the persons belonging to Backward Classes in the State bears to the total population of the State and may further reserve one-half of the total seats reserved under this sub-section for women belonging to Backward Classes.

(4) The offices of Chairpersons reserved under sub-sections (1), (2) and (3) shall be allotted by rotation to different constituencies in the district in such manner as may be prescribed.

Explanation.- For the removal of doubt it is hereby declared that the principle of rotation for the purposes of reservation of office under this section shall commence from the first election to be held after the commencement of this Act.

126. 1Publication of names of office bearers of Panchayats.—The names of every office bearer of a Panchayat, whether or not chosen by direct election, shall be published by the prescribed authority in such manner as may be prescribed.

127. 2Oath or affirmation of allegiance.—(1) Notwithstanding anything contained in the Oaths Act, 1969 (44 of 1969) no elected office bearer of a Panchayat shall enter upon his office, until he has, in the manner prescribed, taken oath or made affirmation of his allegiance in the form specified in 3Schedule-V.

(2) If any such person refuses to take or make such oath or affirmation, except on account of such disability for which permission of the prescribed authority is obtained, his election shall be deemed to be invalid and a fresh election shall take place.

(3) No person whose election has been deemed to be invalid under this section shall be eligible for election as the member, Pradhan or Up-Pradhan of Gram Panchayat or the member, Chairman or Vice-Chairman of Panchayat Samiti or Zila Parishad, as the case may be, for a period of two years from the date on which he ought to have taken or made such oath or affirmation.

128. First meeting and term of office.—(1) First meeting of Panchayat shall be held on such date as the State Government may fix by a general or special order.

(2) Unless otherwise provided in the Act the office bearers of Panchayat shall hold office for five years from the date of the first meeting and no longer.

(3) If before the expiry of the period prescribed in sub-section (2), the Panchayat is not re-constituted, it shall stand dissolved on the expiry of the said period and the provisions of section 140 shall apply thereto for a period not exceeding six months within which the Panchayat shall be reconstituted in accordance with the provisions of this Act.

129. No confidence motion.—(1) On a motion of no confidence being passed by the Gram Sabha by a resolution passed by a majority of not less than two-thirds of the members present and voting at its general or special meeting and the quorum of which is not less than one-half of the total number of members of the Gram Sabha, Pradhan or Up-Pradhan against whom such resolution is passed shall cease to hold office forthwith.

(1-A) The Up-Pradhan of a Gram Panchayat elected before the commencement of the Himachal Pradesh Panchayati Raj (Amendment) Act, 2008 shall continue to be governed by the provisions of the Act and the rules made there under as if the Himachal Pradesh Panchayati Raj (Amendment) Act, 2008 has not come into force.

1 See prescribed authorities by Panchayati Raj Department vide letter dated 22.12.95 in Part-V of this book

2 See prescribed authorities by Panchayati Raj Department vide letter dated 22.12.95 in Part-V of this book

3 See schedule-V below letter dated 22.12.95 in Part-V of this book.
(2) Where a notice of intention to move a resolution requiring the Chairman or Vice-Chairman of the Panchayat Samiti or Zila Parishad to vacate his office, signed by not less than majority of its total elected members is given and if a motion of no confidence is carried by a resolution passed by a majority of elected members present and voting at its general or special meeting, the quorum of which is not less than one-half of its total elected members, the Chairman or the Vice-Chairman against whom such resolution is passed shall cease to hold office forthwith.

(3) Notwithstanding anything contained in this Act or the rules made there under, a Pradhan or Up-Pradhan of Gram Panchayat or a Chairman or Vice-Chairman of the Panchayati Samiti or Zila Parishad shall not preside over a meeting in which motion of no-confidence is discussed against him. Such meeting shall be presided over by such a person, and convened in such manner, as may be prescribed and the person against whom a motion of no confidence is moved, shall have a right to vote and to take part in the proceedings of such a meeting.

(4) Motion of no confidence under sub-section (1) or (1-A) or (2) shall not be maintainable within two years of the date of his election to such office and any subsequent motion of no confidence shall not be maintainable within the interval of two years of the last motion of no confidence.

130. Resignation by office bearers.—(1) An office bearer of a Panchayat may resign his office by giving notice in writing to the prescribed authority.

(2) The manner of giving notice and procedure of tendering resignation and of its becoming effective shall be as may be prescribed:

Provided that a person tendering resignation may withdraw his resignation before it becomes effective.

131. Casual vacancies.—(1) If any person having been elected as an office bearer of a Panchayat—

(a) subsequently becomes subject to any of the disqualification mentioned in section 122 and such disqualifications is not removable or being removable is not removed;

(b) absents himself from three consecutive meetings of the Panchayat or its Committee or does not attend half the number of meetings held during the period of six months without the leave of the Panchayat;

he shall, subject to the provisions of sub-section (2), cease to be such office bearer and his office shall become vacant:

Provided that where an application is made by an office bearer to the Panchayat for leave to absent himself under clause (b) and the Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of receipt of the application, the leave applied for, shall be deemed to have been granted by the Panchayat.

(2) In every case the authority competent to decide whether a vacancy has occurred under sub-section (1) shall be the Deputy Commissioner in respect of Gram Panchayat and Panchayat Samiti and the Director in respect of Zila Parishad who may give his decision either on an application made to him by any person or on his own motion. Until the Deputy Commissioner or the Director, as the case may be, decides that the vacancy has occurred, the person shall not cease to be an office bearer:

Provided that no order shall be passed under this sub-section against any office bearer without giving him a reasonable opportunity of being heard.

(3) Any person aggrieved by the decision of the Deputy Commissioner or the Director, as the case may be, under sub-section (2) may, within a period of 30 days from the date of such decision, appeal to the Director or the State Government respectively, whose orders on such appeal shall be final.
(4) In the event of death, resignation or removal of an office bearer or his ceasing to be an office bearer under sub-section (1) or his becoming a Member of State Legislative Assembly or a Member of either House of Parliament before the expiry of his term, a casual vacancy shall be deemed to have occurred in his office and such vacancy shall be filled as soon as may be by election, in accordance with the provisions of the Act and the rules made there under. A person elected to fill the vacancy shall take office forthwith for the unexpired term of his predecessor.

(5) In the event of casual vacancy occurring simultaneously in the office of the Pradhan and Up-Pradhan of a Gram Panchayat, Chairman and Vice-Chairman of Panchayat Samiti or Zila Parishad, the Gram Panchayat or the Panchayat Samiti or the Zila Parishad shall elect an office bearer qualified to hold the office of Pradhan or Chairman, as the case may be, till new Pradhan or Chairman is elected in accordance with the provisions of this Act and the rules made thereunder.

(6) In the event of occurrence of casual vacancies in a Panchayat to the extent that the number of the remaining elected office bearers do not fulfill the quorum required for convening a meeting of the Panchayat then the State Government or the prescribed authority may nominate persons to fill the casual vacancies occurred in a Panchayat till new members are elected in accordance with the provisions of this Act and the rules made thereunder:

Provided that the State Government will nominate only that person to fill a particular casual vacancy who is eligible to be elected as an office bearer of a Panchayat and to hold office of that particular Panchayat in accordance with the provisions of this Act.

132. Defect or irregularity not to vitiate proceedings.—(1) Notwithstanding anything contained in this Act, but subject to any general or special order of the Government, where two-thirds of the total members of a Panchayat have been elected, the Panchayat shall be deemed to have been duly constituted under this Act.

(2) No act done or proceeding taken by a Panchayat or Standing Committee or any other Committee appointed under this act shall be questioned on account of any vacancy in membership or any defect in the election or qualification of the Chairman, Vice-Chairman, presiding authority or member or any defect or irregularity of such act of proceeding or its procedure not affecting the merits of the case.

(3) Until the contrary is proved, every meeting of Panchayat or Standing Committee or any other Committee shall be deemed to have been duly convened and held and all members, attending the meeting, shall be deemed to have been duly qualified when the minutes of the meeting have been duly signed in accordance with the provisions of this Act or the rules made thereunder.
CHAPTER-IX

OFFICERS AND STAFF OF PANCHAYATS

140. Power of State Government to dissolve Panchayats for default, abuse of power, etc.—(1) If at any time it appears to the State Government or the prescribed authority that a Panchayat is persistently making default in the performance of the duties imposed on it by or under this Act or under any other law for the time being in force, or exceeds or abuses its powers or fails to carry out any order of the State Government or the competent authority, the State Government or the prescribed authority, may, after such enquiry as it may deem fit, by an order dissolve such Panchayat and may order a fresh constitution thereof.

(2) No order under sub-section (1) shall be passed unless reasonable opportunity has been given to the Panchayat for furnishing its explanation. The notice calling explanation shall be addressed to the Pradhan of the Gram Panchayat, or Chairman of the Panchayat Samiti or Zila Parishad, as the case may be, and shall be served according to the provisions of section 194. The reply of the Panchayat to the notice shall be supported by the resolution of the Panchayat.

(3) On dissolution of Panchayat under sub-section (1), the following consequences shall ensue, namely:—

(a) all the office-bearers, shall vacate their offices with effect from the date of such order;

(b) all powers and duties of the Panchayat shall, until the Panchayat is reconstituted, be exercised and performed by such person or committee of persons as the State Government or the prescribed authority may appoint in this behalf and where a committee of persons is so appointed, the State Government or the prescribed authority shall also appoint a head of such committee; and

(c) where a committee is appointed under clause (b), any member of such committee duly authorised by it may issue or institute or defend any action at law on behalf of or against the Panchayat.

(4) Any person appointed to exercise and perform the powers and duties of a Panchayat during the period of dissolution may receive from the Fund of the Panchayat concerned such payment for his service as the State Government may, by order, determine.

(5) A Panchayat dissolved under sub-section (1) shall be reconstituted in accordance with the provisions of this Act within six months of its dissolution. Such reconstituted Panchayat shall function for the remaining term of the Panchayat:

Provided that if the unexpired period is less than six months the reconstitution of the Panchayat shall not be done for this period.

(6) Notwithstanding anything contained in this section, when on account of the reason that the whole of the Sabha area of the Gram Panchayat ceases to be the Sabha area either due to its declaration as Municipal area or its inclusion in the existing Municipal area for providing better facilities to the public of the said area and also in the public interest, the State Government shall, by an order published in the Official Gazette, dissolve the Gram Panchayat from a date specified in the order.

(7) The office bearers of the Gram Panchayat which has been dissolved under sub-section (6) shall vacate their offices from the date specified in the order of the Government.

146. Removal of office bearers of Panchayats.—(1) The State government, in the case of office bearers of Panchayats, the Divisional Commissioner having jurisdiction, in the case of office bearers of Zila Parishad and the Deputy Commissioner having jurisdiction, in the case of office bearers of Panchayat Samiti and Gram Panchayat, as the case may be,] may after such enquiry as it may deem fit to make at any time, remove an office bearers:—
(a) if he has incurred any disqualification under this Act; or

(b) if he has been guilty of misconduct in the discharge of his duties; or

(c) if he refuses to act or becomes incapable of acting or is adjudged an insolvent; or

(d) if he without reasonable cause absents himself from more than half of the meetings convened within a period of six months; or

(e) if his continuance in office is undesirable in the interest of the public:

Provided that no person shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

Explanation:- For the purpose of this sub-section “misconduct” shall include-

(i) The sovereignty, unity and integrity of India; or

(ii) The harmony and the spirit of common brotherhood amongst all the people of State transcending religious, linguistic, regional, caste, or sectional diversities; or

(iii) The dignity of women;

(b) gross negligence in the discharge of the duties under this Act;

(c) the failure of the Pradhan of a Gram Panchayat, or Chairman of Panchayat Samiti or Zila Parishad, to convene the meeting of the Gram Sabha, Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, at regular intervals as specified under this Act.

1-A The State Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, on consideration of the enquiry report or if it thinks proper, for reasons to be recorded in writing, revoke the suspension order and instead of removing an office bearer, warn him to be vigilant in the discharge of his duties or may also debar him from taking part in any act or proceedings of the Panchayat for the period of six months]

(2) A person who has been removed under sub-section (1) shall forthwith cease to be a member of any other Panchayat of which he is a member, such person shall also be disqualified for a period of six year to be elected as office bearer of a Panchayat under this Act.
CHAPTER-X-A

ELECTORAL OFFENCES

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

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

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
(b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or
(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto;

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

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

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

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

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

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

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

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression “printer” shall be construed accordingly; and

(b) “election pamphlet or poster” means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

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

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

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

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

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

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

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

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

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

158-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 provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

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

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

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

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighborhood thereof,

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

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

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

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

158-I. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconducts 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 authorized in this behalf by such presiding officer.

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

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

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

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

158-K. Penalty for illegal hiring or procuring of conveyance at elections.—If any person is guilty of any such corrupt practice as is specified in clause (6) of section 180 of this Act, at or in connection with an election he shall be punishable with imprisonment which may extend to three months, or with fine.
158-L. Breaches of official duty in connection with 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 candidatures or the recording or counting of votes at an election; and the expression “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

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

158-N. Prohibition of going 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 (54 of 1959), of any kind within the neighbourhood of a 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 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the license granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

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

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

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

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

(3) Any ballot paper found upon the person arrested on search shall be handed over for safe custody to a police 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.

158-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 which shall not be less than three years but which may extend to five years, and with fine.

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

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

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

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

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

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

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

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

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

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

(a) fraudulently defaces 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 paper; 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 he is any other person, be punishable with imprisonment for a term which may extend to six month, or with fine, or with both.

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

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

DISPUTES RELATING TO ELECTION

159. Definitions.—In this Chapter, unless the context otherwise requires,—

(a) ‘agent’ means any person appointed in writing by a candidate at an election to be his agent for the purposes of his election with the written consent of such person;

(b) ‘authorised officer’ means the officer authorised under section 161 to hear election petitions;

(c) ‘candidate’ means a persons who has been, or claims to have been duly, nominated as a candidate at an election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;

(d) ‘corrupt practice’ means any of the practices specified in section 180 ;

(e) ‘costs’ means all costs charges and expenses of, or incidental to, a trial of an election petition;

(f) ‘election’ means an election to fill an office under the provisions of this Act;

(g) ‘electoral right’ means the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

160. State Election Commission.—(1) There shall be a State Election Commission constituted by the Governor for superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Panchayat bodies in the State under this Act and the rules made there under. The Commission shall consist of a State Election Commissioner to be appointed by the Governor.

(2) The salary and allowances payable to, tenure of office and conditions of service of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in the like manner and on the like grounds as a judge of the High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(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.

160-A. Requisitioning of premises, vehicles, etc., for election purposes.—(1) If it appears to the State Government that in connection with an election to the Panchayat bodies,-

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election;

the State Government may by order in writing requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

1 Power delegated to the Deputy Commissioners by Panchayati Raj Department vide letter dated 8.9.2000 appended in Part-V of this book
(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof; and

(b) “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

160-B. **Payment of compensation.**—(1) Whenever in pursuance of section 160-A the State Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Government for referring the matter to an arbitrator, the amount of compensation, to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination, and shall be determined in accordance with the decision of such arbitrator.

**Explanation.**—In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned under section 160-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 160-A the State Government requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

160-C. **Release of premises from requisition.**—(1) When any premises requisitioned under section 160-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.
(2) Where the person to whom the possession of any premises requisitioned under section 160-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

160-D. Delegation of functions of the State Government with regard to requisitioning.—The State Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on it by any of the provisions of section 160-A to 160-C shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

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

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

161. Officer authorised to hear election petitions.—The election petitions under this Act shall be heard—

(i) in the case of Gram Panchayats and Panchayat Samitis, by the Sub-Divisional Officer; and
(ii) in the case of members of Zila Parishads, by the Deputy Commissioner; and
(iii) in the case of Chairman and Vice-Chairman of Zila Parishad, by the Commissioner.

162. Election petitions.—No election under this Act shall be called in question except by an election petition presented in accordance with the provisions of this Chapter.

163. Presentation of petition. 1(1) Any elector of a Panchayat may, on furnishing the prescribed security in the prescribed manner, present within thirty days of the publication of the result, on one or more of the grounds specified in sub-section (1) of section 175, to the authorised officer an election petition in writing against the election of any person under this Act:

Provided that if any office bearer of a Panchayat was not qualified, or was disqualified to be elected under this Act, prior to his election and such disqualification continues even after his election to such office, in such cases, the limitation period of thirty days shall not apply.

(2) The election petition shall be deemed to have been presented to the authorised officer—

(a) when it is delivered to him—

(i) by the person making the petition; or

(ii) by a person authorized in writing in this behalf by the person making petition; or

---

(b) when it is sent by registered post and is delivered to the authorized officer or any other person empowered to receive it.

163-A. Parties to the petition.- A petitioner shall join as respondent to his petition—

(a) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

164. Contents of petition.- (1) An election petition—

(a) shall contain concise statement of the material facts on which the petitioner relies,

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice, and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleading:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

165. Procedure on receiving election petition.—If the election petition is not furnished in the prescribed manner, or the petition is not presented within the period specified in section 163 the authorised officer shall dismiss the petition:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

166. Withdrawal and transfer of petitions.—The Divisional Commissioner may, at any stage, after notice to parties and for reasons to be recorded, withdraw any election petition pending before an authorised officer and transfer it for trial to another authorised officer within his Division and upon such transfer, that authorised officer shall proceed with the trial from the stage at which it was withdrawn:

Provided that such authorised officer may, if he thinks fit, recall and re-examine any of the witnesses already examined.

167. Procedure before the authorised officer.—(1) Subject to the provisions of this Act and of any rules made there under every election petition shall be decided by the authorized officer as expeditiously as possible and ordinarily within a period of six months from the date of its presentation under section 163 in accordance with the procedure applicable under the code of Civil Procedure, 1908 (5 of 1908) to the trial of suits:

Provided that the authorised officer shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses in doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (1 of 1872) shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.
168. Appearance before the authorised officer.—Any appearance, application or act before the authorized officer may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that it shall be open to the authorised officer to direct any party to appear in person whenever the authorized officer considers it necessary.

169. Power of the authorized officer.—The authorised officer shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters:—

(a) discovery and inspections;
(b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
(c) compelling the production of documents;
(d) examining witnesses on oath;
(e) granting adjournments;
(f) reception of evidence taken on affidavit; and
(g) issuing commissions for the examination of witnesses;

and may summon and examine suo-moto any person whose evidence appears to him to be material and shall be deemed to be a Court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the authorized officer shall be the limits of the State of Himachal Pradesh.

170. Documentary evidence.—Notwithstanding anything contained in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

171. Secrecy of voting not to be infringed.—No witness or other person shall be required to state for whom he has voted at an election.

172. Answering of incriminating questions and certificate of indemnity.—(1) No witness shall be excused from answering any question to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture:

Provided that—

(a) a witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the authorised officer; and

(b) an answer given by a witness to a question put by or before the authorised officer shall not, except in the case of any criminal proceedings for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any Court and shall be a full and complete defense to or upon any charge under chapter IX-A of the Indian Penal Code, 1860 (45 of 1860), arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification, in connection with an election, imposed by this act or any other law.
173. Expenses of witnesses.—The reasonable expenses incurred by any person in attending to give evidence may be allowed by the authorised officer to such person, and shall, unless he otherwise directs, be deemed to be part of the costs.

174. Decision of the authorised officer.—(1) Where an election petition has not been dismissed under section 165, the authorized officer shall inquire into the election petition and at the conclusion of the inquiry shall make an order—

(a) dismissing the election petition; or

(b) declaring the election of all or any of the elected persons to be void; or

(c) declaring the election of all or any of the elected persons to be void and the petitioner or any other candidate to have been duly elected.

(2) At the time of making an order under sub-section (1) the authorized officer shall also make an order,—

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording—

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice; and

(ii) the name of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and

(b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless—

(i) he has been given notice to appear before the authorised officer and to show cause why he should not be so named; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness, who has already been examined by the authorised officer and has given evidence against him, of calling evidence in his defense and of being heard.

175. Grounds for declaring election to be void.—(1) If the authorized officer is of the opinion—

(a) that on the date of his election the elected person was not qualified, or was disqualified to be elected under this Act; or

(b) that any corrupt practice has been committed by the elected person or his agent or by any other person with the consent of the elected person or his agent; or

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns the elected person, has been materially affected—

(i) by the improper acceptance of any nomination, or

(ii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iii) by any non-compliance with the provisions of this Act or of any rule made under this Act, the authorized officer shall declare the election of the elected persons to be void.
(2) Subject to the provisions of section 175-A, when an election of an elected person has been declared to be void under sub-section (1), a fresh election shall be held under the provisions of this Act and the rules made there under.

175-A. Grounds for which a candidate other than the elected person may be declared to have been elected.---If any person who has lodged a petition has, in addition to calling in question the election of the elected person, claimed a declaration that he himself or any other candidate has been duly elected and the authorised officer is of opinion,-

(a) that in fact the petitioner or such other candidate received a majority of valid votes; or
(b) that but for the votes obtained by the elected person by corrupt practices, the petitioner or such other candidate would have obtained a majority of the valid votes,

the authorised officer shall after declaring the election of the elected person to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

175-B. Procedure in case of equality of votes.---If during the trial of an election petition, it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then-

(a) any decision made by the returning officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and
(b) in so far as that question is not determined by such a decision, the authorised officer shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

176. Abatement of election petitions.---An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

177. Costs and payment thereof out of security deposits and return of such deposits.---(1) Costs including pleader’s fees shall be in the discretion of authorised officer.

(2) If in any order as to costs under the provisions of this chapter, there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full or so far as possible, out of the security deposit made by such party under this chapter, on an application made in writing in that behalf, within a period of one year from the date of such order, to the Collector by the person in whose favour the costs have been awarded.

(3) If there is any balance left of the security deposit under this chapter after payment under sub-section (1) of the costs referred to in that sub-section, such balance or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposit may, on an application made in that behalf in writing to the Collector by the persons by whom the security has been deposited or if such person dies after making such deposit, by the legal representative of such person, be returned to the said person or to his legal representative, as the case may be.

178. Execution of orders as to costs.---Any order as to costs under the provisions of this chapter may be produced before the principal Civil Court within the local limits of jurisdiction any person directed by such order to pay any sums of money has a place of residence or business and such Court shall execute the order or cause the same to be executed in the same manner, and by the same procedure as if it were a decree for the payment of money made by itself in a suit:

Provided that where any such costs or any portion thereof, may be recovered by an application made under sub-section (2) of section 177, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-section owing to insufficiency of the amount of the security deposit referred to in that sub-section.
179. Corrupt Practices entailing disqualification

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

1. Bribery, that is to say—

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

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

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

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

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

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

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

or

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

Explanation.—For the purposes of this clause, the term “gratification” is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or, for the purpose of, any election.

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

Provided that-

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

(i) threatens any candidate or a member of the Sabha, or any person in whom a candidate or such member is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate of an elector of the Panchayat area to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;

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

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

3. The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.
(4) The promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or, withdrawal, of any candidate, being a statement, reasonably, calculated to prejudice the prospects of the candidates election.

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

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

(6-A) The incurring or authorising of expenditure in contravention of section 121-A.

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

181. Appeals.—Notwithstanding anything contained in this Act, any person aggrieved by an order made by the authorised officer under this chapter may, within the prescribed time and in the prescribed manner, appeal—

(i) in case the order is passed by the Sub-Divisional Officer, to the Deputy Commissioner;

(ii) in case the order is passed by the Deputy Commissioner, to the Divisional Commissioner; and

(iii) in case the order is passed by the Divisional Commissioner to the Financial Commissioner (Appeals);

and he shall hear and dispose of the appeal within a period of 90 days and his decision shall be final.

182. Bar of interference by Courts in election matters.—Notwithstanding anything contained in this Act, the validity] of any law relating to the delimitation of constituencies, or the allotment of seats in such constituencies, made or purported to be made under this Act shall not be called in question in any Court.

183. Power to make rules for conduct of elections.—The State Government may, by notification in the Official Gazette and in consultation with the State Election Commission, make rules for the composition of Panchayats, conducting the election, issue of symbols and all matters relating to or in connection with elections to the Panchayats.
CHAPTER XII

RULES AND BYE-LAWS

186. Power to make rules.—(i) The State Govt. may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters which under any provisions of this Act, are required to be prescribed or to be provided for by rules.

(3) All rules shall be subject to the condition of previous publication.

(4) All rules shall be laid on the Table of Legislative Assembly.

(5) In making any rule, the State Govt. may direct that a breach thereof shall be punishable with fine which may extend to two hundred and fifty rupees and in the case of continuing breach with a further fine which may extend to five rupees for every day during which the breach continues after the first conviction.
CHAPTER-XIII
MISCELLANEOUS

200. Repeal and savings.—(1) On and from the date of commencement of this Act, the Himachal Pradesh Panchayat Raj Act, 1968 (19 of 1968), shall stand repealed (hereinafter referred to as the repealed Act):

Provided that the repeal shall not affect,—

(a) the previous operation of the repealed Act, or anything duly done or suffered thereunder, or
(b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act, or
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed Act, or
(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or, remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act has not been enforced:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment, or delegation made notification, notice, order, instruction or direction issued, rule, regulation, bye-laws, form, or scheme framed, certificate obtained, permit or licence granted, registration affected, tax imposed or fee or rate levied), under the repealed Act shall, in so far as it is in force immediately before the coming into force of this Act and is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(2) The existing Panchayats shall continue till the expiration of their duration, unless sooner dissolved under the provisions of this Act or by a resolution passed to that effect by the Legislative Assembly.

(3) The arrangement existing for the Gram Panchayat, Panchayat Samiti and Zila Parishad under the repealed Act shall continue, until the corresponding Gram Panchayat, Panchayat Samiti and Zila Parishad, as the case may be, is constituted under this Act.

(4) The Deputy Commissioner shall apportion the assets and liabilities of the existing Gram Panchayats, amongst the corresponding Gram Panchayats constituted under this Act, according to the guidelines issued by the State Government for the purpose.

(5) The Deputy Commissioner shall apportion the assets and liabilities of the Panchayat Samitis and the Director shall apportion the assets and liabilities of the Zila Parishad, in the event of their bifurcation or re-organization, as the case may be.

(6) The assets and liabilities shall be apportioned in accordance with the guidelines issued by the State Government from time to time for this purpose.

**SCHEDULE-V**

(See sections 127)

I, hereby ............................swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a .............................................................

..........................................................

(name of office)

As of.............................................................

(name of Panchayat)

and that I will do right to all manner of people in accordance with the Constitution and the Law without fear of favour, affection or ill-will.
THE HIMACHAL PRADESH PANCHAYATI RAJ (ELECTION) RULES, 1994
ARRANGEMENT OF RULES

Rules:

CHAPTER-I
PRELIMINARY

1. Short title.
2. Definitions.

CHAPTER-II
DELIMITATION OF CONSTITUENCIES OF PANCHAYATS

3. Gram Sabha area to be divided into constituencies.
4. Limits of constituencies.
5. Proposal for delimitation of constituencies and its publication.
6. Disposal of objections and final order.
7. Name and number of constituency.
8. Delimitation of constituencies of a Panchayat Samiti.
10. Appeal.
11. Final publication of delimitation of Constituencies.

CHAPTER-III
ELECTORAL ROLLS

12. Electoral roll for every constituency.
13. Preparation of electoral roll.
14. Disqualification for registration in electoral roll.
15. Publication of electoral roll in draft.
16. Period for lodging claims and objections.
17. Appointment of revising authorities.
18. Manner of lodging of claims and objections.
20. Disposal of claims and objections.
21. Final publication of electoral rolls.
22. Special revision of electoral rolls.
23. Correction of entries in electoral rolls.
24. Inclusion of names in the electoral roll, finally published.
25. Custody and preservation of electoral roll and connected papers.
26. Inspection of electoral roll and connected papers.
27. Disposal of electoral roll and connected papers.
CHAPTER IV
RESERVATION OF SEATS IN PANCHAYATS

28. Reservation of seats in Panchayats.

CHAPTER V
CONDUCT OF ELECTIONS

30. Appointment of Returning Officers and Assistant Returning Officers.
32. Election Programme.
33. Notice of Election.
34. Notification of symbols.
35. Nomination of Candidates.
36. Presentation of nomination papers.
37. Security deposits.
38. Notice of nominations.
39. Scrutiny of nomination papers.
40. Withdrawal of candidature.
41. List of contesting candidates.
42. Allotment of symbols.
43. Appointment of election agent.
44. Appointment of polling agent.
45. Appointment of counting agent.
46. Revocation of the appointment or death of election, polling and counting agent.
47. Non-attendance of agent.
48. Death of a candidate before poll.
49. Uncontested Election.

CHAPTER V-A
POLL DUTY BALLOT

49-A. Electors on poll duty entitled to vote.
49-B. Intimation by voters on Poll Duty.
49-C. Form of ballot paper
49-D. Issue of ballot paper
49-E. Recording of Vote.
49-F. Return of ballot paper

CHAPTER VI
POLL AND VOTING FOR ELECTION

50. Manner of voting at election.
51. Ballot Box.
52. Ballot papers.
53. Notice at polling stations.
54. Arrangement of polling stations.
55. Admission of voters to polling station.
56. Ballot boxes to be locked and sealed before the commencement of poll.
57. Identification of voters.
59. Issue of ballot paper.
60. Voting Procedure.
61. Casting of vote by blind or infirm voter.
62. Spoilt and returned ballot paper.
63. Tendered votes.
64. Closing of poll.
65. Sealing of ballot boxes after poll.
66. Account of ballot papers.
67. Sealing of other packet.
68. Transmission of ballot boxes, Packets etc. to the Returning Officer.
69. Adjournment of poll in emergency.
70. Procedure of adjournment of Poll.
71. Fresh poll in case of destruction, etc. of ballot boxes.

CHAPTER-VII
COUNTING OF VOTES
72. Supervision of counting of votes.
73. Admission to the place fixed for counting.
73-A. Counting of votes received through poll duty ballot papers.
74. Scrutiny and opening of ballot boxes.
75. Procedure for counting of votes.
76. Scrutiny and rejection of ballot papers.
77. Counting to be continuous.
78. Recommending of counting after fresh poll.
79. Recount of votes.
80. Equality of votes.

CHAPTER-VIII
ELECTION PAPERS
81. Return or forfeiture of candidate’s deposits.
82. Custody of papers relating to election.
83. Production and inspection of election papers.
84. Disposal of Election Papers.
CHAPTER-IX
ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF PANCHAYAT SAMITI
85. Meeting for election.
85-A. Administration of oath to the Chairman and Vice Chairman

CHAPTER-X
ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF ZILA PARISHAD
86. Meeting for election.
86-A. Administration of oath to the Chairman and Vice Chairman.

CHAPTER-XI
RESERVATION FOR CHAIR PERSONS
87. Reservation of offices of Pradhans, Gram Panchayats.
88. Reservation of offices of Chairman in Panchayat Samitis.
89. Reservation of offices of Chairman in Zila Parishads.
90. Report to State Election Commission.
91. Assistance from other Department.
92. Accounts of election expenses and maximum limit thereof.

CHAPTER-XII
ELECTION DISPUTES AND APPEALS
93. Election disputes.
94. Presentation of Petition.
95. Security deposit to be made with the petition.
96. Withdrawal of petition.
97. Place and procedure of enquiry.
98. Communication of orders of petition.
100. Abatement of appeal.
101. Repeal and savings.
FORM-I to FORM-47
CHAPTER-I

PRELIMINARY

1. **Short title.**—These rules may be called the Himachal Pradesh Panchayati Raj (Election) Rules, 1994.

2. **Definitions.**—(1) In these rules, unless, there is anything repugnant in the subject or context-
   
   (a) “Act” means the Himachal Pradesh Panchayati Raj Act, 1994 (Act No.4 of 1994).
   
   (b) “Constituency” means a territorial constituency of a Gram Sabha, Panchayat Samiti or Zila Parishad, as the case may, for the representation of which a member is to be elected or has been elected and in relation to Pradhan or Up-Pradhan of a Gram Panchayat, shall mean the whole of Gram Sabha area;
   
   (c) “District Election Officer (Panchayat)” means the officer appointed by the State Election Commission for the conduct of election to the Panchayats and also includes Assistant District Election Officer:

   Provided that where District Election Officer as well as Assistant District Election Officer are appointed for a District, the State Election Commission shall in the order of their appointments also specify the area in respect of which each such officer shall exercise jurisdiction;

   (d) “elector” means a person whose name is entered in the electoral roll prepared by the State-Election Commission for the purpose of Panchayat election ;

   (e) “electoral roll” means a list of voters of each constituency of a Panchayat;

   (f) “form” means a form appended to these rules;

   (g) “polling personne” means the person or persons appointed to conduct or to assist in the conduct of election ;

   (h) “Presiding Officer” means the person appointed by the District Election Officer (Panchayats) as Presiding Officer for the conduct of Election under the Act at a Polling station;

   (i) “Returning Officer” means an officer appointed for the conduct of election under these rules and also includes Assistant Returning Officer;

   (j) “Registration Officer” means the Electoral Registration Officer and also includes Assistant Electoral Registration Officer appointed by the State Election Commission;

   (k) “Section” means the section of the Act; and

   (l) “State Election Commission” means the Commission constituted under section 160 read with article 243 K of the Constitution of India.

   (2) The words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Act.

---

1. See Notification dated 1.7.1995 and 3.11.2014 issued by the Commission in Part-V of this book

CHAPTER-II

DELIMITATION OF CONSTITUENCIES OF PANCHAYATS

3. Gram Sabha area to be divided into constituencies.—(1) For the purpose of holding of election of members to a Gram Panchayat the Sabha area shall be divided into constituencies.

(2) The number of constituencies under sub-rule (1) shall be determined in accordance with the provisions of section 8.

4. Limits of constituencies.—(1) As far as practicable each constituency shall have equal population and each constituency shall be geographically compact and contiguous in areas and shall have natural boundaries, such as roads, paths, lanes, streets, streams, canal, drains, jungles, house No., ridges or such other marks which can easily be distinguished.

(2) The constituency shall be delimited from the map of the Gram Sabha starting from North towards East and ending towards South to West direction.

(3) one member shall be elected from each constituency.

(4) The limits of each constituency shall be defined in all four directions as follows:-

(i) Bounded on the North by ............................

(ii) Bounded on the South by ..............................

(iii) Bounded on the East by ..............................

(iv) Bounded on the West by ..............................

5. Proposal for delimitation of constituencies and its publication.—The Deputy Commissioner or any other officer, authorised by him in this behalf shall cause to be published a proposal for delimitation of constituencies by dividing a Gram Sabha area into constituencies and shall also indicate the territorial limits of each such constituency and shall keep the proposal open for inspection in the office of the Gram Panchayat, Panchayat Samiti within the territorial jurisdiction of which such Sabha area falls and by affixing a copy of the same at two conspicuous places within such Sabha area for inviting public objections thereon, within 7 days.

6. Disposal of objections and final order.—The Deputy Commissioner, or any other officer authorised by him in this behalf, on receipt of objections, if any, under rule 5 shall inquire into the same and shall consider them within a period of seven days or such a shorter time as may be fixed by the Government and final order of delimitation of constituencies shall be made by him only after recording brief reasons for the acceptance or rejection of the objections.

7. Name and number of constituency.—Each constituency shall be known by the number given to that constituency, serially and it shall also be given a name, if practicable.

8. Delimitation of constituencies of a Panchayat Samiti.—(1) The Deputy Commissioner or any other officer authorised by him in this behalf shall divide the Panchayat Samiti area into as many single member territorial constituencies as the number of members is required to be elected under sub-section (3) of section 78.

(2) While delimiting the constituencies of a Panchayat Samiti, constituency of the Gram Panchayat shall be a unit. The constituencies shall be delimited from the map of the Panchayat Samiti area starting from North towards East and ending towards South to West, and every constituency of a Panchayat Samiti shall be assigned a serial number and the name of the Constituency of Panchayat Samiti. The name of
constituency of a Panchayat Samiti may be assigned on the name of a Gram Sabha having largest population in that constituency.

(3) The limits of each constituency shall be defined in all four directions as follows:—

(i) Bounded on the North by .................................

(ii) Bounded on the South by .................................

(iii) Bounded on the East by .................................

(iv) Bounded on the West by .................................

(4) The Deputy Commissioner or any other officer authorised by him in this behalf, shall cause to be published a proposal for delimitation of constituencies by dividing a Samiti area into single member constituencies and shall also indicate the territorial limits of each such constituency and shall keep the proposal open for inspection in the office of the Panchayat Samiti and in each of offices of Gram Panchayats falling within the Panchayat Samiti area and by affixing copy of such proposal at two conspicuous places in each Sabha area for inviting public objections thereof, within seven days.

(5) The Deputy Commissioner, or any other officer authorised by him in this behalf on receipt of objections, if any, under sub-rule (4) shall inquire into the same and shall consider them within a period of seven days or such shorter periods as may be fixed by the Government and final order of delimitation of constituencies shall be issued by him only after recording in brief the reasons for the acceptance or rejection of such objection.

9. Delimitation of constituencies of a Zila Parishad.—(1) The Deputy Commissioner shall divide the Zila Parishad area into as many single member territorial constituencies as the number of members are required to be elected under sub-section (2) of section 89.

(2) While delimiting the constituencies of Zila Parishad, Sabha area shall be a unit. The constituencies shall be delimited from the map of the Zila Parishad area starting from North towards East and ending towards South to West and every constituency shall be assigned serial number and the name. The name of constituency may be assigned on the name of a Gram Sabha having the largest population in that constituency.

(3) The limits of each constituency shall be defined in all four directions as follows:-

(i) Bounded on the North by .................................

(ii) Bounded on the South by .................................

(iii) Bounded on the East by .................................

(iv) Bounded on the West by .................................

(4) The Deputy Commissioner, shall cause to be published a proposal for delimitation of constituencies by dividing a Zila Parishad area into single member constituencies and also indicate the territorial limits of each such constituency and shall keep the proposal open for inspection in the office of the Zila Parishad, Panchayat Samiti and in each of the offices of Gram Panchayats falling within the Zila Parishad area and by affixing a copy of such proposal at two conspicuous places within each Sabha area for inviting public objections thereon, within seven days.

(5) The Deputy Commissioner on receipt of objections, if any, under sub-rule (4) shall inquire into the same and shall consider them within a period of seven days and final order of delimitation shall be issued by him only after recording in brief the reasons for the acceptance or rejection of such objections.
10. **Appeal.**—Any elector aggrieved by the orders of the Deputy Commissioner may file an appeal to the Divisional Commissioner within a period of 10 days and who, after giving an opportunity of being heard to the appellant shall decide the same within a period of 15 days and communicate his orders thereon to the Deputy Commissioner. The order passed by the Divisional Commissioner shall be final.

11. **Final publication of delimitation of constituencies.**—(1) The delimitation made under rules 6, 8 and 9 shall be amended in the light of the orders of the Divisional Commissioner, if any, made under rule 10 and the delimitation shall be finalised within a period of 30 days from the date of publication of the proposal in this behalf. A copy of the final orders of the delimitation of constituencies of the Panchayats shall be affixed on the notice boards of the offices of the Deputy Commissioner, Zila Parishad, Panchayat Samiti, Gram Panchayat and at such other places as the Deputy Commissioner may decide and the copies of the same shall also be sent to the State Election Commission and the State Government.

(2) An elector may obtain a copy of the final delimitation order by making an application to the Deputy Commissioner or to the Secretary of the Zila Parishad, Panchayat Samiti, Gram Panchayat, as the case may be, who shall make available the same to the said elector on payment of rupees five per page or part thereof against cash receipt.
CHAPTER-III

ELECTORAL ROLLS

12. Electoral roll for every constituency.—For each constituency of a Panchayat there shall be an electoral roll which shall be prepared in the manner specified in rules 13 to 24 by the District Election Officer (Panchayats) under the superintendence, direction and control of the State Election Commission:
Provided that the State Election Commission may in its own discretion use data base of the Election Commission of India for the preparation of the draft electoral rolls for the elections under these rules.
Provided further that the preparation or revision of electoral roll, as the case may be, shall be taken up as and when so directed by the State Election Commission.

13. Preparation of electoral roll.—(1) When a direction is given under rule 12, the District Election officer (Panchayats) shall cause to be prepared an electoral roll for each constituency of the Panchayat in accordance with these rules.

(2) The electoral roll shall be prepared in Hindi in Devnagari Script in such form as may be specified by the State Election Commission.

14. Disqualification for registration in electoral roll.—A person shall be disqualified for registration in an electoral roll, if he—
(a) is not a citizen of India; or
(b) is of unsound mind and stands so declared by competent court; or
(c) is for the time being disqualified for voting under the laws relating to corrupt practices and other offences in connection with Panchayats/Municipality/Assembly/Parliamentary elections; or
(d) is not ordinarily resident of the constituency; or
(e) is less than 18 years of age on the date as may be notified by the State Election Commission for the preparation or revision, as the case may be, of the electoral rolls.
(f) is already registered as a voter in a Municipality or in some other Gram Sabha.

15. Publication of electoral roll in draft.—(1) As soon as the electoral roll of a constituency is ready, the District Election Officer (Panchayats) shall publish it in draft, together with a notice in Form-I and make available copies thereof for inspection at his office and in the offices of Gram Panchayat, Panchayat Samiti, Zila Parishad.

(2) The notice under sub-rule (1) shall be given publicity through newspapers having largest circulation in the area, All India Radio, by beat of drum in the constituency and by affixing copies of such notice in the office of the District Election Officer (Panchayats) and at the office of Gram Panchayat, Panchayat Samiti, Zila Parishad and at other conspicuous places where the public has free access. The notice should contain the date by which objections or claims may be filed and the authority or authorities to whom they may be presented.

16. Period for lodging claims and objections.—Every claim for the inclusion of name in the electoral roll and every objection to an entry therein shall be lodged within a period of 10 days from the date of draft publication of the electoral roll in draft under rule 15, or within such period as may be fixed by the State Election Commission in this behalf.

17. Appointment of Revising Authorities.—The District Election Officer (Panchayats) may appoint one or more Revising Authorities for the purpose of hearing claims and objections relating to electoral roll of a constituency or constituencies.

18. Manner of lodging of claims and objections.—(1) A claim or objection shall be addressed to the Revising Authority specified in the notice referred to in rule 15 and shall be presented to him personally or sent by registered post to that authority. Every claim for inclusion of names, objection in relation to the inclusion of the name or objection in relation to the particulars in an entry shall be in Form 2, 3, 4 respectively.
(2) A claim shall be signed by the person desiring his name to be included in the electoral roll and countersigned by another person whose name is already included in the electoral roll in which the claimant desires his name to be included and shall, unless sent by post, be presented by claimant himself or by a person authorised by him in writing in this behalf.

(3) No person shall prefer an objection to the inclusion of any name in the electoral roll unless his name is already included in that electoral roll.

(4) The Revising Authority shall maintain a register, of claims in Form-5, of objections to the inclusion of names, in Form-6, and of objection to the particular in any entry in Form-7, and cause to be entered therein the time of their receipt, particulars of every claim or objections, as the case may be.

(5) Any claim or objection, which is not lodged within the prescribed period or in the manner herein specified shall be rejected and the decision recorded in the register prepared in Form-5, 6 and 7, as the case may be.

19. Notice of claims and objections.—(1) Where a claim or objection is not rejected under sub-rule (5) of rule 18, the Revising Authority shall, after the period prescribed for the presentation of claims and objections has expired, exhibit on the notice board of the office of Gram Panchayat, Panchayat Samiti and Zila Parishad, a list of all claims or objections in Form-8, 9 and 10 as the case may be.

(2) Every claimant/objector to the inclusion of a name or to the correctness of certain particulars in an entry shall be given a notice of place, date and time of hearing of such claim or objection and shall further be asked to adduce such evidence as he may like to adduce in Form-11, 12 and 13 as the case may be.

(3) A person against whom objection has been received by the Revising Authority for the inclusion or deletion of his name on or from the electoral roll shall also be given a notice in Form-14 of the place, date and time fixed for hearing of objection, at his last known place of residence and be asked to adduce such evidence as he may like to adduce for his defence.

20. Disposal of claims and objections. 1(1) On the date, time and at the place fixed under the provisions of rule 19, the Revising Authority shall hear and decide the claims and objections under the provisions of these rules and shall record his decision in the register in Form-5, 6 and 7, as the case may be.

(2) The copy of the order of the Revising Authority shall be given to the claimant or objector immediately on demand on payment of rupees two against cash receipt.

(3) Any person aggrieved by an order passed under the provisions of sub-rule (1) may, within seven days from the date of the order, file an appeal to the District Election Officer (Panchayats) who shall, as far as practicable be, within a week, decide the same, confirming such order, or setting it aside or passing such other order with respect to the claim and objection as he may deem fit:

(4) If it appears to the District Election Officer (Panchayats) that due to inadvertence and error during the preparation of electoral rolls, names of electors have been left out of the electoral roll, the names of dead persons or of persons who ceased to be or are not ordinarily resident in the constituency have been included in the electoral roll and that remedial action should be taken under this sub-rule, the District Election Officer (Panchayats) shall,—

(a) prepare a list of the names and other particulars of such electors;

(b) exhibit on the notice board of his office and offices of the Gram Panchayat, Panchayat Samiti and Zila Parishad, a copy of the list together with a notice as to the date(s) and place(s) at which the question of inclusion of the names in electoral roll or the deletion of the names, from the electoral roll will be considered; and

(c) after considering any verbal or written objection which may be preferred, decide whether all or any of the names should be included in or deleted from the electoral roll.
21. **Final publication of electoral rolls.**—(1) The Revising Authority as soon as he has disposed of all the claims or objections presented to him, shall forward the same along with the register of such claims or objections and the orders passed by him thereon to the District Election Officer (Panchayats) who shall cause the electoral roll to be corrected in accordance with such orders or the orders passed on appeal by him under sub-rule (3) of rule 20, as the case may be and shall publish the electoral roll so corrected, or if he deems fit, shall publish the electoral roll together with a list of additions/deletions and corrections prepared in accordance with the aforesaid orders or as a consequence of his decision under sub-rule (4) of rule 20, by making complete copy thereof available for inspection and display a notice thereof in Form-15 in his office and also in the office of the Gram Panchayat, Panchayat Samiti and Zila Parishad.

(2) On such publication the electoral roll, with or without amendments, shall be the electoral roll of the constituency and shall come into force from the date of publication under sub-rule (1).

22. **Special revision of electoral roll.**—Notwithstanding anything contained in sub-rule (2) of rule 21 the State Election Commission may, at any time, for reasons to be recorded, direct a special revision of the electoral roll for any constituency in such a manner as it may think fit:

Provided that subject to other provisions of these rules, the electoral roll for the constituency as in force at the time of the issue of any such direction shall continue to be in force until the completion of the special revision so directed.

23. **Correction of entries in electoral rolls.**—If the District Election Officer (Panchayats) on an application in Form-4 or Form-16 made to him or on his own motion is satisfied, after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency—

(a) is erroneous or defective in any particular;

(b) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident or is otherwise not entitled to be registered in that electoral roll, shall amend or delete the entry:

Provided that before taking any action on any ground under clause (a) or clause (b) that the person concerned has ceased to be ordinarily resident or that he is otherwise not entitled to be registered in the electoral roll, the District Election Officer (Panchayats) shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him:

Provided further that an application under this rule at any time after the publication of the election programme under rule 32 shall be made to the District Election Officer (Panchayats) not later than nine days before the last date fixed for the filing of nomination papers.

24. **Inclusion of names in the electoral roll, finally published.**—(1) Any person, whose name is not included in the electoral roll shall make an application, in Form-2 (in duplicate), to the District Election Officer (Panchayats) for inclusion of his name in that electoral roll, and such application shall be accompanied by a fee of rupees two to be paid in cash against receipt.

(2) District Election Officer (Panchayats) shall immediately on receipt of application under sub-rule (1) direct that one copy thereof be pasted in some conspicuous place in his office together with a notice inviting objections to such application within a period of four days from the date of such pasting.

(3) The District Election Officer (Panchayats) shall as may be, after the expiry of the period specified in the notice under sub-rule (2), consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct such name to be included therein within a period of 3 days:

Provided that if the applicant whose name is ordered to be included is already registered in the electoral roll of any other constituency of the same Gram Sabha or another Gram Sabha or a Municipality, such a name shall be deleted from that electoral roll:
Provided further that an application under this rule at any time after publication of the election programme under rule 32 shall be made to the District Election Officer (Panchayats) not later than 9 days before the last date fixed for the filing of nomination papers:

Provided further that no amendment or transposition or deletion of any entry shall be made on or after the last date for making nomination till the election process is over.]

(4) Where an application made under sub-rule (1), is rejected, an appeal shall be within a period of ten days from the date of rejection of the application for the inclusion of names to the State Election Commission, whose decision shall be final.

(5) Every appeal under sub-rule (4) shall be accompanied by a fee of twenty rupees to be paid in cash against receipt.

25. Custody and preservation of electoral roll and of connected papers.—(1) After the electoral roll for a constituency has been finally published, the following papers shall be kept in the office of the District Election Officer (Panchayats) or at such other place as the State Election Commission, may by order specify, until the said electoral roll remains in force.—

(a) complete spare copies of the electoral roll;
(b) papers relating to claims and objections and orders under rule 20;
(c) applications and decisions thereon, under rules 23 and 24;
(d) papers relating to appeals under rule 24 (4);

(2) One complete copy of the electoral roll for each constituency duly authenticated by the District Election Officer (Panchayats) shall be kept at such place and for such period as the State Election Commission may specify.

26. Inspection of electoral roll and connected papers.—Every person shall have the right to inspect the papers referred to in rule 25 and get attested copies thereof on payment of rupees five per page or part thereof, against cash receipt.

27. Disposal of electoral roll and connected papers.—The papers referred to in rule 25 shall, on the expiry of the period specified therein, be disposed of in such manner as the State Election Commission may direct.
CHAPTER-IV

RESERVATION OF SEATS IN PANCHAYATS

28. Reservation of seats in Panchayats.—(1) Before every election to a Panchayat the Deputy Commissioner or any other officer authorised by him in this behalf shall, in accordance with the provisions of sections 8, 78, and 89 of the Act reserve the constituencies for Scheduled Castes, Scheduled Tribes and Women in a Panchayat area and determine their rotation.

(2) In every Panchayat the population of general category, Scheduled Castes, Scheduled Tribes and Women shall be worked out constituency-wise and the percentage of Scheduled Caste and Scheduled Tribes and Women, in relation to the total population of the Constituency shall be determined for the purposes of making reservation.

(3) In every Panchayat, constituency/constituencies shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in that Panchayat area. The constituency having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the constituency having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of constituencies to be reserved for the members of Scheduled Castes or Tribes is more than one, then the constituency having the next highest percentage of Scheduled Castes and Scheduled Tribes shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes or Scheduled Tribes in a Panchayat area is less than five percent of the total population of the panchayat area, then no constituency shall be reserved.

(5) Out of the constituencies reserved for members of Scheduled Castes and Scheduled Tribes, one-half of the constituencies shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes, as the case may be, and the Constituency having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes in relation to total population of the Constituency, as the case may be, in a Panchayat area shall be reserved for such women.

(6) If the number of constituencies to be reserved for women belonging to Scheduled Castes, or Scheduled Tribes, as the case may be, is more than one then the constituency having the next highest percentage of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of the total constituencies excluding the constituencies reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled tribes), one-half of the constituencies shall be reserved for women and the constituency having highest percentage of population of women shall be reserved for such women and if the number of constituencies to be reserved for women is more than one, then the constituency having the next highest percentage of women population shall be reserved for general women and so on.

(8) The Constituencies reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the constituency/constituencies having the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category and so on for subsequent elections. Provided that the reservation for a particular category shall not be repeated unless all other constituencies are covered by rotation:

Provided further that the reservation for a particular category shall not be rotated in such a constituency where the population of that category is less than 5% of the total population of that constituency.
(8-A) Notwithstanding anything contained in these rules, the roster of reservation of seats shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of seats shall be rotated to different constituencies under this rule.]

(9) The reservations made under this rule shall be finalised by the Deputy Commissioner or any other officer authorised by him in this behalf and shall be given wide publicity by him by affixing a copy of order of such reservation on the notice board of his office and that of the offices of Zila Parishad, Panchayat Samitis and Gram Panchayats and he shall also send a copy of the same to the Government and this notification shall be the conclusive proof of reservations of constituencies.

29. Report to State Election Commission.—The Government shall cause to be delivered immediately to the State Election Commission a copy of the final delimitation and reservation order, made by the Deputy Commissioner or any other officer authorised by him in this behalf.
CHAPTER- V

CONDUCT OF ELECTIONS

30. Appointment of Returning Officers and Assistant Returning Officers.—The District Election Officer (Panchayat) or any other Officer authorised by him in this behalf for this purpose, in writing shall appoint one or more Returning Officers for the conduct of elections for Panchayats. The District Election Officer (Panchayat) or the Officer authorised by him for this purpose shall also appoint one or more Assistant Returning Officers who shall assist the Returning Officers in the discharge of duties in connection with the election. The District Election Officer (Panchayat) or the Returning Officer may assign to the Assistant Returning Officer any functions of the Returning Officer and in discharge of these functions the Assistant Returning Officer shall exercise the powers of the Returning Officer:

Provided that nothing in this rule shall prevent the appointment of the same person as Returning Officer/Assistant Returning Officer for more than one Panchayat:

Provided further that nothing in this rule shall prevent the Returning Officer/Assistant Returning Officer to act as Presiding Officer for the conduct of election.

31. Appointment of Presiding Officers, Polling Officers and Polling Personnel.—(1) The District Election Officer (Panchayat) or Returning Officer so authorised by District Election Officer (Panchayat) shall appoint a Presiding Officer for each polling station and such polling officers to assist the Presiding Officer, as he deems necessary.

(2) District Election Officer (Panchayat) may also appoint such other personnel required for the conduct of election for Panchayats.

32. Election Programme.—(1) The State Election Commission, shall frame a programme for general elections, bye election, as the case may be, of the Panchayats hereinafter referred to as the “Election Programme”.

(2) The election programme shall specify the date or dates on/ by/ or within which-

(i) the nomination papers shall be presented;

(ii) the nomination papers shall be scrutinised;

(iii) a candidate may withdraw his candidature;

(iv) the list of contesting candidates shall be affixed;

(v) the list of polling stations shall be pasted;

(vi) the poll, if necessary, shall be held from …………………… A.M. to …………………… P.M. (the hours of poll shall not be less than 8 hours);

(vii) the counting, in the event of poll shall be done (here time and place fixed) for the purpose shall also be specified; and

(viii) the result of election shall be declared.

(3) The election programme shall be published ten days before the date of filing of nomination papers by pasting a copy at the office of the District Election Officer (Panchayats) and the Panchayats and at such other conspicuous places on the said Panchayat area as may be determined by the District Election Officer (Panchayats).

(4) The period for filing of nomination papers shall be three days and the date of scrutiny shall be the next day from the last date of filing of nomination papers. The date of withdrawal shall be the third day.
from the date of scrutiny. The date for affixing the list of contesting candidates shall be the same as fixed for withdrawal of candidature. The list of polling stations shall be published well before the date of withdrawal. The gap between the date of withdrawal and the date of poll shall be ten days and the day of poll shall preferably be a Sunday or any gazetted holiday:

Provided that no nomination paper or withdrawal application shall be delivered on a day which is a public holiday.

(5) The State Election Commission or District Election Officer (Panchayats) if authorised by the State Election Commission may by an order amend, vary or modify the election programme at any time:

Provided that, unless the State Election Commission otherwise directs no such order shall be deemed to invalidate any proceedings taken before the date of such order.

33. Notice of Election.—The District Election Officer (Panchayats) shall on the date on which the Election Programme is issued under rule 32 shall affix a notice in Form-I7 at his office and at the office of Panchayats, and such other places as the District Election Officer (Panchayats) or any officer authorised by him, may specify to—

(a) invite nomination papers of candidates for election;
(b) fix the date, time and place where and when the nomination paper shall be submitted;
(c) determine the authority to whom nomination shall be submitted;
(d) fix the date, time and place for the scrutiny of nomination papers of candidates;
(e) fix the date, time, place and authority for the receipt of notice of withdrawal;
(f) fix the date, time and place for the allotment of symbols; and
(g) fix the date and time of poll, if necessary.

Explanation.—The date fixed under clauses (b), (d), (e) and (g) shall be the same as specified under rule 32 in this behalf.

34. Notification of symbols.—The State Election Commission, shall notify in the Official Gazette, the symbols for allotment in the election.

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

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

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

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

36. Presentation of nomination papers.—On the date fixed for filing of nomination papers under rule 33, each candidate during the time and at a place, specified in this behalf shall either in person or through his proposer, deliver to the Returning Officer or any other person so authorised by him in this behalf the nomination paper duly filled-up and signed by the candidate of the Panchayat area and by a voter of the constituency as a proposer:
Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted for an election in the same constituency:

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

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

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

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

(a) in case of a member of a Gram Panchayat from any constituency a sum of rupees one hundred and where a candidate is woman or a member of Scheduled Castes or Scheduled Tribes or Backward Classes a sum of fifty rupees;

(b) in case of Pradhan or Up-Pradhan of a Gram Panchayat a sum of one hundred and fifty rupees and where a candidate is a woman or member of Scheduled Castes or Scheduled Tribes or Backward Classes a sum of seventy five rupees;

(c) in case of a member of Panchayat Samiti a sum of one hundred and fifty rupees and where a candidate is a woman or member of Scheduled Castes or Scheduled Tribes or Backward Classes a sum of seventy five rupees;

(d) in case of a member of Zila Parishad a sum of two hundred rupees and where a candidate is a woman or a member of Scheduled Castes or Scheduled Tribes or Backward Classes a sum of one hundred rupees:

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

38. Notice of nominations.—The Returning officer shall on receiving the nomination paper under sub-rule (2) of rule 35 enter on the nomination papers its serial number and shall sign thereon a certificate stating the date on which and the hour at which, the nomination paper has been delivered to him and shall cause to be affixed in some conspicuous place in his office and at the office of the Panchayat concerned, a notice of the nomination in Form-20 containing description similar to those contained in the nomination paper both of the candidate and his proposer.

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

(2) The Returning Officer shall examine the nomination papers, and decide all objections, which may be made to any nomination, and may, either on such objection or on his own motion after such summary inquiry if any, as he thinks necessary reject any nomination on any of the following grounds, namely:
(a) that on the date fixed for the scrutiny of nomination the candidate either is not qualified or is disqualified for being chosen to fill in the seat under the provisions of these rules or the Act or any other law for the time being in force; or

(b) that there has been any failure to comply with any of the provisions of rule 35 or rule 36; or

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect, which is not of a substantial character.

(5) The Returning Officer shall hold the scrutiny on the date and time appointed in this behalf under clause (d) of rule 33 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot, open violence or by causes beyond his control:

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

(6) The Returning Officer shall record on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected shall record, in writing, a brief statement of reasons for such rejection.

(7) For the purpose of this rule an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is a voter for that constituency.

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare in Form-21 a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it on the notice board at the offices of the Returning Officer and of the Panchayats.

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

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

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

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

(2) The said list shall contain in Hindi in Devnagari script the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.
42. **Allotment of symbols.**—(1) After the list of contesting candidates is prepared and if the number of candidates is more than one, the Returning Officer shall allot to each contesting candidate, according to the serial number, in the list of contesting candidates, the approved symbols in accordance with the serial number of the symbol specified in the notification under rule 34:

Provided that there shall be no choice of symbol for candidate.

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

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

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

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

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

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

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

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

48. **Death of a 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 State Election Commission:

---

1 See Notification dt. 30.6.2015 for different symbols notified by the Commission for different offices in Part-V of this book.
Provided that no fresh nomination shall be necessary for a candidate who was a contesting candidate at the time of countermanding of the election.

49. Uncontested election.—(1) If for any seat after the date and time fixed for withdrawal of nomination paper there remains only one candidate whose nomination paper is found to be valid, the Returning Officer shall forthwith declare in Form-28 the candidate duly elected to fill the seat and shall inform the State Election Commission through District Election Officer (Panchayats) of the same.

(2) If no nomination paper has been filed for any seat or if no candidate has been duly nominated for any seat the Returning Officer shall report that fact to the District Election Officer (Panchayats) who in turn will send the consolidated list of such vacancies to the State Election Commission for further action to fill the seats in accordance with the provisions of the Act and these rules. If the number of contesting candidates in any constituency is more than one, poll shall be taken on the date specified under rule 33.

__________
CHAPTER-V-A
POLL DUTY BALLOT

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

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

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

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

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

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

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

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

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

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

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

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

49-F. Return of ballot paper.—(1) After an elector has recorded his vote and made his declaration under rule 49-E, he shall return the ballot paper and declaration to the Returning Officer for the Gram Panchayat or such officer as may be notified in this behalf by the State Election Commission within such time as may be fixed and in accordance with the instructions communicated to him in Form-28E.
(2) If any cover containing a poll duty ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1) he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

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

(a) the Assistant Returning Officer for Gram Panchayat of the concerned Gram Panchayat in the case of election of Gram Panchayat;

(b) the Returning Officer of the concerned Panchayat Samiti in the case of election of members of Panchayat Samiti at the time of counting of votes; and

(c) the Returning Officer of the concerned Zila Parishad in the case of election of members of Zila Parishad at the time of counting of votes.
CHAPTER- VI
POLL AND VOTING FOR ELECTION

50. Manner of voting at election.—At every election, where a poll is taken, votes shall be cast by secret ballot in the manner hereinafter provided and no votes shall be received by proxy.

51. Ballot Box.—Every ballot box shall subject to general or special orders of the State Election Commission be of such design that ballot papers can be inserted therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

52. Ballot Papers.— (1) Every ballot paper at an election shall be of such design/colour as the State Election Commission may specify.

(2) The required number of ballot papers for a polling booth shall be supplied to the Presiding Officer against proper receipt and an account of such ballot papers so issued shall be kept by the District Election Officer (Panchayats) or by an officer authorised by him.

(3) The Presiding Officer shall keep an account of the ballot papers supplied to him for use at the polling booth separately for each election in Form-29.

53. Notice at polling stations.— (1) Outside and inside 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; and

(b) notice giving the name of each candidate, in Devnagari script in the same order in which the names of such candidates appear in the list of contesting candidates published under rule 41.

(2) The District Election Officer (Panchayats) shall also provide at each polling station sufficient number of copies of the electoral rolls in respect of the polling area, the voters of which are entitled to vote at such polling station as well as such other equipments and accessories as may be required for taking the poll at such polling station.

54. Arrangement of polling stations.—Each polling station shall be furnished with one or more polling compartment hereinafter referred to as compartment screened from observation in which voters can one after another cast their votes and no other voter shall be allowed to enter such compartment unless the voter inside the compartment for the purpose of recording his vote comes out.

55. Admission of voters to polling station.—The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than:—

(a) Polling Officer;

(b) Public servants on duty in connection with the election;

(c) persons authorised by the State Election Commission, District Election Officer (Panchayats) or the Returning Officer as the case may be;

(d) candidates, the election agents and subject to the provisions of these rules one polling agent of each candidate;

(e) a child in arms accompanying a voter;

(f) a person accompanying a blind or infirm voter who cannot move without help; and

(g) such other person as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.
56. **Ballot boxes to be locked and sealed before the commencement of poll.**—(1) The Presiding Officer at each polling station shall immediately before the commencement of poll, allow inspection of each ballot box, to be used at the poll by the candidates, their election agents and their polling agents, who are present at such station and demonstrate to them and to all other persons present, that it is empty.

(2) The Presiding Officer shall, after complying with the provisions of sub-rule (1), secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates their election or polling agents, who may be present to affix their own seals in the space in the box meant therefor if they so desire.

(3) The seals to be used for ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such seal or any thread on which the seals have been affixed.

57. **Identification of voters.**—(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking a poll: Provided that identity cards when issued by the Election Commission of India or by the State Election Commission or any other officer authorised by it to the voters shall be valid proof of identification during the polling for Panchayat Elections.

(2) As each voter enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voters 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 voter.

(3) In deciding the right of a person to obtain a ballot paper, the presiding officer of the polling station as the case may be shall over look minor clerical or printing errors in any entry in the electoral roll if he is, satisfied that such person is the same to whom such entry relates.

58. **Challenging of identity.**— (1) Any candidate or election agent or polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of two hundred rupees in each with the Presiding Officer for such challenge.

(2) On such deposit being made the Presiding Officer shall-

(a) warn the person` challenged of the penalty for impersonation;

(b) read the relevant entry in. the electoral roll and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form-30; and

(d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose:—

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that challenge has been established he shall debar the person challenged from voting.
If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the State Government and in any other case he shall return it to the challenger at the conclusion of the inquiry.

59. Issue of ballot paper.—(1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to cast their votes even after the time for the poll is over.

(3) Every ballot paper shall before issue to a voter, be marked with such distinguishing mark as the District Election Officer (Panchayats) may direct.

(4) In a polling station where polling for more than one office bearers is to be taken, each voter shall be provided with ballot papers meant for such different offices simultaneously.

(5) At the time of issuing a ballot paper to a voter the polling officer shall underline the entry relating to a voter in the copy of the electoral roll set part for the purpose to indicate that he has been issued a ballot paper and in case of women voter he will also tick on the left hand side against her name. He shall not record the serial number thereof on the electoral roll.

(6) No person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

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

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

1(3) On receiving the ballot papers, the voter shall forthwith proceed to the compartment and mark the ballot paper by putting the seal provided for the purpose on or before the name and symbol of the candidate of his choice or “none of the above” (NOTA), printed on the ballot paper and shall insert ballot paper in the relevant seal ballot box kept before the Polling Officer”.

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

61. Casting of vote by blind or infirm voter.—(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbol on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box.

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on the day of poll under this rule, the person shall be required to declare, in writing that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on the same day.

1 See Notification dt. 10th November, 2015 issued by the Commision about the option of NOTA.
(2) The Presiding Officer shall keep a brief record of all such cases.

62. **Spoilt and returned ballot paper.**—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may on returning it to the Presiding Officer and on satisfying himself of the inadvertence be given another ballot paper and the ballot paper returned and the counterfoil of such ballot paper shall be marked “spoilt-cancelled” by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as “Returned-cancelled” by the presiding officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

63. **Tendered votes.**—(1) If a person representing himself to be a particular voter named in the electoral roll applies for a ballot paper after another person has already voted as such voter the applicant shall, after duly answering such questions as the Presiding Officer may ask be entitled to receive a ballot paper hereinafter referred to as a tendered ballot paper in the same manner as any other voter.

(2) A tendered ballot paper shall instead of being put into the ballot box, be handed over by such person to the Presiding Officer. The Presiding Officer shall then place the ballot paper in a separate packet set apart for the purpose. At the end of the poll the packet containing all such tendered ballot papers shall be sealed. Such votes shall not be counted at the time of counting of votes.

(3) The name of the village, the number of the constituency, the name of the voter, his serial number in the electoral roll and the number of the polling station to which the electoral roll relates shall be entered in a list in Form-31 which shall bear the heading “List of tendered vote”. The person tendering such ballot paper shall sign his name or affix his thumb impression against entry relating to him in that list.

(4) Form-31 shall be prepared separately concerning the election of Member, Pradhan, Up-Pradhan and member of Panchayat Samiti and member of Zila Parishad.

64. **Closing of poll.**—(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 32 and shall not thereafter admit any voter into the polling station:

Provided that all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

65. **Sealing of ballot boxes after poll.**—(1) As soon as practicable after the closing of the poll, the Presiding Officer shall in the presence of candidates or their election or polling agents close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate, election agent or polling agent present to affix his seal, if they so desire.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, scaled and secured as provided under sub-rules (1) and (2) before another ballot box is put into use.

66. **Account of ballot papers.**—(1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form-29 and enclose it in a separate cover with the words “Ballot Paper Account” superscribed thereon.
(2) The account of ballot papers shall be prepared separately for the election of Member, Pradhan, member of Panchayat Samiti and member of Zila Parishad, as the case may be.

67. Sealing of other packet.—The Presiding Officer shall then prepare and seal the following packets:—

(a) the marked copy of the electoral roll;
(b) other copy of electoral roll;
(c) counterfoils of the used and un-used ballot paper(s);
(d) the cancelled ballot papers;
(e) the cover containing the tendered ballot papers and the list of tendered ballot papers;
(f) the list of challenged votes; and
(g) any other papers directed by the Returning Officer to be kept in sealed packet.

Explanation.—Separate packets shall be prepared regarding election of Member, Pradhan, Up-Pradhan, member of Panchayat Samiti and member of Zila Parishad.

(2) Each packet referred to under sub-rule (1) shall be sealed with the seals of the Presiding Officer and of candidates, election agents or polling agents present who may desire to affix their seals thereon.

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

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

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

69. Adjournment of poll in emergency.—(1) If at an election the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later and where the poll is so adjourned by the Presiding Officer he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the circumstances to the State Election Commission through the District Election Officer (Panchayats) who shall as soon as may be, fix the day on which, the poll shall be held and fix the polling station at which and the hours during which, the poll shall be taken.
(3) In every such case as aforesaid, the District Election Officer (Panchayats) shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in rule 32 and the provisions of the rules governing the original poll shall mutatis mutandis apply to the fresh poll taken under this rule.

70. **Procedure of adjournment of Poll.**—(1) If the poll at any polling station is adjourned under rule 69 the provisions of rule 64 to 67 (both inclusive) shall as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 64.

(2) The Returning Officer shall provide to the Presiding Officer of the polling station, at which such adjourned poll is held, ballot papers, copies of electoral rolls and all other election material required for the purpose.

(3) The provisions of rules 50 to 69 (both inclusive) shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

71. **Fresh poll in case of destruction etc. of ballot boxes.**— (1) If at any election:—

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or Returning Officer or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained; or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the State Election Commission through the District Election Officer (Panchayats).

(2) On receipt of report under sub-rule (1) the State Election Commission shall, after taking all material circumstances into account, either:—

(a) declare the poll at the polling station to be void, and appoint a day, and fix the hours for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit; or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper.

(3) The provisions of the Act and these rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.
CHAPTER-VII
COUNTING OF VOTES

72. Supervision of counting of votes.—At every election where a poll is taken, votes shall be counted under the supervision and direction either of the Returning Officer or such other officer as may be authorised by him in this behalf. Each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of such counting.

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

(a) such persons as he may appoint to assist him in the counting;
(b) person authorised by the State Election Commission or the District Election Officer (Panchayats);
(c) public servants on duty in connection with the election; and
(d) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer or such other officers authorised by him in this behalf, shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer or such other officers authorised by him in this behalf may be removed from the place where the votes are being counted, by the Returning Officer, or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

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

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

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

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

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

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

if it bears any mark other than mark to record the vote or writing by which the elector can be identified; or

(a) if it bears any mark other than mark to record the vote or writing by which the elector can be identified; or

(b) if no vote is recorded thereon; or

(c) if votes are recorded in favour of more candidates than one; or

(d) if it is a spurious ballot paper; or

(e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(f) if it is not returned in the cover sent along with it to the elector by the Returning Officer.

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

(9) A vote recorded on a poll duty ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.

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

Form-32 in the case of member of Gram Panchayats;

Form-34 in the case of Pradhan/Up Pradhan;

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

Form-38 in the case of member of Zila Parishad,
and announce the same.

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

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

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

(3) The Returning Officer or such other officer authorised by him, shall satisfy himself that none of the ballot boxes has in fact been tampered with.
If the Returning Officer or such other Officer authorised by him, is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 71 in respect of that polling station.

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

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

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

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

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

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

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

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

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

(a) it bears any mark or writing by which the voter can be identified;

(b) it is a spurious ballot paper;
(c) it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established;

(d) it bears a serial number, or is of a design, different from the serial numbers, or as the case may be, of design of the ballot paper, authorised for use at the particular polling station;

(e) it does not bear any mark which it should have borne under the provisions of sub-rule (3) of rule 59.

(f) it has not been marked by the Presiding Officer;

(g) it has been marked in the columns of more than one candidates; or

(h) it has been marked by an equipment and in the manner other than the equipment and the manner prescribed for that purpose;

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

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

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

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

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

77. Counting to be continuous.—The Returning Officer or such other Officer authorised by him, shall, as far as practicable, proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or election agent or the counting agents, as may be desirous of affixing their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

78. Recommending of counting after fresh poll.—(1) If a fresh poll is held under rule 71, the Returning Officer or any other officers authorised by him in this behalf shall after completion of that poll, commence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 75, 76 and 77 shall apply so far as may be to such further counting.

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

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

Provided that if no application for recount is received within reasonable time the result shall be declared in accordance with the provisions of clauses (v) and (vi) of rule 75.
(3) On an application for recount under sub-rule(2), the District Election Officer (Panchayat) or Returning Officer, as the case may be, or other officer authorised by him in this behalf shall decide the matter and may allow the application in whole or in part or may reject it if it appears to him to be frivolous or unreasonable:

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

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

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

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

(c) announce the amendment so made by him.

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

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

ELECTION PAPERS

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

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

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

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

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

83. **Production and inspection of election papers.**—While in the custody of the District Election Officer:

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered, or rejected; and

(c) the packets of marked copies of the voters’ lists;

shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the order of a competent Court.

84. **Disposal of Election Papers.**—The election papers and packets referred to in rules 61, 62, 67 and 83 shall be retained for a period of ninety days from the date of publication of results in the Official Gazette under rule 124 of the Himachal Pradesh Panchayati Raj (General) Rules, 1997 and shall thereafter be destroyed subject to any direction to the contrary given by the State Government or by the State Election Commission or by a Competent Court or pending legal proceedings.]
CHAPTER-IX

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF PANCHAYAT SAMITI

85. **Meeting for election.**—(1) After the declaration of results of the elected members of the Panchayat Samiti, the Deputy Commissioner concerned or any other officer authorised by him in this behalf except Block Development and Panchayat Officer shall fix a date of meeting under his presidency (hereinafter referred to as Presiding Officer) for the purposes of oath or the affirmation of allegiance under section 127 of the Act as soon as possible, but not later than one week of the declaration of results as per section 79 of the Act.

(1-A). As soon as possible but not later than seven days after oath or affirmation of allegiance under sub-rule (1) is administered or made, the Deputy Commissioner concerned or any other officer authorized by him in this behalf except Block Development Officer shall call under his Presidency a meeting of all elected members to elect one of its members to be the Chairman and another member to be the Vice-Chairman of the Panchayat Samiti:

Provided that the State Government may, by general or special order, allow holding of meeting for the election of Chairman and Vice-Chairman under this sub-rule after one week but not later than one month from declaration of result of election of the elected members of the Panchayat Samiti under the following circumstances:—

(i) if it is not possible to convene meeting within seven days due to natural calamities;

(ii) if it is not possible or desirable to hold meeting within seven days due to severe law and order problem; and

(iii) if the election are declared exceeding the period of fifteen days prior to the expiry of the duration of the existing Panchayats.]

(1-B). As soon as possible but not later than seven days after the declaration of occurrence of the casual vacancy in the office of the Chairman or the Vice-Chairman or both, as the case may be, the Deputy Commissioner concerned or any other officer, except the Secretary of the Panchayat Samiti, authorised by him in this behalf shall call under his presidency a meeting of all elected members to elect the Chairman or the Vice-Chairman or both, as the case may be:

Provided that if, owing to a natural calamity of great severity or a grave situation of law and order or a war or aggression by another country against India affecting the relevant area in Himachal Pradesh or any other cause beyond human control, it is not possible to hold such meeting within seven days, the government may allow such meetings to be held after seven days, but not later than thirty days after the occurrence of the vacancy in question.]

(2) The Presiding Officer shall issue a notice to all the members entitled to take part in the proceedings in Form-40.

(3) A copy of such notice shall be exhibited on the notice board of the Panchayat Samiti Office.

(4) The Notice shall be dispatched at least five days before the date of meeting at their permanent address and shall contain the date, time, place and purpose of the meeting.

(5) No quorum shall be required for the meeting for the purpose of oath or affirmation of allegiance under sub-rule (1). Quorum for the meeting for the purpose of election of Chairman or Vice Chairman or both, as the case may be, shall be two-third of the total elected members. If within two hours after the time appointed for the meeting, the quorum is not present, the meeting shall be adjourned. In the event of adjournment of the first meeting for want of quorum, the second meeting shall be convened within ten days from the date of first meeting and if the second meeting is also adjourned for want of quorum, the
subsequent meetings shall be convened within ten days from the date of the last adjourned meeting and action under clause (b) of sub-section (1) of section 146 of the Act shall be taken against those members who will not attend subsequent meetings for which specific mention shall be made in the notices of such meetings. Quorum for the second and subsequent meetings shall be the simple majority of the total elected members.

(6) Every candidate for the office of Chairman or Vice-Chairman, as the case may be, shall be nominated in writing and the nomination paper in Form-41 shall be signed by two of the members one as proposer and another as a seconder. No member shall be allowed to propose or second more than one candidate for one office. The nomination paper shall be delivered to the Presiding Officer within one hour after the completion of quorum. Any nomination paper subscribed and delivered in contravention of these rules shall be invalid and declared as such by the Presiding Officer.

(7) Scrutiny of nomination papers shall be taken up by the Presiding Officer after the expiry of one hour allotted for the delivery of nomination papers in the presence of members. An objection to any nomination paper shall be recorded by the Presiding Officer who after proper consideration shall accept or reject each nomination. In case of rejection of any objection he shall record the reason for the same.

(8) The Presiding Officer of the meeting shall read out in the meeting:—

(a) names of the candidates whose nomination papers have been declared invalid and the reason thereof; and

(b) the names of the candidates duly nominated.

(9) (i) If there is only one candidate for election he shall be declared to have been duly elected.

(10) If the number of candidates is more than one, the election shall be held by secret ballot.

(11) The Presiding Officer shall assign serial number to each candidate with reference to their names written alphabetically in Hindi in Devnagari Script and announce to the members serial numbers assigned to each candidate.

(12) The Presiding Officer shall cause the ballot paper to be prepared in the following form:—

**BALLOT PAPER**

……………………………… Panchayat Samiti …………………….. Name of candidates for election of 1.
2.
3.
4.
and so on.
Dated …………………….. ………………………………………
Signature of the Presiding Officer of the meeting with his official seal.

(13) The ballot paper shall be signed by the Presiding Officer of the meeting and one paper handed over to each member for each election who shall mark the ballot paper by putting the seal provided for the purpose] against the candidate for whom he wishes to vote. If a member is unable due to illiteracy, blindness or their physical infirmity to record his vote, the Presiding Officer of the meeting shall record the vote on ballot paper in accordance with the wishes of the such member. The ballot paper shall not be signed by the member nor be marked in any other way that could reveal his identity. If the paper is so signed or marked or mutilated, the vote shall be void.
(14) The ballot paper shall be inserted in the box provided for the purpose.

(15) (i) Immediately after the voting is over, the Presiding Officer shall in the presence of the members present open the box containing the ballot papers, count them and record the number thereof in a statement.

(ii) A ballot paper shall be invalid: 1

(a) if it bears the signature of the member or contains any word, or any visible representation by which he can be identified; or

(b) if marks are placed thereon against more than one candidate; or

(c) if the mark is so placed thereon as to make it doubtful for which one or the two or more candidates the vote was intended to be given; or

(d) if no mark is placed thereon; or

(e) if it does not bear the signature of the Presiding Officer.

(16) At the end of the poll the Presiding Officer shall declare the candidate who secures the largest number of votes to be duly elected.

(17) In case of equality of votes, the election shall be decided by lot to be drawn by the Presiding Officer.

(18) The Presiding Officer shall keep order in the meeting and ensure that the election is fairly conducted.

(19) Immediately after the conclusion of the meeting the Presiding Officer shall:—

(a) prepare a record of the proceedings of the meeting and sign it. Any member in the meeting shall be permitted to affix his signature to such record, if he so desires; and

(b) publish on the notice board of the Panchayat Samiti a notice in Form-42 signed by him as a prescribed authority as per provisions of section 126 of the Act stating the names of persons elected and send a copy of such notice to the District Election Officer.

(20) (a) The Presiding Officer shall then make up into separate packets the counted and rejected ballot papers relating to each election, seal each packet and note thereon description of its contents, the election to which it relates and the date thereof. The packets so sealed shall not be opened and their contents shall not be inspected or produced except under the orders of the competent court.

(b) The ballot paper shall remain in safe custody of the District Election Officer (Panchayat) for one year and shall thereafter be destroyed unless otherwise directed by a competent court or pending legal proceedings.

85-A. Administration of oath to the Chairman and Vice Chairman.—Immediately after the publication of the names of the Chairman and Vice-Chairman or both under section 126 of the Act, the Sub Divisional Officer (Civil) concerned shall administer the oath of allegiance or affirmation to the newly elected Chairman and Vice-Chairman or both, as the case may be.
CHAPTER-X

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF ZILA PARISHAD

86. Meeting for election.—(1) After the declaration of result of the elected members of the Zila Parishad, the Deputy Commissioner concerned shall fix a date of meeting for the purpose of oath or the affirmation of allegiance under section 127 of the Act under his presidency (hereinafter referred to as the Presiding Officer) as soon as possible but, not later than one week of such declaration as per section 90 of the Act.

(1-A). As soon as possible but not later than ten days after oath or affirmation of allegiance under sub-rule (1) is administered or made, the Deputy Commissioner concerned shall call under his presidency a meeting of all elected members to elect one of its members to be the Chairman and another member to be the Vice-Chairman of the Zila Parishad:

Provided that the State Government may, by general or special order, allow holding of meeting for the election of Chairman and Vice-Chairman under this sub-rule after one week but not later than one month from declaration of result of election of the elected members of the Zila Parishad under the following circumstances:—

(i) if it is not possible to convene meeting within seven days due to natural calamities.

(ii) if it is not possible or desirable to hold meeting within seven days due to severe law and order problem; and

(iii) if the election results are declared exceeding the period of fifteen days prior to the expiry of the duration of the existing Panchayats.; and

(1-B). As soon as possible but not later than seven days after the declaration of occurrence of the casual vacancy in the office of the Chairman or the Vice-Chairman or both, as the case may be, the Deputy Commissioner concerned or any other officer, except the chief executive officer and the Secretary of the Zila Parishad, authorized by him in this behalf shall call under his presidency a meeting of all elected members to elect the Chairman or the Vice-Chairman or both, as the case may be:

Provided that if, owing to a natural calamity of great severity or a grave situation of law and order or a war or aggression by another country against India affecting the relevant area in Himachal Pradesh or any other cause beyond human control, it is not possible to hold such meeting within seven days, the government may allow such meeting to be held after seven days, but not later than thirty days after the occurrence of the vacancy in question.

(2) The Deputy Commissioner shall issue a notice to all the elected members in Form-40.

(3) A copy of such notice shall be exhibited on the notice board of the Zila Parishad office and office of the Deputy Commissioner.

(4) No quorum shall be required for the meeting for the purpose of oath or affirmation of allegiance under sub-rule (1). Quorum for the meeting for the purpose of election of Chairman or Vice-Chairman or both, as the case may be, shall be two-third of the total of the elected members. If within two hours after the time appointed for the meeting, the quorum is not present, the meeting shall be adjourned. In the event of adjourned of the first meeting for want of quorum, the second meeting shall be convened within ten days from the date of first meeting and if the second meeting is also adjourned for want of quorum, the subsequent meetings shall be convened within ten days from the date of the last adjourned meeting action under clause(b) of sub- section (1) of section 146 of the Act shall be taken against those members who will not attend subsequent meetings for which specific mention shall be made in the notices of such meetings. Quorum for the second and subsequent meetings shall be the simple majority of the total elected members.; and
(5) The notice shall be dispatched at least five days before the date of meeting at their permanent address and shall contain the date, time, place and purpose of the meeting.

(6) Every candidate for the Chairman and Vice-Chairman as the case may be shall be nominated in Form-41 signed by two of the elected members one as a proposer and another as a seconder. No member shall be allowed to propose or second more than one candidate. The nomination papers shall be delivered to the Presiding Officer within hour after the completion of quorum. Any nomination paper subscribed and delivered in contravention of these rules shall be invalid and declared as such by the Presiding Officer.

(7) Scrutiny of nomination papers shall be taken up by the Presiding Officer after the expiry of one hour allotted for the delivery of nomination papers in the presence of members. An objection to any nomination shall be recorded by the Presiding Officer who after proper consideration shall accept or reject each nomination. In case of rejection of any objection he shall record the reasons for rejection in brief.

(8) The Presiding Officer of the meeting shall read out in the meeting:-

(a) the names of the candidates whose nomination papers have been declared invalid and the reasons thereof; and

(b) the names or the candidates duly nominated.

(9) (i) If there is only one candidate, for election he shall be declared to have been duly elected.

(10) If the number of candidates is more than one, the election shall be held by secret ballot.

(11) The Presiding Officer shall assign serial number to each candidate with reference to their names written alphabetically in Hindi in Devnagari script and then announce to the members serial numbers assigned to each candidate.

(12) The Presiding Officer shall cause the ballot paper to be prepared in the following form:—

BALLOT PAPER

............................................................. Zila Parishad .........................................................
Name of Candidate for election of .................................................................
1.
2.
3.
etc.

.............................................................
Signature of the Presiding Officer of the meeting with his official Seal.

(13) The ballot papers shall be signed by the Presiding Officer and one paper each shall be handed over to each elected member for each election who shall mark the ballot paper by putting the seal provided for the purpose against the candidate for whom he wishes to vote. If a member is unable due to illiteracy, blindness or other physical infirmity to record his vote, the Presiding Officer of the meeting shall record the vote on ballot paper in accordance with the wishes of such member. The ballot paper shall not be signed by the member nor be marked in any other way that could reveal his identity. If the paper is so signed or marked or mutilated, the vote shall be void.

(14) The ballot paper shall be inserted in the box provided for the purpose.

(15) (i) Immediately after the voting is over, the Presiding Officer shall in the presence of the members present, open the box containing the ballot papers, count them and record the number thereof in a statement.

(ii) A ballot paper shall be invalid:-
(a) if it bears the signature of the member or contains word, or any visible representation by which he can be identified; or

(b) if marks are placed thereon against more than one candidate; or

(c) if the mark is so placed thereon as to make it doubtful for which one or two or more candidates the vote was intended to be given; or

(d) if no mark is placed thereon; or

(e) if it does not bear the signature of the Presiding Officer.

(16) At the end of the poll the Presiding Officer shall declare the candidate who secures the largest number of votes to be duly elected.

(17) In case of equality of votes, the election shall be decided by lot to be drawn by the Presiding Officer.

(18) The Presiding Officer of the meeting shall keep order in the meeting and see that the election is fairly conducted.

(19) Immediately after the conclusion of the meeting, the Presiding Officer shall:

(a) prepare a record of the proceedings of the meeting and sign it, any member in the meeting shall be permitted to fix his signature on such record, if he so desires; and

(b) publish on the notice board of the Panchayat a notice in Form-42 signed by him as a prescribed authority as per provisions of section 126 of the Act stating the names of persons elected and send a copy of such notice to the District Election Officer.

(20) (a) The Presiding Officer shall make up into separate packets the counted and rejected ballot papers relating to each election, seal such packets and note thereon a description of its contents, the election to which it relates and the date thereof. The packets so sealed shall not be opened and their contents shall not be inspected or produced except under the orders of the competent court.

(b) The packets shall remain in safe custody of the District Election Officer (Panchayats) for one year and shall thereafter be destroyed unless otherwise directed by a competent court or pending legal proceedings.

86-A. Administration of oath to the Chairman and Vice Chairman.—Immediately after the publication of the names of the Chairman and Vice-Chairman or both under section 126 of the Act, the Deputy Commissioner concerned shall administer the oath of allegiance or affirmation to the newly elected Chairman and Vice-Chairman or both, as the case may be.
CHAPTER XI

RESERVATION FOR CHAIR PERSONS

87. Reservation of office of Pradhans, Gram Panchayats.—(1) Before every election to a Gram Panchayat the State Government or any other officer authorised by it in this behalf shall in accordance with the provisions of section 125 of the Act, determine the number of the offices of Pradhans of Gram Panchayats to be reserved for Scheduled Castes, Scheduled Tribes and Women in a block.

(2) For the purpose of reservation of the offices of the Pradhans the population of general category, Scheduled Castes, Scheduled Tribes and women shall be worked out Gram Sabha-wise and the percentage of Scheduled Castes, Scheduled Tribes and women in relation to the total population of Gram Sabha, shall be determined.

(3) In every block the offices of the Pradhans of the Gram Panchayats shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the Block. The Gram Sabha having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the Gram Sabha having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of offices to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the Gram Sabha having the next highest percentage of population of Scheduled Castes and Scheduled Tribes, shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes or Scheduled Tribes in a Block is less than 5% of the total population, then no office shall be reserved.

(5) Out of the offices reserved for members of Scheduled Castes and Scheduled Tribes, one-half of the offices shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes as the case may be, and the Gram Sabha having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, in relation to the total population of Gram Sabha, as the case may be, in a block shall be reserved for such women.

(6) If the number of offices to be reserved for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, is more than one than the Gram Sabha having the next highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of the total offices, excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes), one-half of the offices shall be reserved for women, and the Gram Sabha having the highest percentage of women population shall be reserved for general women, and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the Gram Sabha having the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category and so on for subsequent election:

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices in the block are covered by rotation:

Provided further that the reservation for a particular category shall not be rotated in such a Gram Sabha where the population of that category is less than 5% of the total population of that Gram Sabha.

(8-A) Notwithstanding anything contained in these rules, the roster of reservation of offices shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh
Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of offices shall be rotated to different Gram Sabhas under this rule.

(9) The reservations made under this rule shall be finalised by the State Government or by any officer authorised by it, in this behalf, and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the Gram Panchayat and Panchayat Samiti and shall also send a copy of the same to the Government for publication of the order in the Official Gazette and this notification shall be the conclusive proof of reservations of offices as of Pradhan in the block.

88. Reservation of offices of Chairman in Panchayat Samitis.—(1) Before every election to Panchayat Samitis, the State Government or any other officer authorised by it in this behalf shall in accordance with the provisions of section 125 of the Act, determine the number of the offices of Chairman of Panchayat Samitis to be reserved for Scheduled Castes, Scheduled Tribes and women in the district.

(2) For the purpose of reservation of the offices of the Chairman of Panchayat Samitis, the population of general category, Scheduled Castes, Scheduled Tribes and women, shall be worked out Panchayat Samiti-wise, and the percentage of Scheduled Castes, Scheduled Tribes and women population in relation to the total population of Panchayat Samitis shall be determined.

(3) In every district the offices of the Chairman of the Panchayat Samiti shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the District. The Panchayat Samiti having the highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the Panchayat Samiti having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of offices to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the Panchayat Samiti having the next highest percentage of population of Scheduled Castes or Scheduled Tribes shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes or Scheduled Tribes in a district is less than 5% of the total population, then no office shall be reserved.

(5) Out of the offices reserved for member of Scheduled Castes and Scheduled Tribes one-half of the offices shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes, as the case may be, and the Panchayat Samiti having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes in relation to the total population of Panchayat Samiti as the case may be, in the district shall be reserved for such women.

(6) If the number of offices to be reserved for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, is more than one then the Panchayat Samiti having the next highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of the total offices excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes) one-half of the offices shall be reserved for women and the Panchayat Samiti having the highest percentage of women population shall be reserved for general women and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the Panchayat Samiti having the next highest percentage of population shall be reserved for member of Scheduled Castes and Scheduled Tribes including women belonging to general category and so on for subsequent election:

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices in the district are covered by rotation.
Provided further that the reservation for a particular category shall not be rotated in such a Panchayat Samiti where the population of that category is less than 5% of the total population of that Panchayat Samiti.

(8-A) Notwithstanding anything contained in these rules, the roster of reservation of offices shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of offices shall be rotated to different Panchayat Samitis under this rule.

(9) The reservation made under this rule shall be finalised by the State Government or by any other officer authorised by it in this behalf and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the Gram Panchayat, Panchayat Samiti and Zila Parishad and shall also send a copy of the same to the Government for publication of the order in the Official Gazette and this notification shall be the conclusive proof of reservations of offices of Chairmen in the District.

89. Reservation of Offices of Chairman in Zila Parishads.—(1) Before every election to a Zila Parishad, the State Government or any other officer authorised by it in this behalf, shall in accordance with the provisions of section 125 of the Act, determine the number of offices of Chairman of Zila Parishad, to be reserved for Scheduled Castes, Scheduled Tribes and women in the State.

(2) For the purpose of reservation of the offices of the Chairman of Zila Parishad the population of general category, Scheduled Castes, Scheduled Tribes and women shall be worked out Zila Parishad-wise and the percentage of Scheduled Castes, Scheduled Tribes and women in relation to the total population of the Zila Parishad shall be determined.

(3) In the State the offices of the Chairman of Zila Parishads shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the State. The Zila Parishad having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the Zila Parishad having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of offices to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the Zila Parishad having the next highest percentage population of Scheduled Castes and Scheduled Tribes shall be reserved for the members of Scheduled Castes, Scheduled Tribes, as the case may be, and so on.

(5) Out of the office reserved for members of Scheduled Castes and Scheduled Tribes one-half of the offices shall be reserved for women members belonging to Scheduled Castes or Scheduled Tribes, as the case may be, and the Zila Parishad having highest population in percentage of women belonging to Scheduled Castes or Scheduled Tribes, in relation to the total population of Zila Parishad, as the case may be, in the State shall be reserved for such women.

(6) If the number of offices to be reserved for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, is more than one, then the Zila Parishad having the next highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of the total offices excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes), one-half of the offices shall be reserved for women and the Zila Parishad having the highest percentage of women population shall be reserved for general women and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next
election, the Zila Parishad having the next highest percentage of population shall be reserved for member of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category and so on for subsequent election:

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices in the State are covered by rotation.

Provided further that the reservation for a particular category shall not be rotated in such a Zila Parishad where the population of that category is less than 5% of the total population of that Zila Parishad.

(8-A) Notwithstanding anything contained in these rules, the roster of reservation of offices shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of offices shall be rotated to different Zila Parishads under this rule.

(9) The reservation made under this rule shall be finalised by the State Government or by any other officer authorised by it in this behalf and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the Gram Panchayat, Panchayat Samiti and Zila Parishad and shall also send a copy of the same to the Government for publication of the order in the Official Gazette and this notification shall be the conclusive proof of reservation of offices of Chairmen in the District.

90. Report to State Election Commission.—The Government shall cause to be delivered immediately after it is issued a copy of the final delimitation and reservation and reservation order made under these rules to the State Election Commission.

91. Assistance from other Department.—The State Election Commission may take assistance of any Government Officers/Officials of any Department for the smooth and peaceful conduct of election.

92. Accounts of election expenses and maximum limit thereof.—(1) Every candidate at an election of member of Zila Parishad shall, in accordance with the provisions of sub-section (1) of section 121-A of the Act, maintain a separate and correct account of all expenditure on day-to-day basis in connection with the election in the register in Form-44:

Provided that the maximum limit on expenditure to be incurred by a contesting candidate at an election of member of Zila Parishad shall be One Lac rupees (\text{\textcurrency\ 1,00,000/-}).

(2) All documents such as vouchers, receipts and acknowledgements, etc., in support of the expenditure incurred and recorded on the register mentioned under sub-rule (1) shall be maintained correctly. Every candidate shall, at any time during the process of election, make available the register along with the supporting documents to the District Election Officer (Panchayat) or any other officer authorized by the State Election Commission in this behalf for inspection as and when required by such officer.

(3) The account of election expenditure shall be submitted to the District Election Officer (Panchayat) in Form-44 alongwith the details of election expenses in Form-45. The account of election expenditure shall be supported by a declaration in Form-46.

(4) The District Election Officer (Panchayat) shall acknowledge the accounts of election expenses in Form-47.
CHAPTER XII

ELECTION DISPUTES AND APPEALS

93. Election disputes.—Disputes relating to elections to Panchayats shall be disposed of in accordance with the provisions of Chapter-XI of the Act.

94. Presentation of Petition.—(1) The election petition under section 163 of the Act shall be presented to the authorised Officer under whose territorial jurisdiction the Gram Panchayats, Panchayat Samiti or Zila Parishad, as the case may be, is situated.

(2) The election petition shall enclose with the petition copies of the petition and of its enclosures equal to the number of respondents.

(3) The affidavit referred to in the proviso to sub-section (i) of section 164 of the Act shall be in Form-43 and shall be shown before a Magistrate.

95. Security deposit to be made with the petition.—At the time of presentation of an election petition, the petitioner shall deposit a sum of Rs. 300/- as security money in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of Authorised Officer to whom the petition is presented or caused to be presented.

96. Withdrawal of petition.—(1) An election petition may be withdrawn by the petitioner only after the permission of the Authorised Officer to whom the petition is presented or transferred as the case may be;

(2) When an application for withdrawal is made, a notice thereof fixing a date for the hearing, of the application shall be given to all other parties to the petition.

(3) No application for withdrawal shall be granted if, in the opinion of the Authorised Officer to whom the petition is presented or to whom such petition is transferred, as the case may be, such an application has been induced by any bargain or consideration which might not to be allowed.

(4) If the application is granted the Authorised Officer to whom the petition is presented or to whom such petition is transferred as the case may be, shall pass an order with regard to security deposit in accordance with the provisions laid down under section 177 of the Act:

Provided that where the application of withdrawal is granted by the Authorised Officer a copy of the order shall be sent to the Director.

97. Place and procedure of enquiry.—(1) The place of the enquiry shall be the headquarters of the Authorised Officer concerned to whom the petition is made or transferred:

Provided that the Authorised Officer to whom the petition is made or transferred as the case may be, may on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, fix some other convenient place for this purpose.

(2) The public shall have free access to the place where enquiry into the election petition may be held.

(3) Notice of the time and place of enquiry shall be given to the parties not less than seven days before the first date of hearing.

98. Communication of orders of petition.—The Authorised Officer to whom the election petition is made or transferred, as the case may be, shall after conclusion of the election petition send a copy of the order to the appellate authority and the Director.

99. Procedure in presentation of appeal.—(1) Any person aggrieved by an order made by the Authorised Officer under sections 174 and 175 of the Act may within a period of thirty days make an appeal to the authorities referred to in section 181 of the Act:
Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) In computing the period of limitation for filing an appeal under the Act, the period spent in obtaining a copy of the order shall be excluded.

(3) Every appeal preferred under sub-rule (1) shall be in the form of the memorandum by the appellant or his duly authorised agent and shall be accompanied by the Treasury Challan evidencing the deposit of a sum of Rs. 300/- as fee in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of appellate authority to whom the appeal is presented, or caused to be presented, the memorandum shall set forth consisting the grounds of objections to order appealed from and shall be accompanied by a copy of such order.

(4) On receipt of an appeal under sub-rule (1) the appellate authority may after calling for record from the Authorised Officer against whose decision the appeal has been preferred and giving an opportunity to the parties of being heard and after making such further enquiry, if any, as may be necessary, pass such orders as it thinks fit and the order of the appellate authority shall be final.

(5) A copy of the order passed in appeal shall be sent to the Director.

**100. Abatement of appeal.**—If, before the decision on the appeal, the appellant or respondent dies, the appeal shall abate, the appellate authority shall cause notice of such event sent to the Divisional Commissioner and the Director of Panchayati Raj, Himachal Pradesh.


(2) Notwithstanding such repeal anything done or action taken under the rules so repealed (including the orders issued or directions given) shall always be deemed to have been taken or done under the corresponding provisions of these rules.
प्रमिति�:

ग्राम सभा/पंचायत समिति/जिला परिषद

.................................................................

.........................................................जिला, हिमाचल प्रदेश,

के निर्वाचन क्षेत्र संख्या...............................................के मतदाता।

एतद्वारा सूचना दी जाती है कि निर्वाचन नामांकल, हिमाचल प्रदेश पंचायतों राज (निर्वाचन) नियम, 1994 के अनुसार तैयार की गई है और उसकी प्रति मेरे कार्यालय और ग्राम पंचायतों/पंचायत समितियों/जिला परिषदों............................................................... निरीक्षण के लिए कार्यालय समय में उपलब्ध है। यदि निर्वाचन नामांकल में नाम सम्मिलित किए जाने के लिए कोई दावा हो, या किसी नाम के सम्मिलित किए जाने सम्बन्धी कोई आक्षेप हो या किसी प्रविष्टि में किन्हीं विशिष्टियों के सम्बन्ध में कोई आक्षेप हो तो उसे जहां तक समुचित हो प्रारूप 2, 3 और 4 में तारीख................................. को या तरह पूर्व प्रस्तुत किया जा सकेगा। प्रत्येक ऐसा दावा या आश्लेषुप्रश्न प्राधिकारी (पुरा पता)

................................................................. को सम्बोधित किया जाना चाहिए और यह या तो व्यक्तिगत रूप में या अभिकृतों के माध्यम से प्रस्तुत किया जाना चाहिए या रजिस्ट्रीकृत डाक द्वारा भेजा जाना चाहिए ताकि उक्त तारीख के भीतर उसके पास पहुंच जायें।

स्थान...............................................जिला निर्वाचन अधिकारी (पंचायत)

तारीख................................................
प्ररूप-2
[नियम 18(1) और 24 देखें]

नाम समिलित करने के लिए दावा आवेदन

प्रसिद्धः
पुनर्निर्देशक प्राधिकारी,
ग्राम पंचायत

विकास खण्ड

जिला ------------------ हिमाचल प्रदेश।

महोदय,
मैं निवेदन करता/करती हूँ कि मेरा नाम ___________________________ ग्राम पंचायत के लिए ___________________________ निर्वाचन क्षेत्र की निर्वाचक नामांकल में समिलित किया जाए।

मेरा पूरा नाम

मेरे पिता/माता/पति का नाम

मेरे निवास स्थान का विवरण :-

मकान संख्या--------------------------------------------------------------------------------------------------

गली/मुहल्ला/ग्राम

झाकघर

तहसील और जिला--------------------------------------------------------------------------------------------------

मैं एतद्वारा अपने पूर्ण ज्ञान तथा विवास से घोषणा करता/करती हूँ कि :-

1. मैं भारत का/की नागरिक हूँ।
2. राज्य निर्वाचन आयोग द्वारा नियम 14 के अधीन खण्ड (v) द्वारा अधिसूचित तारीख को मेरी आयु.................वर्ष.........................मास थी/होगी।
3. मैं प्राय: उपर्युक्त पता पर निवास करता/करती हूँ।
4. मैंने किसी अन्य निर्वाचन क्षेत्र की निर्वाचक नामांकल में अपने नाम को समिलित करने के लिए आवेदन नहीं किया है।
5. मेरा नाम हिमाचल प्रदेश में उक्त या किसी अन्य ग्राम पंचायत के किसी निर्वाचन क्षेत्र की नामांकल में समिलित नहीं किया गया है।

या

मेरा नाम ग्राम पंचायत ___________________________ के वार्ड संख्या____________________

विकास खण्ड ___________________________ जिला ___________________________ की निर्वाचक नामांकल के

क्रमांक___________________________पर समिलित किया गया है और मैं एतद्वारा निवेदन करता/करती हूँ कि

उसे निर्वाचक नामांकल से हटा दिया जाए।

स्थान---------------------------

तारीख-----------------------------

दावेदार के हस्ताक्षर/निशान अंगूठा
(पूरा झाक पता)।
मैं निर्णायक नामांकलों के उसी भाग में सम्मिलित हूँ जिसमें दावेदार ने सम्मिलित किए जाने के लिए आवेदन किया है, अर्थात्................................................................................................. है। सम्बन्धित भाग संख्या................................................ मेरा उससे कमांक........................................................................ है। मैं इस दावे का समर्थन करता/करती हूँ और इसे प्रतिहस्तास्थित करता/करती हूँ।

------------------------------------------
मतदाता के हस्ताक्षर
pूरा नाम व पता

--------------------------------------------------
घोषणा

मैं एतदद्वारा घोषणा करता/करती हूँ कि मुझे जानकारी है कि मेरे द्वारा दी गई सूचना किसी दशा में गलत साबित होती है तो मैं भारतीय दण्ड संहिता की विभिन्न धाराओं के अधीन अपराधिक कार्यवाह के लिए जिम्मेदार होजाँगा/होजाँगी।

--------------------------------------------------
दावेदार के हस्ताक्षर

जो अनावश्यक हो, उसे काट दें।
प्रसिद्धि:

पुनरीक्षण प्राधिकारी,

निर्वाचन क्षेत्र

महोदय,

मैं ग्राम पंचायत/पंचायत समिति/जिला परिषद ——————————————————— में निर्वाचन क्षेत्र के ——————————————————— की निर्वाचक नामांकन में क्रम संख्या ——————————————————— पर श्री ——————————————————— के नाम को सम्मिलित किए जाने के समबन्ध में निम्नलिखित कारणों से आक्षेप करता हूँ:—

------------------------------------------------------------------------------------------------------------

मैं एतद्वारा घोषणा करता हूँ कि उपर्युक्त तथ्य मेरे ज्ञान और विश्वास के अनुसार सही है, मेरा नाम इस निर्वाचन क्षेत्र की नामांकन में निम्न प्रकार से सम्मिलित किया गया है।

पूरा नाम

पिता/पति/माता का नाम

क्रम संख्या...........................

ग्राम पंचायत/पंचायत समिति/जिला परिषद ——————————————————— से सम्बन्धित निर्वाचन क्षेत्र का नाम तथा संख्या........................

------------------------------------------------------------------------------------------------------------

आक्षेपकर्ता के हस्ताक्षर/निर्णाय अंगूठा
(पूरा डाक पता)........................

मैं उसी निर्वाचक नामांकन में दर्ज निर्वाचक हूँ जिसमें आक्षेपित व्यक्ति का नाम है अर्थात

——————————————————— ग्राम पंचायत/पंचायत समिति/जिला परिषद से सम्बन्धित

निर्वाचन क्षेत्र ——————————————————— से सम्बन्धित और संख्या ——————————————————— मेरी उसमें क्रम संख्या ——————————————————— है

मैं इस आक्षेप का समर्थन करता हूँ तथा इसको हस्ताक्षरित करता हूँ।

------------------------------------------------------------------------------------------------------------

निर्वाचक के हस्ताक्षर/निर्णाय अंगूठा
(पूरा डाक पता)

98
प्रेषित :

पंचायत निर्वाचन के लिए
पुनरीक्षण अधिकारी,

निर्वाचन क्षेत्र।

निवेदन है कि का निर्वाचन क्षेत्र का निर्वाचक नामांकल में क्रम संख्या पर मेरे से सम्बन्धित प्रविष्टि अशुद्ध है। इसे निम्नलिखित रूप में शुद्ध किया जायेगा—

स्थान..............................

तारीख.............................. निर्वाचक के हस्ताक्षर/ अंगूठा निशान
(पूरा डाक पता)
प्रारूप—5
{नियम 18(4) और 20(1) देखें}
नाम सम्मिलित करने के दावों का रजिस्टर

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>नाम, पिता का नाम व पता</th>
<th>दावा प्रस्तुत करने की तारीख</th>
<th>पक्षकारों की उपस्थिति में टिप्पणी सहित विनिश्चय की तारीख</th>
<th>विनिश्चय स्वीकृत अस्वीकृत</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6</td>
</tr>
</tbody>
</table>

पुनरीक्षण, प्राधिकारी के हस्ताक्षर

पुनरीक्षण अधिकारी के विनिश्चय की कार्यान्वयन करने वाले पदवीय के हस्ताक्षर और तारीख

| 7         | 8                          |

---

100
<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>वह ज्योति जिसके सम्बंध में आक्षेप किया गया है</th>
<th>निर्वाचक नामांकन में क्रम संख्या</th>
<th>फिला/पता का नाम और पता तथा आक्षेपकर्ता का पता</th>
<th>आक्षेपकर्ता की निर्वाचन नामांकन में क्रम संख्या</th>
<th>आक्षेप प्रस्तुत करने की तारीख</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

प्रकारता की उपस्थिति की बाबत टिप्पणी साहित्य विशेषता की तारीख

<table>
<thead>
<tr>
<th>प्रकारता की उपस्थिति की बाबत टिप्पणी साहित्य विशेषता की तारीख</th>
</tr>
</thead>
<tbody>
<tr>
<td>स्पष्टकृत                  अस्पष्टकृत</td>
</tr>
<tr>
<td>पुनर्विश्लेषण प्राथिकारी के हस्ताक्षर</td>
</tr>
<tr>
<td>पुनर्विश्लेषण अधिकारी के विनियोग को कार्यान्वयन करने वाले पदाधिकारी के हस्ताक्षर और तारीख</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>क्रम संख्या</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
</tbody>
</table>

पुनरीक्षण प्राधिकारी के हस्ताक्षर  

पुनरीक्षण अधिकारी के विनिर्देश को कार्यभारत करने वाले पदाधिकारी के हस्ताक्षर तथा तारीख

<table>
<thead>
<tr>
<th>पुनरीक्षण प्राधिकारी के हस्ताक्षर</th>
<th>पुनरीक्षण अधिकारी के विनिर्देश को कार्यभारत करने वाले पदाधिकारी के हस्ताक्षर तथा तारीख</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>
प्रश्रूप—8

[नियम 19 (1) देखें]

दावों की सूची

ग्राम पंचायत/पंचायत समिति/जिला परिषद

निर्वाचन क्षेत्र

<table>
<thead>
<tr>
<th>प्राप्ति की तिथि</th>
<th>क्रम संख्या</th>
<th>दावेदार का नाम</th>
<th>पिता/पति/ माता का नाम</th>
<th>पता</th>
<th>सुनवाई की तारीख, समय और स्थान</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

पुनरीक्षण प्राधिकारी के हस्ताक्षर

103
प्रेमपुर-9
{नियम 19(1) देखें}

नाम समिलित किए जाने समबंधी आश्रोधों की सूची

ग्राम पंचायत/पंचायत समिति/जिला परिषद

निर्वाचन क्षेत्र

<table>
<thead>
<tr>
<th>प्राप्ति की तारीख</th>
<th>क्रम संख्या</th>
<th>आक्षेपकर का पूरा नाम</th>
<th>आक्षेपित नाम की विशिष्टता</th>
<th>प्राप्ति की निर्वाचक नामांकन में क्रम सं.</th>
<th>पूरा नाम</th>
<th>संक्षिप्त आक्षेप</th>
<th>सुनवाई की तारीख, समय और स्थान</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

पुनरीश्क्रण प्राधिकारी के हस्ताक्षर
प्ररूप-10
{नियम 19(1) देखें}

निर्वाचक नामांकल में विशिष्टियों सम्बन्धी आक्षेप सूची

<table>
<thead>
<tr>
<th>प्राप्ति की तारीख</th>
<th>क्रम संख्या</th>
<th>आक्षेप करने वाले निर्वाचक का नाम</th>
<th>निर्वाचक नामांकल की प्रविष्टि की क्रम सं० और भाग संख्या</th>
<th>आक्षेप का स्वरूप</th>
<th>सुनवाई की तारीख, समय और स्थान</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

पुनरीक्षण प्राधिकारी के हस्ताक्षर
प्रशिक्षित : 

(दावेदार का पूरा नाम और पता)

सन्दर्भ—आक्षेप संख्या

निर्वाचक नामांकन में नाम सम्मिलित किए जाने के लिए आपके दावे की सुनवाई

(स्थान में).प्रस्तुत 1 तारीख 201...

cो की जाएगी। आपको रचन या प्राधिकृत अभिकर्ता द्वारा ऐसे साक्ष्यों सहित जो आप प्रस्तुत करना चाहें, 
सुनवाई के समय उपस्थित होने का निर्देश दिया जाता है। 

स्थान........................................

tारीख........................................
प्रक्रिया-12
{नियम 19(2) देखें}
आक्षेप की सूचना के लिए सूचना

प्रेषित :

(आक्षेपकर्ता का पूरा नाम व पता)

संदर्भ—आक्षेप संख्या

[आक्षेपकर्ता का नाम सम्पूर्ण किए जाने के सम्बन्ध में आपके आक्षेप पर सूचना का स्थान] में................. वजे.............. दिनांक ................. 201...........

[तारीख..............201.....] को की जायेगी। आपको निर्देश दिया जाता है कि आप र्वयं या अपने पारमिटर अभिकर्ता द्वारा ऐसे साक्ष्य सहित, जो आप प्रस्तुत करना चाहें, सूचना के समय उपस्थित हों।

स्थान...........................................

तारीख...........................................

पुनरीक्षण प्राधिकारी
निर्वाचक नामांकन में किसी प्रविष्टि में प्रविष्टियों सम्बन्धी आक्षेप की सूचना

प्रकाशित:

आक्षेपकर्ता का पूरा नाम तथा पता

सन्दर्भ—आक्षेप संख्या

आपसे सम्बन्धित प्रविष्टियों के विषय में आपके आक्षेप की सुनवाई

स्थान में.........................बजे .................1[तारीख......................................201.....] को होगी। आपको निर्देश दिया जाता है कि आप स्वयं या अपने प्राधिकृत अभिकर्ता द्वारा ऐसे साक्ष्य सहित जो आप तुर्न करना चाहें सुनवाई के समय उपस्थित हों।

स्थान........................................

tारीख........................................

पुनरीक्षण प्राधिकारी,

-------------------------------निर्वाचन केंद्र
प्ररूप-14
{ नियम 19(3) देखें}

आक्षेप की सुनवाई की सूचना

प्रेषित :
(उस व्यक्ति का नाम व पूरा पता जिसके सम्बन्ध में आक्षेप किया गया है)

सान्दर्भ-आक्षेप संख्या.................................................................

आपके नाम को ग्राम पंचायत/पंचायत सरकार/जिला परिषदः

की निर्वाचन नामांकल में क्रम संख्या.............................................................पर सम्मिलित किए जाने/हटाए जाने

संबंधी (आक्षेपकर्ता का पूरा नाम व पता) के आक्षेप की सुनवाई

स्थान में ............................................दिनांक........................................20.... को की जाएगी।

आपको निर्देश दिया जाता है कि आप सवार के प्राधिकृत अभिक्रिया द्वारा ऐसे साक्ष्यों सहित

जो आप प्रस्तुत करना चाहें सुनवाई के समय उपस्थित हों।

आक्षेप के आधार संक्षिप्त रूप से इस प्रकार है:-

(क).................................................................................................................................

(ख).................................................................................................................................

(ग).................................................................................................................................

स्थान.................................................................

तारीख.................................................................

पुनरीक्षण प्राधिकारी,

निर्वाचन क्षेत्र।
निर्वाचन नामांकल के अंतिम प्रकाशन की सूचना

सार्वजनिक जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि ग्राम पंचायत/पंचायत समिति/जिला परिषद् के निर्वाचन क्षेत्र संख्या (निर्वाचन क्षेत्र) की निर्वाचन नामांकल के प्रारूप में पुनरीक्षण प्राधिकारी/अधीक्षण प्राधिकारी द्वारा आदेशित परिवर्तन/लोप (हटाया जाना) और शुद्धिकरण को उक्त प्रारूप नामांकल में समाविस्थ कर दिया गया है या ऐसे संशोधनों की सूची हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के अनुसार तैयार हो गई है और इस प्रकार शुद्ध (ठीक) की गई निर्वाचन नामांकल की एक प्रति संशोधनों सूची सहित अंतिम रूप में प्रकाशित कर दी गई है।

स्थान............................................

तारीख............................................

रजिस्ट्रीकरण अधिकारी।
निर्वाचक नामांकल में प्रविष्टि हटाए जाने के लिए आवेदन

सेवा में

जिला निर्वाचन अधिकारी (पंचायत),
जिला.................................................. (हिंदी प्रौ)।

महोदय,

मैं यह आवेदन करता हूँ कि ________________________________ निर्वाचन क्षेत्र की नामांकल की क्रम संख्या.............पर की गई प्रविष्टि जो श्री/श्रीमती__________________________ पुत्र/पत्नी/पुत्री_________________________ से सम्बन्धित है, को हटा दिया जाये, क्योंकि वह व्यक्ति
निम्नलिखित कारणों से निर्वाचक नामांकल में पंजीकृत किये जाने का हकदार नहीं है :-

........................................................................................................................................................................

........................................................................................................................................................................

मैं एतदारा घोषणा करता हूँ कि मैं इस निर्वाचन क्षेत्र का मतदाता हूँ तथा मेरा नाम क्रम संख्या.......................................................पर दर्ज है।

स्थान.............................................................

तारीख...........................................................

आवेदक के हस्ताक्षर/अंगूठा का निशान
पूरा पता..............................................................................................................................

*अनुचित शब्द काट दें।

टिप्पणी—कोई व्यक्ति, जो ऐसा कथन या घोषणा करता है जो मिथ्या है जिसको वह जानता है कि मिथ्या या उसके सत्य होने का विश्वास नहीं करता है प्रमुख विधि के अनुसार दण्डनीय होगा।
प्ररूप-17
(नियम 33 देखें)

निर्वाचक कार्यक्रम का नोटिस

एतद्वारा नोटिस दिया जाता है कि..........................................................

1) ग्राम समाज के प्रधान/उप-प्रधान/ग्राम समाज के प्रत्येक निर्वाचन क्षेत्र से एक सदस्य, पंचायत समिति के प्रत्येक निर्वाचन क्षेत्र से एक सदस्य, जिला परिषद के प्रत्येक निर्वाचन क्षेत्र से एक सदस्य; निर्वाचित करने के लिए, जैसा, नीचे दी गई सारणी में दर्शाया गया है, निर्वाचन किया जाना है।

2) अभ्यर्थी या उसके प्रश्नपत्र द्वारा नामांकन पत्र रिटर्निंग ऑफिसर के रूप में नियुक्त अधिकारी को नीचे दी गई सारणी में वर्तित स्थान, तारीख और समय पर परिवर्तन किए जा सकेंगे--

<table>
<thead>
<tr>
<th>जिला की (तहसील) में</th>
<th>(खण्ड)</th>
</tr>
</thead>
</table>

| निर्वाचन क्षेत्र की संख्या व नाम | पंचायत समिति की संख्या व नाम | ग्राम सम्बन्धि के परिषद का नाम | जिला परिषद के परिषद निर्वाचन क्षेत्र की संख्या व नाम | पंचायत समिति के परिषद निर्वाचन क्षेत्र की संख्या व नाम | ग्राम सम्बन्धि के परिषद के परिषद निर्वाचन क्षेत्र की संख्या व नाम | जिला परिषद के परिषद निर्वाचन क्षेत्र की संख्या व नाम | पंचायत समिति के परिषद निर्वाचन क्षेत्र की संख्या व नाम | पंचायत समिति के परिषद निर्वाचन क्षेत्र की संख्या व नाम | ग्राम सम्बन्धि के परिषद के परिषद निर्वाचन क्षेत्र की संख्या व नाम | स्थान | तारीख और समय |
|-------------------------|--------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------|------------------|
| 1                      | 2      | 3                | 4                | 5                | 6                | 7                | 8                | 9                | 10               | 11               |      |                  |
| 1                      | 2      | 3                | 4                | 5                | 6                | 7                | 8                | 9                | 10               | 11               |      |                  |
| 1                      | 2      | 3                | 4                | 5                | 6                | 7                | 8                | 9                | 10               | 11               |      |                  |

3) नामांकन पत्र के प्ररूप, यथास्थिति, क्रमशः ग्राम पंचायत कार्यालय या स्टम 7, 8, 9 में विनिर्दिष्ट, अधिकारी से और उक्त सारणी के स्टम 10 और 11 में विनिर्दिष्ट स्थान और तारीख पर अभिप्राप्त किए जा सकेंगे।

4) यथास्थिति, स्टम 7, 8, 9 में विनिर्दिष्ट, अधिकारी द्वारा उक्त सारणी के स्टम 10 में विनिर्दिष्ट स्थान पर..............................................................(समय)..............................................................(तारीख) को नामांकन पत्रों की संबंधित की जाएगी।

5) अभ्यर्थी वापिस लेने के नोटिस को, यथास्थिति, अभ्यर्थी या इस प्रयोजन के लिए अभ्यर्थी द्वारा लिखित रूप में सम्मिलित प्रश्नपत्र द्वारा स्टम 7 या स्टम 8 या स्टम 9 में विनिर्दिष्ट स्थान पर..............................(तारीख) को.................................तक (समय) परिवर्तन किए जा सकेंगे।
(6) अभ्यर्थीता वापिस लेने के लिए नियत समय के अवसान के तुरंत पश्चात, यथास्थिति,उक्त स्तम्भ 7 या स्तम्भ 8, स्तम्भ 9 में विनिर्दिष्ट अधिकारी द्वारा निर्वाचन लड़ने वाले अभ्यर्थियों को प्रतीक्षा बिन्ह आवश्यक किए जाएंगे और निर्वाचन लड़ने वाले अभ्यर्थियों की सूची अपने कार्यालय के बाहर चिपकायेगा।

(7) निर्वाचन करवाए जाने की दशा में मतदान..........................नीचे दी गई सारणी में दी गई तारीख और स्थान पर.................................और..............................(समय) के बीच होगा।

(8) मतदान के सम्पूर्ण होने पर मतगणना निम्न सारणी में दिए गए स्थान, तारीख और समय पर आरम्भ की जायेगी और गणना के पश्चात परिणाम घोषित किया जाएगा।

<table>
<thead>
<tr>
<th>सारणी</th>
</tr>
</thead>
<tbody>
<tr>
<td>जिला परिषद का नाम</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

स्थान..................................................
तारीख..................................................

जो लागू न हो उसे काट दें।

टिप्पणी:—एक ही निर्वाचन या उप-निर्वाचन की स्थिति में उक्त सारणियों के स्तम्भ /स्तम्भों को जो लागू नहीं होते हैं,
भरने की आवश्यकता नहीं है।
नामांकन पत्र

'ग्राम सभा ___________________________ (निर्वाचन क्षेत्र) से सदस्य का निर्वाचन।

'ग्राम सभा ___________________________ से प्रधान का निर्वाचन।

*ग्राम सभा ___________________________ से उप-प्रधान का निर्वाचन।

*पंचायत समिति ___________________________ के निर्वाचन * क्षेत्र के सदस्य का निर्वाचन।

*जिला परिषद् ___________________________ के निर्वाचन क्षेत्र के सदस्य का निर्वाचन।

मैं उक्त निर्वाचन के लिए अभ्यर्थी का नामांकन करता हूँ:—

अभ्यर्थी का नाम __________________________________ पिता या पति का नाम ___________________________

डाक पता ___________________________ उसका नाम ग्राम सभा/पंचायत समिति/जिला परिषद् के निर्वाचन क्षेत्र के लिए निर्वाचन नामांकली में क्रम संख्या_____________________________ पर दर्ज है।

मेरा नाम ___________________________ ग्राम सभा/पंचायत समिति/जिला परिषद् के निर्वाचन क्षेत्र के लिए निर्वाचन नामांकली में क्रम संख्या_____________________________ पर दर्ज है।

तारीख____________

प्रस्थापक का नाम और हस्ताक्षर।

मैं ___________________________ उपर्युक्त, अभ्यर्थी, इस नामांकन से अनुमत हूँ और एतदार्श घोषणा करता हूँ कि:—

(क) मैंने ___________________________ वर्ष की आयु पूर्ण कर ली है;

(ख) मैं घोषणा करता/करती हूँ कि मैंने राज्य सरकार, नगरपालिका, ग्राम पंचायत, पंचायत समिति, जिला परिषद या सहकारी सोसाइटी से प्रमाणित या उन द्वारा या उनकी ओर से पदटे पर ली गई अथवा अधिग्रहित किसी भूमि का अतिक्रमण नहीं किया है, और विधि के अधीन किसी अन्य निर्धारी से भी ग्रस्त नहीं हूँ;

(ग) मैं आगे घोषणा करता हूँ कि मैं _______________ जाति/जनजाति का सदस्य हूँ जो अनुसूचित जाति/जनजाति है।
(घ) मैंने हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के नियम 35 (2) के अंतर्गत का अनुसार अभ्यास प्राधिकारी द्वारा सम्पूर्ण रूप से जारी किया गया “प्रमाण-पत्र” संलग्न कर दिया है।

(ढ़) मैंने न तो कमी स्वापक पदार्थ का उपयोग करूँगा /करूँगी और न ही पोस्ट, अफीम और गाँजे (भांग) की खेती करूँगा /करूँगी तथा अन्यों को स्वापक पदार्थ का उपयोग न करने और पंचायत क्षेत्र में पोस्ट, अफीम और गाँजे (भांग) की खेती न करने के लिए भी प्रेमित करूँगा /करूँगी।

तारीख..........................

अभ्यर्थी के हस्ताक्षर |

(रिटर्निंग ऑफिसर द्वारा भरा जाएगा)

नामांकन पत्र की क्रम संख्या.......................... यह नामांकन पत्र मुझे ........................ अभ्यर्थी /प्रश्नपत्र द्वारा.......................... (स्थान) पर..............................(समय) पर..............................(तारीख) को परिदर्शित किया गया था।

तारीख..........................

रिटर्निंग ऑफिसर |

(नामांकन पत्र को मंजूर या नामजूर करने का रिटर्निंग ऑफिसर का विवेचन)

मैंने विधि के अनुसार नामांकन पत्र की परीक्षा कर ली है और मेरा विवेचन निम्नलिखित है:—

तारीख..........................

रिटर्निंग ऑफिसर |

उपर्युक्त अभ्यर्थी के नामांकन पत्र को न तो अस्वीकृत किया गया है, और न ही उसने अपनी अभ्यर्थिता वापिस ली है और इसलिए उसे ........................ (प्रतीक वा नाम) पंचायत द्वारा आवश्यक किया जाता है।

तारीख..........................

रिटर्निंग ऑफिसर |

नामांकन पत्र के लिए रसीद और संबंधित तथा नाम वापिस लेने की सूचना (नोटिस)
(इस नामांकन पत्र के प्रस्तुत करने वाले व्यक्ति को सौंप जाएगा)।

नामांकन पत्र की क्रम संख्या.................................................................

ग्राम सभा ____________________ के _______________ निर्वाचन क्षेत्र के सदस्य के निर्वाचन।

ग्राम सभा ____________________ से प्रधान/उप प्रधान के निर्वाचन।

पंचायत सभिती____________________ के ______________________ निर्वाचन क्षेत्र से सदस्य के निर्वाचन।

जिला परिषद ______________________ के ______________________ निर्वाचन क्षेत्र से सदस्य के निर्वाचन।

के लिए अम्ब्रेंट्स के नामांकन पत्र अम्ब्रेंट्स/प्रस्थापक द्वारा मुख्य________________________(तारीख)________________________(समय) पर मेरे कार्यालय में परिदर्शन किए गए थे। सभी नामांकन पत्रों की ______________________(स्थान)________________________
(तारीख)________________________(समय) पर संवीकार की जाएगी।

अम्ब्रेंट्स________________________(तारीख)________________________(समय) तक वापस ले जा सकेगी। अम्ब्रेंट्स वापस लेने के लिए नियत समय के अवसान के तुरंत पश्चात प्रतीक्षा आरंभित किया जा सकेगा।

तारीख________________________

रिटर्निंग ऑफिसर।

*जो शब्द लागू न हो उसे काट दें।"
प्रकाश 18—क
(नियम 35 (2) देखें)
(अदेय प्रमाण पत्र)

प्रमाणित किया जाता है कि पंचायत अभिलेख के अनुसार, श्री/श्रीमती/कुमारी...........................

पुत्र/पुत्री/पत्नी श्री.................................................................

निवासी ग्राम पंचायत....................................................ग्राम..................................................डाकघर..............................

विकास खण्ड.................................................................जिला.................................................................हिमाचल पद्मार से पंचायत द्वारा अधिरोपित कर का कोई बकाया या समा, समिति या जिला परिषद को देय किसी प्रकार का बकाया या प्रतिधारित रकम, जो समा, समिति या जिला परिषद निधि का भाग है, की कोई रकम देय नहीं है।

सचिव
जिला परिषद/पंचायत समिति.........................

सचिव/सहायक.................................
ग्राम पंचायत.................................
विकास खण्ड.................................
जिला.................................

टिप्पणी—ग्राम पंचायत द्वारा जारी प्रमाण पत्र कार्यकारी अधिकारी पंचायत समिति द्वारा प्रतिहस्ताक्षरित किया जाएगा।

** "जो लागू न हो उसे काट दें।"
राज्य की ग्राम पंचायत, पंचायत समिति और जिला परिषद के निर्वाचन के लिए अभ्यर्थी द्वारा ली जाने वाली शपथ या प्रतिज्ञा का प्ररूप

मैं--------------------------------/पंचायत समिति--------------------------------
जिला परिषद-------------------------------- में भरे जाने वाले स्थानों के लिए नामांकित किया गया अभ्यर्थी परमाल्य के नाम शपथ लेता हूं/सत्य निष्ठा से प्रतिज्ञा करता हूं कि मैं विषी द्वारा स्थापित भारत के संविधान के प्रति सच्ची श्रद्धा और निष्ठा रखता हूं कि और मैं भारत की प्रमुख और अखण्डता को अक्षुण्ण रखूंगा।

अभ्यर्थी के हर्षताशः
**प्रूप-20**  
(नियम 38 देखे)

**नामांकन की सूचना**

ग्राम पंचायत/पंचायत सभित/जिला परिषद के लिए निर्वाचन।

एतद्वारा सूचना दी जाती है कि उपरोक्त निर्वाचन के लिए कि निम्नलिखित नामांकन आज........................................
3 बजे दोपहर तक प्राप्त कर लिए हैं।

<table>
<thead>
<tr>
<th>नामांकन पत्र की क्रम संख्या</th>
<th>अम्यर्थ्य का नाम</th>
<th>पिता/पति का नाम</th>
<th>अम्यर्थ्य की आयु पता</th>
<th>पता</th>
<th>स्थान/पद जिसके लिए अम्यर्थ्य नामांकित है</th>
<th>अनुसूचित जाति/जनजाति के अम्यर्थ्य की जाति/जनजाति का विवरण</th>
<th>निर्वाचक नामांकली में अम्यर्थ्य की क्रम संख्या</th>
<th>प्रस्तावक का नाम</th>
<th>निर्वाचक नामांकली में प्रस्तावक की क्रम संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
</tbody>
</table>

स्थान...............................................  
तारीख...............................................  

रिटर्निंग अधिकारी।  

*जो शब्द लागू न हो उसे काट दें।
विधिमान्य नामांकित अभ्यर्थियों की सूची

ग्राम पंचायत/पंचायत समिति/जिला परिषद के निर्वाचन क्षेत्र से निर्वाचन। अभ्यर्थी का पता स्थान/पद।

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अभ्यर्थी का नाम</th>
<th>पिता/पति का नाम</th>
<th>अभ्यर्थी का पता</th>
<th>स्थान/पद</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

स्थान

तारीख

रिटर्निंग अधिकारी।

* जो लागू न हो उसे काट दें।
प्रत्यय–22
[नियम (40) देखें]
अम्बितिता की वापसी की सूचना

*जिला परिषद के निर्वाचन क्षेत्र सं0................
पंचायत समिति के निर्वाचन क्षेत्र संख्या....................
ग्राम पंचायत के निर्वाचन क्षेत्र संख्या....................
प्रधान/उप-प्रधान का ग्राम सभा से निर्वाचन।

सेवा में,
रिपोर्टिंग अधिकारी

मैं (नाम तथा पता) उक्त निर्वाचन के लिए नामांकित अम्बितिता एतद्वारा/सूचना देता हूं कि मैं अम्बितिता वापिस लेता हूं।

स्थान
तारीख..........................

........................विषमन्य नामांकित अम्बितिता के हस्ताक्षर |

-------

यह सूचना मुझे अम्बितिता/श्री अम्बितिता/अम्बितिता के प्रस्तावक/अम्बितिता के निर्वाचन अभिक्रिया द्वारा........................(तारीख)..................................(समय) मेरे कार्यालय में परिधित की गई।

तारीख..........................

रिपोर्टिंग अधिकारी

____________________________
*जो सांवू न हो काट दे।

नाम के वापिस लेने के लिए रसीद
(नोटिस परिधित करने वाले व्यक्ति को संदीपी जानी है)
अम्बितिता वापिस लेने का नोटिस

____________________________
निर्वाचन के लिए अम्बितिता(नाम) द्वारा अम्बितिता वापिस लेने का नोटिस/अम्बितिता के प्रस्तावक/अम्बितिता के निर्वाचन अभिक्रिया द्वारा मुझे........................(तारीख) को........................(समय) पर मेरे कार्यालय पर परिधित किया गया था।

तारीख..........................

____________________________
रिपोर्टिंग अधिकारी

____________________________
*जो सांवू न हो काट दे।
प्रथम–23
[नियम 40(3) देखें]

अभ्यर्थिता की वापसी की सूचना

ग्राम पंचायत/पंचायत समिति/जिला परिषद के लिए निर्वाचन क्षेत्र से निर्वाचन।

एतद्वारा यह सूचना दी जाती है कि निम्नलिखित अभ्यर्थी/अभ्यर्थियों ने उक्त निर्वाचन से अपनी अभ्यर्थिता/अभ्यर्थिताएं वापिस ली हैं :–

<table>
<thead>
<tr>
<th>अभ्यर्थी का नाम</th>
<th>अभ्यर्थी का पता</th>
<th>स्थान/पद जिसके लिए अभ्यर्थिता वापिस ली गई है</th>
<th>टिपणी</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

इत्यादि

तारीख........................................
समय...........................................

रिटायनिंग अधिकारी |
निर्वाचन लड़ने वाले अभ्यर्थियों की सूची

ग्राम पंचायत/पंचायत समिति/जिला परिषद के लिए निर्वाचन क्षेत्र से निर्वाचन।

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अभ्यर्थी का नाम</th>
<th>अभ्यर्थी का पता</th>
<th>आवंटित प्रतीक</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

तारीख..................................

स्थान..................................

रिटॉर्निंग अधिकारी के हस्ताक्षर।
निर्वाचन अभिकर्ता की नियुक्ति का प्ररूप

मैं--------------------------------- ग्राम पंचायत -------------------------------- के प्रधान / उप-प्रधान के निर्वाचन के लिए।

ग्राम पंचायत -------------------------------- के प्रधान / उप-प्रधान के निर्वाचन के लिए।

पंचायत समिति -------------------------------- के निर्वाचन क्षेत्र -------------------------------- से पंचायत समिति के सदस्य के लिए। जिला परिषद -------------------------------- के निर्वाचन क्षेत्र सं0-------------------- में होने वाले उक्त निर्वाचन के लिए एतद्वारा श्री -------------------------------- को सं0-------------------- पर ------------------------------- जो निर्वाचन के लिए र्ज्धान नियत है निर्वाचन अभिकर्ता नियुक्त करता हूं।

स्थान---------------------------------
तारीख-------------------------------

अन्यथा के हस्ताक्षर |

मैं निर्वाचन अभिकर्ता के रूप में कार्य करने के लिए सहमत हूं।

स्थान---------------------------------
तारीख-------------------------------

निर्वाचन अभिकर्ता के हस्ताक्षर |

अनुमोदित

स्थान---------------------------------
तारीख-------------------------------

रिटर्निंग अधिकारी के हस्ताक्षर |

*जो लागू न हो काट दें।
प्राप्ति-26
(नियम 44 देख)
मतदान अभिकर्ता की नियुक्ति

मतदान के लिए निर्वाचन क्षेत्र के लिए
सदस्य के निर्वाचन। ग्राम पंचायत के प्रधान/उप-प्रधान जिला परिषद/पंचायत समिति
के निर्वाचन क्षेत्र संख्या...........................................के लिए सदस्य का निर्वाचन।

मैं.........................................................को उक्त निर्वाचन के लिए एतद्वारा श्री
मतदान केन्द्र सं0.................पर जो मतदान के लिए स्थान नियत है, मतदान अभिकर्ता नियुक्त करता हूं।

स्थान..........................................................
लाख..........................................................

अन्यथा/निर्वाचन अभिकर्ता के हस्ताक्षर

मैं मतदान अभिकर्ता के रूप में कार्य करने के लिए सहमत हूं।

स्थान..........................................................
लाख..........................................................

मतदान अभिकर्ता के हस्ताक्षर

मतदान अभिकर्ता की घोषणा जो शीतासीन अधिकारी के समक्ष हस्ताक्षरित की जानी है।

मैं एतद्वारा घोषणा करता हूं कि उक्त निर्वाचन में, मैं ऐसा कुछ नहीं करूंगा जो हिमाचल प्रदेश
पंचायती राज अधिनियम, 1994 और इसके अंदर बनाए गए नियमों द्वारा निषिद्ध है।

मेरे समक्ष हस्ताक्षर किए ।

स्थान..........................................................
लाख..........................................................

पीठासीन अधिकारी के हस्ताक्षर

*जो लागू न हो काट दें।

125
प्रणब—27
(नियम 45 देखे)

मतगणना अभिकर्ता की नियुक्ति

ग्राम पंचायत के लिए निर्वाचन क्षेत्र से
निर्वाचन
प्रधान ग्राम पंचायत के निर्वाचन।
उप-प्रधान ग्राम पंचायत के निर्वाचन। पंचायत समिति की
के
निर्वाचन क्षेत्र से सदस्य का निर्वाचन। जिला परिषद्
के
निर्वाचन क्षेत्र से सदस्य का निर्वाचन।

मैं--------------------------------------------लिस्ट निर्वाचन क्षेत्र के लिए अम्योदार हूँ निम्नलिखित व्यक्तियों
को------------------------------------------------(स्थान) पर होने वाली मतगणना के लिए मतगणना के समय उपरिषद रहने के
लिए अभिकर्ता के रूप में नियुक्त करता हूँ।

स्थान--------------------------------------------
तारीख-------------------------------

अम्योदार/निर्वाचन अभिकर्ता के हस्ताक्षर।

मैं मतगणना अभिकर्ता के रूप में कार्य करने के लिए सहमत हूँ।

स्थान--------------------------------------------
तारीख-------------------------------

अम्योदार अभिकर्ता के हस्ताक्षर।

रिटायर ऑफिसर के समक्ष हस्ताक्षरतिकी जाने वाली मतगणना अभिकर्ता की घोषणा

मैं एतद्वारा घोषणा करता हूँ कि मैं उक्त निर्वाचन में, ऐसा कुछ नहीं करूँगा जो हिमाचल प्रदेश
पंचायती राज अधिनियम, 1994 और इसके अधीन बनाए गए नियमों द्वारा निषिद्ध है।

मेरे समक्ष हस्ताक्षर किए गए।

स्थान--------------------------------------------
तारीख-------------------------------

रिटायर ऑफिसर या रिटायर ऑफिसर द्वारा
प्रभावित अधिकारी के हस्ताक्षर।

*जो लागू न हो काट दे।
निर्वाचन/सविरोध निर्वाचन में परिणाम की घोषणा

ग्राम सभा ......................................................................................................................... के निर्वाचन क्षेत्र के लिए सदस्य का निर्वाचन।

ग्राम सभा ......................................................................................................................... से प्रधान का निर्वाचन। ग्राम सभा ......................................................................................................................... उप-प्रधान का निर्वाचन।

पंचायत समिति .................................................................................................................. के निर्वाचन क्षेत्र से सदस्य का निर्वाचन।

जिला परिषद ...................................................................................................................... के निर्वाचन क्षेत्र से सदस्य का निर्वाचन।

हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के नियम 49 में अन्तर्विस्त उपबन्धों के अनुसार में, मैं घोषणा करता हूँ कि :-

श्री ................................................................................................................... पुत्र श्री ................................................................................................................... पता ................................................................. के पद/स्थान हेतु निर्वाचित हुआ है।

(हस्ताक्षर)
स्थान ........................................................
तारीख.................................

रिटर्निंग अधिकारी।

________________________
जो असंगत हो उसे काट दें।

यहां निम्नलिखित में से एक अनुकूल अन्त: स्थापित करें जैसा संगत हो:-

1) ग्राम सभा ................................................................. के ................................................................. निर्वाचन क्षेत्र के सदस्य का पद।
2) ग्राम सभा ................................................................. से प्रधान का पद।
3) ग्राम सभा ................................................................. के उप-प्रधान का पद।
4) पंचायत समिति ................................................................. के ................................................................. निर्वाचन क्षेत्र से सदस्य का पद।
5) जिला परिषद ................................................................. के ................................................................. निर्वाचन क्षेत्र से सदस्य का पद।
रिटर्निंग आफिसर को सूचना का पत्र

सेवा में,

रिटर्निंग आफिसर,
पंचायत
विकास खण्ड
जिला
(हिमाचल प्रदेश)।

श्रीमान,

मैं उसी खण्ड (स्थान) के भीतर मतदान इवूटी पर आरूढ़ एक मतदाता हूं और मेरा नाम ग्राम पंचायत पंचायत समिति जिला परिषद् के वार्ड संख्या के लिए निर्वाचक नामांकन के उपरोक्त श्रेणी क्रम संख्या प्रविभ (दर्ज) है। मैं उक्त पंचायतों के आगामी निर्वाचनों (चुनावों) में ग्राम पंचायत के वार्ड संख्या से अपना मत डालने हेतु आशीर्वाद हूं।

स्थान

अवधीय,

तारीख..........................
अनुच्छेद 284

जिनमें 49-(1) (क), 49-(2) और 73-(3) एवं (6) देखें

मतदाता द्वारा घोषणा

के लिए निर्वाचन (इस तरफ़ (स्थान) का प्रयोग केवल
tभी किया जाना है जब मतदाता घोषणा पर स्वयं हस्ताक्षर करता है) में एतद्वारा घोषणा करता हूँ कि मैं ही
वह मतदाता हूँ जिसे उपयुक्त निर्वाचन में क्रम संख्या ...........................बाला पोल ड्रूटी मतपत्र जारी किया गया
है।

मतदाता के हस्ताक्षर

तारीख............................

पता-----------------------------

हस्ताक्षर का अनुमानण

....................................................मतदाता द्वारा उपयुक्त घोषणा मेरी उपस्थिति में हस्ताक्षरित की गई है
जिसे मैं व्यक्तिगत रूप से जानता हूँ/जिसकी......................................................(पहचानकर्ता)
जिसे मैं व्यक्तिगत रूप से जानता हूँ द्वारा मेरे समाधानेत हेतु पहचान करवाई गई है।

अनुमानण अधिकारी के हस्ताक्षर

पहचानकर्ता के हस्ताक्षर, यदि कोई हो............................

पदनाम--------------------------------

पता----------------------------------

तारीख..........................................

129
प्रणय–28ड़
(नियम 49–ड़ (१) (ड) और 49–छ (१) देखें)

मतदाताओं की जानकारी के लिए निर्देश
(पंचायतों के निर्वाचन में उपयोग किए जाएं)

से

के लिए • निर्वाचन।

व्यक्ति, जिनके नाम एतद्वारा भेजे गए मतपत्र पर मुद्रित किए गए हैं, उपर्युक्त निर्वाचन में अभ्यर्थी हैं। आप अपना मत, उस अभ्यर्थी, जिसे आप मत देना चाहते हैं, के नाम के विरुद्ध सप्तत: एक विन्ह लगाकर, अनिलिखित (रिकार्ड) करें।

बिन्ह ऐसे लगाया जाना चाहिए ताकि वह व्यक्ति, जिसे आप अपना मत दे रहें हैं सप्ततया और संदेह से परे इंगित हो सके। यदि लगाया गया ऐसा विन्ह संदेहास्पद लगता है कि किस व्यक्ति को आपने अपना मत दिया है तो आपका मत अवैध हो जाएगा।

निर्वाचित किए जाने वाले सदस्यों की संख्या एक है। कृपया याद रखें कि आपके पास केवल एक मत है। तदनुसार आपको एक से अधिक अभ्यर्थी के लिए मतदान नहीं करना चाहिए। यदि आप ऐसा करते हैं तो आपका मतपत्र अस्वीकृत कर दिया जाएगा।

मतपत्र पर अपना मत अनिलिखित (रिकार्ड) करने के लिए अपेक्षित चिन्ह के सिवाय, अपने हस्ताक्षर नहीं करें या कोई शब्द न लिखें या कोई चिन्ह चिह्नित न करें अथवा जहां कहीं भी हस्ताक्षर या लेखन न करें।

मतपत्र पर अपना मत रिकार्ड करने के पश्चात, मतपत्र को एतद्वारा भेजे गए 'क' 'ि। दिनित हिंदी लिफाफें में रखें। लिफाफा बंद कर दें और इसे मोहर बंद या अन्यथा से सुरक्षित करें।

तब आप प्रक्र–28ड़ में घोषणा को हस्ताक्षरित करें।

आपकी घोषणा हस्ताक्षरित होने और आपके हस्ताक्षर अनुप्रमाणित हो जाने के पश्चात, प्रक्र–28ड़ में दी गई घोषणा और मतपत्र युक्त 'क' 'ि। दिनित हिंदी लिफाफें को भी 'ख' 'ि। दिनित हिंदी लिफाफें में रखें। बड़े लिफाफे को बंद करने के पश्चात इसे रिटिंग आफिसर या राज्य निर्वाचन आयोग द्वारा इस निमित्त व्यक्तिगत तीर पर प्राधिकृत किसी अधिकारी को सौंप दें। 'ख' 'ि। दिनित हिंदी लिफाफे पर दिए गए स्थान पर आपके अपने पूरे हस्ताक्षर करने होंगे।

• निर्वाचन के समुचित विशिष्टियों को यहां पर अन्तःथापित किया जाना है।

आप यह अवश्य सुनिश्चित करें कि लिफाफा.........................के•....................से• पहले रिटिंग आफिसर या राज्य निर्वाचन आयोग द्वारा इस निमित्त किसी अधिकारी को दे दिया गया है। कृपया नोट करें कि—

(i) यदि आप उपर्युक्त इंगित शैलि में अपनी घोषणा को अनुप्रमाणित या प्रमाणित करवाने में असफल रहते हैं तो आपका मतपत्र अस्वीकृत कर दिया जाएगा; और

(ii) यदि लिफाफा..................................................के पश्चात• रिटिंग आफिसर या राज्य निर्वाचन आयोग द्वारा इस निमित्त प्राधिकृत किसी अधिकारी के पास पहुंचता है तो आपके मत की गणना नहीं की जाएगी..................................................१(यहां मतों की गणना के आरम्भ होने के लिए नियत घटें और तारीख को विनिर्दिष्ट करें )।
प्रावध—29  
[नियम 52(3) और 66 देखें]

मत पत्र लेखा

ग्राम पंचायत के निर्वाचन क्षेत्र से सदस्य का निर्वाचन।
ग्राम पंचायत के प्रधान/उप-प्रधान का निर्वाचन।
पंचायत समिति के निर्वाचन क्षेत्र से सदस्यों का निर्वाचन।
जिला परिषद् के निर्वाचन क्षेत्र से सदस्य का निर्वाचन।
मतदान केन्द्र संख्या..................................................क्रम संख्या कुल संख्या।

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>कुल संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. मतदान केन्द्र में पीठासीन अधिकारी द्वारा प्राप्त किए गए मत पत्र।</td>
<td></td>
</tr>
<tr>
<td>2. अप्रयुक्त मत पत्रों की संख्या</td>
<td></td>
</tr>
<tr>
<td>3. प्रयुक्त मत पत्र (1−2=3)</td>
<td></td>
</tr>
<tr>
<td>4. प्रयुक्त मत पत्रों की संख्या  पररा मत पेपर में अंतर स्थापित नहीं।</td>
<td></td>
</tr>
<tr>
<td>(क) रद किए मतपत्रों की संख्या</td>
<td></td>
</tr>
<tr>
<td>(ख) निर्विद्ध मतों के लिए प्रयुक्त मत पत्र</td>
<td></td>
</tr>
<tr>
<td>(ग) भूमिक्षण अथवा लिखित गलती के लिए रद किए मत पत्रों की संख्या क+ख+ग</td>
<td></td>
</tr>
<tr>
<td>5. मत पेपर में मत पत्रों की संख्या (3−4=5)</td>
<td></td>
</tr>
</tbody>
</table>

स्थान.................................................................
तारीख.............................................................

पीठासीन अधिकारी के हस्ताक्षर।
प्रकृप-30  
(नियम 58 देखें)  

आक्षेपित मतों की सूची  

1. ....................................................... निर्वाचन के लिए आक्षेप किए गए मतों का विवरण ग्राम पंचायत के निर्वाचन क्षेत्र के लिए सदस्यों का निर्वाचन।  

ग्राम पंचायत के प्रधान/उप-प्रधान के लिए निर्वाचन। पंचायत सभित के निर्वाचन क्षेत्र से सदस्य का निर्वाचन जिला परिषद् के निर्वाचन क्षेत्र से सदस्यों का निर्वाचन मतदान केंद्र संख्या.............................स्थान  

| क्र0 सं0 | आक्षेपकर्ता का नाम | मतदाता का नाम | मतदाता सूची में क्रम संख्या | ग्राम का नाम जिससे मतदाता सूची सम्बन्ध है | आक्षेप किए गए व्यक्ति का वर्तमान पता | आक्षेप किए गए व्यक्ति के हस्ताक्षर/अंगूठा निशान | पहचानकर्ता का नाम यदि कोई है | पीठासीन अधिकारी के आदेश | आक्षेपकर्ता के जमा प्रतिदिन प्राप्त करने पर हस्ताक्षर |  
|-------|-------------------|-----------------|---------------------------|---------------------------------|---------------------------------|---------------------------------|-------------------------------|-------------------|------------------|--------|  
| 1     | 2                 | 3               | 4                         | 5                               | 6                               | 7                               | 8                             | 9                 | 10               |  

स्थान

तारीख

पीठासीन अधिकारी के हस्ताक्षर।
**प्रक्रिया-31**
(नियम 63 देखें)

**निविदत मतों की सूची**

ग्राम पंचायत के निर्वाचन क्षेत्र से सदस्य का निर्वाचन। ग्राम पंचायत से प्रथान/उप-प्रथान का निर्वाचन। पंचायत समिति के निर्वाचन क्षेत्र से सदस्य का निर्वाचन। जिला परिषद के निर्वाचन क्षेत्र से सदस्य का निर्वाचन। मतदान केंद्र संख्या...

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>मतदाता का नाम</th>
<th>निर्वाचन क्षेत्र की मतदाता सूची में क्रम संख्या</th>
<th>ग्राम का नाम जिससे मतदाता सूची सम्बद्ध है</th>
<th>निविदत मत पत्रों की क्रम संख्या</th>
<th>उस व्यक्ति को जारी किए गए मत पत्र की क्रम संख्या</th>
<th>मत निविदत करने वाले व्यक्ति के हस्ताक्षर व अंगूठा निशान</th>
<th>मत पीठासीन अधिकारी के हस्ताक्षर</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

र्थान ........................................

tारीख........................................
प्रकाश-32
(नियम 75 देखें)
सदस्य के निर्वाचन के लिए गणना का परिणाम-शीट (रिजल्ट शीट)

ग्राम पंचायत .......................... निर्वाचन क्षेत्र संख्या .......................... से मतदान केन्द्र संख्या ..........................
स्थान ..........................

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अभ्यर्थी/अभ्यर्थियों के नाम</th>
<th>अभ्यर्थी के पक्ष में डाले गए मतों की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

1.
2.
3.
4.
5.
6.
7.
8.

(क) विधिमान मतों की कुल संख्या..................................................
(ख) अस्वीकृत मतों की कुल संख्या..................................................
(ग) नोटा के लिए डाले गए मतों की कुल संख्या..................................................
(घ) डाले गए मतों की कुल संख्या (क+ख+ग)..................................................
(ड) निविद्यत मतों की कुल संख्या..................................................
(च) टिप्पणियां.................................................................................

गणना का स्थान.................................................................

तारीख.................................................................

रिटर्निंग ऑफिसर (ग्राम पंचायत) या रिटर्निंग ऑफिसर
(ग्राम पंचायत) द्वारा प्राधिकृत अधिकारी।
प्रमुख-33
(नियम 75 देखें)
सदस्य के निर्वाचन के लिए विवरणिका (रिटार्न) का प्ररूप

ग्राम पंचायत के निर्वाचन क्षेत्र संख्या ..................................................से सदस्य का निर्वाचन।

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अम्बारी का नाम</th>
<th>अम्बारी के पक्ष में डाले गए विविधान्य मतों की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>अम्बारी 1</td>
<td>100</td>
</tr>
<tr>
<td>2</td>
<td>अम्बारी 2</td>
<td>150</td>
</tr>
<tr>
<td>3</td>
<td>अम्बारी 3</td>
<td>200</td>
</tr>
</tbody>
</table>

(क) विविधान्य मतों की कुल संख्या.................................
(ख) अविविधान्य मतों की कुल संख्या.................................
(ग) नोटा के लिए डाले गए मतों की कुल संख्या.................................
(घ) डाले गए मतों की कुल संख्या.................................

मैं घोषणा करता हूं/करती हूं कि नाम .................................................. को सम्यक रूप से सदस्य घोषित किया गया/की गई की सदस्य सम्यक निर्वाचित किया गया है।

.................................................................
रिटार्निंग ऑफिसर/रिटार्निंग ऑफिसर (पंचायत)
द्वारा प्राधिकृत अधिकारी।

तारीख......................201.....

*स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।
प्रारूप—34
(नियम 75 देखे)
प्रधान/उप-प्रधान के मतों की गणना की परिणाम शीट (रिजल्ट शीट)

ग्राम पंचायत

सम्मिलित मतदान केन्द्रों की संख्या..........................

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अभ्यर्थी का नाम</th>
<th>अभ्यर्थी के पक्ष में डाले गए विधिमान मतों की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

(क) विधिमान्य मतों की कुल संख्या.................................
(ख) अस्वीकृत मतों की कुल संख्या.................................
(ग) नोटा के लिए डाले गए मत की कुल संख्या.................................
(घ) निविदत मतों का कुल योग ..................................
(ङ) डाले गए (क+ख+ग) मतों की कुल संख्या: ..................

गणना का स्थान

उपलब्धी तारीख........................................

रिटर्निंग ऑफिसर/रिटर्निंग ऑफिसर (पंचायत)
द्वारा प्राप्तिकृत अधिकारी।

*स्थान के अन्य तीर्थ की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।
प्राप्त–35
(नियम 75 देखें)
प्रधान/उप-प्रधान के निर्वाचन के लिए विवरणी (रिटर्न) का प्राप्त

ग्राम पंचायत

प्रधान/उप-प्रधान का निर्वाचन

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अभ्यंत्री का नाम</th>
<th>अभ्यंत्री के पक्ष में डाले गए विधिमान्य मतों की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

1.
2.
3.
4.
5.
6.
7.

(क) विधिमान्य मतों की कुल संख्या ........................................

(ख) अविधिमान्य मतों की कुल संख्या ........................................

(ग) नोटा के लिए डाले गए मतों की कुल संख्या..............................

(घ) डाले गए मतों (क+ख+ग) की कुल संख्या..............................

(ङ) निविदा भत मतों की कुल संख्या........................................

में घोषणा करता हूं/करती हूं कि:--

नाम

पता

सम्पूर्ण रूप से निर्यातित हुआ है

रिटर्निंग ऑफिसर/रिटर्निंग ऑफिसर (पंचायत)

द्वारा प्राधिकृत अधिकारी के हस्ताक्षर.

स्थान:

terish

*स्थान के अनुसार दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।
<table>
<thead>
<tr>
<th>क्रम</th>
<th>अन्यथा का नाम</th>
<th>अन्यथा के पक्ष में डाले गए विविधान्य मतों की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

1.  
2.  
3.  
4.  
5.  
6.  

(क) विविधान्य मतों की कुल संख्या.................................
(ख) अस्वीकृत मतों की कुल संख्या.................................
(ग) नोटा के लिए डाले गए मतों की कुल संख्या.................................
(घ) डाले गए मतों (क+ख+ग) की कुल संख्या.................................
(ड) निविद्यार्थ मतों की कुल संख्या.................................

स्थान

तारीख...............................  
रिटर्निंग ऑफिसर/रिटर्निंग ऑफिसर (पंचायत)  
द्वारा प्राधिकृत अधिकारी।

*स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।
प्रस्तुत समिति के सदस्यों के निर्वाचन के लिए विवरणी (रिटर्न) का प्रस्तुत

पंचायत समिति के निर्वाचन क्षेत्र संख्या............. से पंचायत समिति के
सदस्य का निर्वाचन।

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अन्यथा का नाम</th>
<th>अन्यथा के पक्ष में डाले गए विधिमान निर्वाचन नकली की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

(क) विधिमान निर्वाचन नकली की कुल संख्या.................................
(ख) अवधिमान निर्वाचन नकली की कुल संख्या.................................
(ग) नोटा के लिए डाले गए पता की कुल संख्या.................................
(घ) डाले गए पता की कुल संख्या.................................

<table>
<thead>
<tr>
<th>मैं घोषणा करता हूँ/करती हूँ कि।</th>
</tr>
</thead>
<tbody>
<tr>
<td>नाम</td>
</tr>
<tr>
<td>पता</td>
</tr>
</tbody>
</table>

सम्पूर्ण रूप से निर्वाचित हुआ/हुई है।

लारीख........................................

रिटर्निंग ऑफिसर।

*स्थान के अन्वय की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा*
<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अभ्यर्थियों के नाम</th>
<th>अभ्यर्थी के पक्ष में झाले गए विधिमान्य मतों की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

(क) विधिमान्य मतों की कुल संख्या.............................
(ख) अस्वीकृत मतों की कुल संख्या.............................
(ग) नोटा के लिए झाले गए मतों की कुल संख्या.............................
(घ) झाले गए मतों की कुल संख्या.............................
(ड) निविदा मतों की कुल संख्या.............................

मतगणना का स्थान

तारीख..............................................

रिटर्निंग ऑफिसर/रिटर्निंग ऑफिसर (परिषद)

द्वारा प्राथिकृत अधिकारी के हस्ताक्षर।

*स्थान के अन्याय की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।
प्रक्रम-38 (भाग-2)
(नियम 75 देखें)
जिला स्तर की मतगणना

जिला परिषद के सदस्य के मतों की गणना की परिणाम शीट (रिजल्ट शीट)

निर्वाचन क्षेत्र सं0........................................

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अभ्यर्थियों के नाम</th>
<th>विभिन्न खण्डों में स्थित कुल मतदान केंद्रों में अभ्यर्थी द्वारा प्राप्त किए गए मतों की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>खण्ड</td>
<td>खण्ड</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

(क) विधिमान्य मतों की कुल संख्या........................................
(ख) अस्तीत्वकृत मतों की कुल संख्या........................................
(ग) नोटा के लिए डाले गए मतों की कुल संख्या........................................
(घ) डाले गए कुल मतों (क+ख+ग) की संख्या........................................
(ङ) निविदत मतों की कुल संख्या........................................

मतगणना का स्थान-----------------------------------------------

तारीख........................................................................

रिटर्निंग ऑफिसर/रिटर्निंग ऑफिसर (परिषद)
द्वारा प्राधिकृत अधिकारी।

*स्थान के अन्वेषण की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।
प्ररूप-39
(नियम 75 देखें)
जिला परिषद के सदस्य के निर्वाचन की विवरणी (रिटर्न) का प्ररूप

जिला परिषद की निर्वाचन क्षेत्र संख्या..........................से जिला परिषद के सदस्य का निर्वाचन।

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>अन्यथा का नाम</th>
<th>अन्यथा के पक्ष में डाले गए विधिमान्य मतों की संख्या</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(क) विधिमान्य मतों की कुल संख्या........................................
(ख) अवधिमान्य मतों की कुल संख्या........................................
(ग) नोटा के लिए डाले गए मतों की कुल संख्या........................................
(घ) डाले गए मतों की कुल संख्या........................................

मैं घोषणा करता हूँ/करती हूँ कि:—

<table>
<thead>
<tr>
<th>नाम</th>
</tr>
</thead>
<tbody>
<tr>
<td>पता</td>
</tr>
</tbody>
</table>

सम्पूर्ण रूप से निर्वाचित हुआ है/हुई है।

रिटर्निंग ऑफिसर।

तारीख................................

*स्थान के अन्याय की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।
प्रकाशक—40
(नियम 85 और 86 देखें)

[पंचायत सभित/जिला परिषद् के सदस्यों के लिए शपथ या निष्ठा पर किया गया प्रतिज्ञा या पंचायत
सभित/जिला परिषद् के अध्यक्ष/उपाध्यक्ष का निर्वाचन]

सेवा में,

पदाधिकारी,
जिला परिषद्/पंचायत सभित

हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के नियम 85/86 के अनुसार में,
में-------------------------------------------(विहित प्राधिकारी) एवंद्वारा सूचित करता हूँ कि जिला परिषद्/पंचायत
सभित की बैठक----------------------------------------(तारीख को)------------------------बजे--------------------------स्थान) में अधिनियम की धारा
79/90 के अधीन जिला परिषद्/पंचायत सभित के अध्यक्ष/उपाध्यक्ष के निर्वाचन या, सदस्यों को शपथ या
निष्ठा पर किए गए प्रतिज्ञा की अभिकथन करने के लिए बुलाई गई है।

स्थान------------------------------------------

तारीख-----------------------------------------

विहित प्राधिकारी।

______________________________
जो लागू न हो कार दें।
प्रस्ताव—41
(नियम 85 और 86 देखें)
जिला परिषद् और पंचायत समिति के अध्यक्ष/उपाध्यक्ष के पद के निर्वाचन के लिए
नामांकन—पत्र का प्रस्ताव

जिला परिषद्/पंचायत समिति का नाम

अम्बेद्कर का पूरा नाम

विवरण सहित मतगणना सूची की क्रम संख्या

पिता/पति का नाम पूरा पता

प्रस्तावक का पूरा नाम

समर्थक का पूरा नाम

(प्रस्तावक और समर्थक के हस्ताक्षर)

स्थान

तारीख...

अम्बेद्कर द्वारा घोषणा में एलटेक्स घोषणा करता हूं कि मैं इस नामांकन से सहमत हूं और उक्त पद पर कार्य करने के लिए सहमत हूं।

स्थान

तारीख...

अम्बेद्कर के हस्ताक्षर
प्ररूप-42
(नियम 85 और 86 देखें)

जिला परिषद्/पंचायत समिति के अध्यक्ष/उपाध्यक्ष के परिणामों का प्रकाशन

हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 की धारा 126 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए में……………………. (विहित प्राधिकारी) जिला……………………. के जिला परिषद्/पंचायत समिति, के अध्यक्ष/उपाध्यक्ष के निर्वाचन परिणामों को निम्न प्रकार से प्रकाशित करता हूँ :-

<table>
<thead>
<tr>
<th>क्रम संख्या</th>
<th>पिता/पति के नाम सहित नाम और पता</th>
<th>पद का नाम अध्यक्ष/उपाध्यक्ष</th>
<th>निवासित</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

स्थान

तारीख..............................

विहित प्राधिकारी।

जिला.................................
प्रारंभ-43
[नियम 94(3) देखें]

मैं----------------------------------इसके साथ निर्वाचन याचिका का याची, श्री/श्रीमती----------------------------------
उक्त याचिका में प्रत्यार्पण संख्या-----------------------------का------------------से निर्वाचन को प्रस्नगत करते हुए सत्यनिष्ठा प्रतिज्ज्ञा करते हुए/शपथ लेते हुए कहता हूँ कि :-

(क) इसके साथ वाली निर्वाचन याचिका के पैरा..........................भाष्ट आचरण**..............................किए जाने के बारे में किए गए कथन और इसके साथ उपादेय पुनः सूची के पैरा..........................में वर्णित ऐसे भाष्ट आचरण की विशिष्टि या मेरी जानकारी के अनुसार सत्य है;

(ख) उक्त याचिका के पैरा..........................भाष्ट आचरण..............................किए जाने के बारे में किए गए कथन और उक्त याचिका के पैरा..........................में ऐसे भाष्ट आचरण की तथा इसके साथ उपादेय अनुसूची के पैरा..........................में दी गई विशिष्टि मेरी जानकारी के अनुसार सत्य है:

(ग)

(घ) इत्यादि

अभिसाक्त के हस्ताक्षर।

आज...............................[तारीख..................20.....] को मेरे समक्ष श्री/श्रीमती----------------------------------

द्वारा सत्यनिष्ठा प्रतिज्ञा किया गया/शपथ ली गई।

कार्यकारी मैजिस्ट्रेट।

यहां निम्नलिखित अनुक्रमों में से एक अन्तःस्थापित करें जैसा संगत हो:-

1. ग्राम समा के निर्वाचन क्षेत्र से सदस्य का पद।
2. ग्राम समा से प्रधान का पद।
3. ग्राम समा से उप-प्रधान का पद।
4. पंचायत समिति से निर्वाचन क्षेत्र से सदस्य का पद।
5. पंचायत समिति/जिला परिषद के अध्यक्ष का पद।
6. पंचायत समिति/जिला परिषद के उपाध्यक्ष का पद।

**यहां पर भाष्ट आचरण का नाम विनविदित करें।
प्रक्रिया 44
{नियम 92(1) और 92(3) देखें}

निर्वाचन खर्च का दिन–प्रतिदिन का लेखा बनाए रखने और उसको प्रस्तुत करने के लिए प्रक्रिया

1. पंचायत का नाम
2. अम्यथों का नाम
3. निर्वाचन क्षेत्र की संख्या और नाम
4. नामांकन फाईल करने की तारीख
5. परिणाम घोषित करने की तारीख

<table>
<thead>
<tr>
<th>क्रो</th>
<th>खर्च की तारीख</th>
<th>खर्च का स्वरूप</th>
<th>खर्च की राशि</th>
<th>संदर्भ रक्म की तारीख</th>
<th>पाने वाले का नाम और पता</th>
<th>संदर्भ रक्म की दशा में वाङ्चरों की संख्या</th>
<th>परदेश रक्म की दशा में वितों की संख्या</th>
<th>व्यक्ति जिसे परदेश रक्म संदर्भ है, का नाम और पता</th>
<th>क्रियाविधि</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
</tbody>
</table>

प्रमाणित किया जाता है कि यह मेरे/मेरी निर्वाचन अभिकर्ता द्वारा रखे गए लेखे की सही प्रति है।

अम्यथों के हस्ताक्षर।
प्रतिविधि के हस्ताक्षर।
घोषणा प्रथम

(पंचायत का नाम) के निर्वाचन क्षेत्र के जिला
निर्वाचन अधिकारी (पंचायत) के समक्ष श्री/श्रीमती/कुमारी पुत्र/पत्नी/पुत्री श्री
की घोषणा।

मैं, ______________________________ पुत्र/ पत्नी/ पुत्री _________________________ आयु......वर्ष............
nिवासी ____________________________ एवंद्वारा सत्यनिष्ठा प्रतिज्ञा करते हुए निम्नलिखित घोषणा
करता/करती हूँ---

1. यह कि मैं,____________________________________ (पंचायत का नाम)निर्वाचन क्षेत्र से साधारण निर्वाचन/
उप-निर्वाचन के लिए अभ्यर्थी था/थी, जिसका परिणाम.................................को घोषित किया गया था।

2. यह कि मैं/मेरे निर्वाचन अभिक्षण ने उक्त निर्वाचन के सम्बन्ध में........................................(की तारीख)
और........................................ (उसके परिणाम की घोषणा की तारीख) दोनों तारीखें सम्मिलित करके, के बीच मेरे या
मेरे निर्वाचन अभिक्षण द्वारा उपग्रह या प्राप्ति कृत सभी खर्च का (..............पृष्ठो पर लगातार) पुथक और
सही लेखा रखा है।

3. यह कि उक्त लेखा, हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के नियम 92 के अधीन
विहित प्रथम में बनाया गया था और उसकी सही प्रति उक्त लेख में वर्णित सम्बन्ध के रूप में
वाचक विभी विलों के साथ इसमें उपवाद है।

4. यह कि इसमें उपवाद मेरे निर्वाचन खर्च के लेखे के अन्तर्गत मेरे निर्वाचन अभिक्षण द्वारा प्राप्ति कृत या
उपग्रह दिए गए निर्वाचन खर्च की सभी मद्दे है और उसमें से कुछ भी छिपाया या विद्यारित किया/
दबाया नहीं गया है।

5. यह कि पूर्ववर्ती कवन के पेशाफो 1 से 4 में, मेरी व्यक्तिगत जानकारी के अनुसार सब सत्य है और
कुछ भी मिथ्या नहीं है और कुछ भी सारवान तथ्य छिपाया नहीं गया है।

अमिताभ |

आज तारीख...............20...............को मेरे............................द्वारा समक्ष सत्यनिष्ठा प्रतिज्ञा किया
गया।

जिला निर्वाचन अधिकारी (पंचायत) के हस्ताक्षर/मुद्रा
जिला-------------------------- हिमाचल प्रदेश।
श्री-----------------------------------------------

(निर्वाचन लड़ने वाला अभ्यर्थी)

(निर्वाचन क्षेत्र) से जिसका परिणाम.................................................(तारीख) घोषित किया गया था, उसके द्वारा फाइल किया निर्वाचन खंड का लेखा और समर्थित घोषणा, विचित्र प्ररूप पर मैंने आज.................................................(तारीख).......................

(मास).................................(वर्ष) को प्राप्त कर ली है।

जिला निर्वाचन अधिकारी (पंचायत)
जिला------------------हिमाचल प्रदेश।
PART II
SECTION—A
THE CONSTITUTION OF INDIA
PART IX-A
THE MUNICIPALITIES

243P. Definitions.—In this Part, unless the context otherwise requires:—

(a) "Committee" means a Committee constituted under article 243S,

(b) "district" means a district in a State;

(c) "Metropolitan area" means an area having a population of ten lakhs or more comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;

(d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;

(e) "Municipality" means an institution of self-government constituted under article 243Q.

(f) "Panchayat" means a Panchayat constituted under articles 243B;

(g) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

243 Q. Constitution of Municipalities.—(1) There shall be constituted in every State:—

(a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;

(b) a Municipal Council for a smaller urban area; and

(c) a Municipal Corporation for a larger urban area;

in accordance with the provisions of this Part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, "a transitional area" a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

243 R. Composition of Municipalities.—(1) Save as provided in clause (2), all the seats in a Municipalities shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide:—

(a) for the representation in a Municipality of:—
(i) persons having special knowledge or experience in Municipal administration;

(ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;

(iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;

(iv) the Chairpersons of the Committees constituted under clause (5) or article 243 S:

Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality:

(b) the manner of election of the Chairperson of a Municipality.

243 S. Constitution and composition of Wards Committees, etc.—(1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) The Legislature of a State may, by law, make provision with respect to:

   (a) the composition and the territorial area of a Wards Committee;

   (b) the manner in which the seats in a Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Ward Committee shall be a member of that Committee.

(4) Where a Wards Committee consists of:

   (a) one ward, the member representing that ward in the Municipality; or

   (b) two or more wards, one of the members representing such wards in the Municipality elected by the Members of the Wards Committee, shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the wards Committees.

243 T. Reservation of seats.—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.
(4) The office of Chairperson in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of office of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or office of Chairpersons in the Municipalities in favour of backward class of citizens.

243 U. Duration of Municipalities, etc.—(1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed,—

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months for the date of its dissolution:

Provided that where the remainder of the period from which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of Municipality before the expiration of its duration shall continue only for the remainder or the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

243 V. Disqualification for membership.—(1) A person shall be disqualified for being chosen as, and for being, a member of 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 Legislature of the State concerned:

Provided, that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

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

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State May, by law, provide.

243 W. Powers authority and responsibilities of Municipalities, etc.—Subject to the provisions of this Constitution, the Legislature of State may, by law, endow—

(a) The Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self government and such law may contain provision for the
devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—

(i) the preparation of plans for economic development and Social justice;
(ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matter listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

243 X. Power to impose taxes by, and Funds of, the Municipalities.—The Legislature of a State may, by law—

(a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits:

(c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom, as may be specified in the law.

243 Y. Finance Commission.—(1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;

(iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State:

(b) the measures needed to improve the financial position of the Municipalities.

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243 Z. Audit accounts of Municipalities.—The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the audit of such accounts.

243 ZA. Elections to the Municipalities.—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.
Subject to the provision of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to or in connection with, elections to the Municipalities.

243 ZB. Application to Union Territories.—The provision of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were reference to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly:

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exception and modifications as he may specify in the notification.

243 ZC. Part not to apply to certain areas.—(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243 ZD. Committees for district Planning.—(1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to,—

(a) the composition of the District Planning committees;

(b) the manner in which the seats in such Committee shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district:

(c) the functions relating to district planning which may be assigned to such Committee;

(d) the manner in which the Chairpersons for such Committee shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,

(a) have regard to .—

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation:

(ii) the extent and type of available resources whether financial or otherwise :

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of very District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.
243 ZE. Committee for Metropolitan planning.—(1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to—

(a) the composition of the Metropolitan Planning Committees;

(b) the manner in which the seats in such Committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

(c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out of functions assigned to such Committees;

(d) the functions relating to planning and co-ordination for the Metropolitan area which may be assigned to such Committees;

(e) the manner in which the Chairpersons of such committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,—

(a) have regard to—

(i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;

(ii) Matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the Government of the State;

(iv) the extent and nature of investments likely to be made in Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(b) consult such institutions and organisations at the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243 ZF. Continuance of existing laws and Municipalities.—Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-forth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the
Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

**243 ZG. Bar to interference by courts in electoral matters.**—Notwithstanding anything in this Constitution,—

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243 ZA shall not be called in question in any court;

(b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State.

----------

**TWELFTH SCHEDULE**

(Article 243 W)

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle pounds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.
SECTION—B
THE HIMACHAL PRADESH MUNICIPAL ACT, 1994

Act No. 13 of 1994

<table>
<thead>
<tr>
<th>Section</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Short title, extent and commencement.</td>
</tr>
<tr>
<td>2.</td>
<td>Definitions.</td>
</tr>
</tbody>
</table>

**CHAPTER-I**

**CLASSIFICATION OF MUNICIPALITIES AND MUNICIPAL AREA**

<table>
<thead>
<tr>
<th>Section</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Classification of municipalities.</td>
</tr>
<tr>
<td>4.</td>
<td>Procedure for declaring municipal area.</td>
</tr>
</tbody>
</table>

**CHAPTER-III**

**MUNICIPALITIES**

<table>
<thead>
<tr>
<th>Section</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>Composition of municipalities.</td>
</tr>
<tr>
<td>11.</td>
<td>Reservation of seats.</td>
</tr>
<tr>
<td>12.</td>
<td>Reservation of offices of Chairpersons.</td>
</tr>
<tr>
<td>13.</td>
<td>Term of office of members.</td>
</tr>
<tr>
<td>14.</td>
<td>Duration of municipality.</td>
</tr>
<tr>
<td>15.</td>
<td>Resignation of member of municipality.</td>
</tr>
<tr>
<td>17.</td>
<td>Bar to hold more then one office.</td>
</tr>
<tr>
<td>17-A.</td>
<td>Account of Election expenses and maximum limit thereof</td>
</tr>
<tr>
<td>17-B.</td>
<td>Lodging of Account</td>
</tr>
<tr>
<td>18.</td>
<td>Power of State Government as to removal of members.</td>
</tr>
<tr>
<td>21.</td>
<td>Members and employees to be public servants.</td>
</tr>
<tr>
<td>22.</td>
<td>Election of president and Vice-President.</td>
</tr>
<tr>
<td>23.</td>
<td>Term of office and honorarium to President and Vice-President.</td>
</tr>
<tr>
<td>24.</td>
<td>Resignation of President or Vice President.</td>
</tr>
<tr>
<td>25.</td>
<td>Motion of no confidence against President or Vice-President.</td>
</tr>
<tr>
<td>26.</td>
<td>Removal of President or Vice-President.</td>
</tr>
<tr>
<td>27.</td>
<td>Notification of election and nominations.</td>
</tr>
</tbody>
</table>

**CHAPTER-XVII**

**DISPUTES RELATING TO ELECTION**

<table>
<thead>
<tr>
<th>Section</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>280.</td>
<td>Definition.</td>
</tr>
<tr>
<td>281.</td>
<td>State Election Commission.</td>
</tr>
<tr>
<td>281-A.</td>
<td>Requisitioning of premises, vehicles etc. for election purpose.</td>
</tr>
<tr>
<td>282.</td>
<td>Officers authorised to hear election petitions.</td>
</tr>
<tr>
<td>283.</td>
<td>Election petitions.</td>
</tr>
<tr>
<td>284.</td>
<td>Presentation of petitions.</td>
</tr>
<tr>
<td>284-A.</td>
<td>Parties to petition</td>
</tr>
<tr>
<td>286.</td>
<td>Procedure on receiving election petition.</td>
</tr>
</tbody>
</table>
Withdrawal and transfer of petitions.
Procedure before the authorised officers.
Appearance before the authorised officer.
Power of the authorised officer.
Documentary evidence.
Secrecy of voting.
Answering of incriminating questions and certificate of indemnity.
Expenses of witnesses.
Decision of the authorised officer.
Grounds for setting aside election.
Abatement of election petition.
Costs and payment thereof out of security deposits and return of such deposits.
Execution of orders as to costs.
Corrupt practices entailing disqualifications.
Corrupt practices.
Appeals.
Bar to interference by Courts in electoral matters.
Power to make rules for conduct of elections.

CHAPTER-XVII-A
ELECTORAL OFFENCES

304-A. Promoting enmity between classes in connection with election.
304-B. Prohibition of public meeting during period of forty-eight hours ending with hour fixed for conclusion of poll.
304-C. Disturbances at election meetings.
304-D. Restrictions on the printing of pamphlets, porters etc.
304-E. Maintenance of Secrecy of voting.
304-F. Officers etc. at election not to act for candidates or to influence voting.
304-G. Prohibition of canvassing in or near polling stations.
304-H. Penalty for disorderly conduct in or near polling stations.
304-I. Penalty for misconduct at the polling station.
304-J. Penalty for failure to observe procedure for voting.
304-K. Penalty for illegal hiring or procuring of conveyance at elections.
304-L. Breaches of official duty in connection with election.
304-M. Penalty for Government servants for acting as election agent, polling agent or counting agent.
304-N. Prohibition of going armed to or near a polling station.
304-O. Removal of ballot papers from polling station to be an offence.
304-P. Offence of booth capturing.
304-Q. Grant of paid holiday to employees on the day of poll.
304-R. Liquor not to be sold, given or distributed on polling day
304-S. Other offence & penalties there for.

311. Repeal of H.P. ordinance No. 2 of 1994
       Schedule-I [Section 3 (2)]
THE HIMACHAL PRADESH MUNICIPAL ACT, 1994
(AS ASSENTED TO BY THE GOVERNOR ON 18TH OCTOBER, 1994)

AN

ACT

to consolidate and amend and replace the law relating to municipalities in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-fifth year of the Republic of India as follows:—

CHAPTER-I

PRELIMINARY

1. (1) **Short title, extent and commencement.**—This Act may be called the Himachal Pradesh Municipal Act, 1994

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall and shall be deemed to have come into force on the 30th day of May, 1994.

2. **Definition.**—In this Act, unless there is anything repugnant in the subject or context,—

(1) x x x x x x x

(2) "**backward classes**" means such classes of citizens other than scheduled castes and scheduled tribes as may be identified and notified for the purposes of reservation for appointments or posts in the services under the State Government;

(3) "**building**" means any shop, house, hut, out-house, stable, a factory, an industrial shed and a temporary structure erected by means of tents and structures, raised for entertainment purposes whether roofed or not and whether used for the purposes of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever, and includes a wall and a well;

(4) "**building line**" means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;

(5) "**built area**" is that portion of a municipality of which the greater part has been developed as a business or residential area;

(6) "**bye-laws**" mean bye-laws made under this Act;

(6)(A) **Cattle:** means domestic animals and include elephant, camels, buffalows, cow, oxen, horses, mares, g

(7) "**committee**" means a committee of a municipality, constituted or deemed to have been constituted by or under this Act;

(8) "**compost manure**" means the produce prepared from dung by subjecting it to the process of compost making in the manner prescribed by rules;
"Deputy Commissioner" or "Deputy Commissioner of the districts" includes Additional Deputy Commissioners, or any other officer at any time appointed by the State Government to perform in any district or districts the functions of a Deputy Commissioner under this Act;

"Director" means the Director of Urban Local Bodies appointed by the State Government;

"District" means a revenue district;

"District Planning Committee" means a committee constituted under article 243 ZD of the Constitution of India and under section 185 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) at the district level to consolidate the plans prepare by the Panchayats and the municipalities in the district;

"dry latrine" means a latrine from which the excreta is removed manually;

"dung" means night soil, sewage, sullage, sludge, refuse, filth or rubbish or animal matter of any kind;

"election" means and includes the entire election process commencing on and from the date of notification calling for such election of members and ending with the date of declaration and notification of results thereof;

"erect or re-erect any building" includes—

(a) any material alteration or enlargement of any buildings;

(b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion into more than one place for human habitation of a building originally constructed at one such place;

(d) the conversion of two or more places of human habitation into a greater number of such places;

(e) such alteration of a building as effect an alteration of its drainage or sanitary arrangements, or materially affects its security;

(f) the additions of any rooms, buildings, out-houses or other structures to any building;

(g) the construction in a wall adjoining any street or land not belonging to the owner of the wall of a door opening on to such street or land;

"Executive Officer" means a person, by whatever name called, appointed under section 305 of this Act to discharge the functions of the Executive Officer in relation to a Municipal Council and that of Secretary in relation to a Nagar Panchayat;

"explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosive Act, 1884, and the Petroleum Act, 1934, (4 to 1884 30 of 1934) respectively;

"factory" shall have the meaning assigned to it in the Factory Act, 1948 (63 of 1948);

"infections disease" means cholera, plague, small-pox, tuberculosis or such other dangerous disease as the State Government may notify in this behalf;

"inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immovable property, in any municipality; or in any local area which the State
Government has by notification under this Act, proposed to declare to be a municipality; and in case of any dispute, means any person or persons declared by the Deputy Commissioner to be inhabitants or inhabitants;

(22) "municipal council" means the municipal council constituted by or under this Act;

(23) "municipal area" means the territorial area of municipality notified by the State Government and includes any territorial area which forms part of a municipality at the commencement of this Act;

(24) "municipality" means an institution of Self Government constituted as a Nagar Panchayat or a municipal council under this Act;

(25) "Nagar Panchayat" means the Nagar Panchayat constituted under this Act.

(26) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(27) "occupier" includes an owner in actual occupation of his own land or building and also any person for the time being paying or liable to pay to the owner he rent or any portion of the rent of the land or building in respect of which the word is used; for the purposes of Chapter VI and X, occupier shall include hotelkeeper, lodging house-keeper and any owner whose premises are let to more than one tenant;

(28) "office-bearer" means in relation to a municipality a member, Vice-President or a President of a municipality and in relation to a Municipal Corporation, a Councilor, Mayor or Deputy Mayer of the Municipal Corporation and in relation to a Panchayat an office bearer of a panchayat as defined in clause (23) of section 2 of Himachal Pradesh Panchayati Raj Act, 1994;

(29) "owner" includes the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if the land or building were let to a tenant;

(30) "Panchayat" means an institution of self-government (by whatever name called) constituted for rural area under the Himachal Pradesh Panchayati Raj Act. 1994;

(31) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(32) "public place" means a place which is open to the use of enjoyment of the public whether or not private property and whether or not vested in the municipality;

(33) "public street" shall mean any street

  (i) herefore leveled, paved, metalloid, channeled, seaward or repaired out of municipal or other public funds unless before such work was carried out there was an agreement with the proprietor that the street should not there by becomes a public street or unless such work was done without the implied or express consent of the proprietor; or

  (ii) which under the provisions of section 182 is declared by the municipality to be or under any other provision of this Act becomes, a public street;

(34) "rules" mean the rules made under this Act;
(35) "Scheduled castes" shall have the same meaning as assigned to it in clause (24) of article 366 of the Constitution of India;

(36) "scheduled tribes" shall have the same meaning as assigned to it in clause (25) of article 366 of the Constitution of India;

(37) "State Election Commission" means the State Election Commission constituted by the State Government under article 243 K and 243ZA of the Constitution of India and section 160 of the Himachal Pradesh Panchayati Raj Act, 1994;


(39) "street" shall means any road, footway, square, court, alley or passage, accessible, whether permanently or temporarily to the public, and whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings a but thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using aforesaid, and shall include also the drains or gutters therein, or on either side and that land, whether covered or not by any payment, verandah or other erection, up to the boundary of any abutting properly not accessible to the public;

(40) "unbuilt area" is an area within the municipal limits which is declared to be such at a special meeting of the municipality by a resolution confirmed by the State Government, or which is notified as such by the State Government;

(41) "vehicle" includes bicycle, tricycle and automotor car and every wheeled conveyance which is used or capable of being used on a public street.
CHAPTER-II

CLASSIFICATION OF MUNICIPALITIES AND MUNICIPAL AREA

3. Classification of municipalities.—(1) There shall be constituted three classes of municipalities in accordance with the provisions of this section as specified below:

(i) "Nagar Panchayat" for a transitional area with population exceeding two thousand and generating annual revenue exceeding rupees five lakhs for the local administration;

(ii) "Municipal Council" for a smaller urban area with population exceeding five thousand and generating the annual revenue exceeding rupees twenty lakhs for the local administration;

(iii) "Municipal Corporation" for a larger urban area with population exceeding fifty thousand and generating annual revenue exceeding rupees two crores for the local administration and which has been declared to be municipal area under section 3 of the Himachal Pradesh Municipal Corporation Act, 1994 (12 of 1994):

Provided that a municipality under this section may not be constituted in such urban areas or part thereof as the State Government may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as it may deem fit, by notification, specify to be an industrial township;

Provided further that no cantonment or part of cantonment shall form part of a municipality.

Explanation.—in this sub-section "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the State Government may, having regard to the population of the area, the density of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in nonagricultural activities, the economic importance or such other factors as the State Government may deem fit, specify by notification for the purpose of this section.

(2) The State Government shall, by notification, constitute the municipalities and specify the class to which municipality shall belong in accordance with the provisions of this section after observing the procedure as laid down in section 4:

Provided that the municipalities existing at the commencement of this Act and listed as Nagar Panchayat or as Municipal Council in the Schedule to this Act, would be deemed to have been constituted and notified as such, under and in accordance with the provisions of this section:

Provided further that the State Government may, after giving a reasonable notice of not less than thirty days of its intention to do so, amend the schedule, by notification and declare any Nagar Panchayat as a Municipal Council or any Municipal Council as a Nagar Panchayat.

4. Procedure for declaring Municipal area (1).—The State Government may, by notification, propose any local area to be a municipal area under this Act.

(2) Every such notification under sub-section (1) shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation thereof in such language as the State Government may direct shall be affixed at some conspicuous place in the office of the Deputy Commissioner, within whose jurisdiction the local area to which the notification relates lies, and at one or more conspicuous places in that local area.
(4) The Deputy Commissioner shall certify to the State Government the date on which the copy and translation were so affixed and the date so certified shall be deemed to be the date of publication of the notification.

(5) If any inhabitant desires to object to a notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the State Government and the State Government shall take his objection into consideration.

(6) When six weeks from the date of publication have expired, and the State Government has considered and passed orders on such objections as may have been submitted to it, the State Government may, by notification, declare the local area for the purposes of this Act, to be a municipal area.

(7) The State Government may, by notification, direct that all or any of the rules which are in force in any municipal area shall, with such exceptions and adaptations as may be considered necessary, apply to the local area declared to be Municipal area under this section and such rules shall forthwith apply to such municipal area without further publication.

(8) When a local area, the whole or part of which was a notified area under the Himachal Pradesh Municipal Act, 1968 (19 of 1968) or a Nagar Panchayat under this Act, is declared to be municipal council under this section, the municipal council shall be deemed to be a perpetual successor of such notified area committee or of Nagar Panchayat, as the case may be, and in respect of all its rules, bye-laws, taxes, and all other matters, whatsoever and the Nagar Panchayat shall continue in office and shall notwithstanding anything contained in this Act be deemed to be the municipal council until the appointment and election of members is notified by the State Government under section 27.

(9) A municipality shall come into existence on such day as the State Government may, by notification, appoint in this behalf.

9. Power to abolish municipal area

(1) The State Government may, by notification, abolish any municipal area declared under section 4.

(2) When a notification is issued this section in respect of any municipal area, this Act and all notifications, rules, bye-laws, order, directions and powers issued, made or conferred under this Act shall cease to apply to the said municipal area; the balance of the municipal fund and all other property at the time of the issue of the notification vested in the municipality shall vest in the State Government and the liabilities of the municipality shall be transferred to the State Government.

(3) Where any municipal area is abolished under sub-section (1) and subsequently the area comprising the municipal area so abolished is declared to be a Sabha area under sub-section (1) of section 3 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) the assets and liabilities referred to in sub-section (2) shall vest in the Gram Panchayat of the Sabha area from the date of its establishment under section 4 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994).

Explanation.—For the purpose of this sub-section, the assets shall include all arrears of tax, tolls, cesses, rates, dues and fees imposed under this Act or rule of any bye-law which fell due to the municipality of the area immediately before the date of its abolition and the same shall be recoverable by the Gram Panchayat as if these were arrears due to the Gram Panchayat.
CHAPTER-III

MUNICIPALITIES

10. (1) **Composition of Municipalities.**—The municipalities constituted under section 3 shall consist of such number of elected members not less than seven as may be determined by the State Government, by adopting the criterion that in municipal area having population of :—

<table>
<thead>
<tr>
<th>Population Range</th>
<th>Number of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not exceeding 6150</td>
<td>7 Members</td>
</tr>
<tr>
<td>Exceeding 6150 but not exceeding 12300</td>
<td>9 Members</td>
</tr>
<tr>
<td>Exceeding 12300 but not exceeding 24,600</td>
<td>11 Members</td>
</tr>
<tr>
<td>Exceeding 24,600 but not exceeding 36,900</td>
<td>13 Members</td>
</tr>
<tr>
<td>Exceeding 36,900 but not exceeding 49,200</td>
<td>15 Members</td>
</tr>
<tr>
<td>Exceeding 49,200 but not exceeding 61500</td>
<td>17 Members</td>
</tr>
<tr>
<td>Exceeding 61500</td>
<td>19 Members</td>
</tr>
</tbody>
</table>

Provided that the determination of the number of members as aforesaid shall not effect the composition of the municipality until the expiry of the term of office of the elected members then in office.

Provided further that in case of increase or decrease in the number of wards( seats) in a Municipality due to higher or lesser population growth rate of that the average population growth rate of that municipality than the average population growth rate of that municipality than the average population growth rate of wards( seats) of that municipality shall be maintained.

(2) Save as provided in sub-section (3), all seats in that municipality shall be filled in by persons chosen by direct election and for the purpose of election, the Deputy Commissioner shall, in accordance with such rules as may be prescribed by the State Government :—

(a) divide the municipal area into wards in such a manner that :—

(i) one member shall be elected from each ward; and

(ii) as far as possible the population in each ward shall be equally distributed

(b) determine the territorial extent of each ward; and

(c) determine the ward or wards in which seats are reserved under section 11.

(3) In a municipality, in addition to persons chosen by direct election under this section, the members of the State Legislative Assembly, representing constituencies which comprise wholly or partly in municipal area, shall also be the members with voting right.

(4) The State Government may, by notification, nominate as members not more than three persons having special knowledge or experience of municipal administration :

Provided that a person who contested and lost the immediately preceding election of a municipality shall not be nominated by the State Government as a member of that municipality or any other municipality during its existing term;

Provided further that a member nominated under this sub-section whether before or after the commencement of the Himachal Pradesh Municipal (Amendment) Act, 2003 shall hold office during the pleasure of the State Government, but not beyond the term of municipality as provided for in sub-section (1) of section 14 of this Act.

(5) The nominated members referred to in sub-section (4) and the Executive Officer in case of Municipal Council and Secretary in case of Nagar Panchayat, shall have the right to attend all the meetings of the municipality and to take part in the discussion therein but shall not have any right to vote.
11. **Reservation of seats.**—(1) Seats shall be reserved in a municipality—

(a) for the Scheduled castes; and

(b) for the scheduled tribes;

and the number of seats so reserved shall bear as nearly as may be the same proportion to the total number of seats to be filled by direct election in the municipality as the population of the scheduled castes and the scheduled tribes in the municipal area bears to the total population of that municipal area.

Provided that in case no reservation of seats is possible as aforesaid due to small population of the scheduled castes and the population of scheduled castes of the municipal areas is at least five percent of the total population of the municipal area, one seat shall be reserved for the scheduled castes in such a municipality.

Provided further that where there is no eligible candidate belonging to the scheduled castes to be elected as a member of the municipality, no seat shall be reserved for scheduled castes:

Provided further that in non-tribal areas where there is scheduled tribes population in a municipal area, seats shall be reserved for such members of the scheduled tribes within the reservation provided for the members of the scheduled castes and the determination of seats to be reserved amongst the scheduled castes and scheduled tribes shall be in proportion to their population in that municipal area.

**Explanation.**—The expression "non-tribal area" for the purpose of this proviso shall mean the areas other than the Scheduled Areas specified in relation to the State of Himachal Pradesh.

(1) One-half of seats, reserved under sub-section (1), shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes.

(2) One-half (including the number of seats reserved for women belonging to the scheduled castes and the scheduled tribes) of the total number of seats to be filled by direct election shall be reserved for women.

(4) The State Government may, by general or special order, reserve such number of seats for persons belonging to backward classes in a municipality, not exceeding the proportion to the total number of seats to be filled by direct election in the municipality as the population of the persons belonging to backward classes in that municipal area bears to the total population of that area and may further reserve one-half of the total seats reserved under this sub-section for women belonging to backward classes.

(5) The seats reserved under sub-section (1), (3) and (4) shall be allotted by rotation to different wards in the municipal area in such manner as may be prescribed.

(6) The reservation of seats under this section shall be given effect through notification issued at the time of each election, by the State Government.

12. **Reservation of Offices of Chairpersons.**—(1) There shall be reserved by the Government in the prescribed manner such number of offices of Chairpersons in the municipalities in the State for the persons belonging to the scheduled castes and scheduled tribes and the number of such offices, bearing as may be the same proportion to the total number of offices in the State of the scheduled tribes, in the State bears to the total urban population of the State.

(2) One-half of the total number of offices of Chairpersons reserved under sub-section (1), shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes.
(3) One-half (including the number of offices reserved for women belonging to the scheduled castes and the scheduled tribes) of the total numbers of offices of Chairpersons of municipalities in the State shall be reserved for women.

(4) The State Government may, by general or special order, reserve such number of offices of Chairperson for persons belonging to backward classes in municipalities not exceeding the proportion to the total number of offices to be filled by direct election in the municipalities as the urban population of the persons belonging to backward classes in the State bears to the total urban population of the State and may further reserve one-half of the total seats reserved under this sub-section for women belonging to backward classes.

(5) The offices of Chairpersons reserved under sub-sections (1), (3) and (4) shall be allotted by rotation to different municipalities in the State in such manner as may be prescribed.

Explanations.—For the removal of doubts it is hereby declared that for the purpose of this section the expression "urban population" shall mean the population of municipal areas of the State, except that of the municipal area declared to be a municipal area for the purposes of the Himachal Pradesh Municipal Corporation Act, 1994.

13. Term of office of members.— (1) The term of office of elected members shall be five years from the date appointed for the first meeting of the municipality.

(2) When as a result of an inquiry held under Chapter XVII, an order declaring the election of any member void has been made such member shall forthwith cease to be the member of the municipality.

(4) The members shall be entitled to receive allowances for attendance at meetings of the municipality and of its committees at such rates as may be prescribed by the State Government from time to time.

14. Duration of municipality.— (1) Every municipality unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Provided that a municipality shall be given a reasonable opportunity of being heard before its dissolution:

Provided further that all municipalities existing immediately before the commencement of this Acts shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the State Legislature.

(2) An election to constitute a municipality shall be completed.—

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that when the remainder of the period for which the dissolved municipality would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the municipality for such period.

Provided further that that first election to a municipality after the commencement of the Himachal Pradesh Municipal (Second Amendment) Act, 2003, except a municipal council constituted by upgrading an existing Nagar Panchayat, may be held within a period of two years of its being notified as a municipality.
(3) A municipality constituted upon the dissolution of a municipality before the expiration of its
duration shall continue only for the remainder of the period for which the dissolved municipality would have
continued under sub-section (1) had it not been so dissolved.

15. Resignation of member of municipality. — (1) The member of a municipality may resign by
tendering his resignation in writing to the President who shall place the same before the municipality for its
acceptance, unless withdrawn within fifteen days from the date of tendering the resignation.

(2) On the acceptance of the resignation under sub-section (1) the seat of the member shall be
deemed to have become vacant and the same be filled up under section 19 of this Act.

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 the
election to the State Legislature : (Disqualification for State Legislature in Part-IV)

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 these Act or under
any law for the time in force;

1(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 behavior under section 110 of 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 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

1 See Rules dt. 17th July, 2001 notified by the Commission for disqualifications under this clause in Part-V of this book
(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, he is tenant or leasee holding a tenancy or lease under a municipality is in arrears or 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

(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.

17. Bar to hold more than one office.—If a person who is chosen as a member of a municipality becomes a Member of the House of the People, the Council of State, the State Legislative Assembly or the Councillor of the Municipal Corporation or is or becomes an office-bearer of a Panchayat then at the expiration of a period of fifteen days from the date of publication of the election result of, as the case may be, within fifteen days from the date of the commencement of term of office of a member of the House of People, the Council of State or the State Legislative Assembly or the Councillor of a Municipal Corporation or the office-bearer of a panchayat his seat in a municipality shall become vacant unless he has previously resigned his seat in the House of People, the Council of States, the State Legislative Assembly, the Municipal Corporation or the panchyat, as the case may be.

17A. 1Account of election expenses and maximum limit thereof.—

(1) Every candidate at an election shall, either by himself or by 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 this 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 the result thereof, both dates inclusive.

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

(3) The total of the said expenditure shall not exceed such amount as may be prescribed by the State Government in consultation with the State Election Commission.

17 B. 2Lodging 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, under section 17A.

1 Limits of expenses prescribed under Rule 48
2 See Rules dt. 17.7.2001 notified by by the Commission for disqualification in Part-V of this book.
18. **Power of State Government as to removal of members.**—The State Government may, in consultation with the State Election Commission and by notification, remove any member of a municipality:—

(a) if he refuses to act, or becomes, in the opinion of the State Government, incapable of acting, or has been declared a bankrupt or an insolvent by a competent court or has been convicted of any such offence or subjected by a criminal court to any such order as implies in the opinion of the State Government, a defect of character which renders him unfit to be a member;

(b) if he has been declared by notification to be disqualified for employment in or has been dismissed from the public service and the reason for the disqualification or dismissal is such as implies in the opinion of the State Government, a defect of character which renders him unfit to be a member;

(c) if he has without reasonable cause in the opinion of the State Government absented himself for more than three consecutive months from the meeting of the municipality;

(d) if he fails to pay any amount due from him to the municipality within three months of the service of notice making the claim. It shall be the duty of the Executive Officer, to serve such a notice at the earliest possible date after the amount has become due;

(e) if in the opinion of the State Government he has flagrantly abused his position as a member of the municipality or has through his negligence or misconduct been responsible for the loss, or misapplication of any money or property of the municipality;

(f) if he has, since his election or nomination, become subject to any disqualification which, if it had existed at the time of his election or nomination, would have rendered him ineligible under any law for the time being in force for election or nomination, or if it appears that he was, at the time of his election or nomination subject to any such disqualification; and

(g) if, being a legal practitioner, he acts or appears in any legal proceeding on behalf of any person against the municipality or on behalf of or against the State Government where in the opinion of the State Government such action or appearance is contrary to the interest of the municipality:

(h) If, he has without reasonable cause in the opinion of the State Govt. fails to convene more than three consecutive meetings of the ward committee”.

Provided that no removal of a member shall be notified unless the matter has been enquired into by an officer, not below the rank of an Additional Deputy Commissioner, appointed by the State Government and the member concerned has been given a reasonable opportunity of being heard.

(2) A person removed under this section or whose election has been declared void, for corrupt practices or intimidation, under the provisions of section 295 shall be disqualified for election for a period not exceeding six years.

19. **Filling of casual vacancies.**—(1) Whenever a vacancy occurs by the death, resignation or, removal or by the vacation of seat under the provisions of sub-section (2) of section 13, of any office bearers, the vacancy shall be filled within six months of the occurrence of such vacancy in accordance with the provisions of this Act and the rules made thereunder.

Provided that where the reminder of the term is less than six months, it shall not be necessary to hold any bye-election to fill-up such casual vacancy.

(2) Every person elected or nominated, to fill a casual vacancy, shall be elected or nominated to serve for the remainder of his predecessor's term of office.
21. **Members and employees to be Public servants.**—Every office bearer of the municipality and every person employed by the municipality whether for the whole or part of his time, shall be deemed be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. (45 of 1860).

22. **Election of President and Vice-President.**—Every Municipal Council or Nagar Panchayat shall elect one of its elected members to be the President and another to be the Vice-President, and the members so elected shall become President or the Vice-President, as the case may be, of the Municipal Council or Nagar Panchayat:

Provided that the officer of the President in Municipal Councils and Nagar Panchayats shall be reserved for scheduled castes, scheduled tribes and women in accordance with the provisions made in section 12:

Provided further that if the office of the President or Vice-President is vacated during his tenure on account of death, resignation, removal or no confidence motion, a fresh election for the remainder of the period shall be held from the same category.

23. **Terms of office of and honorarium to President and Vice-President.**—(1) The terms of office of President or Vice-President shall be five years or the residue of the term of his office as a member whichever is less.

(2) An outgoing President and Vice-President shall if otherwise qualified, be eligible for re-election.

(3) The President and Vice-President shall be in entitled to the payment of such honorarium and allowances for attendance at meeting of the municipality and its committees at such rate as may be prescribed by the State Government from time to time.

24. **Resignation of President or Vice-President.**—(1) The President may, by writing under his hand addressed to the Vice-President, resign his office.

Provided that if the office of the Vice-President is vacant, then the President may submit his resignation to the Deputy Commissioner of the Distt.

(2) The Vice-President may, by writing under his hand addressed to the President, resign his office.

Provided that if the office of the President is vacant, then the Vice-President submit his resignation to the D.C. to the district

(3) The resignation under sub-section (1) or (2) shall take effect from the date of its acceptance by the Vice-President or the President, or the Deputy Commissioner as the case may be.

Section-25. Deleted.

26. **Removal of President or Vice-President.**—The State Government may, at any time, by notification, remove a President or Vice-President from his office on the ground of abuse of his powers or of habitual failure to perform his duties.

Provided that no removal of the President or Vice-President shall be notified unless the matter has been enquired into by an office, not below the rank of the Sub-Divisional Officer (Civil) appointed by the State Government and the President or Vice-President, as the case may be, has been given a reasonable opportunity of being heard.

27. **Notification of election and nomination.**—(1) Every election or nomination of member and election of a President and Vice-President of a Nagar Panchayat or Municipal Council shall be notified in
the Official Gazette and no office bearer shall enter upon his duties until his election or nomination has been so notified and until, he has made or subscribed at a meeting of the Nagar Panchayat or Municipal Council, an oath of affirmation of his allegiance to the constitution of India in the following from, namely:—

"I, AB, having been elected (or nominated) member/President/Vice-President of a Nagar Panchayat or Municipal Council of.................do swear in the name of God/sole mnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and I will faithfully, discharge the duties upon which I am about to enter".

(2) Every election of an Office bearer, shall be published in the Official Gazette by the State Election Commission within thirty days from the date of declaration of the result of such election.

(3) If any such person omits or refuses to take or make the oath or affirmation as required by sub-section (1) within thirty days of the date of notification of his election or nomination, as the case may by, his election or nomination shall be deemed to be invalid, and his seat shall become vacant.

__________
CHAPTER-XVII

DISPUTES RELATING TO ELECTION

280. Definition.—In this Chapter, unless the context otherwise requires,—

(a) "agent" means any person appointed in writing by a candidate at an election to be his agent for the purpose of his election with the written consent of such person;

(b) "Authorised officer" means the officer authorised under section 282 to have election petitions;

(c) "Candidate" means a person who has been, or claims to have been duly, nominated as candidate at an election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;

(d) "corrupt practice" means any of the practices specified in section 301;

(e) "costs" means all costs, charges and expenses of, or incidental to, a trial of an election Petition;

(f) "electoral" means an election to fill an office under the provisions of this Act;

(g) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain voting at an election.

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.

281-A. Requisitioning of premises, vehicles etc., for election purpose.—

(1) If it appears to the State Government that in relation to the municipalities,—

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government, may by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:—
Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) "premises" means any land, building or part of building and includes a hut, shed or other structure or any part thereof; and

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

282. Officers authorised to hear election petitions.—The election petitions under this act shall be heard by the Sub-Divisional Officer (Civil) having jurisdiction over the municipal area.

283. Election petitions.—No election under this Act shall be called in question except by an election petition presented in accordance with the provisions of this Chapter.

284. Presentation of petitions.—(1) Any elector of a municipality may, on furnishing the prescribed security in the prescribed manner, present within thirty days of the publication of the result, on one or more of the grounds specified in sub-section (1) of section 296 to the authorised officer an election petition in writing against the election of any person under this Act.

(2) The election petition shall be deemed to have been presented to the authorised officer.—

(a) When it is delivered to him—

(i) by the person making the petition; or

(ii) by a person authorised in writing in this behalf by the person making petition; or

(b) when it is sent by registered post and is delivered to the authorised officer or any other person empowered to receive it.

284-A. Parties to the petition.— A petitioner shall join as respondent to his petition,—

(a) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

285. Contents of petition.—(1) An election petition :—

(a) shall contain concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the Commission of each such practice; and
(c) shall by signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleading:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

286. Procedure on receiving election petition.—If the election petition is not furnished in the prescribed manner or the petition is not presented within the period specified in section 284, the authorised officer shall dismiss the petition:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

287. Withdrawal and transfer of petitions.—The Director may, at any stage, after notice to parties and for reasons to be recorded withdraw any election petition pending before an authorised officer and transfer it for hearing to another authorised officer in the State and upon such transfer, that authorised officer shall proceed with the petition from the stage at which it was withdrawn:

Provided that such authorised officer may, if it thinks fit recall and re-examine any of the witnesses already examined.

288. Procedure before that authorised officers.—(1) Subject to the provisions of this Act and of any rules made thereunder every election petition shall be heard by the authorised officer in accordance with the procedure applicable under the code of Civil Procedure 1908 (5 of 1908) [part IV at page 325 to the trial of suites; and decide within a period of six months from the date of presentation under section 284:

Provided that the authorised officer shall have the discretion to refuse for reasons to be recorded in writing to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the India Evidence Act, 1872 (1 of 1872), shall subject to the provision of this Act, be deemed to apply in all respects to the trial of an election petition.

289. Appearance before the authorised officer.—Any appearance, application or act before the authorised officer may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that it shall be open to the authorised officer to direct any party to appear in person whenever the authorised officer considers it necessary.

290. Power of the authorised officer.—The authorised officer shall have the powers which are vested in court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters:

(a) discovery and inspection;
(b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
(c) compelling the production of documents;
(d) examining witnesses on oath;
(e) granting adjournments;
(f) reception of evidence taken on affidavit; and
(g) issuing commissions for the examination of witnesses;
and may summon and examine *suo-moto* and person whose evidence appears to him to be material
and shall be deemed to be a Court within the meaning of section 345 and 346 of the Code of Criminal

**Explanation.**—For the purpose of enforcing the attendance of witnesses the local limit of the
jurisdiction of the authorised officer shall be the limits of the State of Himachal Pradesh.

291. **Documentary evidence.**—In relation to the production of unstamped or unregistered
documents at the hearing of an election petition, the provision of section 93 of the Representation of Peoples
Act, 1951 shall apply.

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.

293. **Answering of incriminating questions and certificate of indemnity.**—(1) No witnesses
shall be excused from answering any question to any matter relevant to a matter in issue in the hearing of an
election petition upon the ground that the answer to such question may criminate or may tend to criminate
him, or that it may expose of may tend to expose him to any penalty or forfeiture:

Provided that :

(a) witness who answers truly all question which he is required to answer shall be entitled to
receive a certificate of indemnity from the authorised officer; and

(b) an answer given by a witness to a question put by or before the authorised officer shall
not, except in the case of any criminal proceedings for perjury in respect of the evidence
be admissible in evidence against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in
any Court and shall be a full and completed defense to or upon any charge under chapter IX-A of the Indian
Penal Code, 1860, arising out of the matter to which such certificate related put it shall not be deemed to
relieve him from any disqualification, in connection with an election, imposed by this Act or any other law.

294. **Expenses of witnesses.**—The reasonable expenses incurred by any person in attending to give
evidence may be allowed by the authorised officer to such person, and shall unless he otherwise direct, be
deemed to be part of the costs.

295. **Decision of the authorised officer.**—(1) Where an election petition has not been dismissed
under section 286, the authorised office shall inquire into the election petition and at the conclusion of the
inquiry shall make an order :

(a) dismissing the election petition; or

(b) setting aside the election.

(2) At the time of making an order under sub-section (1) the authorised officer shall also make an
order,—

(a) Where any charge is made in the petition of any corrupt practice having been committed
at the election, recording—
(i) a finding whether any corrupt practice has or has not been provided to have been committed at the election and the nature of that corrupt practice; and

(ii) the name of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and

(b) fixing the total amount to costs, payable, and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a partly to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless—

(i) he has been given notice to appear before the authorised officer and to show cause why he should not be so named; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness, who has already been examined by the authorised officer and has given evidence against him, of calling evidence in his defence and of being heard.

296. **Grounds for setting aside election.**—(1) If the authorised officer is of the opinion:

(a) that on the date of his election the elected person was not qualified, or was disqualified to be elected under this Act; or

(b) that any corrupt practice has been committed by the elected person or his agent or by any other person with the consent of the elected person or his agent; or

(c) that any nomination has been improperly rejected; or

(d) that the result of the election in so far as it concerns the elected person, has been materially affected—

(i) by the improper acceptance of any nomination; or

(ii) by improper reception, refusal or rejection of any vote or the reception which any vote is void; or

(iii) by any non-compliance with the provision of this Act or of any rule made under this Act;

the authorised officer shall set aside the election of the elected person.

(2) When an election has been set aside under sub-section (1), a fresh election shall be held.

297. **Abatement of election petition.**—An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

298. **Costs and payment thereof out of security deposits and return of such deposits.**—(1) Costs including pleader's fees shall be in the discretion of the authorised officer.

(2) If any order as the costs under the provision of this Chapter, there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full or so far as possible, out of the security deposit made by such party under this chapter, on an application made in writing in that behalf, within a period of one year from the date of such order, to the Collector by the person in whose favour the costs have been awarded.
(3) It there is any balance left of the security deposit under this chapter after payment under sub-section (1) of the costs referred to in that sub-section, such balance or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposit may, on an application made in that behalf in writing to the Collector by the person by whom the security has been deposited or if such person dies after making such deposit, by the legal representative of such person, be returned to the said person or to his legal representative, as the case may be.

299. Execution of orders as to costs.—Any order as to cost under the provisions of this Chapter may be produced before the principal Civil Court within the local limits of jurisdiction any person directed by such order to pay any sums of money has a place of residence or business and such Court shall execute the order or cause the same to be executed in the same manner, and by the same procedure as if it were a decree for the payment of money made by itself in a suit:

Provided that where any such costs or any portion thereof, may be recovered by an application made under sub-section (2) of section 298, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-section owing to insufficiency of the amount of the security deposit to in that sub-section.

300. Corrupt practice entailing disqualification.—The corrupt practice specified in section 301 shall entail disqualification for membership of a municipality for a period of six years counting from the date on which the finding of the authorised officer as to such practice has been given:

Provided that the Government may, for reasons to be recorded, remove disqualification or reduce the period thereof.

301. Corrupt practices.—(1) The following shall be deemed to be corrupt practices for the purposes of this Chapter:

(1) Bribery, that is to say:

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

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

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

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

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

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

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

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

Explanation.—For the purpose of this clause, the term "gratifications" is not restricted to pecuniary gratification or gratifications estimable in money and it includes of all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of any election.
(2) Undue influence, that is to say any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or a of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

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

(i) threatens any candidate or any person in whom a candidate is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate of an elector of the municipal area to believe that he, or any person in whom he is interested, will become or will be rendered an object or divine displeasure or spiritual censure;

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

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

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

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

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false and which he either believe to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate being a statement, reasonably calculated to prejudice the prospects of the candidates election.

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

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

(6A) The incurring or authorising of expenditure in contravention of section 17A.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of the candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government, the Government of India or the Government of any other State or a local authority.
302. **Appeals.**—Notwithstanding anything contained in this Act, any person aggrieved by an order made by the authorised officer under this Chapter, may, within the prescribed time and in the prescribed manner, appeal to the Director having jurisdiction over the municipal area and who shall dispose of the appeal within a period of ninety days and his decision on such appeal shall be final.

303. **Bar to interference by Court in electoral matters.**—Notwithstanding anything contained in this Act:

(a) the validity of any law relating to the delimitation of constituencies, or the allotment of seats in constituencies made or purporting to be made under this Act, shall not be called in question in any court;

(b) no election to any municipality shall be called in question except by an election petition presented to the authorised officer and in such manner as may be prescribed by rules.

304. **Power to make rules for conduct of elections.**—The State Government may, by notification in the Official Gazette and in consultation with the State Election Commission, make rules for the composition of municipalities, conducting the election, allotment of symbols and all matters relating to or in connection with the conduct of elections to the municipalities
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 in 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 and 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 unauthorisedly 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 by 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 an 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 thereof.—(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 of any declaration of identity or official envelop 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 of 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.

311. Repeal of H.P. Ordinance No. 2 of 1994.—(1) The Himachal Pradesh Municipal Ordinance 1994 is hereby repealed.

(2) Notwithstanding the repeal of the Himachal Pradesh Municipal Ordinance, 1994 anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.
**SCHEDULE-I**

**[Section 3(2)]**

**MUNICIPAL COUNCILS**

**Part-I:**

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the Municipal Committee</th>
<th>Renamed Municipal Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Municipal Committee, Rampur</td>
<td>Municipal Council, Rampur.</td>
</tr>
<tr>
<td>2</td>
<td>Municipal Committee, Theog</td>
<td>Municipal Council, Theog.</td>
</tr>
<tr>
<td>7</td>
<td>Municipal Committee, Sri Naina Devi Ji</td>
<td>Municipal Council, Sri Naina Devi Ji.</td>
</tr>
<tr>
<td>20</td>
<td>………………………………</td>
<td>Municipal Council, Parwanoo.</td>
</tr>
</tbody>
</table>

**NAGAR PANCHAYATS**

**Part-II:**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Notified Area Committee</th>
<th>Renamed Nagar Panchayats</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Notified Area Committee, Suni</td>
<td>Nagar Panchayat, Suni.</td>
</tr>
<tr>
<td>2</td>
<td>Notified Area Committee, Narkanda</td>
<td>Nagar Panchayat, Narkanda.</td>
</tr>
<tr>
<td>3</td>
<td>Notified Area Committee, Kothkhai</td>
<td>Nagar Panchayat, Kothkhai.</td>
</tr>
<tr>
<td>4</td>
<td>Notified Area Committee, Jubbal</td>
<td>Nagar Panchayat, Jubbal.</td>
</tr>
<tr>
<td>5</td>
<td>Notified Area Committee, Chopal</td>
<td>Nagar Panchayat, Chopal.</td>
</tr>
<tr>
<td>6</td>
<td>Notified Area Committee, Rohroo</td>
<td>Nagar Panchayat Rohru</td>
</tr>
<tr>
<td>7</td>
<td>Notified Area Committee, Arki</td>
<td>Nagar Panchayat, Arki.</td>
</tr>
<tr>
<td>8</td>
<td>Notified Area Committee, Rajgarh</td>
<td>Nagar Panchayat Rajgarh</td>
</tr>
<tr>
<td>9</td>
<td>Notified Area Committee, Ghumarwin</td>
<td>Nagar Panchayat Ghumarwin</td>
</tr>
<tr>
<td>10</td>
<td>Notified Area Committee, Talai</td>
<td>Nagar Panchayat Talai</td>
</tr>
<tr>
<td>11</td>
<td>Notified Area Committee, Gagret</td>
<td>Nagar Panchayat Gagret</td>
</tr>
<tr>
<td>12</td>
<td>Notified Area Committee, Daulatpur Chowk</td>
<td>Nagar Panchayat, Daulatpur Chowk</td>
</tr>
<tr>
<td>13</td>
<td>Notified Area Committee, Mehatpur</td>
<td>Nagar Panchayat, Mehatpur.</td>
</tr>
<tr>
<td>14</td>
<td>Notified Area Committee, Santokhgarh</td>
<td>Nagar Panchayat Santokhgarh</td>
</tr>
<tr>
<td>15</td>
<td>Notified Area Committee, Nadaun</td>
<td>Nagar Panchayat, Nadaun.</td>
</tr>
<tr>
<td>Sr. No.</td>
<td>Name of District</td>
<td>Municipality</td>
</tr>
<tr>
<td>--------</td>
<td>------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>1.</td>
<td>Bilaspur</td>
<td>1. MC Bilaspur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Ghumarwin</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. MC Baina Devi Ji</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Nagar Panchayat Talai</td>
</tr>
<tr>
<td>2.</td>
<td>Chamba</td>
<td>1. MC Chamba</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Dalhousie</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Nagar Panchayat Chowari</td>
</tr>
<tr>
<td>3.</td>
<td>Hamirpur</td>
<td>1. MC Hamirpur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Sujanpur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. NP Nadaun</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. NP Bhattan</td>
</tr>
<tr>
<td>4.</td>
<td>Kangra</td>
<td>1. MC Kangra</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Palampur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. MC Nurpur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. MC Nagrota</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. MC Dehra</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. MC Jawalamukhi</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. NP Baijnath Paprola</td>
</tr>
<tr>
<td>5.</td>
<td>Kulu</td>
<td>1. MC Kullu</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Manali</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. NP Bhutan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. NP Banjar</td>
</tr>
<tr>
<td>6.</td>
<td>Mandi</td>
<td>1. MC Mandi</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Sunder Nagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. MC Ner Chowk</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. NP Satkaghat</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. NP Jogindernagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. NP Rewalsar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. NP Karsog</td>
</tr>
<tr>
<td>7.</td>
<td>Shimla</td>
<td>1. MC Rampur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Theog</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. MC Rohru</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. NP Narkanda</td>
</tr>
<tr>
<td>Sr. No.</td>
<td>Name of District</td>
<td>Municipality</td>
</tr>
<tr>
<td>---------</td>
<td>------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>5.</td>
<td>NP Sunni</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>NP Chopal</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>NP Kotkhai</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>NP Jubbal</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Solan</td>
<td>1. MC Solan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Nalagarh</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. MC Baddi</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. MC Parwanoo</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. NP Arki</td>
</tr>
<tr>
<td>9.</td>
<td>Sirmour</td>
<td>1. MC Nahan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Paonta</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. NP Rajgarh</td>
</tr>
<tr>
<td>10.</td>
<td>Una</td>
<td>1. MC Una</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. MC Santokhgarh</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. NP Gagret</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. NP Daulatpur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. NP Mehatpur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. NP Tahliwal</td>
</tr>
</tbody>
</table>

Municipal Councils : 29  
Nagar Panchayats : 23  
Total Municipalities : 52
HIMACHAL PRADESH MUNICIPAL ELECTION RULES, 2015

CONTENTS

Rules

CHAPTER-I

PRELIMINARY

1. Short title.
2. Definition.

CHAPTER-II

DELIMITATION AND RESERVATION OF WARDS

3. Municipality to be divided into wards.
4. Limit of Wards.
5. Name and number of wards.
6. Delimitation of Wards.
8. Appeal.
9. Final Publication
10. Reservation and rotation of seats of Members.

CHAPTER-III

RESERVATION AND ROTATION OF OFFICES OF CHAIR PERSONS IN THE MUNICIPALITIES

12. Reservation and rotation of the offices of Chairpersons in the Municipalities.

CHAPTER-IV

ELECTORAL ROLLS

14. Electoral roll for every ward.
15. Preparation of electoral roll.
17. Condition of registration.
18. Making of false declaration.
19. Publication of Electoral roll in draft.
20. Period for lodging claims and objections.
22. Manner of lodging of claims and objections.
23. Notice of claims and objections.
24. Disposal of claims and objections.
25. Final Publication of electoral roll.
26. Special Revision of electoral roll.
27. Correction of entries in electoral rolls.
28. Inclusion of names in electoral roll, finally published.
29. Custody and preservation of electoral roll and connected papers.
30. Inspection of electoral rolls and connected papers.
31. Disposal of electoral rolls and connected papers.
CHAPTER-V
OFFICERS AND THEIR DUTIES

32. Officers and their duties.
33. Appointment of polling personnels.
34. Duties of the Deputy Commissioner and other officers/staff.

CHAPTER-VI
CONDUCT OF ELECTIONS

35. Election programme.
36. Notice of election.
37. Notification of symbol.
38. Nomination of candidates for elections.
40. Notice of nominations.
41. Secrutiny of nomination papers.
42. Withdrawal of candidature.
43. List of contesting candidates.
44. Allotment of symbols to candidates.
45. Appointment of Election Agent.
46. Appointment of Polling Agent.
47. Non-attendance of agent.
48. Maximum election expenses and account thereof

CHAPTER-VII
GENERAL PROCEDURE OF ELECTION

49. Death of candidate before poll.
50. Contested and un-contested elections.
51. Adjournment of poll in emergencies.
52. Fresh poll in the case of destruction etc. of the ballot box.
53. Restriction of contesting of election for more than one municipality and ward.
54. Method of Voting.
55. Procedure on adjournment of poll.
56. Ballot box and paper seal.
57. Facilities for women voters in the elections.
58. Form of ballot papers
59. Arrangement of polling station
60. Commencement of poll.
61. Admission to polling station.
62. Identification of voters.
63. Persons entitled to vote by post.
64. Intimation by voters on election duty.
65. Facilities for persons on election duty.
66. Procedure for preventing impersonation of voters.
67. Voting procedure.
68. Recording of votes of blind or infirm voters.
69. Spoilt and returned Ballot papers.
70. Tendered votes.
71. Challenged votes.
72. Closing of poll.
73. Sealing of ballot box after poll.
74. Account of ballot papers.
75. Sealing of other packets.
76. Transmission of ballot boxes etc. to the Returning Officers.
CHAPTER-VIII
COUNTING OF VOTES AND DECLARATION OF RESULTS

77. Admission to the place of counting.
78. Scrutiny and rejection of ballot paper
79. Scrutiny and rejection of ballot papers.
80. Counting of Votes and declaration of results.
81. Commencement of counting after fresh poll.
82. Procedure in case of tie.
83. Custody of papers relating to elections.
84. Production and inspection of election papers.
85. Disposal of elections papers.
86. Casual vacancies in the municipality.
87. Interpretation of rules.
88. Administration of oath to the elected member

CHAPTER-IX
ELECTION OF PRESIDENT AND VICE-PRESIDENT

89. Election of President.
90. Method of voting at the election of the President.
91. Election of the Vice-President.
92. No confidence motion against the President and Vice-President.
93. Fresh Election.

CHAPTER-X
ELECTION PETITIONS AND APPEALS

94. Presentation of petition
95. Security deposit to be made with the petition.
96. Withdrawal of petitions.
97. Place and procedure of enquiry.
98. Communication of orders on petition
100. Abatement of appeal.

CHAPTER-XI
MISCELLANEOUS

101. Penalties.
102. Repeal and savings.

Form 1 to 51
GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF URBAN DEVELOPMENT

NOTIFICATION

Shimla-2, the 2-9-2015

No. UD-A (3)-7/2011-I.—Whereas, the draft Himachal Pradesh Municipal Election Rules, 2015 were published in the Rajpatra, Himachal Pradesh dated 29th July, 2015 for inviting objection(s) and suggestion(s) from the general public, vide this Department notification of even number dated 27th July, 2015 as required under the provisions of section 279 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994);

And whereas, no objection(s) or suggestion(s) has been received in this behalf during the stipulated period;

Now, therefore, in exercise of the powers conferred by sections 279 and 304 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994), the Governor of Himachal Pradesh in consultation with the State Election Commission is pleased to make the following rules for carrying out the purposes of the Act, namely :-

CHAPTER-I
PRELIMINARY

1. Short title.— These rules may be called the Himachal Pradesh Municipal Election Rules, 2015.

2. Definitions.—(1) In these rules, unless there is anything repugnant in the subject or the context,-

(a) “Act” means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994);
(b) “agent” means any person appointed in writing by a candidate at an election to be agent for the purpose of these rules;
(c) “ballot box” means any box, bag or other receptacle used for the insertion of ballot paper by electors and shall include the electronic voting machine;
(d) “Chairperson” means any member of the municipality elected as President by the elected members to hold office and to perform the functions of the President;
(e) “Commission” means the State Election Commission defined under clause (37) of section 2 of the Act;
(f) “delimitation” means the delimitation of wards made under these rules;
(g) “District Election Officer (municipalities)” means the Officer appointed by the State Election Commission for the conduct of elections to municipalities under rule 32;
(h) “political party” means an association or body of individual citizens of India registered with the Election Commission of India, as a political party under the Representation of People Act, 1951;
(i) “Divisional Commissioner” means the Commissioner of the Division concerned;
(j) “elector” means any person entitled to vote at an election of member or office bearer of the municipality;
(k) “electoral roll” means the electoral roll of persons of a ward entitled to vote at an election under these rules;
(l) “Electoral Registration Officer (Municipal Council/Nagar Panchayat)” means an officer appointed by the Commission for the purpose of preparation of electoral rolls in accordance with these rules;

(m) "form" means a form appended to these rules;

(n) "oath or affirmation" means the oath or affirmation of allegiance specified under sub-section (1) of section 27 of the Act;;

(o) “polling station” means the place fixed by the Returning Officer for the conduct of election to the municipality;

(p) “Returning Officer” means an officer appointed by the Commission under rule 32 and includes Assistant Returning Officer;

(q) "revising authority" means a Gazetted Officer or an Executive Magistrate who may be appointed by the Electoral Registration Officer (Municipal Council/Nagar Panchayat) as the revising authority in respect of electoral roll of a ward or a part thereof;

(r) "State" means the State of Himachal Pradesh;

(s) “State Government” means the Government of Himachal Pradesh;

(t) "symbol" means a symbol which may be allotted to a candidate for contesting election under these rules;

(u) "treasury" means a treasury or sub-treasury of the State Government and includes a bank through which the business of such treasury or sub-treasury has been made over: and

(v) "ward" means a ward for the representation of which an office bearer is to be or has been elected under these rules.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are respectively assigned to them in the Act.
CHAPTER-II
DELIMINATION AND RESERVATION OF WARDS

3. Municipality to be divided into wards.—For holding election to a municipality, whole of the municipal area shall be divided into wards.

4. Limit of wards.—(1) As far as practicable each ward shall have equal population, throughout the municipal area and each ward shall be geographically compact and contiguous in areas, and shall have recognizable boundaries, such as roads, paths, lanes, streets, stream, canals, drains, Bridges, Railway lines or such other marks or boundaries which can be easily distinguished.

(2) Each ward shall be described and notified invariably in such a manner that its boundaries are clearly recognizable on ground.

5. Name and number of the wards.—Each ward shall be known by the number given serially and a name shall also be given to it.

6. Delimitation of wards.—(1) When a direction is given by the State Election Commission under section 281 of the Act, the Deputy Commissioner shall make a proposal for delimitation of wards by dividing the municipal area into wards as per provisions of section 10 of the Act and shall also define the limits of each such ward and keep the same open for inspection in his office and in office of the municipality and issue a notice inviting public objection(s) or suggestion(s) from the residents in relation to such proposal in form-1 by affixing a copy of such notice in his office and in the office of the municipality.

(2) While issuing notice, the Deputy Commissioner shall call for objection(s) or suggestion(s) to the draft delimitation proposal from the residents of the municipal area within a period of ten days to be made to him in writing by any resident of the ward in form-2.

7. Disposal of objections.—The Deputy Commissioner on receipt of objection(s) or suggestion(s), if any, under rule 6, shall inquire into the same and shall decide them within a period of ten days, after giving an opportunity of being heard to the person filing such objection(s) or suggestion(s).

8. Appeal.—Any person aggrieved by the orders of the Deputy Commissioner may file an appeal to the Divisional Commissioner within a period of ten days of the passing of the order who after giving an opportunity of being heard to the applicant shall decide the same within a period of ten days and communicate the order to the Deputy Commissioner. The order passed by the Divisional Commissioner shall be final.

9. Final publication.—(1) After the objection(s) or suggestion(s) have been heard and finally decided, the delimitation so made shall be finalized within a period of 45 days from the date of initial publication of the proposal for delimitation by affixing a copy of the same in the office of the Deputy Commissioner, the municipality and at such other places as the Deputy Commissioner may decide and a copy of the same shall be sent to the Government.

(2) On receipt of final delimitation order from the Deputy Commissioner, the State Election Commission shall notify the delimitation of wards of the municipality in the Official Gazette.

(3) The copies of these finalized delimitation order shall be available for inspection on official Website and in the office of the Deputy Commissioner and the municipality. Any voter may obtain a copy of delimitation order by making payment of Rs. 50/- against proper receipt to the Deputy Commissioner or the municipality and the same shall be made available to him immediately.

10. Reservation and rotation of seats of members.—(1) The process for reservation and rotation of seats for the members shall be undertaken in accordance with the time schedule to be prescribed in this behalf by the State Election Commission under section 281 of the Act.

(2) The seats shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population. The ward having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the ward having the highest population of Scheduled Tribes shall be reserved for the Scheduled Tribes.
(3) If the number of seats to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the ward having the next highest percentage of Scheduled Castes and Scheduled Tribes shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes and Scheduled Tribes in the Municipal area is less than 5% of the total population, then no seat shall be reserved for them.

(4) Out of the seats reserved for Scheduled Castes and Scheduled Tribes, one – half of the seats shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes, as the case may be. The reservation of seats for Scheduled Castes, Scheduled Tribe and women, as the case may be, shall be made by draw of lots:

Provided that if the number of seats reserved is not more than one, then there shall be reservation for men and women belonging to Scheduled Castes and Scheduled Tribes, as the case may be, alternatively, after every five years:

Provided further that if the number of seats reserved for the members of Scheduled Castes and Scheduled Tribes, as the case may be, are two, then at least one ward shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes, as the case may be.

(5) In the municipality out of the total wards formed under rule 3, one – half of the seats shall be reserved for women including reservation made under sub-rule(4) and in computing these seats if the remainder after dividing is one, then in the first election the seats reserved for women shall be increased by one and in the next election it shall not be added and so on.

(6) The wards reserved for Scheduled Castes, Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes on the basis of percentage of population shall be changed in the immediate next election and at the time of such next elections, the ward / wards, having next highest percentage of population shall be reserved for Scheduled Castes, Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and the ward earlier reserved shall be kept open to the *general category and so on for subsequent elections.

_Explanation._—General category for the purpose of these rules shall mean men or women or both belonging to this category.

(7) The reservation of seats for women shall be made by draw of lots after excluding the seats which have been reserved for Scheduled Castes and Scheduled Tribes candidates including women belonging to Scheduled Castes and Scheduled Tribes, as the case may be.

(8) The Deputy Commissioner shall issue a three days clear notice specifying therein the date, place and time of the draw of lots and such notice shall be affixed on the notice board of his office and that of the municipality and he shall also proclaim it by beat of drums within the municipal area. The draw shall take place on the specified date, place and time specified in the presence of at least three prominent persons of the municipal area and three gazetted officers of the State Government.

(9) No ward shall be reserved for Scheduled Castes and Scheduled Tribes Candidates in two consecutive elections.

(10) Notwithstanding anything contained in these rules, the roster of reservation of seats shall operate from the initial stage for the elections to be held after the commencement of these rules as if said elections are being conducted for the first time and thereafter, the reservation of seats shall be rotated to different wards of municipality under this rule:

(11) The reservation made by the Deputy Commissioner shall be given wide publicity by him by affixing a copy of the order of such reservation on the notice board of his office and that of the municipality and it shall also be sent to the State Government.

11. _Report to Commission._—The Government shall provide a copy of final reservation order made by it immediately to the Commission.
CHAPTER-III

RESERVATION AND ROTATION OF OFFICES OF CHAIR PERSONS
IN THE MUNICIPALITIES

12. Reservation and rotation of the offices of Chairpersons in the municipalities.— (1) Before every election to a municipality, the State Government or any other officer authorized by it in this behalf, shall, in accordance with the provisions of section 12 of the Act, determine the number of the office of Chairpersons of municipalities to be reserved for Scheduled Castes, Scheduled Tribes and women in the State.

(2) The population of general category, Scheduled Castes, Scheduled Tribes and women shall be worked out for the purpose of reservation of the offices of the Chairpersons.

(3) In the State, the offices of the Chairpersons in the municipalities shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the State. The municipality having highest percentage of population of Scheduled Castes shall be reserved for the Scheduled Castes and the municipality having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of offices to be reserved for Scheduled Castes and Scheduled Tribes is more than one, then the municipality having the next highest percentage of population of Scheduled Castes and Scheduled Tribes shall be reserved for Scheduled Castes and Scheduled Tribes, as the case may be, and so on.

(5) Out of the offices reserved for Scheduled Castes and Scheduled Tribes, one half of the offices shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes, as the case may be, and the municipality having the highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, in the State shall be reserved for such women.

(6) If the number of offices to be reserved for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, is more than one then the municipality having the next highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of total offices excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes), one half of the offices shall be reserved for women and the municipality having the next highest women population percentage shall be reserved for women belonging to general category and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of immediate next election, the municipality having the next highest percentage of population shall be reserved for member of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category (and the office earlier reserved shall be kept open to the members of the general category) and so on, for subsequent election:

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices are covered by rotation.

(9) Where the offices of the Chairpersons in municipalities are reserved for the person belonging to backward classes or for the women belonging to backward classes under sub-section (4) of section 12 of the Act, the provisions of foregoing sub-rule of this rule, so far these are not inconsistent with the provisions of said sub-section (4) of section 12, shall apply mutatis-mutandis as these apply in relation to the reservation and rotation of offices, for Scheduled Castes, Scheduled Tribes and women.
(10) The reservation made under this rule shall be finalized by the State Government or by any other officer authorized by it in this behalf and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the municipality, District and Tehsil.

(11) Where the order of the reservation has not been issued by the State Government, the officer who has issued the order shall send a copy of the same to the State Government. The State Government, whether order is made by it or on receipt of the copy of the order issued by such officer, shall publish the order of reservation in the Official Gazette and the notification so issued shall be the conclusive proof of reservation of offices of Chairpersons in the State.

13 Report to Commission.—The State Government shall provide a copy of the order regarding final reservation and rotation of office of Chairperson made by it immediately to the Commission.
CHAPTER-IV

ELECTORAL ROLLS

14. **Electoral roll for every ward.**—(1) For each ward or polling station of a municipality, there shall be an electoral roll which shall be prepared in the manner specified under rules 15 to 28 by the Electoral Registration Officer under the superintendence, direction and control of the Commission:

Provided that nothing in this rule shall prevent the use of the relevant part of the current electoral rolls of the Assembly constituency for the preparation of draft rolls for the elections under these rules:

Provided further that the State Election Commission may in its own discretion, use data base of the Election Commission of India for the preparation of the draft electoral rolls for the elections under these rules.

(2) The electoral rolls shall be prepared in hindi devnagari script in such form and through such process as may be directed by the Commission.

15. **Preparation of electoral roll.**—When a direction is given under rule 14 by the Commission, the Electoral Registration Officer shall prepare electoral roll, for each ward or part thereof of the municipality, in accordance with these rules.

16. **Disqualification for registration in electoral rolls.**—(1) A person shall be disqualified for registration in an electoral roll, if he is, –

(a) not a citizen of India; or
(b) of unsound mind and stands so declared by a competent court; or
(c) for the time being disqualified from voting under the laws relating to corrupt practices and other offences in connection with elections to municipalities or Assembly or Parliament; or
(d) already registered as elector in any other municipality or Gram Sabha, as the case may be.

17. **Condition of registration.**—Every person who is,–

(a) not less than eighteen years of age on the qualifying date, and
(b) ordinarily resident in a ward,

shall be entitled to be registered in the electoral roll for that ward:

Provided that a person shall be entitled to be registered in the electoral rolls for only one ward of the municipality.

*Explanation.*—For the purpose of this rule,-

(i) a person shall not be deemed to be “ordinarily resident” in a ward on the ground only that he owns, or is in possession of dwelling house therein; and

(ii) a person absenting himself temporarily from his place of ordinary residence shall not, by reason thereof, cease to be ordinarily resident therein.

18. **Making of false declaration.**—If any person makes false declaration in connection with,—

(a) the preparation, revision or correction of an electoral rolls, or

---

1 See Notification dt. 9.11.2015 of the Commission appointing Deputy Commissioners as Electoral Registration Officers in Part-V of this book.
shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

19. Publication of Electoral roll in draft.—(1) Once the draft electoral roll of a ward is ready, the Electoral Registration Officer shall publish it according to programme issued by the Commission together with a notice in form-3 and make available copies thereof for inspection at official website of his office, and in the offices of the municipality and Tehsil concerned.

(2) The notice under sub-rule (1) shall also be given wide publicity through official website newspapers having wide circulation in the area, All India Radio, by beat of drum in the town and by affixing copies of such notice in his office and office of the municipality and the Tehsil concerned and at such other conspicuous place where the public has free access. The notice shall contain the date by which objections or claims may be filed and the authority or authorities to whom they may be presented.

20. Period for lodging claims and objections.—Every claim for the inclusion of name in the electoral roll and every objection to an entry therein shall be lodged within a period of ten days from the date of publication of draft electoral roll under rule 19, or within such period as may be fixed by the Commission in this behalf.

21. Appointment of revising authorities.—The Electoral Registration Officer may appoint one or more revising authority for the purpose of hearing claims and objection(s) relating to electoral roll of a ward or wards. These appointments as and when made shall be given wide publicity and shall be uploaded on the official website.

22. Manner of lodging of claims and objections.—(1) A claim or objection shall be addressed to the revising authority specified in the notice referred to in rule 21 and shall be presented to it personally or sent by registered post. Every claim for inclusion of name, objection to the inclusion of the name or objection to the particulars in any entry in the electoral roll shall be in forms 4, 5 or 6, as the case may be.

(2) A claim shall be signed by the person desiring his name to be included in the electoral roll and countersigned by another person whose name is already included in the electoral roll in which the claimant desires his name to be included and shall, unless sent by post, be presented by claimant himself or by a person authorized by him in writing in this behalf.

(3) No person shall prefer an objection to the inclusion of any name in the Electoral roll, unless his name is already included in that electoral roll of the municipality.

(4) The revising authority shall maintain a register of claims, in form-7, a register of objections to the inclusion of names in form-8, and a register of objections to the particulars in any entry in form-9, and shall enter therein the time of receipt, particulars of every claim or objection, as the case may be.

(5) Any claim or objection, which is not lodged within the specified period or in the manner herein specified, shall be rejected and the decision shall be recorded in the register prepared in forms 7, 8 and 9, as the case may be.

23. Notice of claims and objections.—(1) Where a claim or objection is not rejected under sub-rule (5) of rule 22, the revising authority shall, after the expiry of the period specified for the presentation of claims and making objection(s), exhibit on the notice board of his office, a list of all claims or objections in forms 10, 11 and 12, as the case may be.

(2) Every claimant and objector shall be given a notice regarding place, date and time of hearing of such claim or objection and shall further be asked to adduce such evidence, as he may like to adduce in forms 13, 14 and 16, as the case may be.
A person against whom objection has been received by the revising authority for the inclusion or deletion of his name in or from the electoral roll shall also be given a notice in form-15 of the place, date and time fixed for hearing of objection, at his last known place of residence and be asked to put-forth such evidence as he may like to adduce for his defense.

24. Disposal of claims and objections.—(1) On the date, time and place fixed under the provisions of rule 22, the revising authority shall hear and decide within ten days the claims and objections under the provisions of these rules, and shall record his decision in the registers in forms 7,8 and 9, as the case may be.

(2) Copy of the order relating to the objection shall be given on payment of Rs. 25/- to the claimant against proper receipt.

(3) Any person aggrieved by an order passed under the provisions of sub-rule (1), may, within seven days from the date of order, file an appeal to Electoral Registration Officer, who shall decide the same within seven days.

(4) If it appears to the Electoral Registration Officer that due to inadvertence or error during the preparation of draft electoral rolls, names of electors have been left-out of the electoral roll or the names of dead persons or persons who ceased to be or are not ordinarily resident in the ward or part thereof have been included in the electoral roll or certain voters have been shown in the wrong ward or polling station and that remedial action is required to be taken under this sub-rule, shall, within three days from the date of publication of draft electoral roll, -

(a) prepare a list of such electors containing names and other particulars and submit the proposal on the same day to the Commission to seek permission to carry out the correction wherever required;

(b) after getting permission from the Commission, exhibit on the notice board of his office a copy of the list together with a notice as to the date(s) and place(s) at which the matter of inclusion of the names in electoral roll or deletion of the names from the electoral roll shall be considered; and

(c) after considering any verbal or written objection that may be preferred, decide whether all or any of the names may be included in or deleted from the electoral roll.

25. Final publication of electoral roll.—(1) The revising authority shall, immediately after disposal of all the claims or objections presented by it, forward the same alongwith the register of such claims or objections and the orders passed by it thereon to the Electoral Registration Officer, who shall correct the electoral roll in accordance with such orders or the orders passed on appeal by him under sub-rule (3) of rule 24 and corrections consequential to sub-rule(4) of rule 24, as the case may be, and shall publish the final electoral roll, on a date fixed by the Commission, by making a complete copy thereof available for inspection and display a notice thereof in form- I7 in his office and also in the offices of the municipality and the Tehsil concerned. The finally published electoral roll shall be uploaded on the official website.

(2) On such publication, the amended electoral roll shall be the electoral roll of the ward or part thereof and shall come into force from the date of its publication under this rule.

(3) The Electoral Registration Officer shall thereafter subject to such general or special directions as may be given by the Commission, supply, free of cost, one copy of the roll, as finally published, to every political party for which a symbol has been exclusively reserved by the Election Commission of India.

26. Special Revision of electoral rolls.—Notwithstanding anything contained in rule 25, the Commission may at any time, for the reasons to be recorded in writing, direct a special revision for any municipality in such a manner as it may deem fit:
27. Correction of entries in electoral rolls.—(1) If at any stage it appears or brought to the notice of the Commission on an application in form-18 that due to inadvertence or error during the preparation of electoral rolls, names of eligible persons have been left-out of the electoral roll or the names of dead persons or persons who ceased to be or are not ordinarily resident in the ward or part thereof have been included in the electoral roll or certain voters have been shown in the wrong ward or polling station and that remedial action is required to be taken under this sub-rule, shall direct the Electoral Registration Officer to.-

(a) prepare a list of the name and other particulars of such electors;

(b) exhibit on the notice board and official website of his office a copy of the list together with a notice as to the date(s) and place(s) at which the matter of inclusion of the names in electoral roll or deletion of the names from the electoral roll shall be considered; and

(c) after considering any verbal or written objection that may be preferred, decide whether all or any of the names may be included in or deleted from the electoral roll:

Provided that after the publication of the election programme under rule 35 such an application to the Commission shall be made not later than eight days before the last date for the filing of nomination papers.

(2) No amendment, transposition or deletion of any entry shall be made on or after the last date for making nomination till the election process is over.

28. Inclusion of names in electoral roll, finally published.—(1) Any person, whose name is not included in the electoral roll, shall make an application in form-4 (in duplicate) to the Electoral Registration Officer for inclusion of his name in that electoral roll, and such application shall be accompanied by a fee of Rs. 50/- to be paid in cash against proper receipt:

Provided that after the publication of the election programme under rule 35 such application shall be made not later than eight days before the last date for the filing of nomination papers.

(2) The Electoral Registration Officer shall immediately on receipt of application under sub-rule (1) affix one copy thereof in some conspicuous place at his office and invite objections thereof to be filed within a period of four days from the date of such affixation.

(3) The Electoral Registration Officer shall, as soon as may be, after the expiry of the period as specified in the notice under sub-rule (2), consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct such name to be included therein accordingly:

Provided that if the applicant whose name is ordered to be included, is already registered in the electoral roll of any other ward or part thereof of any other municipality or Gram Sabha such name shall be deleted from that electoral roll.

(4) Where an application made under sub-rule (1) is rejected, the person aggrieved may file an appeal, within a period of ten days from the date of rejection of the application for the inclusion of name or deletion of name, to the Divisional Commissioner and the appeal shall be accompanied by a fee of Rs. 50/- to be paid in cash against proper receipt. The Divisional Commissioner shall decide the appeal within seven days after giving opportunity of being heard and the order passed on such appeal shall be final.

(5) No amendment, transposition or deletion of any entry shall be made on or after the last date for making nomination till the election process is over.
29. **Custody and preservation of electoral roll and connected papers.**—(1) After the electoral roll for a ward has been finally published, the following papers shall be kept in the office of the Electoral Registration Officer or at such other place as the Commission may by order specify until the expiration of one year after the final publication of next revision of the electoral Rolls:

(a) complete spare copies of the electoral roll;

(b) papers relating to claims and objections and orders under rule 24;

(c) applications under rules 27 and 28 and decisions thereon;

(d) papers relating to appeals under sub-rule (4) of rule 28; and

(e) manuscript and other papers if any prepared by enumerating agencies and used for compiling the electoral roll.

(2) One complete copy of the electoral roll for each ward duly authenticated by the Electoral Registration Officer shall also be kept in safe custody of the Deputy Commissioner of the District till the new electoral roll is finally published.

30. **Inspection of electoral rolls and connected papers.**—Every person shall have the right to inspect the electoral rolls under rule 29 and get a copy thereof on payment of Rs. 10/- per page or part thereof to be paid in cash against proper receipt.

31. **Disposal of electoral rolls and connected papers.**—The papers under rule 29 shall, on the expiry of the period specified therein, be disposed of in such manner as the Commission may direct.
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).

(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.

(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:

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.

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.
CHAPTER-VI
CONDUCT OF ELECTIONS

35. Election Programme.—(1) The Commissioner shall frame a programme of general elections of the municipality or a programme to fill up any casual vacancy in a municipality or hold election to a municipality which has been dissolved (hereinafter referred to as "election programme").

(2) The election programme shall specify the date or dates on, by, or within which -

(i) the nomination papers shall be presented;
(ii) the nomination papers shall be scrutinized;
(iii) a candidate may withdraw his candidature;
(iv) the list of contesting candidates shall be affixed:
(v) the list of polling stations shall be pasted;
(vi) the poll, if necessary shall be held on...........from.......AM to...........PM. (the hours of poll shall not be less than six hours.) ;
(vii) the counting in the event of poll, shall be done at....................... (Specify place, date and time thereof); and
(viii) the result of the election shall be declared.

(3) The election programme shall be published seven days before the date of filing of nomination papers by affixing a copy at the office of the Deputy Commissioner, Tehsil and municipality and at such other conspicuous places in the municipality as may be determined by the Deputy Commissioner in this behalf.

(4) The period for filing of nomination papers shall be three working days and the date of scrutiny shall be the next working day from the last date of filing of nomination papers. The date of withdrawal shall be the third working day from the date of scrutiny. The date for affixing the list of contesting candidates shall be the same as fixed for withdrawal of candidature. The list of polling stations shall be published on a date as may be specified by the Commission. The gap between the date of withdrawal and the date of poll shall atleast be ten days and the day of poll shall preferably be a Sunday or any gazetted holiday.

(5) The Commission may by an order rescind or modify the election programme:

Provided that unless the Commission otherwise directs, no such order shall be deemed to invalidate any proceedings taken before the date of the order.

36. Notice of election.—(1) The Returning Officer shall on the date on which the election programme is issued by the Commission under rule 35, shall affix a notice in form-19 at his office, and at the office of the Sub-Divisional Officer (Civil), the Tehsil and the municipality, and such other places as the Returning Officer may determine to -

(a) invite nomination papers of candidates for election ;
(b) fix the time and place for submitting the nomination papers;
(c) specify the authority to whom nomination shall be submitted;
(d) fix time and place for the scrutiny of nomination papers ;
(e) fix the time and place and authority for the receipt of notice of withdrawals;
(f) fix the date, time and place for the allotment of symbols; and
(g) fix the time of poll, if necessary:
Provided that the dates fixed under clauses (b), (d), (e) and (g) shall be the same as specified under rule 35 in this behalf.

(2) For the purpose of election, the Commission, or Returning Officer may on payment of compensation to the owner or the person in possession or having control over it, requisition any premises, vehicle, vessel or animal and may, after the election, release it from the requisition;

Explanation.— Vehicle in this rule means any vehicle used or capable of being used for the purpose of road or aerial transport, whether propelled by mechanical power or otherwise.

37. Notification of symbol.— The Commission shall, by notification published in the Official Gazette, specify the symbols that may be allotted to the candidates at an election to the municipality and may amend or vary the list of symbols from time to time.

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.

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.

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 its serial number and shall sign thereon a certificate stating the date on which and the hour at which, the nomination paper has been delivered to him. A notice of nominations in form-21 containing description similar to those contained in the nomination papers both of the candidate and his proposer shall be affixed in some conspicuous place in his office.

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.

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.

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.

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.

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

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

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

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

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

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 along with 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.
CHAPTER-VII

GENERAL PROCEDURE OF ELECTION

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.

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.

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.

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.

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.
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.

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.

56. Ballot box and paper seal.— (1) Every ballot box and paper seal to be used at an election shall be of such design as may be used at any election to the Legislative Assembly of Himachal Pradesh or as may be approved by the Commission.

(2) A paper seal shall be used for securing a ballot box and the Presiding Officer shall affix his signatures and obtain thereon the signatures of the candidates or of such of the polling agents as are present and desirous of affixing the same. The paper seal shall be of such design as may be specified by the Commission and proper record of paper seal used or unused shall be maintained in form-34.

(3) The Presiding Officer shall, thereafter, fix the paper seal in the space meant therefore in the ballot box and shall then secure and seal the box in such a manner that the slit for insertion of ballot paper therein remains open.

(4) Every ballot box used at a polling station shall bear labels, both inside and outside and marked with:

(a) the serial number and the name of the ward;

(b) the serial number and the name of polling station:

(c) the serial number of the ballot box (to be filled in at the end of the label on the outside of the ballot box only); and

(d) the date of poll.

(5) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidates and polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (4).

(6) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer, the candidates and the polling agents.
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.

58. Form of ballot papers.—(1) Every ballot paper along with 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.

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, alongside with the symbols allotted under rule 44.

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

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

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.”.

61. Admission to polling station.—The Presiding Officer shall regulate the number of voters to be admitted, at any time inside the polling station and shall exclude therefrom all persons other than -

(a) Polling Officer;

(b) candidates and their agents;

(c) Returning Officer or such other persons as may be authorized by him;
(d) public servants appointed on duty in connection with the election by the election authorities;

(e) a child in arms accompanying a woman voter and a companion accompanying blind or infirm voter who cannot move without help;

(f) such other person as the Presiding Officer may employ under sub-rule (2) of rule 57 and sub-rule (1) of rule 62; and

(g) State Election Commissioner or such other persons as may be authorized by him.

62. Identification of voters.—(1) Each voter when enters the polling station, the Presiding Officer, or the Polling Officer authorized by him in this behalf shall check the voter’s name and the other particulars with the relevant entries in the electoral roll and then call out the serial number, name and other particulars of the voter.

(2) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall ignore merely clerical or printing errors in an entry in the Electoral roll, if he is satisfied that such person is identical with the voter to whom such entry relates.

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

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

(2) Where a person being a Polling Officer, Presiding Officer or other public servant on poll duty in the ward of which he is an elector, wishes to vote in person at an election in a Municipality/ward and not by post, he shall send an application in form 37 to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is a public servant and voter on poll duty in the ward, he shall issue to the applicant an election duty certificate in form-38.

(3) Where Election Duty Certificate has been issued to an elector under sub-rules (1) and (2), the Returning Officer shall mark “EDC” against his name in the marked copy of the electoral roll to indicate that an Election Duty Certificate has been issued to him and shall ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

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

(2) On production of such certificate the Presiding Officer shall -

(a) obtain thereon the signatures of the person producing it;

(b) have the person’s name and electoral roll number as mentioned in the certificate entered at the end of marked copy of the electoral roll; and

(c) issue to him a ballot paper, and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

66. Procedure for preventing impersonation of voters.— (1) Subject to the other provisions of this rule every voter (to whom a ballot paper has to be supplied for the purpose of voting at a polling station shall before receiving such ballot paper) allow -
(a) the inspection of his left forefinger to the Presiding Officer and any Polling Officer; and

(b) an indelible ink mark to be put on his left forefinger.

(2) If any person refuses to allow such inspection of his left forefinger; or persists in doing any act with a view to removing such mark after it has been put, he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) No person, who already has a mark on his forefinger, shall be supplied with any ballot paper and if any such person still persists for the supply of a ballot paper he shall be liable to be arrested and prosecuted for impersonation.

(4) Any reference in this rule to the left forefinger of voter shall, where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all the fingers of his both hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

67. Voting Procedure.—(1) The voter on entering the polling station shall first allow his left forefinger to be inspected by a Polling Officer for the purpose of ascertaining if he has any mark of indelible ink on that finger, if there is no such mark, the Polling Officer-in-charge of the poll, shall ascertain the voter's name and address and such other particulars as appear on the electoral roll and after having satisfied himself about the identity of the voter, the Presiding Officer or the Polling Officer, as the case may be, shall put indelible ink mark to his left forefinger and then he shall be supplied with a ballot paper. The Presiding Officer or the Polling Officers, as the case may be, shall before the delivery of the ballot paper to the voter enter the serial number of the voter from the marked copy of the electoral roll in the counterfoil of the ballot paper and obtain his signatures.

(2) Every ballot paper shall, before issue to voter, be stamped with such distinguishing mark on its back as the Commission may direct.

(3) Save as provided in sub-rule (1) no person in the polling station shall be allowed to note down the serial number of the ballot paper(s) issued to particular voter.

(4) At any time before a ballot paper is delivered to a voter, the Presiding Officer or a Polling Officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at the polling station or be so required by a candidate or his polling agent, put to the voter the following question, namely :-

(a) Are you the person enrolled as follows (reading the whole entry relating to the voter from the electoral roll)?

(b) Have you already voted at the present election?

(c) Such other questions as he may deem fit or necessary and the voter shall not be supplied with a ballot paper unless he answers the first question in the affirmative and the second question in the negative or he refuses to answer any other question put to him in pursuance of this rule.

(5) The voter on receiving the ballot paper shall forthwith-

(a) proceed to the voting compartment;

(b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;
(d) if so required, show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box; and

(f) quit the polling station.

(6) Every voter shall vote without undue delay.

(7) No voter shall be allowed to enter a compartment when another voter is inside it.

68. **Recording of votes of blind or infirm voters.**—(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, voter is unable to recognize the symbols on the ballot paper or to mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as a companion of more than one voter at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of voter on any day under this rule, the person shall be required to declare in form-39 that he shall keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep in form-40 record of all cases under this rule.

69. **Spoilt and returned Ballot papers.**—(1) A voter who has inadvertently dealt with his ballot paper in such a manner that it can not be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying himself of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked by the Presiding Officer as "cancelled being Spoilt".

(2) All ballot papers cancelled under sub-rule (1) shall be kept in a separate packet.

70. **Tendered votes.**—(1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask be entitled subject to the following provisions of this rule to mark a ballot paper (hereinafter in these rules referred to as "Tendered Ballot Papers") in the same manner as any other voter.

(2) Every such person shall before being supplied with a Tendered Ballot Paper, put his signature against the entry relating to him in the list in form-41.

(3) A Tendered Ballot Paper shall be the same as other ballot papers used at the polling, except that it shall be –

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with words "Tendered Ballot Papers" by the Presiding Officer at his own and signed by him.

(4) The voter, after marking Tendered Ballot Paper in the voting compartment and folding it, shall, instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

71. **Challenged votes.**—(1) If a candidate or his agent declares and undertakes to prove that any person, by applying for ballot paper has committed the offence of impersonation, the Presiding Officer, may require such person to state his name and address and shall then enter such name and address in the list of
Challenged Votes in Form-42, and shall require such person to sign such entry or, if he is unable to write, to affix, his thumb impression thereto and the Presiding Officer shall sign his name across such impression and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of Rs.20/- has been deposited in cash against proper receipt with the Presiding Officer by the candidate or such agent for each challenge he makes.

(2) If the person, so challenged, refuses to comply with such requisition he shall not be permitted to vote but if such person complies with the same and on being questioned in the manner provided in rule 67 answers the first question in affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification, he produces evidence, which the Presiding Officer considers satisfactory, shall be allowed to vote after he has been informed of the penalty for impersonation.

(3) If the Presiding Officer after such inquiry on the spot as he thinks necessary, is satisfied that the challenge made by the candidate or his polling agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to the State Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote make a note of the circumstances in the list of challenged votes in form-42

72. Closing of poll.—(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf and shall not admit there-to any voter after that hour:

Provided that all the voters present within the polling station before it is closed shall be entitled to cast votes.

(2) Any question that may arise as to whether voter shall for the purpose of the provision of sub-rule (1), be allowed to be present within the polling station before it is closed, shall be decided by the Presiding Officer, whose decision shall be final.

73. Sealing of ballot box after poll.—(1) As soon as practicable after the closing of the poll the Presiding Officer shall close the slit of the ballot box, seal it and allow any desirous polling agent to affix his own seal. The ballot box shall thereafter be sealed and secured properly.

(2) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) before another ballot box is put into use.

74. Account of ballot papers.— The Presiding Officer shall at the close of the poll prepare a ballot paper account in form-43 and put it in a separate cover with the words "Ballot Papers Account” subscribed thereon.

75. Sealing of other packets.—(1) The Presiding Officer shall then put into the separate packets—

(a) the counterfoils of used ballot papers;
(b) the marked copy of the electoral roll;
(c) the un-used ballot papers;
(d) the cancelled ballot papers;
(e) the cover containing the Tendered Ballot Papers and the list in form-41;
(f) the list of challenged votes in form-42;

(g) paper seal account in form-34; and

(h) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet prepared under sub-rule (1) shall be sealed with the seal of the Presiding Officer and those agents present who may desire to affix their seal thereon.

76. **Transmission of ballot boxes etc. to the Returning Officer.**—(1) 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 ballot boxes as referred to in rule 73;

(b) the ballot paper account as referred to in rule 74;

(c) the sealed packets as referred to in rule 75; and

(d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for their safe custody until the commencement of the counting of votes.
CHAPTER-VIII
COUNTING OF VOTES AND DECLARATION OF RESULTS

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.

78. Scrutiny and opening of ballot boxes.—(1) The Returning Officer shall on the date and at the time and place fixed under rule 35 before commencement of the counting, read out the provisions of section 292 of the Act to such persons as may be present.

(2) He shall then deal with the ballot boxes in the following manner, namely :-

(a) all the ballot boxes used at a polling station shall be opened at the same time;

(b) before any box is opened at the counting table the candidates or their agents shall be allowed to inspect the paper seal or other seals, as have been fixed thereon and to satisfy themselves that the same are intact;

(c) the Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with; and

(d) if the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers of that box and shall follow the procedure laid down in rule 52 in respect of that polling station.

79. Scrutiny and rejection of ballot paper.—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer shall reject a ballot paper if-

(a) votes are given on it in favour of more than one candidate; or

(b) it bears any mark or writing by which the voter can be identified; or

(c) no vote is recorded thereon; or

(d) the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate, the vote has been given; or

(e) it is spurious ballot paper; or
(f) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) it bears a different serial number, or is different from design of the ballot paper authorized for use at the polling station; or

(h) it does not bear the mark which it should have born under the provisions of sub-rule (2) of rule 67:

Provided that where the Returning Officer is satisfied that any such defect as is monitored in clauses (g) and (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is distinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.

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

4) The Returning Officer shall record on every ballot paper which he rejects, the letter 'R' and the ground of rejection either in his own hand or by means of rubber stamp.

5) All ballot papers rejected under this rule shall be bundled together.

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 be 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 along with 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.

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.

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.

83. Custody of papers relating to elections.—The Returning Officer shall retain the packets of the counterfoils 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.

86. **Casual vacancies in the municipality.**—When a vacancy occurs in the municipality by death, resignation or removal of any office bearer, a new office bearer shall be elected in his place in accordance with the provisions of sub-sections (1) and (2) of section 19 of the Act, and such election shall be conducted in the manner as specified in these rules and the programme of election shall be framed as soon as may be convenient after occurrence of the vacancy.

87. **Interpretation of rules.**—If any question arises regarding the interpretation of these rules, otherwise than in connection with an election petition, which has actually been presented, shall be referred to the Commission, whose decision thereon shall be final.

88. **Administration of oath to the elected member.**—(1) After the results of elections of members have been declared under rule 80, the Deputy Commissioner or any other officer authorized by him, not below the rank of Sub-divisional Officer (Civil) shall fix a date and time for making an oath or subscribing an allegiance to the Constitution of India to the elected members of the municipality under section 27 of the Act by issuing notice in writing to the newly elected members giving seven days time for the first meeting, provided that such notice shall be delivered to the elected members at least 48 clear hours before such meeting. This meeting shall be held at the headquarters of the Municipal Council or Nagar Panchayat, as the case may be.

(2) On the date and time fixed under sub-rule (1), the Deputy Commissioner or any other officer authorized by him not below the rank of Sub-divisional Officer (Civil) shall call each elected member to make an oath or subscribe an affirmation of allegiance to the Constitution of India.
CHAPTER-IX
ELECTION OF PRESIDENT AND VICE-PRESIDENT

89. Election of President.—(1) Immediately after an oath is made or an allegiance is subscribed to the elected members under rule 88, the Deputy Commissioner or any other officer authorized by him not below the rank of Sub-Divisional Officer (Civil) shall preside over the meeting for the conduct of elections to the officer of President.

(2) Immediately after administering the oath of office in accordance with rule 88, the Presiding Officer shall give time up to one hour to the elected members to nominate candidates for the office of President.

(3) An elected member may be proposed for the office of President by another elected member and seconded by one more elected member in form-50.

(4) An elected member who has been proposed as candidate under sub-rule (3) shall accept the nomination for becoming a candidate for the office of the President.

(5) After the expiry of the time given for filing the nomination, the Presiding Officer shall undertake scrutiny of the nominations and accept the candidature of such candidates who are validly nominated after rejecting invalid nominations.

(6) After the acceptance of the nominations, the Presiding Officer shall give 30 minutes time for withdrawal of candidature.

(7) Quorum for the meeting for the election of President shall be three forth of the total elected members. In case the quorum is not complete, the Deputy Commissioner or the officer presiding over the meeting shall postpone the meeting to a later date not being more than three days from the day of its first meeting, for the postponed meeting, no quorum shall be required.

(8) If only one candidate for the office is left after the time allowed for the Presiding Officer shall declare such a candidate as duly elected;

(9) If more than one candidates are left after the time allowed for withdrawal of candidature is over, poll shall be held; and

(10) Ballot papers to be used at the election of the President shall be in form-48 and the particulars therein shall be in hindi in devnagri script.

90. Method of voting at the election of President.—(1) The procedure of voting at the election of President shall be as under :-

(a) before issuing the ballot papers to the members, the Presiding Officer shall put his signatures on the back of each ballot paper in token of distinguishing mark;
(b) the member on receipt of the ballot paper shall make a cross mark (x) against the name of the candidate for whom he intends to vote;
(c) after marking cross(x), the member shall fold the ballot paper so as to conceal his vote; and,
(d) the member shall insert the folded ballot paper into the ballot box kept for the purpose in front of the Presiding Officer.

(2) after polling is over, the Presiding Officer shall open the ballot box and shall, in the presence of the members, count the votes.

Explanation.—For determining whether a vote polled is valid or invalid the provisions of rule 79 shall apply.
(3) A candidate obtaining largest number of valid votes shall be declared to be elected to fill the office:

Provided that if, after the counting of votes tie is found to exist between any candidate, the addition of one vote will entitle any of these candidate to be declared elected, that shall forthwith be decided between these 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.

(2) All ballot papers used for such voting, shall be put in a stout envelope and sealed by the Presiding Officer in full view of the members present there at and the description of the election to which the ballot papers relate shall be inscribed thereon. The Deputy Commissioner shall preserve the envelope, intact either in his office or at such other place as he may specify in writing until the expiry of one year from the date of election subject to any direction to the contrary given by the competent court or Commission or an officer authorized/appointed to hold an enquiry into an election petition under Chapter XVII of the Act.

(3) The Deputy Commissioner shall prepare and forward the return of election in form-49 to the State Government as well as to the Commission for information and record.

(4) The State Government on receipt of the election return under sub-rule (5) shall notify the election of the President as required under sub-section (1) of section 27 of the Act and forward a copy of the same to the Commission.

91. Election of the Vice-President.—After the election of the President, the Deputy Commissioner or any other officer authorized by him, not below the rank of Sub-Divisional Officer (Civil) shall hold the election to the office of the Vice-President in the same manner as provided for the election of President under rules 89 and 90.

92. No confidence motion against the President and Vice-President.—(1) A motion of no confidence against the President or Vice-President of a municipality may be made through a requisition given in writing addressed to the Deputy Commissioner signed by not less than majority of its total elected members:

Provided that the members who have made such a motion may withdraw the same before the meeting is convened for the purpose:

Provided further that motion of no confidence under this rule shall not be maintainable within one year of the date of his election to such office and any subsequent motion of no-confidence shall not be maintainable within the interval of one year of the last motion of no-confidence.

(2) The Deputy Commissioner or such other officer not below the rank of Sub-Divisional Officer (Civil) authorized by the Deputy Commissioner shall circulate to each member a copy of the requisition for the use of the members.

(3) The Deputy Commissioner or such other officer not below the rank of Sub-Divisional Officer (Civil) authorized by the Deputy Commissioner shall convene a special meeting by giving a notice of not less than fifteen days for the consideration of the motion referred to in sub-rule (1) and shall preside over at such meeting.

(4) If the no-confidence motion is carried out with the support of majority of elected members present and voting at such special meeting, the quorum of which is not less than one half of its total elected members, the President or Vice-President, as the case may be, shall be deemed to have vacated his office.

93. Fresh election.—If the office of the President or Vice-President is vacated during his tenure on account of no-confidence motion, a fresh election for the remainder of the period shall be held in the manner prescribed in these rules for the election of President or the Vice-President, as the case may be, within a period of one month from the date of vacancy.
CHAPTER-X
ELECTION PETITIONS AND APPEALS

94. Presentation of petition.—(1) The election petition under section 284 shall be presented to the authorised officer, under whose territorial jurisdiction the Municipality is situated.

(2) The petitioner shall attach with the petition equal number of copies of the petition and its enclosures to that of the number of respondents.

(3) The affidavit referred to in the proviso to sub-section (1) of section 285 shall be in form-51 and shall be sworn in before a Magistrate.

95. Security deposit to be made with the petition.—At the time of presentation of an election petition, the petitioner shall deposit a sum of Rs. 2000/- (Rupees two thousand only) as security money in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of Authorized Officer to whom the petition is presented.

96. Withdrawal of petitions.— (1) An election petition may be withdrawn by the petitioner only after the permission of the authorized officer to whom the petition is presented.

(2) When an application for withdrawal is made, a notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

(3) No application for withdrawal shall be allowed, if, in the opinion of the authorised officer to whom the petition is presented or to whom such petition is transferred, as the case may be, such an application has been induced by bargain or consideration which ought not to be allowed.

(4) If the application for withdrawal is allowed, the authorised officer to whom the petition is presented shall pass an order:

Provided that where the application of withdrawal is allowed by the authorised officer, a copy of the order shall be sent to the Director, Urban Development, Himachal Pradesh.

97. Place and procedure of enquiry.—(1) The place of enquiry shall be headquarters of the authorised officer concerned to whom the petition is made or transferred:

Provided that the authorised officer to whom the petition is made or transferred, as the case may be, may, on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, fix some other convenient place for this purpose.

(2) The public shall have free access to the place where enquiry into the election petition may be held.

(3) Notice of the time and place of enquiry shall be given to the parties not less than seven days before the first date of hearing.

98. Communication of orders on petition.—The authorised officer to whom the election petition is made or transferred, as the case may be, shall, after conclusion of the election petition, send a copy of the order to the Commission and to the Director, Urban Development, Himachal Pradesh as soon as possible.

99. Procedure in presentation of appeal.—(1) Any person aggrieved by an order passed by the authorised officer under section 295 or section 296 of the Act, may, within a period of thirty days, file an appeal to the Director, Urban Development Department:

Provided that the Director, Urban Development may entertain the appeal after the expiry of said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
(2) In computing the period of limitation for filing of appeal under the Act, the period spent in obtaining a copy of the order shall be excluded.

(3) Every appeal preferred, under sub-rule (1), shall be presented in the form of a memorandum by the appellant or his duly authorized agent and shall be accompanied by a Treasury Challan evidencing the deposit of a sum of Rs.2500/- (Repees two thousand five hundred only) as fee in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of the Director, Urban Development to whom the appeal is presented. The memorandum shall set-forth concisely the grounds of objections to the order appealed from and shall be accompanied by a copy of such order.

(4) On receipt of an appeal under sub-rule (1) the Director, Urban Development may, after calling for record from the authorised officer, against whose decision the appeal has been preferred and giving opportunity, to the parties of being heard and after making such further enquiry, if any, as may be necessary, pass such orders as he thinks fit which shall be final.

(5) A copy of the order passed in appeal shall be sent to the Commission and to the State Government.

100. Abatement of appeal.— If during pendency of appeal, the appellant or respondent dies, the appeal shall abate and the Director, Urban Development shall cause notice of such event sent to the State Government.
CHAPTER XI
MISCELLANEOUS

101. **Penalties.**—If any person, who is on deputation with the Commission or any public servant put on duty in connection with delimitation of wards, preparation of electoral rolls or conduct of elections under the Act, disobeys any orders issued by an officer appointed under the Act or contravenes the provisions of these rules, shall be punishable under the Central Civil Services (Conduct Rules), 1964 as adopted by the State Government or in accordance with the relevant law and practice for time being in force for such purpose.

102. **Repeal and savings.**—(1) The Himachal Pradesh Municipal Elections Rules, 1994, the Himachal Pradesh Municipal (Delimitation and Reservation of wards) Rules, 1994 and the Himachal Pradesh Municipal (Reservation and Elections to the office of the President and Vice-President) Rules, 1995, are hereby repealed, provided that—

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder; and

(b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person, to whom these rules apply, of any right of appeal which has accrued to him under the rules so repealed under sub-rule (1) in respect of any order passed before the commencement of these rules.

(3) A petition pending at or preferred after the commencement of these rules against an order made before such a commencement shall be considered and order thereon shall be passed in accordance with these rules.
Form-1  
(see rule 6 (1))

Notice of publication of the proposals for dividing the municipality into wards and defining the limits of each ward.

Notice is hereby given that the proposals for dividing _____________ municipality into wards and defining the limits of each such ward shall be available for inspection in the office of the undersigned and the office of the municipality ___________ during the office hours for the next 10 days.

If any resident has any objection(s) or suggestion(s) to make with regard to aforesaid proposal against anything contained in it, he may send the same to the undersigned in form-2 within ten days from the date of publication of this notice and objection(s) or suggestion(s), if any, received within the stipulated period shall be considered before finalizing the proposal.

Deputy Commissioner

Place_______  
Date_________
Form-2
(see rule 6(2))

To

The Deputy Commissioner,

______________________

Subject:- Objection(s) or suggestion(s) to the draft delimitation of wards.

Sir,

Please refer to the draft delimitation proposals of wards published on_______________ in respect of ______________ Municipal area.

That I am a resident of ward No.____________ of ______________ Municipal area.

(1)
(2)
(3)
(4)

Yours faithfully,

Signature, full name & address.

Place:

Date:
Form-3
(see rule 19)
NOTICE OF PUBLICATION OF ELECTORAL ROLL

To

The voters of ward No._____________ of Municipality of ______________District, Himachal; Pradesh.

Notice is hereby given that the electoral roll has been prepared in accordance with the Himachal Pradesh Municipal Election Rules, 2015 and copy thereof is available during office hours for inspection at my office and in the office of the Municipality and in the office of the Tehsildar.

If there be any claim for the inclusion of a name in the electoral roll or any objection(s) to the inclusion of a name or any objection(s) to particulars in any entry, it shall be lodged on or before ………..(date) in forms 4,5, and 6 as may be appropriate.

Every such claim or objection(s) shall be addressed to ________________________ (full address) Revising Authority and should either be presented in person or through agent or sent by the registered post so as to reach him not later than the aforesaid date.

Electoral Registration Officer,
(Municipal Council/Nagar Panchayat)

Place:
date:
Form-4
(see rule 22 (1) and 28)
CLAIM APPLICATION FOR INCLUSION OF NAME

To

The Revising Authority/Electoral Registration Officer,
(Municipal Council/Nagar Panchayat).

Sir,

I request that my name be included in the electoral roll for the _______________ ward relating to ________________ Municipality.

Name (in full) __________________________
Father’s/ Mother’s/ Husband’s Name __________________________

Particulars of place of residence are:
House No. ______________ Street/Mohalla Village ______________ Post office ______________ Tehsil……… District………

I hereby declare that to the best of my knowledge and belief that -

(i) I am a citizen of India.
(ii) My age on i.e. date notified by the State Election Commission under clause (a) of rule 17 was _______ years _______ months.
(iii) I am an ordinary resident at the address given above.
(iv) I have not applied for the inclusion of my name in the electoral roll for any other ward of the municipality.
(v) My name has not been included in the electoral roll for any ward of the above mentioned municipality or any other municipality or Gram Sabha constituted under the Himachal Pradesh Panchayati Raj Act,1994, as the case may be. OR

That my name has been included in the electoral roll for the _________________ ward under the address mentioned below and I request that the same may be excluded from the electoral roll.

Signature/thumb-impression of claimant.
(full postal address).

I further declare that the facts submitted by me herein above are true and I also know that any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

Signature/thumb-impression of claimant.
(full postal address).

Place: ………………………………………
Date: ………………………………………

I am a voter included in the electoral roll of the same part in which the claimant has applied for inclusion viz. part No.________________; relating to____________________ my serial No. therein is ______________. I support this claim and countersign it.

Signature/thumb-impression of elector supporting claim.
(full postal address).
Form-5
[see rule 22(1) ]

OBEJECTION TO INCLUSION OF NAME

To

The Revising Authority,
____________________ward.

Sir,

I object the inclusion of the name of ………….at serial No. …………. in the electoral roll …………… ward relating to…………………. Municipality for the following reasons:

..........................................................................................
..........................................................................................
..........................................................................................

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief and that my name is included in the electoral roll for this ward as follows:-

Name…………………………………………………..(in full)
Father/Mother/Husband’s name……………………………….
Serial No………………………………

No. and name of the ward………………………………….relating
 to…………………………………..Municipality.

Signature/thumb-impression of objector.
(full postal address).

..........................................................................................
..........................................................................................

I am a voter included in the same electoral roll in which the name objected appears, viz. No. and name of the ward relating to………………. Municipality. My Sr. No. therein is ………………. I support this objection and countersign it.

Counter Signature/thumb-impression of the elector supporting objection.
(full postal address).

..........................................................................................
..........................................................................................

Note:- Any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true shall be punishable in accordance with the law in force.
Form-6
(see rule 22 (1)
OBEJECTION TO PARTICULARS IN ANY ENTRY

To

The Revising Authority/Electoral Registration Officer,
____________________ward.
Municipal Council/Nagar Panchayat______________.

Sir,

I submit that the entry relating to myself which appears at Sr. No. .......... in the roll ward relating to ............municipality ............... is incorrect which may be corrected as follows:-

..............................................................................................................................................
..............................................................................................................................................

Signature/thumb-impression of claimant.
(full postal address).

..............................................................................................................................................
..............................................................................................................................................

Place:
Date
Form-7
(see rule 22 (4),(5) and rule 24)
REGISTER OF CLAIM FOR INCLUSION OF NAME

Municipality..............ward

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of claimant</th>
<th>Father’s name and address</th>
<th>Date of presentation of claim</th>
<th>Date of decision with note in the presence of the parties</th>
<th>Decision</th>
<th>Signature of revising authority</th>
<th>Signature of official by whom effect was given to the revising authority and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Form-8  
(see rule 22 (4), (5) and rule 24)
REGISTER OF OBJECTION TO INCLUSION OF NAMES

……………………………Municipality………………..ward

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Person objection to With Sr. No. in the roll</th>
<th>Father/husband’s name and address of the objector</th>
<th>Sr. No. of the objector in the roll</th>
<th>Date of presentation of objection.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Under name of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of decision with note as to presence of parties</th>
<th>Decision</th>
<th>Signature of revising authority</th>
<th>Signature of official by whom effect was given to the decision of revising authority and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
</tbody>
</table>
**FORM-9**
(see rule 22 (4), (5) and rule 24)
REGISTER OF OBJECTION TO THE PARTICULARS IN AN ENTRY

…………………………..Municipality………………..ward

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the objector</th>
<th>Date of presentation of objection</th>
<th>Particular as existed in the roll</th>
<th>Correct particulars as requested by objector</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Decision</th>
<th>Signature of the revising authority</th>
<th>Signature of official by whom effect was given to the decision of revising authority and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rejected</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
FORM-10  
[see rule- 23 (1)]  
LIST OF CLAIMS

……………………………Municipality………………..ward

<table>
<thead>
<tr>
<th>Date of receipt</th>
<th>Sr. No.</th>
<th>Name of claimant</th>
<th>Name of Father/husband/mother</th>
<th>Address</th>
<th>Date, time &amp; place of hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

Signature of Revising Authority
FORM-11
[see rule 23 (1)]
LIST OF OBJECTIONS TO INCLUSION OF NAMES

……………………………..Municipality………………..ward

<table>
<thead>
<tr>
<th>Date of receipt</th>
<th>Sr. No.</th>
<th>Full name of objector</th>
<th>Particulars of name objected to</th>
<th>Objection in brief</th>
<th>Date, time and place of hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

Signature of Revising Authority
FORM-12
[see rule 23 (1)]
LIST OF OBJECTION TO PARTICULARS IN ENTRIES

.....................................Municipality....................ward

<table>
<thead>
<tr>
<th>Date of receipt</th>
<th>Sr. No.</th>
<th>Full name of objector</th>
<th>Part No. and Sr. No. of entry</th>
<th>Nature of objection</th>
<th>Date, time and place of hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

Signature of Revising Authority
FORM-13
[see rule 23(2)]
NOTICE OF HEARING OF CLAIM

To

……………………………..
……………………………..
……………………………..

(Full name and address of claimant)

Reference No…………………

Your claim for the inclusion of your name in the electoral roll will be heard at……………….(Place)at………………O’clock on the………………day of…………………..201.

You are requested to present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:

Date: 

Signature of Revising Authority

Ward …………………………………..
NOTICE OF HEARING OF OBJECTION

To

........................................
........................................
........................................

(Full name and address of /objector)

Reference/objection No........................................

Your objection to the inclusion of the name of............................will be heard at...........(Place)at............O’clock...................... on the.............................day of.................... 201.

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:
Date: ........................................

Signature of Revising Authority
Ward.................................
FORM-15  
[see rule 23(3)]  
NOTICE OF HEARING OF OBJECTION

To

…………………………….
…………………………….
…………………………….

(Full name and address of person against whom objection is received)

Reference/objection No………….. 

The objection against inclusion of your name at Serial No……………………in the Electoral roll for…………………………….Ward relating to……………………………………Municipality filed by………………………. (Full name and address of objector)will be heard at……………………(Place) at……………….of……….day of…………………200

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

The grounds of objection(in brief) are:-

(a)

(b)

(c)

Place:  
Date:  
Signature of Revising Authority

Ward…………………………………………
FORM-16
[see rule 23(2)]
NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS IN THE ELECTORAL ROLL

To

……………………………..
……………………………..
……………………………..

(Full name and address of objector)

Reference/objection No………..

Your objection to certain particulars in the entry relating to you will be heard at…………………..(Place) at……………..O’clock on the …………………day of………………20.

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:
Date:

Signature of Revising Authority

Ward……………………………..
FORM-17
(see rule 25(1)
NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public information that electoral roll for ward No. ………………….(Ward)
of Municipality…………….has been prepared in accordance with the Himachal Pradesh Municipal Election
Rules, 2015 and a copy of the said electoral roll is hereby published finally.

Date:
Place:

Electoral Registration Officer
(Municipal Council/Nagar Panchayat)
FORM-18  
(see rule 27)  
APPLICATION FOR INCLUSION OR DELETION OF ENTRY IN ELECTORAL ROLL

To

The Electoral Registration Officer,  
-----------------------------------

Sir,

I submit that the entry at Serial No………………in the Electoral roll  
for……………………………….ward/ Polling Station relating to  
Shri./Smt…………………………………………son/daughter of Shri/Smt…………………………………………  
requires to be included/deleted as the said person is not entitled/entitled to be registered in the Electoral roll  
for the following reasons:-


I hereby declare that the facts submitted by me hereinabove are true to the best of my knowledge and belief and I also know that any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

I declare that I am a voter of this ward being enrolled at Serial No……………….

Place:  
Date:  
Signature/thumb impression of applicant  
(Full postal address).
FORM-19
(see rule 36)

NOTICE OF ELECTION PROGRAMME

Notice is hereby given that -

1. An election is to be held for electing a—
   *Member from………ward(S) of Municipal Council/Nagar Panchayat.

2. Nomination paper may be delivered by a candidate or his proposer to the ……………………….(Authority) at ……………… between 11 A.M. and 3 P.M. from…………………
   to……………………..(dates).

3. Forms of nomination papers may be obtained at the place and time aforesaid.

4. The nomination papers will be taken up for scrutiny on…………………..

5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to the authority
   specified in paragraph 2 above at his office before 3. P.M. on the……………………………………

6. The symbols to the contesting candidates shall be allotted on............(dated) after the time of
   withdrawal is over and list of contesting candidates shall be prepared in form-
   25……..at……………….P.M.

7. In the event of the election being contested the poll will be held on………………….. between
   the hours of…………….and …………

   Signature of Returning Officer with seal
FORM-20
(see rule 38(2))
NOMINATION PAPER

Election to the Member from ward No. and Name…………………… of Municipal Council/Nagar Panchayat---------.

I hereby nominate Sh./Smt……………………………………

…………………………………………………………………………..

…………………………………………………………………………..

……………………………………(Candidate’s/father Name with complete address) as a candidate for above election. His name is entered at the serial No………………of electoral roll of polling station No………..of ward No………of Municipal Council/Nagar Panchayat………..

My name is entered at Serial No………………of electoral roll of polling station………..of ward No………of Municipal Council/Nagar Panchayat………..

Date:

Signature of proposer.
full name & address of proposer

(to be filled by the candidate).

I…………………………the above mentioned candidate assent to this nomination and hereby declare:-

(a) that I have completed………….years of age;

(b) that I have not been disqualified for contesting of election(s) under any law in force; and

(c) that I belong to …………..caste/tribe/other Backward classes as declared Scheduled Caste, Scheduled Tribe or Other Backward Classes in Himachal Pradesh.

Dated:

Signature of candidate.

Note:- A copy of the certificate, issued by the competent authority of the State Government of Himachal Pradesh, is hereby appended in support of claim of belonging to Scheduled Caste/ Scheduled Tribe /Other Backward Classes.

Dated……...

Signature of candidate.
Verification by Executive Magistrate.

The above declaration is solemnly affirmed before me by……………who is personally known to me/who has been identified to my satisfaction by……………………………………

Date:  
Place:  
Signature with seal.

(Decision of Returning Officer regarding accepting or rejection the nomination paper).

(To be filled by the Returning Officer).

I have examined this nomination paper in accordance with rule 41 of the Himachal Pradesh Municipal Election Rules, 2015 and decided as follow:-

Date:  
Place:  
Returning Officer.

The symbol assigned to the candidate is………………………………………

Date:  
Place:  
Returning Officer.

Receipt of Nomination Paper.  
(To be filled in by the Returning Officer or specified authority).

Serial No. of nomination paper………………

This nomination paper was delivered to me at my office on………………………………
(date)…………………………at…………(hours)…………………………and shall be taken up for scrutiny on at…………………………(place)…………………………of…………………(hours)………………

Place:  
Date:  
Returning Officer/Specified Authority.

Important Note:- (i) Returning Officer will examine that alongwith Form_20  (nomination paper), each candidate is supplied with a copy of Annexure-I prescribed by the State Election Commission under the HP Panchayat and Municipalities Elections (Disclosure) Specified Information by the Candidates) Regulation, 2004.

(ii)  It is compulsory for every contesting candidate to submit alongwith nomination papers, the aforesaid Annexure-I in affidavit form duly attested by a Magistrate or a Notary Public or an Oath Commissioner.

(iii) The candidate will also add to extra attested photocopy of the said Annexure alongwith original Affidavit to Returning Officer.
Form-21
(see rule 40)
NOTICE OF NOMINATION

Election to:-

Member from ward No……………….. of Municipal Council/Nagar Panchayat………………

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today…………………

<table>
<thead>
<tr>
<th>S.No. of Nomination paper</th>
<th>Name of Candidate</th>
<th>Name of father/husband.</th>
<th>Age of candidate</th>
<th>Address.</th>
<th>Particulars of caste/tribe/OBC of candidate belonging to Sch. Caste/Tribe/OBC</th>
<th>Sr.No.of candidate in the electoral roll.</th>
<th>Name of proposer.</th>
<th>Sr.No. of proposer in the electoral roll.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
<td>5.</td>
<td>6.</td>
<td>7.</td>
<td>8.</td>
<td>9.</td>
</tr>
</tbody>
</table>

Place:
Date:

Returning Officer or Specified Authority.
FORM-22
[see rule 41 (7) ]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to:-

Member from ward No……………….. of Municipal Council/Nagar Panchayat……………

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
</tr>
</tbody>
</table>

Place:
Date:

Returning Officer
NOTICE OF WITHDRAWAL

Election to:

Member from……………………….ward of Municipal Council/Nagar Panchayat…………..

To

The Returning Officer,

……………………
……………………
……………………

I,………………………….a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

Place:

Date:

Signature of candidate.

This notice was delivered to me at my office at…………..(hours) on (date) by……………..(Name).

Returning Officer or specified authority.

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice).

The notice of withdrawal of candidacy by……………..a candidate at the election to-

Member from ward No…… of Municipal Council/Nagar Panchayat………….. 

Candidate……………………at…………my office at……………..(hours) on……………..(date).

Date……

specified authority.

----------------------------------------------------------------------------------------------------------------------
---
----------
FORM 24  
[see rule 42(2)]  
NOTICE OF WITHDRAWAL

Election to-

Member from ward No…… ……..of Municipal Council/Nagar Panchayat……………

Notice is hereby given that the following candidate(s) at the above election withdrawn his/their candidature(s) today:—

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. etc.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Place:

Returning Officer or Specified authority.
FORM-25  
(see rule 43)  
LIST OF CONTESTING CANDIDATES  

Election to-

Member from ward No…… of Municipal Council/Nagar Panchayat…………

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
</tr>
</tbody>
</table>

Date:  
Place:  

Returning Officer
FORM 26
(see rule 45)
FORM OF APPOINTMENT OF ELECTION AGENT

I…………………………..a candidate for election of -

Member from ward No……. of Municipal Council/Nagar Panchayat………..

to be held on………………………..hereby appoint Shri/Smt…….S/D/O……….R/O……..as my election
agent from this date upto the conclusion of the above election.

Date: 
Place: 

Signature of Candidate.

I accept the above appointment.

Signature of Election Agent.

I hereby declare that at the above election I will not do any thing forbidden by the Himachal Pradesh
Municipal Act, 1994 and the rules made thereunder, which I have read/has been read over to me.

Dated: 
Place: 

Signature of Election Agent

Approved.

Dated: 
Place: 

Signature of Returning Officer.
FORM 27
[see rule 46(2)]
APPOINTMENT OF POLLING AGENT

Member from ward No……. of Municipal Council/Nagar Panchayat…………..

I …………………………………….a candidate at the above election do hereby appoint
Sh……………………..S/o Sh/D/o/R/o………………..as polling agent to attend polling station
No……………….Place fixed for the Poll………..at…………………..

Place: 
Date: 

I agree to act as such polling agent.

Signature of Polling Agent.

(Declaration of polling agent to be signed before Presiding Officer)

I hereby declare that at the above election I will not do any thing forbidden by the Himachal Pradesh Municipal Act, 1994 or Rules made thereunder which I have read/has been read over to me.

Place: 
Date: 

Signature of Polling Agent.

Signed before me.

Presiding Officer.
FORM-28
(see rule 48(2))
REGISTER FOR MAINTENANCE OF DAY-TO-DAY ACCOUNT OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION TO WARD

1. Name of candidate…………………………………………………
2. *Ward from which contested……………………………
3. Seat for which contested………………………………………………
4. Date of filing nomination………………………………………………
5. Date of declaration of result………………………………………………

<table>
<thead>
<tr>
<th>Date of Expdt</th>
<th>Nature of Expdt</th>
<th>Amount of Expdt.</th>
<th>Date of payment</th>
<th>Name and address of payee.</th>
<th>No of Vouchers in case of amount paid.</th>
<th>No. of bills in case of amount outstanding.</th>
<th>Name and address of the person to whom the amount outstanding is payable.</th>
<th>Remarks.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Certified that this is true copy of the account kept by me/my election agent.

Signature of contesting candidate.
FORM -29
[see rule 48(5) and(10)]
DETAIL OF ELECTION EXPENSES BY CONTESTING CANDIDATES FOR ELECTION TO
WARD ---------------

Name of contesting candidate………………………………………………

Name of ward/ Municipal Council/Nagar Panchayat……………………………

<table>
<thead>
<tr>
<th>Item of Expenditure.</th>
<th>Sources from where money procured.</th>
<th>Amount of Expenditure</th>
<th>Date(s) of payment.</th>
<th>Mode of payment.</th>
<th>Evidence of payment enclosed with the account.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Expenditure on security deposit.
2. Expenditure on purchase of copies of electoral rolls.
3. Expenditure on printing of manifesto, and expenditure on printing of posters and hand bills etc.
4. Expenditure on pasting of posters.
5. Expenditure on writing of wall writing and on publication of advertisements.
6. Hiring charges of places for public meeting and hiring charges of pandals etc. for public meetings.
7. Hiring charges of loudspeakers for public meeting.
8. Hiring charges on vehicle and Petrol, Oil and Lubrication(POL) used by the candidate.
9. Hiring charges and Petrol, Oil and Lubrication(POL) on vehicle used by election agent/polling agent.
10. Misc. Expenditure(other than those listed above).

Signature of contesting candidate.
FORM-30
[see rule 48(10)]
PROFORMA FOR THE SUBMISSION OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION TO WARD

1. Name of candidate………………………………………………
2. *Ward ……………………………
3. Seat for which contesting ………………………………………
4. Date of filing nomination……………………………………..
5. Date of declaration of result…………………………………

<table>
<thead>
<tr>
<th>Date of Expdt</th>
<th>Nature of Expdt</th>
<th>Amount of Expdt</th>
<th>Date of payment</th>
<th>Name and address of payee</th>
<th>No of Vouchers in case of amount paid</th>
<th>No. of bills in case of amount outstanding</th>
<th>Name and address of the person to whom the amount outstanding is payable</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
<td>5.</td>
<td>6.</td>
<td>7.</td>
<td>8.</td>
<td>9.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Certified that this is true copy of the account kept by me/my election agent.

Signature of contesting candidate
FORM-31
[See rule 48(10)]

AFFIDAVIT

I…………………………………………son/wife/daughter of …………………………………. aged ……………. years …………… resident of …………………………………………………………………………………………… do hereby solemnly affirm and declare as under:-

1. That I was contesting candidate at the general election/bye-election to the ward No…………………/Municipal Council/Nagar Panchayat……………… the result of which was declared on………………….

2. That I/my election agent kept a correct account of all expenditure in connection with the above election incurred by me or by my election agent between…………(the date on which I was nominated) and upto the date a day after the declaration of the result thereof, both day inclusive.

3. That the said account was maintained in forms 28 to 30 appended to the Himachal Pradesh Municipal Election Rules, 2015 and a true copy thereof is annexed hereto with the supporting vouchers/bills mentioned in the said account.

4. That the accounts of my election expenditure as annexed hereto included all items of election expenditure incurred or authorized by me or by my election agent and nothing has been concealed or withheld/suppressed therefrom.

5. That the statements in the foregoing paragraphs 1 to 4 are true to my personal knowledge, that nothing is false and nothing material has been concealed therefrom.

Deponent,
Solemnly affirmed/sworn
by…………………at……………this day of 20………before me.
The detailed account of the election expenses on prescribed proforma in respect of Shri…………………………….(Candidate)from…………………….ward result of which was declared on…………………………..(Date) filed by him on…………………………..(Dated) has been received by me today the ………….(Date) of ……………………..(Month)…………………………..(Year).

Returning Officer
Election to:

Member from ward No……. of Municipal Council/Nagar Panchayat………..

In pursuance of the provision contained in rule 50 of the Himachal Pradesh Municipal Election Rules, 2015, I declare that -

Name……………………………………………………

Address………………………………………………

Has been duly elected as Member from the above ward.

Signature of Returning Officer.

Place:
Date:
FORM 34
[see rule 56(2) and rule 75(1)(g)]

PART-I

RECORD OF PAPER SEAL USED

Election to Municipal Council/Nagar Panchayat. From ward.

Number and name of polling station.

<table>
<thead>
<tr>
<th>Serial No. of ballot box used.</th>
<th>Serial No. of paper seals used.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
</tr>
</tbody>
</table>

Signature of polling agent.

PART-II

ACCOUNT OF PAPER SEAL

1. Serial No. of Paper seal supplied to……………..total……….

2. No. of Paper seal used……………..2. …………………………………

3. No. of unused paper seals……………..3. …………………………………
   to……………..total…………………

Serial No. of damaged seals, if any……
   to……………..total…………………

Signature of Presiding Officer.

Place:
Date:
Election of Member from ward No…… of Municipal Council/Nagar Panchayat………..

*Ward ……………………………………………………………………………………………

Serial Number of Voter……………………………………………………………………

Number………………………………………………………………………………………

.....................................................................................................................................

Signature/thumb impression.

.....................................................................................................................................

No. and Name of *Ward……………………………………………………………………

<table>
<thead>
<tr>
<th>Name of Candidate.</th>
<th>Symbol.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>None of the above</td>
<td></td>
</tr>
</tbody>
</table>
FORM 36
[see rule 64(1)]
APPLICATION FOR ELECTION DUTY CERTIFICATE

To

The Returning Officer for

Ward No..................Municipal Council/Nagar Panchayat,.........................

Sir,

I intend to cast my vote in the ensuing election to Member from Ward No..................of Municipal Council/Nagar Panchayat..........

I have been posted on election duty within the ward .............. at ........(no & name of polling station).....................but my name is entered at Serial No........ ..........of the Electoral roll for polling station No........ of Ward comprised within Municipality.

I request that an Election Duty Certificate (Form -38) may be issued to enable me to vote at the polling station where I may be on duty on the polling day.

It may be sent to me at the following address:-

Name........................................
Address........................................
....................................................

Yours faithfully,

(........................).

Date
Place:
FORM-37
[see rule 64(2)]
LETTER OF INTIMATION TO RETURNING OFFICER

To

The Returning Officer
Ward No (with name) ……………Municipal Council/Nagar Panchayat……..

Sir

I intend to cast my vote at the ensuing election to:-

Member from…………….(Ward) of Municipal Council/Nagar Panchayat……..

My name is entered at Sr. No………….of polling station (No. and name) of the Electoral Roll for Ward No…………………..Municipal Council/Nagar Panchayat……..

I may be issued a postal Ballat Paper for the election of Member at the following address:-

Name…………………………

Address…………………………

………………………………

Yours faithfully,

Date:
Place:  

( )
FORM 38
[see rules 64 and 65(1)]

ELECTION DUTY CERTIFICATE

Certified that………………..is an elector in ward No.………. of Municipal Council/Nagar Panchayat………………….His Electoral roll number being…………….for polling station (No. and name) by reason of his being on election duty, he is unable to vote at the polling station in person where as he is entitled to vote and therefore, hereby he is authorized to vote at polling station (No. and name) of the ward where he is on duty on the day of poll.

Signature of Returning Officer.

Place:
Date:

SEAL
FORM-39
(see rule 68(1))
DECLARATION BY THE COMPANION OF BLIND OR INFIRM VOTER

* Election of Member from ward No….. of Municipal Council/Nagar Panchayat…………..

I ………………………….(No. and name of Polling Station………………) son of…………………..
aged……………… resident of (Full Address)…………………………………………hereby declare that -

(a) I have not acted as companion of any other voter at this or any other polling station today,
the……day of 20…………; and

(b) I shall not disclose the secrecy of the vote recorded by me on behalf of………………

Name of voter and his serial,
No. in the Electoral roll to be given

Place:
Date: 

Signature of companion.
FORM 40
[see rule 68(2)]
LIST OF BLIND AND INFIRM VOTERS.

* Election of Member from ward No……. of Municipal Council/Nagar Panchayat……………

Number and name of polling station………………………………………..

<table>
<thead>
<tr>
<th>Sr. No of Voter.</th>
<th>Full Name of Voter.</th>
<th>Full Name of companion.</th>
<th>Address of companion.</th>
<th>Signature of companion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Place:                                                                                     Signature of Presiding Officer.
Date:                                                                                     

269
**FORM 41**  
[see rule 70(2) and 75(e)]  
**LIST OF TENDERED VOTERS**

*Election of Member from ward No…… of Municipal Council/Nagar Panchayat…………..*

No. and name of Polling station…………………

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Voter.</th>
<th>Address of Voter.</th>
<th>S.No of tendered Ballot Paper.</th>
<th>S.No. of Ballot paper issued to the person who has already voted.</th>
<th>Signature or thumb impression of person tendering vote.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
<td>5.</td>
<td>6.</td>
</tr>
</tbody>
</table>

Place:  
Dated:  

Signature of Presiding Officer.
**FORM 42**
[see rule 71 and 75(f)]

**LIST OF CHALLENGED VOTES**

*Election of Member from ward No…… of Municipal Council/Nagar Panchayat…………..

No. and name of Polling station………………

<table>
<thead>
<tr>
<th>S.No. of voter.</th>
<th>Name and address.</th>
<th>Signature or thumb impression of voter.</th>
<th>Name of identifier, if any.</th>
<th>Order of Presiding Officer in each case.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
<td>5.</td>
</tr>
</tbody>
</table>

Signature of Presiding Officer.

Place:
Dated:
FORM -43
[see rule 74 and 80(6)]

BALLOT PAPER ACCOUNT

Election of Member from ward No…… of Municipal Council/Nagar Panchayat……………..

Number and name of polling station…………………………..

PART-I

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Total No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Ballot papers received</td>
<td></td>
</tr>
<tr>
<td>(ii) Ballot papers not used</td>
<td></td>
</tr>
<tr>
<td>(iii) Ballot papers issued to voters</td>
<td></td>
</tr>
<tr>
<td>(iv) Ballot papers cancelled</td>
<td></td>
</tr>
<tr>
<td>(v) Ballot papers used for tendered votes</td>
<td></td>
</tr>
</tbody>
</table>

Dated: Signature of Presiding Officer.
Place

PART-II
RETURN OF COUNTING
[see rule 80(6)]

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name Candidate</th>
<th>No. of valid votes polled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>etc</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total number valid votes polled</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rejected Ballot Paper</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total No. of ballot papers in the ballot box(s)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Difference, if any</td>
<td></td>
</tr>
</tbody>
</table>

Signature of Counting Supervisor Signature of Returning Officer

Date:
FORM-44
RETURN OF ELECTION
[see rule 80(6)]

Election to the Municipal Council/Nagar Panchayat……………. from Ward No………

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of Candidate</th>
<th>No. of valid votes polled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total number of votes polled  -------------------
Total number of valid votes polled  -----------
Total number of rejected votes.  ---------------

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

Place:  
Date:  

Signature of Returning Officer
FORM 45
[see rule 77(4)]
PART-I
APPOINTMENT OF COUNTING AGENTS

Election of Member from ward No……. of Municipal Council/Nagar Panchayat……………

I, …………………………a candidate/of Shri/Smt……………………..who is a candidate at the above election do hereby appoints Shri/Smt…………………………address……………………………………as a counting agent to attend the counting of votes at……………

Date:
Place:
Signature of Candidate.

I agree to act as such counting agent.

Signature of counting agent.

Date:
Place:

PART-II
Declaration of counting agent to be signed before the Returning Officer.

I hereby declare that at the above Municipal Council/Nagar Panchayat election I shall not do anything forbidden by section 292 and any other relevant sections of the Himachal Pradesh Municipal Act, 1994 and rules made thereunder, which I have read/has been read over to me.

Place:
Signature of Counting Agent.
Date:

Signed before me.

Place:
Signature of Counting Agent.
Date:

Signed before me.

Returning Officer.

Date:
FORM- 46
[see rule 80(3)]
RESULT OF ELECTED MEMBER.

Election of Member from ward No……. of Municipal Council/Nagar Panchayat………..

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Candidate.</th>
<th>No. of valid votes polled.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>etc.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTA**

(a) Total of valid votes polled……………
(b) Total No. of rejected votes…………
(c) Total No. of votes polled……………

I, declare that—

Name………………………………
Address…………………………
……………………………………

has been duly elected as Member from the above ward No…….of Municipal Council/Nagar Panchayat………..

Place: ........................................
Date: ........................................

Signature of Returning Officer.
Election of Member from ward No…… of Municipal Council/Nagar Panchayat………..

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Candidate.</th>
<th>No. of valid votes polled.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>etc.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTA

(a) Total No. of valid votes polled……………
(b) Total No. of rejected votes……………..
(c) Total No. of votes polled (a+b)…………..
(d) Total No. of tendered votes………………
(e) Remarks…………………………..

Place of Counting…………..
I declare that :-
Name……………………..
Address……………………..
…………………………..

has been duly elected as Member from the above ward.

Place:  
Date:  
Signature of Returning Officer.
FORM-48  
[see rule 89(10)]  
BALLOT PAPER FOR THE ELECTION OF PRESIDENT/VICE PRESIDENT

Name of Municipality………………………………………………………………………………………………………………………………………..

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of candidate</th>
<th>Space for marking</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1

2

3

4
FORM-49
[see rule-90(5)]

Return of Election of President/Vice-President………………………………………………
Municipal Council/Nagar Panchayat.

1. Serial number…………………………………………………………………………………
2. Name of candidate………………………………………………………………………………
3. Total number of votes polled………………………………………………………………
4. Total number of valid votes polled…………………………………………………………
5. Total number of rejected votes…………………………………………………………

I declare that…………………………(name)……………………(address)…………………………has been
duly elected as President/Vice-President to above Municipal Council/Nagar Panchayat.

Place……………………………
Date…………………………

Deputy Commissioner.
Election to the office of the President/Vice-President………………….. Municipal Council/Nagar Panchayat.

I,…………………… an elected member from ward No…………………… of………… Municipal Council/Nagar Panchayat hereby propose candidature of Shri/Smt…………………… an elected member from ward No…………………… Municipal Council/Nagar Panchayat for the election to the office of President/Vice-President.

Place: 
Dated: 

I,…………………………………………an elected member from ward No………………of………… Municipal Council/Nagar Panchayat hereby second the candidature of Shri/Smt…………………… for the election to the office of President/Vice-President of ……………………………..Municipal Council/Nagar Panchayat.

Place: 
Dated: 

(To be filled by the candidate)

I, the above mentioned candidate hereby declare that I agree to the nomination and I am willing to serve.

Place: 
Dated: 

(Decision of Presiding Officer accepting or rejecting the nomination paper)

I have examined this nomination paper in accordance with rules and the provisions of the Act and decide as follows:-

Accepted/Rejected.

Place………………….
Dated………………….
FORM- 51
[See rule 94(3)]

I…………………………….the petitioner in the accompanying election petition calling in question
the election of Shri/Smt……………………..from………………………………respondent
No…………………….in the said petition make solemn affirmation/oath and states,-

(a) that the statement made in paragraphs……………………of the accompanying election petition
about the commission of corrupt practices of the ……………………….and the particulars of such
corrupt practices given in paragraph ………………of the Schedule annexed thereto are true to my
knowledge.

(b) that the statement made in paragraph……………….of the said petition about the commission of
the corrupt practices of ……………………..and the particulars of such corrupt practices given in
paragraphs……………………of the said petition and in paragraphs…………………..of the
schedule annexed thereto are true to my knowledge;

(c)
(d)
Etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Smt……………………..at this…………….day of…………
20…………………. Before me.

Executive Magistrate.
PART-III

Model Code of Conduct

Whereas it is considered appropriate, desirable and necessary in the interest of free, fair, smooth, orderly and peaceful conduct of elections to the Panchayati Raj Institution and Municipalities in the State of Himachal Pradesh to formulate and issue a Model Code of Conduct for guidance and compliance by all concerned;

Now, therefore, in exercise of the powers vested in it under Articles 243 K and 243 ZA of the Constitution of India, Section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 Section 281 of the Himachal Pradesh Municipal Act, 1994, Section 9 of the HP Municipal Corporation Act, 1994 and all other powers enabling it in this behalf; the State Election Commission Himachal Pradesh makes and hereby notifies the following model code of conduct, for the guidance and compliance of political parties and candidates in respect of elections to Panchayati Raj Institutions and Urban Local Bodies.

This is issued in supercession of all earlier notifications issued by the State Election Commission in this behalf:-

1. **Short title.** 1.1 (a) This code shall be called the Himachal Pradesh Panchayats and Municipalities Model Code of Conduct, 2015.

   (b) This Code shall apply to the elections of Panchayati Raj Institutions and Municipalities in the State of Himachal Pradesh as defined under constitution of India.

2. **Commencement.** 2.1 This Code shall, unless otherwise directed by the Commission, come in to force and be applicable on and from the date on which the Commission publishes the election programme;

   Provided that the Commission may enforce different provisions of this code on different dates.

   Provided further that the Commission may enforce this code in different parts of the State on different dates.

2.2 The Code or any of its paragraphs which have become effective and applicable shall continue to be effective and applicable till the election process is completed

3. **Definition.** 3.1 Unless a contrary intention appears from the context, the following words and expressions shall have the meanings assigned to them hereunder:

   (a) "Act" means the Himachal Pradesh Panchayati Raj Act, 1994, The Himachal Pradesh Municipal Act, 1994 and the Himachal Pradesh Municipal Corporation Act, 1994 as the case may be;
   
   (b) "Candidate" means a candidate for election to Panchayats and municipalities as the case may be.
   
   (c) "Chairman" means a Chairman (and includes a Vice-Chairman) of a company or a board substantially owned or controlled by the Government;
3.2 The words and expressions, not defined hereinabove, shall have the meaning assignment to then in the relevant Act and the rules made there under.

4. **Canvassing and Public Harmony:**

4.1 No Party or candidate shall indulge in any activity which may aggravate existing differences, create mutual hatred or cause tension between different group of people on the basis of religion, race, caste, creed, community, language, residence or sex.

4.2 There shall be no appeal on the basis of religion, race, caste, community, and language for securing votes for a candidate including oneself or for not voting for a particular candidate.
4.3 No Place of worship such as temples, mosques, churches etc. shall be used as a forum for election propaganda.

4.4 No criticism of any aspect of the private life of a candidate which is not connected with his public life or activities shall be made, nor any allegation shall be made which is based on unverified facts or incidents. In other words, while reasonable criticism of the political ideology or public conduct of a candidate is permissible, a false statement of fact affecting the individual beneath the public man should be avoided.

4.5 Criticism of a party, when made, shall be confined to its policies and programmes, past record and work and all shall not be based on unverified allegations.

4.6 Organising demonstrations or picketing or shouting slogans before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.

4.7 All parties and candidates shall avoid scrupulously all activities which are corrupt practices or electoral offences under the relevant provisions of the relevant Act. These include, interalia, (a) bribery (b) undue influence (c) appeal on the basis of religion, race, caste, community or language (d) promoting enmity or hatred between or among different class or citizen on grounds of religion, race, caste, community or language (e) arranging free conveyance for carrying voters to and from a polling station (f) obtaining assistance of the employee of the Central or State Govt. or of a local authority. Proof of commission of a corrupt practice may render a candidate liable to be disqualified.

5. Use of Posters, Flags, Banners, Hoarding & Media etc:

5.1 No Party or Candidate shall permit its or his members, supporters or followers to use any private or public property for erecting flag staff, pasting notices, posters or slogans, etc. or suspending banners without permission of the owner or manager or the person in possession of the property concerned. Any violation of this clause will attract the provisions of the Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.

5.2 No candidate or his workers shall remove or deface the flags flown or posters pasted by another candidate or party.

5.3 No candidate be allowed to use election material made up of Plastic during election campaign.

5.4 It should be mandatory for the contesting candidates to remove and dispose-off all posters, banners, flags etc within a week of the announcement of result.

5.5 No candidate or Party shall carry or allow its supporters or workers to carry the effigy of another candidate or party leader or other prominent person in a procession or burn such effigy in the public place.

5.6 No party or candidate shall use loudspeakers without obtaining necessary permission from the authority authorised in this behalf under law/existing practice. The loudspeaker shall be used only between 9.00 A.M. to 7.00 P.M or the shorter time as the competent authority might order.

5.7 Loudspeakers/high voice devices shall not be allowed near Schools & Hospitals during campaign.

5.8 Posting obnoxious campaign material on social media or on modern information technology tools shall not be allowed.

5.9 No candidate should get published any news in print or electronic media etc. which amounts to paid news.
6. Meetings:

6.1 The Party or candidate shall inform the local police authorities of the venue and time of any proposed public meeting or a rally well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining order.

6.2 No candidate or party shall hold public meetings or rallies or take out processions without prior permission of the competent authorities. They should ascertain in advance whether there are any prohibitory order or traffic restrictions. It should be ensured that processions of different candidate or parties are on different timings, routes, and venue.

6.3 Election meetings or processions of a rival candidate or party shall not be disturbed by a candidate or party or his /its workers or supporters.

6.4 While granting permission for organizing an election meeting rally at a public place, no distinction should be made between different candidates or parties. In case more than one candidate or party requests for holding meetings at the same venue on the same date and time, the permission should be granted to such candidate or party who had applied first. Other candidate or parties may be granted permission to hold meeting in the order in which they applied in point of time and they should be persuaded to hold such meetings at other place or time.

6.5 All meetings organized during election should be treated as election meetings and no money of the Government or a local body should be spent on them.

7. Co-operation with polling personnel:

7.1 Every candidate and party shall cooperate with the election personnel in holding a peaceful and orderly poll and with those charged with the maintenance of law and order to ensure proper and peaceful environment before, during and after the poll.

7.2 Polling personnel should not stay in any of the premises or avail any facility of any of the contesting candidate or their relatives. They should also not take any courtesy offer by any contesting candidate or their relatives.

Explanation.-In this paragraph, the expression "during the poll" means the period between the publication of the Election programme and till the election process is completed.

8. Election Expenses:

8.1 No contesting candidate shall incur expenditure in connection with his election in excess of the following limits prescribed under relevant election rules:-

1. Member Zila Parishad = Rs. 1,00,000
2. Member, Municipal Council = Rs. 75,000
3. Member, Nagar Panchayat = Rs. 50,000

8.2 The contesting candidate shall maintain day to day expenditure record in the prescribed performa and shall get counter signature of RO/ARO on weekly basis.

8.3 Every such candidate shall, as required under the relevant law, within thirty days of the announcement of election result, submit a true account of election expenditure in the prescribed form to the authority specified for the purpose.

9. Government machinery:

9.1 (a) A public servant shall remain neutral / impartial during the elections.
he shall not indulge in any election campaign, activity or work for or against any contesting candidate or party.

9.2 If family members of a public servant are contesting candidates in the elections, the public servant shall not proceed on leave and leave the headquarters till the election process is over.

9.3. No public servant should organize, address, finance or take active part in any election meeting. This, however, does not preclude the discharge of official duties by those charged with the maintenance of public order and management of traffic.

9.4 A public servant shall not accompany a Minister, Member of Parliament or Member of Legislative Assembly of the State or participate in any programme organized at an individual’s house which such a dignitary may attend during his election tour.

9.5 Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and parties on the same terms and conditions of which it is permissible for the Party in power. These should normally be permitted to be used for short period and on first come –first serve basis without allowing any one to monopolise the facility. However, no candidate or party should be allowed to use such building or its precincts for the purpose of election propaganda/storage of election related articles.

10. Party in power:

10.1 if a Minister / Parliamentary Secretary /Chairman / Member of parliament / Member of Legislative Assembly of the State undertakes a tour of any area where elections are scheduled to be held, such tour shall be deemed to be an election tour and no Govt. servant except those who are deployed for security, law and order and traffic management shall accompany the Minister / Parliamentary Secretary / Chairman / Member of Parliament / Member of Legislative Assembly. No Govt. vehicle or any other facility shall be made available for such tour.

10.2 No vehicles belonging to Govt. or public undertaking or cooperative societies or any other institutions receiving grants shall be provided to any Minister / Parliamentary Secretary / Chairman / Member of Parliament / Member of Legislative Assembly or a candidate for canvassing in election in any manner from the date on which the election programme is published.

10.3 A Minister / Parliamentary Secretary / Chairman / Member of parliament / Member of Legislative Assembly of the State shall not combine his official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicles for furtherance of interest of any candidate.

10.4 Issue of advertisements / hoardings at the cost of public exchequer in newspaper and other media during the election period partisan coverage intended to further the prospects of the party in power shall be scrupulously avoided.

11. Granting or providing benefits:

11.1 The State Govt. / Minister / Parliamentary Secretary / Member of Parliament / Legislative Assembly / Chairman / Mayor /Deputy Mayor / Councillors of the Corporation / Office bearers of Panchayats and Municipalities and other authorities-

(a) shall not sanction or provide any financial grants in the areas where elections are scheduled to be held.
(b) announce any new scheme;
(c) shall not sanction or announce or promise any scheme;
(d) shall not lay foundation stone of or inaugurate and any new scheme or project or promise construction of any road, water supply scheme or other such public facility;
(e) No new work shall be started till the completion of election process
(f) No tenders etc. shall be finalised during the election process
(g) shall not make any appointment of any nature including one on adhoc/contract/daily rated basis;
(h) shall not select new beneficiaries for assistance from public funds; and
(i) shall not transfer/promote personnel.

12. **Organizational Status Quo:**

12.1 The structural, classification or area of the Panchayats and Municipalities shall not be altered after the issue of Notification by the State Election Commission enforcing this clause, till the election process is over.

13. **Before, during and after the poll:**

13.1 No candidate or party shall hold public meeting or take out processions during the period of forty eight hours ending with the hour fixed for the conclusion of poll.

13.2 The identity slip given to voters should be on plain (white) paper and shall not contain any symbol or name of the candidate, Only the name of the voter, his/her father's/husband's name, ward number, polling booth number and serial number of the voter in the electoral roll could be written on the identity slip.

13.3 No one shall enter any polling station or place of counting without a pass issued by the Returning Officer except in his capacity as a candidate or a voter intending to cast vote or an authorized agent.

13.4 No candidate’s camp shall be set up with in distance of 100 meters from the polling station. Even where more than one polling station has been set in the same premises, there shall be only one such camp of a candidate for such group of polling stations beyond a distance of hundred meters from such premises.

13.5 No person shall: (a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood a megaphone or a loudspeaker;

(b) act in a disorderly manner in or near the polling station resulting in interference with the work of the polling officers on duty.

13.6 No one will obstruct or prevent, by using physical force otherwise, a voter from entering a polling station or casting his vote.

13.7 Any person who fails to obey the lawful directions of the election personal shall be liable to be removed from the polling station by the police.

13.8 Any person who fraudulently or forcibly takes a ballot paper out of the polling station will be liable to be proceeded against.

14. **Assistance:**

14.1 Candidates or their election agents may, when necessary, give specific complaint or report difficulties regarding the conduct of elections to the Returning officer or to the Observers, if any, appointed by the Commission.

---

1 Amended vide Notification dt.2.11.2015
14.2 It would be in the interest of the candidate to ensure compliance with the Code, otherwise he may, if elected, render himself liable to be disqualified or be unseated on an election petition in the event of the breach of a legal provision.

15. Consequence of violation:

15.1 The violation of most of these provisions constitutes corrupt practice or an electoral offence which may disqualify the person violating this code or he may be prosecuted in a court of law or both.

By order,

State Election Commissioner
Himachal Pradesh.
राज्य निर्वाचन आयोग
हिमाचल प्रदेश

आदर्श आचार संहिता

यह आदर्श आचार संहिता हिमाचल प्रदेश में पंचायती राज संस्थाओं तथा शहरी स्थानीय निकायों के निर्वाचनों को स्वतन्त्र, निष्पक्ष, सुचारू सुविधाएं एवं शान्तिपूर्ण रूप से करवाने हेतु समस्त समवेत व्यक्तियों के मार्गदर्शन तथा अनुपालना हेतु एक आदर्श आचार संहिता बनाना तथा लागू करना उपयुक्त, वांछनीय तथा आवश्यक समझा गया है;

अतः राज्य निर्वाचन आयोग हिमाचल प्रदेश भारत के संविधान के अनुसरण 243—के तथा 243—जैड पृंह, हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 की धारा 160 व हिमाचल प्रदेश नगरपालिका अधिनियम, 1994 की धारा 281 तथा हिंद्रियों निम्न अधिनियम 1994 की धारा 9 के द्वारा इसमें निहित शक्तियों का प्रयोग करते हुए राजनैतिक दलों तथा अम्लिस्याओं द्वारा पंचायती राज संस्थाओं व शहरी निकायों में मार्ग दर्शन तथा अनुपालना हेतु निम्नलिखित आदर्श आचार संहिता नामक हिमाचल प्रदेश नगरपालिका एवं पंचायत आदर्श आचार संहिता, निर्मित तथा जारी करता है।

यह संहिता आयोग द्वारा इससे पूर्व इस बारे में जारी सभी अधिसूचनाओं के अधिलाखन में जारी की जाती है।

1. नाम:—

1.1 (क) इस संहिता का नाम हिमाचल प्रदेश पंचायत तथा नगरपालिका आदर्श आचार संहिता, 2015 है।

(ख) इस संहिता का नाम हिमाचल प्रदेश पंचायत तथा नगरपालिका आदर्श आचार संहिता, 2015 है।

2. प्रारम्भ:—

2.1 यह संहिता, जब तक कि आयोग अथवा निर्देश न करे, उस दिन से प्रभावी तथा लागू मानी जाएगी जिस दिन आयोग निर्वाचन कार्यक्रम का प्रकाशन करता है।

2.2 पर्यंत आयोग संहिता के विनियम अनुच्छेदों को विनिमय नगरपालिकाओं तथा पंचायतों के समबंध में विनिमय तारीखों से प्रभावी तथा लागू कर सकता है।

2.3 यह संहिता या इसका कोई भी अनुच्छेद जो एक बार प्रभावी तथा लागू हो गया हो, वह निर्वाचन प्रक्रिया के समापन तक प्रभावी तथा लागू रहेगा।

3. परिभाषाएँ:

3.1 यदि सन्दर्भ विशेष से प्रतिकूल अभिप्राय न जालकता हो तो निम्नलिखित शब्दों तथा वाक्यों का अप्रियोतित अर्थ होगा:—

(क) “अधिनियम” से हिमाचल प्रदेश पंचायती राज अधिनियम, 1994, हिमाचल प्रदेश नगरपालिका अधिनियम 1994 तथा हिंद्रियों निम्न अधिनियम, 1994 अभिप्रेत है, जैसी भी स्थिति हो;
(ख) “अम्यर्थी” से नगरपालिका या पंचायत के निर्वाचन में अम्यर्थी अभिनेत है;
(ग) “अध्यक्ष” से सरकार द्वारा अधिकारक: स्वामित्व प्राप्त अथवा नियुक्त, नियमित, कम्पनी तथा बोर्ड के अध्यक्ष तथा उपाध्यक्ष अभिनेत है ;
(घ) “संहिता” से हिमाचल प्रदेश पंचायत तथा नगरपालिका आदर्श आचार संहिता, अभिनेत है;
(ङ) “आयोग” से राज्य निर्वाचन आयोग हिमाचल प्रदेश अभिनेत है;
(च) निगम से अधिनियम के अन्तर्गत घोषित व गठित नगर निगम शिमला, अभिनेत है;
(छ) 'पार्षद' से अधिनियम के अन्तर्गत निर्वाचित पार्षद, अभिनेत है;
(ज) "उपायुक्त" से वह जिला के उपायुक्त जिसमें अधिनियम के अन्तर्गत उपायुक्त के सभी अथवा किसी दायित्व के निर्वाचन के लिए नियुक्त, अतिरिक्त उपायुक्त भी समिलित हैं, अभिनेत है;
(झ) निर्वाचन कर्मचारी’ से उपायुक्त, जिला निर्वाचन अधिकारी (डी), जिला निर्वाचन अधिकारी, सहायक रिटिंग अधिकारी, निर्वाचन कर्मचारी तथा कोई भी व्यक्ति जो निर्वाचन सम्बन्धित कर्त्तव्यों के निर्वाचन के लिए नियुक्त किया गया हो, अभिनेत है ;
(झ) "सरकार” से हिमाचल प्रदेश की सरकार अभिनेत है ;
(झ) "महापौर” से नगर निगम के महापौर जिससे उपमहापौर भी समिलित है, अभिनेत है;
(झ) "प्रधान माध्यम/मिडिया” से सूचना एवं प्रसारण के सभी माध्यम जिसमें प्रिंट मिडिया, इलेक्ट्रॉनिक मिडिया, टीवी मिडिया तथा सूचना प्रदूषितक आदि के अनुप्रेरक यन्त्र भी समिलित होगे अभिनेत है;
(ञ) 'मन्त्री' से प्रदेश के मन्त्री, जिसमें मुख्यमंत्री, राज्य मन्त्री, उप मन्त्री अभिनेत है ;
(ञ) 'नगरपालिका' से नगर पंचायत, या नगर निगम, नगर परिषद जैसी भी रिहाई हो अभिनेत है ;
(ञ) ‘नगरपालिकाओं के अध्यक्ष तथा उपाध्यक्ष, ग्राम पंचायत के प्रधान तथा उप-प्रधान पंचायतसमिति/जिला परिषद के अध्यक्ष और उपाध्यक्ष तथा नगरपालिका या पंचायत के सदस्य अभिनेत है; तथा इसमें नगर निगम के महापौर,उप-महापौर व पार्षद भी समिलित है; 
(ञ) पंचायत से ग्राम पंचायत, पंचायत समिति या जिला परिषद, जैसी भी रिहाई हो अभिनेत है ;
(ञ) संसदीय सचिव से राज्य का संसदीय सचिव अभिनेत है तथा इसमें मुख्य संसदीय सचिव भी समिलित है ;
(ञ) ‘दल’ से ऐसे समूह या व्यक्तियों का संगठन जो (चाहे वह पंजीकृत हो अथवा नहीं) अम्यर्थी का समर्थन कर रहा हो या अम्यर्थी खड़ा कर रहा हो, अभिनेत है;
(७) ‘मतदान अधिकारी’ से ऐसा व्यक्ति अभिभ्रेत हैं जिसे नगरपालिका या पंचायत के निर्वाचन करवाने या इस तौर पर सहायता करने के लिए नियुक्त किया गया हो ;

(८) ‘पीठासीन अधिकारी’ से ऐसा व्यक्ति अभिभ्रेत है जिसे नगरपालिका या पंचायत के निर्वाचन हेतु पीठासीन अधिकारी के रूप में नियुक्त किया गया हो ;

(९) ‘लोक सेवक’ में सरकारी कर्मचारी, नगरपालिका या पंचायत अथवा निगमित निकाय का कर्मचारी जो सरकार के अधिकारिक नियंत्रण या स्वामित्व में हो, सम्बन्धित है ।

(१०) ‘रिटिंग अधिकारी’ से वह अधिकारी का कर्मचारी अभिभ्रेत है जिसे नगरपालिका या पंचायत निर्वाचन उपाधिक्षेत्र के लिए रिटिंग अधिकारी के कर्त्यों के निष्पादन के लिए नियुक्त किया गया हो तथा इसमें सहायक रिटिंग अधिकारी भी समाविष्ट है जबकि वे नगरपालिका या पंचायत निर्वाचन हेतु रिटिंग अधिकारी के कर्त्यों का निर्वाचन कर रहे हों, तथा

(११) ‘राज्य’ से हिमाचल प्रदेश राज्य अभिभ्रेत है ।

3.2 जिन शब्दों तथा वाक्यों को यहाँ उपयोग में परिभाषित नहीं किया गया है उनका यहाँ अर्थ होगा जो उनको सम्बन्धित अधिनियम तथा तदाधिनियम निम्नक नियमों में दिया गया है।

4. प्रचार एवं जन सदभाव—

4.1 किसी भी दल या अभ्यंशों को कोई भी ऐसा कृत्य नहीं करना चाहिए जो किसी धर्म, मूलवंश जाति, मत, समुदाय, भाषा, निवास या लिंग के आधार पर नागरिकों के विभिन्न वर्गों के बीच विचार वैश्विक को और बढ़ाए या उनमें विभेद या तनाव उत्पन्न करें।

4.2 किसी अभ्यंश द्वारा अपने लिए मत प्राप्त करने के लिए अथवा किसी विशेष अभ्यंशों को मत न देने के लिए धर्म, मूलवंश, जाति, समुदाय या भाषा के आधार पर अपील नहीं की जानी चाहिए।

4.3 उपायों या राजनीतिक, अधिकार एवं विभाग में जनसंदर्भ का उपयोग निर्वाचन प्रचार के लिए नहीं किया जाना चाहिए।

4.4 किसी अभ्यंश के व्यक्तिगत जीवन के ऐसे पहलुओं की आलोचना नहीं की जानी चाहिए जिनका सम्बन्ध उसके सार्वजनिक जीवन के किरायेकालापों से न हो और न ही ऐसे आरोप लगाये जाने चाहिए जो अप्रभावित तथ्यों या घटनाओं पर आधारित हों। दूसरे शब्दों में यद्यपि अभ्यंश की राजनीतिक विवादास्त्र की उद्देश्य आलोचना तथा उसके सार्वजनिक आचरण की सिद्ध की अनुमति हो गयी तथा उस तथ्यों के वक्तव्यों से बचा जाए जिससे किसी व्यक्ति की प्रतिष्ठा आम जनता के बीच नष्ट हो।

4.5 जब किसी राजनीतिक दल की आलोचना की जाए तो वह केवल उसके नीतियों तथा कार्यक्रमों पूर्व इतिहास और कार्यों तक ही सीमित रहनी चाहिए तथा अप्रभावित आरोपों का अधार नहीं होनी चाहिए।

4.6 किसी भी परिस्थिति में किसी व्यक्तियों की विवादास्त्र या किया कार्यान्वयन का विरोध करने के उद्देश्य से उनके धर्म रहे ही शास्त्रीय प्रदर्शन करना, देखा करना या आवश्यकता से अधिक समय तक बार--बार नारे लगाने नैसा कृत्य का सहारा नहीं लिया जाएगा।
4.7 समस्त दलों तथा अभ्यर्थियों को इमानदारी एवं कर्त्तव्यविधा से ऐसे सभी कार्यों से परहेज करना चाहिए जो सम्बन्धित अधिनियमों के प्रवाहधारों के अन्तर्गत भूमि आवरण और निर्वाचन अपराध माने गए हैं। अन्य वातां से साथ-साथ भूमि आवरण में ये भी समाविष्ट हैं—

(क) रिश्वत लेने या देने का कार्य;

(ख) अनुचित प्रभाव ढालना;

(ग) धर्म, मूल्यवान, जाति, सम्प्रदाय भाषा के आधार पर अपील करना;

(घ) नागरिकों के विभिन्न वर्गों के श्रेष्ठ धर्म, मूल्यवान, जाति, सम्प्रदाय या भाषा के आधार पर विवेश या शेषुल को दर्ज करना या बढ़ाना;

(ड) मतदाताओं को मतदान केंद्र तक लाने या ले जाने के लिए मुद्रा बाहन का प्रबंध करना;

(च) केंद्रीय या राज्य सरकार अथवा किसी स्थानीय संस्थाओं के कर्मचारियों की सहायता प्राप्त करना।

'भूमि आवरण' प्रमाणित होने पर किसी भी अभ्यर्थी को आयोग घोषित किया जा सकता है।

5. पोस्टरों झंडों, सूचना पत्रों, होरिजंग्स तथा मिडिया आदि:

5.1 कोई भी दल या अभ्यर्थी अपने सदस्यों, समर्थकों अथवा अनुयायियों को किसी निजी या सार्वजनिक सम्पत्ति पर झंडे पर लगाने, सूचना-पत्र/पोस्टर चिह्नाने या नारे लिखने अथवा पताकाएं लटकाने की तब तक अनुमति नहीं देगा जब तक कि सम्पत्ति के मालिक, प्रबंधक या कार्यक्रम की अनुमति प्राप्त न कर ली जाए। यदि इसकी अवधाल्ना पर हिंदी खुले स्थान (विदर्भूपिता नियम) अधिनियम, 1985 के अनुसार।

5.2 किसी भी अभ्यर्थी या उसके कार्यकर्ताओं द्वारा दूसरे अभ्यर्थी द्वारा लगाए गए झंडों या इस्तेमालों को हटाया अथवा विस्पृश्ति नहीं किया जाना चाहिए।

5.3 किसी भी अभ्यर्थी को निर्वाचन के प्रचार के दौरान प्लास्टिक से बनी निर्वाचन सामग्री का प्रयोग करने की अनुमति नहीं होगी।

5.4 सभी अभ्यर्थियों के लिए यह आवश्यक होगा कि वह निर्वाचन परिधान के एक सत्ताह के भीतर अपने पोस्टर/सूचना पत्र तथा झंडे आदि को हटाएं तथा नष्ट करें।

5.5 किसी भी अभ्यर्थी या दल को प्रद्षिकण के दौरान अपने समर्थकों का कार्य-कर्ताओं को किसी दूसरे अभ्यर्थी या किसी दल के नेता अथवा किसी प्रमुख व्यक्ति का पुलता लेकर चलना या उन्हें किसी स्वार्थजनिक सम्पत्ति पर जलाने की अनुमति नहीं दी जानी चाहिए।

5.6 कोई भी दल या अभ्यर्थी, सक्षम प्राधिकारी की अनुमति के बिना लाउडस्पिकर का प्रयोग नहीं करेगा। लाउड-स्पिकर केवल 9.00 बजे प्रातः से 7.00 बजे सार्वं अथवा सक्षम प्राधिकारी द्वारा निर्धारित इससे में ही प्रयोग में लाया जा सकेगा।

5.7 निर्वाचन प्रचार हेतु लाउडस्पिकर तथा ऊंची आवाज वाले किसी भी यन्त्र को विवादग्न तथा अस्पतालों के आस-पास प्रयोग करने की अनुमति नहीं होगी।
5.8 सोशल मिडिया या आधुनिक सूचना प्रौद्योगिकी के किसी भी प्रकार की आपत्तिजनक सामग्री को परोसने की अनुमति नहीं होगी।

5.9 कोई भी अथवा प्रिंट अथवा इलेक्ट्रानिक मिडिया पर कोई भी ऐसा समाचार प्रकाशित नहीं करेगा जो कि Paid news की परिधि में आता है।

6. बैठकः—

6.1 प्रत्येक अथवा तथा दल प्रसारित सार्वजनिक समा या प्रदर्शन के समय तथा स्थान के बारे में समय रहते स्थानीय पुलिस को सूचित करने ताकि पुलिस यातायात व कानून व्यवस्था को नियमित करने हेतू आवश्यक प्रश्न कर सके।

6.2 किसी भी अथवा या दल द्वारा, सक्षम प्राधिकारी के सूचित किए बिना अथवा, जहाँ आवश्यक हो सक्षम प्राधिकारी की अनुमति के लिए बिना, कोई भी सार्वजनिक समा या रैली या प्रदर्शन नहीं किया जाना चाहिए। अथवा या दल को यह पहले ही सूचित कर लेना चाहिए कि सम्भाल क्षेत्र में कोई नियोजक आदेश अथवा यातायात प्रतिवेद सम्बन्धित आदेश तो लागू नहीं है यह भी सूचित किया जाए कि किसी दो अथवा या दलों के प्रदर्शन अलग-अलग समय, पथ व स्थान पर हो।

6.3 किसी प्रतिदिन अथवा या दल की निर्वाचन समा या प्रदर्शन में किसी दूसरे अथवा या दल अथवा इस के समर्थकों या कार्यकर्ताओं द्वारा बाधा नहीं पहुँचाई जानी चाहिए।

6.4 किसी सार्वजनिक स्थान पर निर्वाचन समा के आयोजन हेतु अनुमति देते समय विभिन्न अथवा या दलों में भेदभाव न किया जाए। यदि एक ही दिन और समय पर, एक से अधिक अथवा या दल एक ही जगह पर समा करने की अनुमति मिले तो उस अथवा या दल को अनुमति दी जानी चाहिए जिसने सबसे पहले आवेदन पत्र दिया हो। अन्य अथवा या दलों को समा करने की अनुमति उसी कम में दी जाए जिस कम में उन्होंने आवेदन दिया हो तथा उन्हें किसी अन्य स्थल या समय पर समा करने का परामर्श दिया जाना चाहिए।

6.5 सामान्यतः: निर्वाचनों के दौरान आयोजित की जाने वाली सभी समाचार निर्वाचन समाज मानी जाएँगी तथा उन पर कोई भी सरकारी व स्थानीय निकायों का पैसा या न किया जाए।

7. कर्मचारियों का सहयोगः—

7.1 प्रत्येक अथवा तथा दल को शान्ति पूर्वक सुविधाजनक निर्वाचन करने के लिए निर्वाचन कर्मचारियों तथा कानून एवं व्यवस्था बनाए रखने हेतु नियुक्त कर्मचारियों के साथ सहयोग करना चाहिए ताकि निर्वाचन से पूर्व, निर्वाचन के समय तथा निर्वाचन के बाद उचित व्यवस्थापन बना रहे।

7.2 मतदान कर्मचारियों का अथवा या उनके समग्र सम्बन्धियों के घर पर नहीं ठहरना चाहिए अथवा उससे कोई सुधिंग प्राप्त नहीं करनी चाहिए। उनके अथवा या अथवा उनके सम्बन्धियों से किसी भी प्रकार का शिकार अथवा प्रसार नहीं करना चाहिए।

स्थानीकरणः 'निर्वाचन के समय' से 'निर्वाचन कार्यक्रम घोषित किए जाने से पहले अवधि', अभियंता होगी।

8. निर्वाचन व्यवस्था:

8.1 कोई भी अथवा, निर्वाचन हेतु समस्याएं नियमों के अन्तर्गत निर्धारित निम्नलिखित सीमा से अधिक व्यवस्था नहीं करेगा :-
1) सदस्य जिला परिषद — 1,00,000
2) सदस्य नगर परिषद — 75,000
3) सदस्य नगर पंचायत — 50,000

8.2 उपरोक्त पदों हेतु निर्धारित फार्म पर प्रतिदिन के व्यय का लेखा रखेंगे तथा रिटार्निंग अधिकारी/सहायक-रिटार्निंग अधिकारी से साक्षात्कार आदार पर प्रतिष्ठापित करवाएं।

8.3 ऐसा प्रत्यक्ष अम्यार्थी निवाचन परिणाम की घोषणा के 30 दिन के भीतर सम्बंधित नियमों के अनुसार निवाचन व्यय का सही लेखा निर्धारित फार्म पर निर्धारित प्राधिकारी को प्रस्तुत करेगा।

9. सरकारी तंत्रः

9.1 (क) सरकारी कमिशनों को निवाचन के दौरान पूर्णतः तटस्थ एवं निष्पक्ष रहना चाहिए।

(ख) उन्हें किसी भी प्रकार के निवाचन, प्रचार अथवा किसी भी अम्यार्थी या दल के पक्ष अथवा विपक्ष में कोई भी कृत्य अथवा कार्य नहीं करना चाहिए।

9.2 यदि किसी सरकारी कम्बियारी के परिवार कोई सदस्य निवाचन में अम्यार्थी है तो सरकारी कम्बियारी निवाचन प्रक्रिया समाप्त होने तक अपने मुख्य आवास को छोड़ कर अवकाश पर नहीं जाएंगे।

9.3 कोई भी सरकारी कम्बियारी किसी निवाचन समा का आयोजन, सम्बोधन, वित्तीय प्रायोजन नहीं करेगा और न उसमें सहभाग भाग लेगा। यह प्रायोजन सरकारी कर्मचारों के निवाचन हेतु नियुक्त कमिशनों तथा सार्वजनिक व्यवस्था तथा यातायात व्यवस्था हेतु नियुक्त कमिशनों पर लागू नहीं होगा।

9.4 यदि निवाचन दौरे के समय कोई मन्त्री/संसदीय सचिव/अध्यक्ष किसी निजी मकान पर आयोजित किसी कार्यक्रम में भाग ले तो सरकारी कर्मचारियों को उस के साथ ऐसे कार्यक्रम में नहीं जाना चाहिए।

9.5 विश्वासगुणों, विश्वास भवनों तथा अन्य सरकारी आवास सुविधा का उपयोग सभी अम्यार्थियों तथा दलों को उनकी हार पर करने की अनुमति दी जाती है। सामान्यतः इनके उपयोग की अनुमति अल्प अवधि के लिए तथा पहले-आये-पहले-पाये के आदार पर ही दी जानी चाहिए तथा किसी भी इस सुविधा पर एकाधिकार की अनुमति न दी जाए। तथा किसी भी अम्यार्थी या दल को ऐसे भवन या उसके परिवर्तन का उपयोग निवाचन प्रचार/निवाचन सम्बन्धी सामग्री को एकाधिकार करने की अनुमति नहीं दी जानी चाहिए।

10. सत्ताधारी दल हेतु:

10.1 यदि कोई मन्त्री/संसदीय सचिव/अध्यक्ष/उपाध्यक्ष/सांसद/विधायक गण नगरपालिकाओं तथा पंचायतों के पदाधिकारी निवाचन के दौरान उस क्षेत्र का दौरा करें जहाँ निवाचन हो रहे हों तो ऐसा दौरा चुनाव सम्बन्धी दौरा माना जाएगा तथा उसमें सुविधा के लिए तैनात कर्मचारियों, कार्यालय व्यवस्था तथा यातायात प्रवेश में अन्तर्गत कर्मचारियों को हेतु कर प्रवेश कर, अन्य कोई भी सरकारी कर्मचारी समिलित नहीं होगा। ऐसे प्रवेश हेतु कोई भी सरकारी वाहन या अन्य सुविधा उपलब्ध नहीं करवाई जाएगी।
10.2 निर्वाचन की अधिसूचना जारी होने की तारीख से किसी भी मन्त्री/ संसदीय सचिव/अध्यक्ष/संसद सदस्य या विधानसभा–सदस्य/नगरपालिकाओं तथा पंचायतों के पदाधिकारी और अन्य पदाधिकारी या अन्य विभिन्न संस्थाओं या सहकारी समाजों या किसी भी अन्य संस्थान, जो सरकार से अनुदान प्राप्त कर रहे हों, से संबंधित वाहन चुनाव प्रचार हेतु उपलब्ध नहीं करबाया जाएगा।

10.3 मन्त्रियों/संसदीय सचिवों/ अध्यक्ष/सांसदों/विधायकों को अपने सरकारी दौरों को चुनाव प्रचार के कार्यों से नहीं जोड़ा जा चाहिए और न ही सरकारी तत्त्व तथा कम्युनियों अथवा सरकारी वाहनों सहित अन्य सरकारी साधनों का उपयोग किसी अन्य विभाग के हितों का लाभ पहुँचाने की मात्रा से करना चाहिए।

10.4 निर्वाचन के दौरान समाचार पत्रों तथा अन्य प्रचार माध्यमों से, सरकारी खबरों पर ऐसे विज्ञापन/होरिंग जारी नहीं किए जाने चाहिए जिन में सत्ताधारी दल को अपने दलीय हितों को आगे बढ़ाने में सहायता मिलती है।

11. लाभ पंचायाना अध्या प्रदान करना:

11.1 राज्य सरकार मन्त्री/संसदीयसचिव/अध्यक्ष/सांसद/विधायक नगरपालिकाएं तथा पंचायतों के पदाधिकारी और अन्य प्राधिकारी:—

(क) जहाँ निर्वाचन हो रहे हों उस क्षेत्र में कोई भी वित्तीय अनुदान स्थीरता या उपलब्ध नहीं करवाएगे,

(ख) किसी भी नई योजना की घोषणा नहीं करेंगे;

(ग) किसी भी योजना या परियोजना की स्थीरता या घोषणा या वादा नहीं करेंगे;

(घ) किसी भी नई योजना अथवा परियोजना का प्रारम्भ का कालियास, सड़क के निर्माण, जल आपूर्ति योजना या अन्य सार्वजनिक सुविधा का वायुदा नहीं करेंगे;

(ङ) निर्वाचन प्रक्रिया समाप्त होने तक कोई भी नया कार्य प्रारंभ नहीं करेंगे।

(च) निर्वाचन प्रक्रिया में किसी भी तरह की निविदाएं सुनिश्चित नहीं की जाएंगी।

(छ) किसी भी तरह की निर्युक्ति नहीं की जाएगी जिसमें तदर्थ अनुक्रम दैनिक वेतन भोगी आधार पर निर्युक्तियाँ भी सम्मिलित है;

(ज) सार्वजनिक निधियों से सहायता हेतु नए लाभाधीनों का चयन नहीं करेंगे;

(झ) कर्मचारियों के स्थानान्तरण या पदोन्नति नहीं करेंगे।

12. ‘संगठनात्मक यथा स्थिति:—

12.1 पंचायतों तथा नगरपालिकाओं की संरचना, वर्गीकरण या क्षेत्र आदि में कोई भी परिवर्तन आयोग द्वारा इस खंड को लागू करने की अधिसूचना से निर्वाचन की प्रक्रिया समाप्त होने तक नहीं किया जा सकेगा।

1 Amended vide Notification dt. 2.11.2015
13. मतदान से पूर्व, दौरान तथा बाद में—

13.1 कोई भी अयोग्य अथवा दल मतदान की समाप्ति के लिए निर्धारित समय से 48 घण्टे पूर्व तक कोई प्रदर्शन या सार्वजनिक समा नहीं करेगा।

13.2 मतदाताओं को दी जाने वाली पहचान—परिवहित सादे (सफेद) कागज पर होनी चाहिए तथा उन पर किसी अयोग्य का नाम अथवा चुनाव निवेश नहीं होना चाहिए। परिवहित पर अधिक निर्देश प्रवाह का नाम, उसके पिता/पति का नाम, वार्ड संख्या, मतदान केन्द्र संख्या तथा निर्वाचन नामांकन में उसकी क्रम संख्या ही लिखी जानी चाहिए।

13.3 किसी अयोग्य या मतदाता या प्राधिकृत अधिकारियों के अतिरिक्त कोई भी व्यक्ति मतदान केन्द्र या मतगणना केन्द्र में जिला निर्वाचन अधिकारी अथवा रिटाइनग अधिकारी द्वारा दिए गए अनुमति पत्र (पास) के बिना मतदान केन्द्र या मतगणना केन्द्र में प्रवेश नहीं करेगा।

13.4 किसी भी अयोग्य का शिविर, मतदान केन्द्र से 100 मीटर के अंदर स्थापित नहीं होना चाहिए। यदि कभी एक ही परिसर में एक से अधिक मतदान केन्द्र स्थापित हों, तो ऐसे मतदान केन्द्र के समूहों के लिए भी एक अयोग्य का ऐसे परिसर से 100 मीटर की दूरी के बाहर एक ही शिविर होना चाहिए।

13.5 कोई भी अयोग्य (क) मतदान केन्द्र के प्रवेश–प्रवाह के समीप अथवा किसी निकट के सार्वजनिक या निजी खराब पर लाउड–स्पीकर या मैप्पी फोन का प्रयोग नहीं करेगा, (ख) मतदान केन्द्र के अन्तर्गत अन्य सममियांकन अथवा ऐसा व्यवहार नहीं करेगा जिससे डूबूटी पर तैनात मतदान अधिकारियों के कार्य में चिंता पड़े।

13.6 कोई भी व्यक्ति शारीरिक बल अथवा अन्य किसी प्रकार के बल का प्रयोग करके किसी मतदाता को अपना मत डालने अथवा मतदान केन्द्र के अंदर जाने से नहीं रोकेगा।

13.7 ऐसा कोई भी व्यक्ति हो, जो निर्वाचन कर्मियों के विधि–सम्मत निर्देशों का पालन नहीं करता, पुलिस द्वारा मतदान केन्द्र से बाहर निकाला जा सकता है।

13.8 यदि कोई व्यक्ति छान–पूर्वक या बल–पूर्वक, मतपत्रों को मतदान केन्द्र से बाहर ले जाता है तो उसके विरुद्ध कार्यवाही की जा सकेगी।

14. सहायता:

14.1 यदि अयोग्यों या उनके अधिकारियों को निर्वाचन के बारे में कोई शिकायत या कठिनाई हो तो वह अपनी शिकायत या रिपोर्ट जिस निर्वाचन अधिकारियों, रिटाइनग अधिकारियों अथवा प्रक्षेप, यदि आयोग द्वारा निर्देशित किया गए हो, तो दे सकते हैं।

14.2 यह प्रत्येक अयोग्य के हित में होगा कि वह आदेश आचार संहिता का पालन करें अथवा उसके निर्धारित होने पर, किसी निर्वाचन यांत्रिक के आधार पर, उसे किसी वैधानिक प्रावधान का उल्लंघन होने की स्थिति उसके पद से हटाया जा सकता है अथवा अयोग्य प्रवक्ता किया जा सकता है।

15. उल्लंघन के परिणाम:

15.1 आदेश आचार संहिता के अधिकतर प्रावधानों का उल्लंघन श्रद्धाज्ञात आचरण या निर्वाचन अपराध होगा जिसके कारण उल्लंघन करने वाले व्यक्ति की आयोग तहसील जा सकता है या उस पर न्यायलय में अभियोग चलाया जा सकता है या यह दोनों परिणाम हो सकते हैं।

आदेश द्वारा,
राज्य निर्वाचन आयुक्त
हिमाचल प्रदेश।
PART-IV

REPRESENTATION OF THE PEOPLE Act, 1950

( PART-II – Act of parliament)

20. Meaning of “ordinarily resident”.—(1) A person shall not be deemed to be ordinarily resident in a constituency on the order round only that he owns, or is in possession of, dwelling house therein.

(1A) A person absenting himself temporarily from his place of ordinary residence shall not by reasons thereof cease to be ordinarily resident there in.

(1B) A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of person suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(3) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.

(4) Any person holding any in India declared by the president in consultation with the Election Commission to be an office of to which the provisions of this sub-section apply, shall be deemed to be ordinarily resident on any date in the constituency in which, but for the holding of any such office he would have been ordinarily resident on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the cribbed manner, that “but for his having the service qualification or but for the holding any such office” as is referred to in sub-section (4) he would have been ordinarily resident in a specified place on any date, shall in the absence of the evidence to the contrary, be accepted as correct.

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall if she be ordinarily residing with such person be deemed to be ordinary resident on in the constituency specified by such person under sub-section (5).

(7) If in any case a question arise as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.

(8) In sub-section (3) and (5) “service qualification” means;

(a) being a member of the armed forces of the Union; or

(b) being a member of the force to which the provisions of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modifications; or

(c) being a member of an armed police force of a State, who is serving outside that State; or

(d) being a person who is employed under the Government of India, in a post outside India.
CHAPTER III

Disqualifications for Member of Parliament and State Legislatures:

7. Definitions.— in this Chapter.-

(a) “appropriate Government” mean in relation to any disqualifications 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 member of the Legislative Assembly or Legislative of a State, the State Government;

(a) 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 (offences 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 or 376 B or section 376 C or section 376 C or section 376D (offences relating to rape or section 498 A) offence of cruelty towards a women 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, harted or ill will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance or religious worship or religious ceremonies) of the Indian penal code (45 of 1860); or

(b) the Protection of Civil Right Act, 1955 (22 of 1955), which provided for punishment for the preaching and practice of untouchability “; and for the enforcement or any disability arising there from; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967); or

(e) the foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (prevention) Act, 1987 (28 of 1987); or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between class 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 fraudulently destroying any nomination paper) of this Act; or

(j) section 6 (offence of conversion of a Place of worship) of the (Special provisions) Act, 1991; or
CODE OF CIVIL PROCEDURE, 1908
ORDER XI
DISCOVERY AND INSPECTION

1. **Discovery by interrogatories.**—In any suit the plaintiff or defendant by leave of the court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such interrogatories each of such persons is required to answer: Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose: Provided also that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-Examination of a witness.

2. **Particular interrogatories to be submitted.**—On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the Court. In deciding upon such application, the Court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admission, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the Court shall consider necessary either for disposing fairly of the suit or for saving costs.

3. **Cost of interrogatories.**—In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the Court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously or at improper length, the cost, occasioned by the said interrogatories and the answers there to shall be paid in any event by the party in fault.

4. **From of interrogatories.**—Interrogatories shall be in from No.2 in Appendix C, with such variations as circumstances may require.

5. **Corporations.**—Where any party to a suit a corporation or a body of persons, whether incorporated or not, empowered by law to sue be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member of officer of such corporation or body, and an order may be made accordingly.

6. **Objections to interrogatories by answer.**—Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited bona fide for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage or on ground of privilege or any other ground, maybe taken in the affidavit in answer.

7. **Setting aside and striking out interrogatories.**—Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous; and any application for the purpose may be made within seven days after service of the interrogatories.

8. **Affidavit in answer, filling.**—Interrogatories shall be answered by affidavit to be filed within in ten days, or within such other time as the Court may allow.

9. **From of affidavit in answer.**—An affidavit in answer to interrogatories shall be in from No. 3 in Appendix C, with such Variations as circumstance may require.

10. **No exception to be taken.**—No exception to be taken. No exceptions shall be taken to any affidavit in answer, but the sufficiency of or other wise of any such affidavit objection to as insufficient shall be determined by the court.

11. **Order to answer or answer further.**—Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court for an order requiring him to answer, or to answer further, as the case may be. And an order may be made requiring him to answer or answer further, either by affidavit or by viva voce examination, as the Court may direct.
12. **Application for discovery of documents.**—Any party may, without filing any affidavit, apply to
the Court for an order directing any other party to any suit to make discovery on oath of the
document which are or have been in his possessions or power, relating to any matter in question
therein. On the hearing of such application the court may either refuse or adjourn the same, if
satisfied that such discovery is not necessary, or not necessary at that stage of the suit, or make
such order, either generally or limited to certain classes of documents, as may in its discretion be
thought fit:

Provided that discovery shall not be ordered when and so far as the court shall be of opinion that
it is not necessary either for disposing fairly of the suit or for saving costs.

13. **Affidavit of documents.**—The affidavit to be made by a party against whom such order as is
mentioned in the last preceding rule has been made, shall specify which (if any) of the documents
therein mentioned he produce, and it shall be in from No. 5 in appendix C, with such variations as
circumstances may require.

14. **Production of documents.**—It shall be lawful for the Court, at any time during the pendency of
any suit, to order the production by any party there to, upon oath of such of the documents in his
possession or power, relating to any matter in question in such suit, as the Court shall think right;
and the court may deal with such documents. When produced, in such manner as shall appear just.

15. **Inspection of documents to in pleadings or affidavits.**—Every party to a suit shall be entitled at
any to give notice to any other party, in whose pleadings or affidavits reference is made to any
document or who has entered any document in any list annexed to his pleading to produce such
document for the inspection of the party giving such notice or of his pleader, and to permit him or
them to take copies thereof; and any party not complying with such notice, shall not after wards be
at liberty to put any such document in evidence on his behalf in such suit unless he shall satisfy the
court that such document relates only to his own title, he being a defendant to the suit, or that he
had some other cause or excuse which the Court shall deem sufficient for not complying with such
notice, in which case the court may allow the same to be put in evidence on such terms as to costs
and other wise as the court shall think fit.

16. **Notice to produce.**—Notice to any party to produce any document referred to in his pleading or a
affidavit shall be in From No. 7 in Appendix C, with such variations as circumstances may require.

17. **Time for inspection when notice given.**—The party to whom such notice shall, with in ten days
from the receipt of such notice, deliver to the party giving the same a notice stating a time with in
three days from the delivery thereof at which the documents, or such of them as he does not object
to produce, may be inspected at the office of his pleader, or in the case of banker’s books or other
books of account or books in constant use for the purpose of any trade of business, at their usual
place of custody, and stating which (if any) of the documents he objects to produce, and on what
ground. Such notice shall be in from No. 8 in appendix C, with such variations as circumstances
may require.

18. **Order for inspection.**—(1) Where the party served with notice under Rule 15 omits to give such
notice of a time for inspection or object to give inspection, or offers inspection elsewhere than at the
office of his pleader, the court may, on the application of the party desiring it, make an order for
inspection in such place and in such manner as it may think fit:

Provided that the order shall not be made when and so far as the Court shall be of opinion, that it as
not necessary either for disposing fairly of the suit or for saving costs.

a. Any application to inspect documents, except such as referred to in the pleadings, particulars
or affidavits of the party against whom the application is made or inspection is sought, that the
party applying is entitled to inspect them, and that they are in the possession or power of the
other party. The Court shall not make such order for inspection of such documents when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

19. **Verified copies.**—Where inspection of any business books is applied for, the Court may, if it thinks fit, instead of ordering inspection at the original books. Order a copy of any entries there in to be furnished and verified by the affidavit of some person who has examined the copy with the original entries, and such affidavit shall state whether or not there are in the original book any and what erasures, interlineations or alteration

Provided that, networking that such copy has been supplied, the Court may order inspection of the book from which the copy was made.

(2) Where on a application for an order for inspection privilege is claimed for any document, it shall be lawful for the Court to inspect the document for the purpose of deciding as to the validity of the claim of privilege unless the document relates to matters of state.

(3) The Court may, on the application of any party to a suit at any time, and whether an affidavit of documents shall or shall not have already been ordered or made make an order requiring any other party to state by affidavit whether any one or more specific document to be specified in the application, is or are, or has or have at any time been, in his possession or power, and, if not then in his possession when he parted with the same and what has become thereof. Such application shall be made on an affidavit stating that in the belief of the deponent the party against whom the application is made has, or has at some time had, in his possession or power the documents or documents specified in the application, and that they relate to the matters in question in the suit, or to some of them.

20. **Premature discovery.**—where the party from discovery of any kind or inspection is sought objects to the same, or any part thereof, the court may, if satisfied that right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the suit sought be determined before deciding upon the right to the discovery or inspection, order that such issue or question be determined first and reserve the question as to the discovery or inspection.

21. **Non-compliance with order for discovery.**—(1) Where any party fails to comply with any order to answer interrogatories, or for discovery or inspection of documents, he shall, if plaintiff, be liable to have his suit dismissed or want of prosecution, and if he had not defended, and the party interrogating or struck out and to be placed in the same position as if he had not defended abs the party interrogating or seeking such application accordingly, after notice to the parties and after giving them a reasonable opportunity of being heard.

(2) Where an order is made under sub-under (1) dismissing any suit, the plaintiff shall be precluded from bringing a fresh suit on the same cause of action.

22. **Using answers to interrogatories at trail.**—Any party may, at the trial of a suit, use in evidence any one or more of the answer or any part of an answer of the opposite party to interrogatories without putting in the orders or the whole of such answer:

Provided always that in such case the court may look at the Whole of the answer, and if shall be of opinion that any others of them are so connected with those put in that the last mentioned answers ought not to be used with out them; it may direct them to be put in.

23. **Order to apply to minors.**—This order apply to minor plaintiffs and defendants and to the next friends and guardians for the suit of persons under disability.
ORDER XII

ADMISSIONS

1. **Notice of admission of case.**—Any part to a suit may give notice, by his pleading, or otherwise in writing, that he admits the trust of the whole or any part of the case of any other party.

2. **Notice to admit documents.**—Either party may call upon the other party to admit any document, saving all just exceptions, and in case of refusal or neglects to admit, after such notice, the costs of providing any such document shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs; and no costs of proving any document shall be allowed unless such be allowed unless such notice except where the omission to give the notice, in the opinion of the court, a saving of expense.

2-A **Document to be deemed to be admitted or not denied after service of notice to admit documents.**—Every document which a party is called upon to admit, if not denied specifically or by necessary implication or stated to be not admitted in the pleading of that party or in his reply to the notice to admit documents, shall be deemed to be admitted except as against a person under a disability.

Provided that the court may, in its discretion and for reasons to be recorded, require any document so admitted to be provided, otherwise than by such admission.

(2) Where a party unreasonably neglected for refuse to admit a document after the service on him of the notice to admit documents, the Court may direct him to pay costs to the other party by way of compensation.

3. **From of Notice.**—A notice to admit documents shall be in form No. 9 in Appendix C with such variation as circumstances may require.

3-A **Power of Court to recorded admission.**—Notwithstanding that no notice to admit documents has been given rule 2, the court may, at any stage of the proceeding before it, of its own motion, call upon any party to admits any document and shall, in such a case, record whether the party admits or refuse or neglected to such document.

3 **Notice to admit facts.**—Any party, may by notice in writing, at any later than in days before the day fix for the hearing, call on any other party to admit, for the purposes of the suit only, any specific facts, mentioned in the notice. And in case of refusal or neglect to admit the same with in days after service such notice or with in such further time as may be allowed by the Court, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise direct.

Provided that any admission made in pursuance of such notice is to be deemed to be made only for the purpose of the particular suit, and not as an admission to be against the party on any other occasion or in favour of any person other than the party giving the notice.

Provided also that the Court may at any time allow any party to amend or withdraw any admission so made on such terms and maybe just.

5. **From of admissions.**—A notice to admit facts shall be in From No. 10 in Appendix C, and admissions of facts shall be in From No. 11 in Appendix C, with such variations so made circumstances may require.

6. **Judgement on admissions.**—(1) Where admissions of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the
application of any party or if its own motion and with out waiting for the determination of any other question between the parties, make such order or give such judgement as it may fit, having regard to such admissions.

(2) Whenever a judgement is pronounced under sub-rule (1) a decree shall be drawn up in accordance with the judgement and the decree shall bear the date on which the judgement was pronounced.

5 Affidavit of signature.—An addidavit of the pleader or his clerk, of the due signature of any admissions made in pursuance of any notice to admit documents of facts, shall be sufficient evidence of such admissions, if evidence thereof of required.

6 Notice to produce document.—Notice to produce documents shall be in From no. 12 in appendix C, with such variations as circumstances may require. An affidavit of the pleader, or his clerk, of the service of any notice to produce, and of the time when it was served, with a copy of the notice to produce, shall in all cases be sufficient evidence of the service of the notice, and of the time when it was served.

7 Costs.—If a notice admit or produce specifies documents which are not necessary, the costs occasioned there by shall be born by the party giving such notice.
APPENDIX

DISCOVERY, INSPECTION AND ADMISSION
NO. 1
ORDER FOR DELIVERY OF INTERROGATORIES (OR.11,R.1)

In the Court of Civil Suit No. of 20

A,B. Plaintiff

Against

C.D E.F. and G.H Defendants.

Upon hearing and upon reading the affidavit of filed the day day of 20; its is ordered

That the be at liberty to deliver to the interrogatories in writing, and that he said do Answer the interrogatories as prescribed by order XI, Rule 8, and that the costs of this application be

No. 2

INTERROGATORIS(OR.11,R.4)
( Title as in No.1 supra)

Interrogatories on behalf of the above –named [Plaintiff or defendant C.D] for the Examination of the above named [defendanted E.F. and G.P or plaintiff]

1. Did not, etc.
2. Has not, etc.
   etc; etc; etc;
   [The defendant E.F. is required to answer interrogatories numbered]
   [The defendant G.H. is required to answer the interrogatories numbered]

No. 3

ANSWER TO INTERROGATORIES(OR.11,R.9)
( Title as in no.1, supra)

The answer of the above-named defendant E.F. to the interrogatories for the his examination by the above- named plaintiff.

In answer to the said interrogatories, I the above –named E.F; make oath and say as follows:-

1. Enter answers to interrogatories in paragraphs named consecutively.

2. 

3. I object to answer the interrogatories numbered on the ground that [State grounds of objection]

No. 4

ORDER FOR AFFIDAVIT AS TO DOCUMENTS (OR.11,R.12)
(Title as in No .1, supra)

Upon hearing ; it is ordered that the do within………. days from the date of this order, answer on affidavit stating which documents are or have been in his possession or power relating to the matter in question in this suit, and that the costs of the application be.
No. 5

AFFIDAVIT AS TO DOCUMENTS (OR .11,R.13)
(Title as in No.1, supra)

I, the above –named defendant C.D, make oath and say following:-

1. I have in my possession or power the documents relating to the matters in question in this suit forth in the first and second parts of the first schedule here to.

2. I object to produce the said document set forth in the second part of the first schedule hereto[state grounds of objection.]

3. I have had put have not now, in my possession or power the documents relating to the matter in question in this suit set forth in the second schedule hereto.

4. The last-mentioned documents where last in my possession or power on [state when and what has become of them and in whose possession they now are.

5. According to the best of my knowledge, information and belief I have not now, and never had, in my possession, custody or power, or in the possession, custody, or power of my pleader or agent, or in the possession, custody or power of any other person in my behalf any account, book of accounts voucher, receipt, letter memorandum, paper or writing, or to the matter in question in this suit or any of them, or where in any entry has been made relative to such matters or any them, other than and except the documents set forth in the said first and second schedules hereto.

No. 6

ORDER TO PRODUCEMENTS FOR INSPECTION(OR.11,R.14)
(Title as in On.1, supra)

Upon hearing and upon reading the affidavit of field the day of 20 ; it is orders that the do, at all reasonable times, no reasonable notice, produce at , situate at the following documents namely , and that The be at liberty to inspect peruse the documents so produced, and to make notes of their contents. In the meantime, it is ordered that all further proceedings be stayed and that the costs of this application be

No. 7

NOTICE TO PRODUCE DOCUMENTS (OR .11, R. 16)
(Title as in no.1, supra)

Take notice that the [plaintiff or defendant] requires you to produce for the his inspection the following documents referred to in your [plain or written statement or affidavit, dated the day of 20]

[describes documents required]

To Z; Pleader for the X.Y. Pleader for the
No. 8
NOTICE TO INSPECT DOCUMENT (OR.11, R.17)
(Title as in No. supra)

Take notice that you can inspect the documents mentioned in your notice of the day of 20 (except the documents numbered in that notice) at [insert place of inspection] on Thursday next the instant, between the hours of 12 and 4 o’clock

Or that the [plaintiff or defendant] objects to giving you inspection of documents mentioned in your notice of the day of 20 , on the ground that [state the ground].

No. 9
NOTICE TO ADMIT DOCUMENT (OR.12, R.3)

Take notice that the plaintiff [or defendant] in this suit proposes to adduced in evidence the several documents hereunder specified, and that same may by the defendant [or plaintiff] his pleader or agent, at on between the hours of ; and the defendant [or plaintiff] is here by required, with in forty eight hours from he last – mentioned hour, to admit that such of the said document s as are specified to be originals were respectively written, signed or executed as they purport respectively to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent or deliver were so served sent or delivered, respectively, saving all just exceptions to the admissibility of all such document as evidence in this suit.

G. H ;Pleader[or agent] for plaintiff [or defendant].

To E.F; pleader[or agent] for defendant[or plaintiff].

are describe the documents and specify as to each document whether it is original or a copy]

No. 10
NOTICE TO ADMIT FACTS (OR 12, R 5)
(Title as in No. 1. supra)

Take notice that the plaintiff [or defendant] in suit requires the defendant [or plaintiff] to admit, for the purpose of this suit only, the several facts respectively Hereunder specified; and the defendant [or plaintiff] is here by required, with in six days from the service of the notice to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this suit.

G.H;Pleader [or agent] for plaintiff [r defendant] To E.F; pleader[or agent] for defendant[or plaintiff].

The facts, the admission of which is required, are-

1. That M.died on the Ist January, 1890
2. That he died intestate.
3. That n. was his only lawful son.
5. That O .was never married.
No. 11

ADMISSION OF FACTS PURSUANT TO NOTICE (OR.12. r.5)
(Title as in No.1 supra)

The defendant [or plaintiff] in this suit, for the purpose of this suit only, hereby admits the several facts respectively here under specified, subject to the qualifications or limitations, if any hereby under specified, saving all just exceptions to the admissibility of any such facts, or any of them, as evidence in this suit:

Provided that this admission is made forth purpose of this suit only and is not an admission to be used against the defendant [or plaintiff] on any other or any one other then the plaintiff[or defendant, or party requiring the admission].

E.F, pleader[or agent] for defendant
[ or plaintiff]

To G.R; pleader [or agent] for plaintiff [or defendant]

<table>
<thead>
<tr>
<th>Facts admitted</th>
<th>Qualification or limitations, if any subject to which they are admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. That he died intestate</td>
<td>2</td>
</tr>
<tr>
<td>3. That N. was his only lawful</td>
<td>3. But not that he was his only lawful son.</td>
</tr>
<tr>
<td>4. That O.died on the 1st April, 1896</td>
<td>4. but not that he died on the 1st April, 1886</td>
</tr>
<tr>
<td>5. That O. was never married</td>
<td>5</td>
</tr>
</tbody>
</table>

NO. 12

NOTICE TO PRODUCE (GENERAL FORM) OR 12, R.8)
(Title as No. 1 supra)

The notice that you are hereby required to produce and show to the court at the first hearing of this suit all books, papers, letter, copies of letters and other writings documents in your custody, possession or power, containing any entry. Memorandum or relating to the matters in question in this suit, and particularly.

G.H; pleader [or agent] for plaintiff[ or defendant].
To E.F; pleader [ or agent] for defendant [ or plaintiff]

9. costs.— if a notice to admit or produce specifies documents which are not necessary, the costs occasioned there fore shall be borne by the party giving such notice.
PRODUCTION IMPOUNDING AND RETURN OF DOCUMENTS

1. documentary evidence to be produced at or before the settlement of issue.—(1) The party or their pleaders shall produce, at or before the settlement of issue, all the documentary evidence of every description in their possession or power, on which they Court has ordered has to be produced.

The Court shall receive the documents so produced; Provided that they are accompanied by an accurate list there of prepared in such form as the High court directs.

2. Effect of non-production of document.—(1) No documentary evidence in the possession or power of any party which should have been but has not been, produced in accordance with the requirements of Rule 1 shall be received at any subsequent stage of the proceedings unless good cause is shown to the satisfaction of the Court for the non-production there of; and the court receiving any such evidence shall record the reasons for so doing.

   (2) Nothing in sub-Rule (1) shall apply to document,-

      (a) Produced for the cross-examination of the witnesses of the other party, or
      (b) handed over to a witness merely to refresh his memory.

3. Rejection of irrelevant or inadmissible documents.—(1) The court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection.

4. Endorsements on documents admitted in evidence.—(1) subject to the provisions of the next following sub-rule, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely:-

   (a) the number and title of the suit,
   (b) the name of the person producing the document,
   (c) the date on which it was produced, and
   (d) a statement of its having been so admitted.

   And the endorsement shall be signed or initialed by the judge.

   (2) where a documents admitted is an entry in a book, account or recorded and a copy there of has been submitted for the original under the next following rule, the particulars aforesaid shall be endorsed on the copy and the endorsement there on shall be signed or initialed by the judge.

5. Endorsement on copies of admitted in books, accounts and records.—(1) Save in so far as is otherwise provided by the banker’s Books. Evidence Act,(18 of 1891), where a document admitted in evidence in the suit an entry in a letter – book or a shop-book or other account in current use the party on whose behalf, the book or account is produced may furnish a copy of the entry.

   (2) Where such a document is entry is a public record produced from office or by a public officer, or an entry in a book or account belonging to a person other then a party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished:-

      (a) Where the record, book or account is produced on behalf of a party, then by that party, or
      (b) Where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

      (3) Where a copy of an entry is furnished under the foregoing provisions of this rule, the Court shall, after causing the copy to be examined, compared and certified in manner mentioned in Rule 17 of order VII, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.
6. **Endorsements on documents rejected as inadmissible in evidence.**—Where a document relied on as evidence by either party is considered by the court to be inadmissible in evidence, there shall be endorsed here on the particular mentioned in clauses (a), (b) and (c) of rule 4, sub-rule (1), together with a statement of its having been rejected, and the endorsement shall be signed or initialed by the judge.

7. **Recording of admitted and return or rejected document.**—(1) Every document which has been evidence, or a copy thereof where a copy has been substituted for the original under Rule 5, shall from part of the record of the suit.

   (2) Document not admitted in evidence, shall not from part of the record and shall be returned to the persons respectively producing them.

8. **Court may order any document to be impounded.**—Notwithstanding anything contained in Rule 5 or Rule 7 of this order or in Rule 17 of Order VII, the Court may, if it sees sufficient cause, direct in any document or book produced before it in any suit to be impounded and kept in the custody of an officer of the court for such period and subject to such conditions as the Court thinks fit.

9. **Return of admitted document.**—(1) Any person, whether a party to the suit or not, desirous of receiving back any document is impounded under Rule 8, be entitled to receive back the same.

   (a) Where the suit is one in which an appeal is not allowed, when the suit has been disposed of, and

   (b) Where the suit is one in which an appeal is allowed when the court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred, when the appeal has been disposed of:

   Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying thereof-

   (a) Delivers to the proper officer for being, substituted for the original.

   (i) in the case of a party to the suit, a certified copy, and

   (ii) in the case of any other person, an ordinary copy which has been examined, compared and certified in the manner mentioned in sub-rule (2) of Rule 17 of Order VII, and

   (b) undertakes to produce the original, if required to do so:

   Provided also, that no document shall be returned which, by force of the decree, has become wholly void or useless.

10. **Court may send for papers its records or from other courts.**—(1) The Court may of its own motion, and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or for any other court, the record of any other suit or proceeding, and inspect the same.

    (2) Every application made under this rule shall (unless the Court otherwise directs) be supported by an affidavit showing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

    Nothing contained in this rule shall be deemed to enable the Court to use in evidence any documents which under the law of evidence would be inadmissible in suit.

11. **Provisions as to documents applied to material objects.**—The provisions here in contained as to documents shall, so far as may be, apply to all other material objects producible as evidence.
ORDER XVI
SUMMONING AND ATTENDANCE OF WITNESSES

1. **List of witnesses and summons to witnesses.**—(1) On or before such date as the Court may appoint, not later than fifteen days after the date on which the issue are settled, the parties shall present in Court a list of witnesses whom they propose to call either to give evidence or to reduce documents and obtain summons to such persons for their attendance in Court.

2. A party may, for reasons to be recorded for the attendance of any person shall file in Court an application stating there in the purs for which the witness is proposed to be summoned.

3. The Court may, for reasons to be recorded, permit a party to call, whether by summoning through Court or otherwise, any witness, other than those whose names appear in the list referred to in sub-rule (1), if such party shows sufficient cause for the omission to mention the name of such witness in the said list.

4. Subject to the provisions of sub-rule(2), summons referred to in this rule may be obtained by the parties on an application to the court or to such officer as may be appointed by the Court in this behalf.

1-A. **Production of witness without summons.**—Subject to the provisions of sub-rule (3) of rule 1, any party to the suit may, without applying for summons under Rule 1, bring any witness to give evidence or to produce documents.

2. **Expenses of witness to be paid into Court on applying for summons.**—(1) They party applying for a summons shall, before the summons is granted and with in a period to be fixed, pay into Court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the court in which he is required to attend, and for one day's attendance.

   (2) **Experts.**—In determining the amount payable under this rule, the court may, in the case of any person summons to give evidence as an expert allow reasonable remuneration for the time occupied both in giving evidence and in performing any work of an expert character necessary for the case.

   (3) **Sale of expenses.**—Where court is subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to any rules made in that behalf.

   (4) **Expenses to be directly paid to witnesses.**—Where the summons is served directly by the party on a witness, the expenses referred to in sub-rule (1) shall be paid to the witness by the party or his agent.

3. **Tender of expenses to witness.**—the sum so paid in to Court shall be rendered to the person summoned, at the time saving the summons, it can be served personally.

4. **Procedure where insufficient sum paid in.**—(1) where it appears to the court or to such officer as it appoints in this behalf that the sum paid in to court is not sufficient to cover such expenses or reasonable remuneration, the court may direct such further sum to be paid to the person summoned as appears to be necessary on that account, and, in case of default of default in payment, may order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons; or the court may discharge the person summoned without requiring him to give evidence, or may both order such levy and discharge such person as aforesaid.

   (2) **expenses of witnesses detained more than one day.**—Where it is necessary to detain the person summoned for the longer period than one day, the Court may, from time, order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order such sum to be levied by attachment and sale of the moveable property of such party; or the court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.
5. Time, place and purpose of attendance to be specified in summons.—Every summons for the attendance of a person to give evidence to produce shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to purpose a document, or for both purpose; and any particular document, which the person summed is called on to produce, shall be described in the cause such document to be produced, shall be described in the summons with reasonable accuracy.

6. Summons to produce document.—Any person may be summoned to produce a document, without being summoned summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have compiled with the summonses if he cause such document to be produced instead of attending personally to produce the same.

7. Power to require persons present in.—Court to give evidence or produce document then and there in his possession or power.

7-A. Summons given to party for service.—(1) The Court may, on the application of any party for the issue of a summons for the attendance of any person, permit such to effect service of such summons on such and shall, in such, deliver the summons to such party for service.

(2) The service of such summons shall be effected by or on behalf of such party by delivering or tendering to the witness personally there of signed by the judge or such officer of the Court as the may appoint in this behalf and sealed with the seal of the court.

(3) The provisions of Rules 16 and 18 of order V shall apply to a summons personally served under this rule as if person effecting service were a serving officer.

(4) If such summons, when tendered, is refused or if the served refuses to sign an acknowledgement of service or for any reason such summons to be served by the Court in the same manner as a summons to a defendant.

(5) Where a summons is served by a party under this rule, the party shall not be required to pay fees otherwise chargeable for the service of summons.

8. Summons how served.—Every summons under this order, not being a summons delivered to a party for service under Rule 7-A, be served as nearly as may be in the same manner as summons to a defendant, and the rules in Order V as to proof of service shall apply in the case of all summons served under this rule.

9. Time for serving summons.—Service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at his attendance is required.

10. Procedure where witness fails to comply with summons.—(1) Where a person to whom a summons has been issued either to give evidence or to produce a document, fails to attend or to produce the document in compliance with such summons, the Court.

(a) shall, if the certificate of the serving officer has been not been verified, by affidavit, or if service of the summons has been effected by a party or his agent, or

(b) May, if the certificate of the serving officer has been so verified , examine on oath the serving officer or the party or his agent, as the case may be, who has effected service, or cause him to be so examined by any Court, touching the service or non-service, or cause him to be so examined by any court, touching the service or non-service of the summons.

where the Court sees reason to believed that such or production is material, and that such person has, without lawful excuse, failed to attend on to produce the document in compliance with such summons or his intentionally avoided service, it may issue a proclamation requiring him to attend to give evidence or to produce the document at a time and place to be named therein; and copy of such proclamation shall be fixed on the door other conspicuous part of the house in which he ordinarily resides.
(3) In lieu of or at the time of issuing such proclamation or at any time after wards, the court may, in its discretion, issue a warrant, either with or without bail, for the arrest of such person, and may make an order for the attachment of his property to such amount as it thinks fit, not exceeding the amount of the costs of attachment and of any fine which may be imposed under rule 12:

Provided that on court of small causes shall make an order for the attachment of immovable property.

11. If witness appears attachment may be withdraw.—where, at any time after the attachment of his property, such person appears and satisfies the Court,-

(a) that he did not, with out lawful excuses, fail to comply with the summons or intentionally avoid service, and

(b) Where he has failed to attend at the time and place named in a proclamation issued under the last preceding rule, that he had no notice of such proclamations in time to attend.

The court shall direct that the property be released from attachment and shall make such order as to the costs of the attachment as it thinks fit.

12. Procedure if witness fails to appear.—(1) The court may, where such person does not appear, or appears but fails so to satisfy the Court, impose upon him such fine exceeding five hundred rupee as it thinks fit, having regard to his condition in life and the circumstance of the case, and may order his property, or any part there of, to be attached and sold or, if already attached under Rule 10, to be sold for the purpose of satisfying all costs of such attachment, together with the amount of the said fine, if any:

Provided that, if the person whose attendance is required pays in court the costs fine aforesaid, the court shall order the property to be released attachment.

(2) Notwithstanding that the Court has not issued a proclamation under sub-rule (2) of rule 10, nor issued a warrant nor ordered attachment under sub-rule (3) of that rule, the Court may impose fine under sub-rule (1) of this rule after giving notice to such person to show cause why the fine should not be imposed.

13. Mode of attachment.—The provisions with regard to the attachment and sale of property in the execution of a decree shall, so far as they are applicable, be deemed to apply attachment and sale under this order as if the person whose property is so attached were a judgement debtor.

14. Court may to its own accord summon as witnesses strangers too suit.—subject to the provisions of this code as to attendance and to any law for the time being in force, where the court at any time thinks it necessary to examine any person, including a party to the suit and not called as a witness by a party to the suit, the court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, on a day to be appointed, and may examine him as a witnesses or require him to produce such document.

15. Duty of persons summoned to give evidence or produce document.—Subject a last aforesaid, whoever is summoned to appear and give evidence in a suit attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document shall either attend to produce it, or cause it to be produced, at such time and place.

16. When they may depart.—(1) A person so summoned and attending shall, unless the court otherwise directs, attend at each hearing until the suit has been disposed of.

(2) On the application of either party and the payment through the court of all necessary expenses (if any), the Court may require any person so summoned and attending to furnish security to attend at the next or any other hearing or until the suit is disposed of and, in default of his furnishing such security, may order him to be detained in the civil prison.
17. **Application of rules 10 to 13.**—The provisions of Rules 10 to 13 shall, so far as they are applicable, be deemed to apply to any person who having attended in compliance with a summons departs, without lawful excuse, in contravention of Rule 16.

18. **Procedure where witness apprehended cannot give evidence or produce document.**— Where any person arrested under a warrant is brought before the court in custody and cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and, on such bail or security being given may release him, and, in default of his giving such bail or security, may order him to be detained in the civil prison.

19. **No witness to be ordered to attend in person unless resident with in certain limits.**—No one shall be ordered to attend in person to give evidence unless he resides—

(a) with in local limits of the Court’s ordinary original jurisdiction, or

(b) with out such limits but at a place than one hundred or (where there is railway or steamer communication or other established public conveyance for five-sixths of the distance between the place where he reside and the place where the Court is situate) less than five hundred kilometers distance from the court house:

Provided that where transport by air is available between the two place mentioned in this rule and the witness is paid the fare by air, he may be ordered to attend in person.

20. **Consequence of refusal of party to give evidence when called on by Court.**—Where any party to a suit present in Court refuses, without lawful excuse, when required by the Court may pronounce judgement against him fit or make such order in relation to the suit as it thinks fit.

21. **Rules as to witnesses to apply to parties summoned.**—Where any party to a suit is required to give evidence or to produce a document, the provisions as to witnesses shall apply to him so far as they are applicable.

**ORDER XVI-A**

1. **Definitions.**—In this order,

(a) “detained” includes detained under any law providing for preventive detention;

(b) “prison” include-

(a) Any place which has been declared by the State Government, by general or special order, to be a subsidiary jail; and

(ii) any reformatory, borstal institution or other institution of a like nature.

2. **Power to require attendance of prisoners to give evidence.**—Where it appear to a court that the evidence of a person confined or detained in person with in the State is material in a suit, the court may make an order requiring the officer in charge of the prison to produce that person before the court to give evidence:

Provided that, if distance from the prison to the Court house is more than twenty-five Kilometers, no such order shall be made unless the court is satisfied that the examination on commission will not be adequate.

3. **Expenses to be paid in to Court.**—(1) before making any order under Rule 2, the Court shall require the party at whose instance or for whose benefit the order is to be issued to pay into court such sum
of money as appears to the Court to be sufficient to defray the expenses of the execution of the order including the travelling and other expenses of the escort provided for the witness.

(2) where the Court is subordinate to a high Court, regard shall be had, in fixing the scale of such expenses, to any rules made the high Court in that behalf.

4. **Power of State Government to exclude certain the operation of Rule 2.**—(1) The State Government may, at any time, having regard to be matters specified in sub-rule (2) by general or special order, direct that any person or shall not be removed from the prison in which he or they may be confined or detained, and thereupon, so long as the order remains in force, on order made under Rule 2, whether before or after the date of the order made by the State Government, shall have effect in respect of such person or class of persons.

(2) before making order under sub-rule (1), the State Government shall regard to the following matters, namely:-

(a) The nature of the offence for which, or the grounds on which, the person or class of persons have been ordered to be confined or detained in prison; the likelihood of the distance of public order if the person or class of persons is allowed to be removed from the prison; and the public interest, generally.

5. **Officer in charge of prison to abstain from carrying out order in certain case.**—Where the person in respect of whom an order is made under Rule 2,-

(a) is certified by the medical officer attached to the prison as unfit to be removed from the prison by reason of sickness or infirmity; or is under committal for trial or under remand pending trial or pending a preliminary investigation; or is in custody for a period which would expire before the expiration of the time required for complying with the order and for taking back to the prison in which he is confined or detained; or

(b) is a person to whom an order made by the State Government under 4 applies, the officer in charge of the prison shall abstain from carrying out the Court’s order and shall send to the Court a statement of reasons for so abstaining.

6. **Prisoner to be brought to Court in custody.**—In any other case, the officer in charge of the prison shall, upon delivery of the court’s order, cause the person named there into be taken to the Court so as to be present at the time mentioned in such order, and shall cause him to be kept in custody in or near the Court until he has been examined or until the Court authorizes him to be taken back to the prison in which he is confined or detained.

**ORDER XVII**

**ADJOURNMENTS**

1. **Court may grant time and adjourn hearing.**—(1) the Court may, if sufficient cause is shown, at any stage of the suit grant time to the parties or to any of them, and may form time to time adjourn the hearing of the suit.

(2) **Cost of adjournment.**—In every such case the Court shall the fix a day for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

(a) When the hearing of the suit has commenced, it shall be contained from day-to-day until all the witnesses in attendance have been examined, unless the Court finds that, for the exceptional reason to be recorded by it, the adjournment of the hearing beyond the following day is necessary,

(b) No adjournment shall be granted at the request of a party, except where the circumstance are beyond the control of that party,
The fact that pleader of a party is engaged in another court, shall not be a ground for adjournment,

Where the illness of a pleader or his inability to conduct the case for any reason, other than his being engaged in another Court, is put forward as a ground for adjournment could not have engaged another pleader in time,

Where a witness is present in Court but a party or his pleader is not present or the party or his pleader, through present in Court, is not ready to examine or cross-examine as thinks fit dispensing with the examination – in chief or cross-examination of the witness, as the case may be, by the party or his pleader not present or not ready as aforesaid.

2. Procedure if parties fail to appear on day fixed.—Where, on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the court may proceed to dispose of the suit in one of the mode directed in that behalf by order, IX* or make such other as it thinks fit.

Explanation.—Where the evidence or a substantial portion of any party has already been recorded and such party fails to appear on any day to which the hearing of the suit is adjourned, the Court may, in its discretion, proceed with the case as if party were present.

3. Court may proceed notwithstanding either party fails to produce evidence, etc.—Where any party to a suit whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, he Court may, notwithstanding such default,-

(a) if the parties are present, proceed to decide the suit forthwith; or

(b) if the parties are, or any of them is, absent, proceed under Rule 2.

ORDER XVIII

HEARING OF THE SUIT AND EXAMINATION OF WITNESSES

1. Right to begin.—The plain tiff has the right to begin unless the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant the plaintiff’s not entitled to any part of the relief he which he seeks, in which case the defendant has the right to begin.

2. Statement and production of evidence.—(1) On the day fixed for the hearing of the suit or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issue which he is bound to prove.

(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(3) The party beginning may then replay generally on the whole case.

(4) Notwithstanding anything contained in this rule, the Court may, for reasons to be recorded, direct or permit any to examine any witness at any stage.

3. Evidence where several issues.—Where there are several issues, the burden of providing some of which lies on the other party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer the evidence produced by the other party; and, in the latter case, the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.
3-A. Party to appear before other witnesses.—Where a party himself witness to appear as a witness, he shall so appear before any other witness on his behalf has been examined, unless the Court, for reasons to be recorded, permits him to appear as his own witness at a later stage.

4. Witnesses to be examined of the open Court.—The evidence of the witnesses in attendance shall be take normally in open Court in the presence and presence and under the personal direction and superintendence of the judge.

5. How evidence shall be taken appealable cases.—In case in which an appeal is allowed, the evidence of each witness shall be—

(a) taken down in the language of the Court,—

(i) in writing by, or in the presence and under the personal direction and superintendence of the judge, or

(ii) from the diction of the judge directly on a type writer; or

(b) if the judge, for reasons to be recorded mechanically in the language of the court in the presence of the judge.

6. When deposition to be interpreted.—Where the evidence is taken down in language different from that in which it is given, and the witness does not understand the language in which it is taken down the evidence taken down in writing shall be interpreted to him in the language in which it is given.

7. Evidence under Section 138.—Evidence taken down under Section 138 shall be in the form prescribed by Rule 5 and shall be read over and signed and, As occasion may require, interpreted and corrected as if it were evidence down under that rule.

8. Memorandum when evidence not taken down judge.—Where the evidence is not taken down in writing by the judge, or from his dictation in the open court, or recorded mechanically in his presence, he shall be bound, as the examination of each witness and signed by the judge and shall form part of the record.

9. When evidence may be taken in English.—(1) Where English is not the language of the Court but all the parties to the suit who appear in person, and the pleaders of such of the parties as appear by the pleaders, do not object to having such evidence as is given in English, being taken down in English the judge may so take it down or cause it to be taken down.

(2) Where evidence is not given in English but all the parties who appear in person, and the pleaders of such of the parties as appear by pleader, do not object to having such evidence being taken down in English, the judge may take down, or cause to be taken down, such evidence in English.

10. Any particular question answer may be taken down.—The Court may, of its own motion or on the application of any party or his pleader, take down any particular question and answer, or any objection to any question, if there appears to be any special reason for so doing.

11. Questions objection to and allowed by court.—Where any question put to a witness is objected to by a party or his pleader, and the court allows the same to be put the judge shall take down the question, the answer, the objection and the name of the person making it together with the decision of the Court there on.

12. Remarks on demeanour of witnesses.—The Court may such remarks as it thinks material respecting the demeanour of any witness while under examination.

13. Memorandum of evidence in unappealable cases.—In cases in which an appeal is not allowed, it shall not be necessary to take down or dictate or record the evidence of the witnesses at length; but the judge, as the examination of such each witness proceeds, shall make in writing, or dictate directly on the typewriting, or cause to be mechanically recorded a memorandum of the substance of what the witness deposes, and such memorandum shall be signed by the judge or otherwise authenticated, and shall form part of the record.
14. **Power to deal with evidence taken before another judge.**—(1) Where a judge is prevented by death, transfer or other cause from concluding the trial of a suit, his successor may deal with any evidence or memorandum taken down or made under the foregoing rules as if such evidence or memorandum had been taken down or under his direction under the said rules and may proceed with the suit from the stage at which his predecessor left it.

(2) The provisions of sub-rule (1) shall, so far as they are applicable, be deemed to apply to evidence taken in a suit transferred under Section 24.

16. **Power to examine witness immediately.**—(1) Where a witness is about to leave the jurisdiction of the Court, or other sufficient cause is shown, to the satisfaction of the Court why his evidences should be taken immediately, the Court may, upon the application of any party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinafter provided.

(2) Where such evidence is not taken forthwith and in the presence of the parties, such notice as the Court thinks sufficient, of the day fixed for the examination, shall be given to the parties.

(3) The evidence so taken shall be read over to the witness, and if he admits it to be correct shall be signed by him, and the judge shall, if necessary, correct the same, and shall sign, it, and it may then be read at any hearing of the suit.

17. **Court may recall and examine witness.**—The Court may at any stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

17-A. **Production of evidence not previously known or which could not be produced despite due diligence.**—Where a party satisfies the court that, after the exercise of due diligence, any evidence was not within his knowledge or could not be produced by him at the time when that party was leading his evidence, the court may permit that party to produce that evidence at a stage on such term as may appear to it to be just.

18. **Power of Court to inspect.**—The Court may at any stage of a suit inspect any property or thing concerning which any question may arise and where the court inspects any property or thing it shall, as soon as may be practicable, make a memorandum of any relevant facts observed at such inspection and such memorandum shall form a part of the record of the suit.

**ORDER XIX**

**AFFIDAVITS**

1. **Power to order any point to be proved by affidavit.**—Any Court may at time for sufficient reason order that any particular facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the court thinks reasonable.

Provided that where it appears to the Court that either party bonafide desires the production of a witness of cross examinations, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

2. **Power to order attendance of deponent for cross-examination.**—(1) Upon any application evidence may be given by affidavit, but the Court may, at the instance of either party, order the attendance for cross-examination of the deponent.

(2) Such attendance shall be in Court, unless the deponent is excepted from personal appearance in Court, or the court otherwise directs.

3. **Matters to which affidavits shall be confined.**—(1) Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statement of his belief may be admitted; provided that the grounds thereof are stated.

(2) The costs of every affidavit which shall unnecessarily set forth of hearsay or argumentative matter, or copies or extracts from documents, shall (unless the Court otherwise directs) be paid by the party the same.
345. Procedure in certain cases of contempt.—(1) When any such offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (45 of 1860) is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender to be detained in custody and may at any time before the rising of the Court on the same day, take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to fine not exceeding two hundred rupees, and, in default of payment of fine, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

(2) In every such case the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

(3) If the offence is under section 228 of the Indian Penal Code (45 of 1860), the record shall shown the nature and stage of the judicial proceeding in which the court interrupted or insulted was sitting, and the nature of the interruption or insult.

346. Procedure where Court considers that case should be dealt with under section 345.—(1) If the Court in any case considers that a person accused of the offences referred to in section 345 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 345, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore, provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such person before such Magistrate, or if sufficient security is not given shall forward such person in custody to such Magistrate.

(2) The Magistrate to whom any case is forwarded under this section shall proceed to deal with, as far as may be, as if it were instituted on a police report.

INDIAN PENAL CODE, 1860

Chapter IX-A

OF OFFENCES RELATING TO ELECTION

171-A “Candidate”, “Electoral right”, defined.— for the purpose of this Chapter-

(a) “Candidate” mean a person who has been nominated as a candidate at any election.

(b) “electoral right” means the right of a person to stand as or to withdraw from being a candidate or to vote or refrain from voting at an election.

171-B Bribery.— (1) Whoever-

(i) gives a gratification to any person with the object to including him or any other persons to exercise an electoral right or of rewarding any person for having exercised any such right or.

(ii) Accepts either for himself or for any other person gratification as reward for exercising any such right or to for including or attempting to induce any other person to exercise an such right, commits the offence of bribery;

Provided that a declaration of policy or a public action shall not be an offence under this section.

(2) A person who offers, or agrees, to give or offers or attempts to procure, a gratification shall be deemed to give a gratification.
(3) A person who obtains or agrees to accept or attempts to obtain gratification shall be deemed to accept a gratification, and a person who accept a gratifications as a motive for doing, what he does not intent to do or as a reward for doing, what he has not done, shall be deemed to have accepted the gratification as a reward

171-C. Undue influence at elections.—(1) Whoever, voluntarily interferers or attempts to interfere with the free exercise of any electoral tights commits the offence of undue influence at an election.

(2) without prejudice to the generality of the provision of sub-section(1),whoever-

(a) threatens any candidate , or voter , or any person in whom a candidate or voter is interested, with injury of any kind or.

(b) induces or attempted to induce a candidate to voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deem to interfere with the free exercise of the electoral right of such candidate or voter, with the meaning of such-section (1).

(3) A declaration of public policy of a promise of public action. Or the mere exercise of legal right without intent to interfere with an electoral right, shall not be interference with in the meaning of this section.

171-D Personation at election.—Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or deed, or in a fictitious name, or name or who ever abets, procures or attempts to procure the voting by any person in any such way. Commits the offence of personation at an election.

171–E Punishment for bribery.—Whoever commit the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both :

Provided that bribery by treating shall be published with fine only.

Explanation.— “Treating “ means that from of bribery were the gratification consists in food , drink, entertainments, or provision.

171-F. Punishment for undue influence or personation at an election.—Whoever commits the offence of undue influence of personation at an election shall punished with imprisonment of either description for a term which may extend to one with fine or with both.

171-G. False statement in connection with an election.—Whoever with intent affect the result of an election makes or published any statement purporting of fact which is false and which he either knows or believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate shall be published with fine.

171-H. Illegal payment in connection with an election.—whoever without the general or special authority in writing of a candidate incurs or authorizes or expenses on account of the holding of any public meeting or upon any advertisement, circular or publication, or in any other way whatever for the purpose of promoting or procuring the election of such candidate, shall be punishment with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains with in ten days from the date on which such expenses with the authority of the candidate.

171-I. Failure to keep election accounts.—Whoever being required by any law for the time being in force or any rule having the force of law to keep such accounts of expense incurred at or in connection with in election fails to keep such accounts shall be punished with fine which may extend to five hundred rupees.
PART-V

Various Notifications / communications issued by the State Election Commission time to time
NOTIFICATION

In exercise of the powers vested in it under Article 243-K of the Constitution of India, Section 160 (1) of the Himachal Pradesh Panchayati Raj Act, 1994 read with Rule 34 of Himachal Pradesh Panchayati Raj (Election) Rules, 1994, State Election Commission hereby notifies Election Symbols for allotment to the candidates for election to Panchayats defined under Section 2(26) of Act ibid;

Further if number of candidates exceeds than the number of symbols specified for a particular Panchayat, the symbol shall be allotted from the common symbols notified at Serial No. 4:-

Sr.No. 1.

**GRAM PANCHAYAT**

(a) **Symbols to be used for the Election of Members**

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Symbols</th>
<th>Sr.No.</th>
<th>Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Rising Sun</td>
<td>11.</td>
<td>Kite</td>
</tr>
<tr>
<td>2.</td>
<td>Hockey &amp; Ball</td>
<td>12.</td>
<td>Spade</td>
</tr>
<tr>
<td>3.</td>
<td>Radio</td>
<td>13.</td>
<td>Candle</td>
</tr>
<tr>
<td>5.</td>
<td>Ladder</td>
<td>15.</td>
<td>Glass Jar</td>
</tr>
<tr>
<td>7.</td>
<td>Ceiling Fan</td>
<td>17.</td>
<td>Globe</td>
</tr>
<tr>
<td>8.</td>
<td>Chair</td>
<td>18.</td>
<td>Spoon</td>
</tr>
<tr>
<td>10.</td>
<td>Drum</td>
<td>20.</td>
<td>Balloon</td>
</tr>
</tbody>
</table>

(b) **Symbols to be used for the Election of Up-Pradhan**

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Symbols</th>
<th>Sr.No.</th>
<th>Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Letter Box</td>
<td>11.</td>
<td>Cultivator Cutting Crop</td>
</tr>
<tr>
<td>2.</td>
<td>Table</td>
<td>12.</td>
<td>Violin</td>
</tr>
<tr>
<td>5.</td>
<td>Moon</td>
<td>15.</td>
<td>Black Board</td>
</tr>
<tr>
<td>7.</td>
<td>Tractor</td>
<td>17.</td>
<td>Tabla (Two)</td>
</tr>
<tr>
<td>8.</td>
<td>Basket Containing vegetable</td>
<td>18.</td>
<td>Dancing Girl</td>
</tr>
<tr>
<td>10.</td>
<td>Bench</td>
<td>20.</td>
<td>Wheel barrow</td>
</tr>
</tbody>
</table>

(c) **Symbols to be used for the Election of Pradhan**

<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Symbols</th>
<th>Sr.No</th>
<th>Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Lock &amp; key</td>
<td>11.</td>
<td>Ring</td>
</tr>
<tr>
<td>2.</td>
<td>Table Fan</td>
<td>12.</td>
<td>Pencil</td>
</tr>
<tr>
<td>3.</td>
<td>Hand Pump</td>
<td>13.</td>
<td>Sword</td>
</tr>
<tr>
<td>5.</td>
<td>Umbrella</td>
<td>15.</td>
<td>Scissor</td>
</tr>
</tbody>
</table>
Sr.No. 2. **Symbols to be used for the Election of Member Panchayat Samiti**

<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Symbols</th>
<th>Sr.No</th>
<th>Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Wrist Watch</td>
<td>11.</td>
<td>Diesel Pump</td>
</tr>
<tr>
<td>2.</td>
<td>Table Lamp</td>
<td>12.</td>
<td>Carrot</td>
</tr>
<tr>
<td>5.</td>
<td>Basket</td>
<td>15.</td>
<td>Brick</td>
</tr>
<tr>
<td>7.</td>
<td>Truck</td>
<td>17.</td>
<td>Road Roller</td>
</tr>
<tr>
<td>8.</td>
<td>Ship</td>
<td>18.</td>
<td>Fort</td>
</tr>
<tr>
<td>9.</td>
<td>Coconut</td>
<td>19.</td>
<td>Flower</td>
</tr>
</tbody>
</table>

Sr.No. 3. **Symbols to be used for the Election of Member, Zila Parishad**

<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Symbols</th>
<th>Sr.No</th>
<th>Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Television</td>
<td>11.</td>
<td>Two Leaves</td>
</tr>
<tr>
<td>2.</td>
<td>Gas Cylinder</td>
<td>12.</td>
<td>Door</td>
</tr>
<tr>
<td>5.</td>
<td>Hat</td>
<td>15.</td>
<td>Cultivator Winnowing Grain</td>
</tr>
<tr>
<td>7.</td>
<td>Bus</td>
<td>17.</td>
<td>Maize</td>
</tr>
</tbody>
</table>

Sr.No. 4. **Common Symbols to be used for the Election of Gram Panchayats / Panchayat Samiti / Zila Parishad if number of candidates exceeds than the number of symbols Specified vide Table No. 1,2 and 3.**

<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Symbols</th>
<th>Sr.No</th>
<th>Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Cot</td>
<td>9.</td>
<td>Wool</td>
</tr>
<tr>
<td>2.</td>
<td>Fountain Pen</td>
<td>10.</td>
<td>Slate</td>
</tr>
<tr>
<td>3.</td>
<td>Dumroo</td>
<td>11.</td>
<td>Doli</td>
</tr>
<tr>
<td>4.</td>
<td>Walking stick</td>
<td>12.</td>
<td>Brief Case</td>
</tr>
<tr>
<td>5.</td>
<td>Flower Basket</td>
<td>13.</td>
<td>Lady Purse</td>
</tr>
<tr>
<td>7.</td>
<td>Two Swords and Shield</td>
<td>15.</td>
<td>Brush</td>
</tr>
<tr>
<td>8.</td>
<td>Window</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


By order,

*State Election Commissioner*

*Himachal Pradesh.*
MEMORANDUM

No. SEC-5-17/94/II-1329 to 94 Shimal-2, dated the 17th July, 2001

Subject: disqualification due to non-lodging of account by candidates.

The matter regarding disqualification due to non-lodging of account by candidates who have contested the election municipal bodies has been under consideration of the State Election Commission. Now after careful consideration the Commission has decided as under:-

1. That if elected members have not lodge their respective accounts of election expenses incurred they shall be disqualified under section 16 (dd) of the H.P.Municipal Act, 1994. The procedure mentioned under section 18 shall be adopted for their disqualification.

2. That in case of non-lodging of accounts by candidate unsuccessful at the poll provision of section 16 (2) (ii) of the H.P.Muncipal Act, 1994 will be applicable and the Director Urban Development Deptt. will decided the matter regarding their disqualification.

3. That the procedure for disqualification of defeated candidates shall be adopted as per the Rules framed and notified by the State Election Commission vide Notification No. SEC-5-17/94-II dated 17th July, 2001.

By order,

(K.C. Sharma)
State Election Commissioner,
Himachal Pradesh.
STATE ELECTION COMMISSION
HIMACHAL PRADESH

Shimla-171002, dated 17th July, 2001

NOTIFICATION

NO.SEC.-5-17/94-II-1262 TO 1328.—In exercise of the powers vested in it under Article 243 k and 243 ZA of the Constitution of India and section 281 of the H.P. Municipal Act, 1994 and all other powers enabling it in this behalf, the State Election Commission of Himachal hereby makes the following Rule:-

1. **Short-Title, Extent, application and commencement.**—(1) These Rules may be called then H.P. Municipal (Disqualification of office bearers, etc.) Rules, 2001.
   
   (2) These Rules shall extend to whole of Himachal Pradesh and apply to elections held to all municipalities in the State.
   
   (3) These Rules shall come into force on the date of their publication in the Official gazette, namely the Himachal Pradesh Rajpatra.

2. **Definition.**—(1) The “Competent authority” shall mean the Director, Urban Local Bodies Department of the Government of Himachal Pradesh and shall be denoted here by the word “Director”
   
   (2) The words and expressions used but not defined herein shall bear the same meanings as are assigned to them in the H.P. Municipal Act, 1994.

3. **Report to the Director.**—(1) On receipt of the statement of accounts from the contesting candidate, the sub Divisional officer (Civil) concerned shall, within thirty days from the last date of submission of accounts, submit a complete report to the director specifically pinpointing the names and address of those candidates, who have failed to lodge the account of election expenses incurred.

4. **Procedure for disqualification on incurring expenditure beyond limit and for failure to lodged an account of expenses.**—(1) If the competent authority is of opinion that a person:
   
   (a) has incurred expenditure in excess of the limits prescribed under section 17-A, or
   
   (b) has failed to lodge the account of election expenses within the time and in the manner required under section 17-B of the Act.

   It will complete the necessary inquiry after giving to the defaulter a reasonable opportunity of being heard within a period of 60 days from the service of notice by his own such defaulter.

   (2) That the competent authority shall pass an order based on such inquiry and the order will be published in the Rajpatra and copies of the same shall be sent to the State Election Commission, Deputy commissioner, sub-divisional Officer (Civil) and executive officer/Secretary of the Municipal Committee concerned.

   (3) That a register or disqualified persons will be maintained by all the Deputy Commissioners/S.D.O. (c) /Tehsildars/ Executive Officer/Secretary of the Municipal Committee concerned and the names of the persons whose disqualification has ceased account of lapse of the prescribed time or otherwise will be deleted from the register.

   (4) That a list of such disqualified persons will be provided to the concerned AROs before the date of nomination papers. This list shall be publically displayed for the purpose of information of the public at the time of and election to be held in the future.

5. **Period for Disqualification.**—Period for disqualification shall be five years from the date of such order, unless different period has been specified in a particular of category of cases in the Act above mentioned.

By order,

(K.C. Sharma)

State Election Commissioner,
Himachal Pradesh.
राज्य निर्वाचन आयोग
हिमाचल प्रदेश

संख्या राजनिवाला-16-3/97-1.

 shimla-2, 26 अगस्त, 2015।

अधिसूचना

यदि: सर्वोच्च न्यायलय ने मतदाता द्वारा प्रत्याशी की पृष्ठभूमि तथा कुछ अन्य सूचना को जानने के
अधिकार को एक मौलिक अधिकार माना है

यदि: यह धारणा है कि ग्राम पंचायत पंचायत समिति जिला परिषद तथा नगरपालिका के निर्वाचन के
प्रत्याशियों द्वारा इस सूचना को प्रकट करना निर्वाचन प्रक्रिया की शुरुआत बनाए रखने में सहायक सिद्ध होगा
और निष्क्रिय तथा स्वतंत्र निर्वाचन के सुचारू निष्पादन के हित में होगा।

यदि: इस सूचना के उपलब्धता होने पर मतदाता उचित रूप से, समयक ज्ञानपूर्वक तथा सोच — समझ
kरअपने मनाधिकार का प्रयोग कर सकेगा

यदि: ऐसी सूचना की उपलब्धता रिटर्निंग अधिकारी को नामांकन — पत्र की छानबीन में सहायक होगी।

यदि: वर्तमान कानून में आपराधिक पृष्ठभूमि, परिस्थितियाँ तथा देनदारियाँ आदि के सम्बन्ध में सूचना
प्रकट करने के विषय में कोई प्रवक्ता नहीं हैं अतः: भारत के संविधान के अनुकूल 243-ट तथा—य क, हिमाचल प्रदेश नगर नियम अधिनियम, 1994
dी धारा 9, हिमाचल प्रदेश नगरपालिका अधिनियम, 1994 की धारा 281 तथा हिमाचल प्रदेश पंचायती राज
अधिनियम, 1994 की धारा 160 द्वारा प्रदत्त शक्तियों तथा इस प्रदत्त अन्य समस्त शक्तियों का प्रयोग करते
हुए, हिमाचल प्रदेश राज्य निर्वाचन आयोग एवं द्वारा निम्नलिखित विनियमावली नामांक: हिमाचल प्रदेश
पंचायत तथा नगरपालिक निर्वाचन (उम्मीदवारों द्वारा निर्दिष्ट सूचना का प्रकटीकरण) विनियमावली, 2004
निर्मित करता हैं:

1. नाम, विस्तार तथा प्रारम्भ—(1) यह विनियमावली हिमाचल प्रदेश पंचायत तथा नगरपालिक
निर्वाचन (उम्मीदवार द्वारा निर्दिष्ट सूचना का प्रकटीकरण) विनियम, 2004 पंचायत नाम से अभिहित होगी।

(2) यह विनियमावली सर्व राज्य में प्रयुक्त होगी।

(3) यह विनियमावली 1 मार्च, 2004 से प्रभावी होगी तथा पंचायत व नगरपालिक के उन सभी
निर्वाचनों पर लागू होगी जिनका निर्वाचन — कार्यक्रम इस तथ्य को अथवा राज्य सरकार बनाया जाएगा।

2. परिभाषाएं—यदि संदेह से कोई विपरीत अर्थ अभिप्रेत न हो तो इस विनियमावली में शब्द नहीं।

(क) "अधिनियम" से हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 या हिमाचल प्रदेश नगर
नियम अधिनियम, 1994 जैसी भी स्थिति हो, अभिप्रेत है;

(ख) "अनुकूल" से इस विनियमावली का अनुकूल अभिप्रेत है।

(ग) "प्राधिकृत अधिकारी" से नामांकन पत्र प्राप्त करने के लिए प्राधिकृत अधिकारी अभिप्रेत है;

(घ) "आयोग" आयोग से भारत के संविधान के अनुकूल 243 (ट) के साथ परिषद हिमाचल
प्रदेश पंचायती राज अधिनियम, 1994 की धारा 160 के अधीन गठित राज्य निर्वाचन
आयोग अभिप्रेत है।
(३) “निर्वाचन क्षेत्र” से ग्राम सम्बन्धी, पंचायत समिति या जिला परिषद प्रदेशिक निर्वाचन क्षेत्र अभिप्रेत हैं—जिसके प्रतिनिधित्व के लिए किसी सदस्य को निर्विचित किया जाना है या निर्विचित किया गया है और ग्राम पंचायत प्रधान वा उप—प्रधान के विषय में समस्त ग्राम सम्बन्धी क्षेत्र अभिप्रेत है; 

(४) “निर्वाचन क्षेत्र” से पंचायतों तथा नगरपालिका के समस्त निर्वाचन तथा उप—निर्वाचन अभिप्रेत है; 

(५) “दण्डाधिकारी” से जिला दण्डाधिकारी, अतिरिक्त जिला दण्डाधिकारी या न्यायिक दण्डाधिकारी, उप—दण्डाधिकारी, कार्यालय दण्डाधिकारी या न्यायिक दण्डाधिकारी अभिप्रेत है। 

(६) “नगरपालिका” से जिला दण्डाधिकारी, उपमण्डल दण्डाधिकारी, कार्यालय दण्डाधिकारी अभिप्रेत है; 

(७) “नामांकन—पत्र” से किसी पंचायत या किसी पद हेतु सीधे चुनाव के लिए खड़े होने वाले किसी उम्मीदवार द्वारा प्रस्तुत किये गए नामांकन—पत्र अभिप्रेत है। 

(८) पंचायत से यथा रिथित, ग्राम पंचायत समिति या जिला परिषद अभिप्रेत है। 

(९) “भाग” से अनुबंध का भाग अभिप्रेत है। 

(१०) “रिटर्निंग अधिकारी” से निर्वाचन के निष्पादन हेतु नियुक्त कोई अधिकारी अभिप्रेत है। 

(११) इसमें सहायक रिटर्निंग अधिकारी भी सम्मिलित है। 

(१२) “निर्देश सूचना” से अनुपलिखित विनियम ३ तथा ४ और अनुबंध में निर्देश पूर्वकृत आदि समबंधी सूचना अभिप्रेत है। 

(१३) “राज्य” से हिमाचल प्रदेश राज्य अभिप्रेत है। 

(१४) “वार्ड” से ऐसा वार्ड अभिप्रेत है जिसके प्रतिनिधित्व के लिए एक सदस्य निर्विचित किया जाना है।

3. ग्राम पंचायत के उम्मीदवार द्वारा सूचना का प्रकटीकरण—ग्राम पंचायत के सदस्य, उप—प्रधान या प्रधान पद के उम्मीदवार को अपने नामांकन—पत्र के साथ अनुबंध –१ में उसके विगत में आपसीकम मामलों में दोषी ठहराए जाने, दोष मुक्त होने या बरी होने,जैसा भी कानून में जिन अपराधों का दण्ड दो वर्ष या उससे अधिक कारावास विचित्र हो तथा जिनमें आरोप लगाए जा चुके हों तथा न्यायालय में जिनका संज्ञान ले लिया हो, अपनी परिस्थितियों तथा देशदर्शियों तथा बच्चों का विवरण अनुरूप देना होगा या दिल्ली नागरिक देना होगा।

स्पष्टीकरण—ऐसे उम्मीदवार अनुबंध के भाग—ट में निरंतर शैक्षणिक योजना समबंधी सूचना देने को व्याख्या नहीं होगी।

4. नगरपालिका, पंचायत समिति तथा जिला परिषद के निर्वाचन हेतु उम्मीदवार द्वारा सूचना का प्रकटीकरण—किसी पंचायत समिति, जिला परिषद या नगरपालिका के हेतु चुनाव के प्रत्येक उम्मीदवार को अपने नामांकन—पत्र के साथ इस विनियमावली के अनुसार में निर्देश सूचना अथवा अन्य विगत के आपसीकम मामलों में दोषी ठहराए जाने वाले, आरोप मुक्त होने या बरी होने, जैसा भी हो, कानून में जिन अपराधों का दण्ड दो वर्ष या उससे अधिक कारावास का हो तथा जिनका संज्ञान ले लिया हो अपनी परिस्थितियों तथा अपने बच्चों का विवरण अनुरूप देना होगा या दिल्ली नागरिक देना होगा।
4. '(क) आधार संख्या का अंकन—निर्वाचन लड़ने वाले प्रत्येक उम्मीदवार को अनुबंध 1 के भाग—2 (ख) में निर्धारित कोठे करें जिस प्राप्ति आधार संख्या अंकित करना अनिवार्य होगा।

5. अनुबंध का शपथ—पत्र अथवा घोषणा—पत्र के रूप में होना—(1) ग्राम पंचायत के सदस्य उप—प्रामाण अथवा प्रामाण पत्र हेतु किसी उम्मीदवार को निर्दिष्ट सूचना अनुबंध में आयमी उप—विनियम (2) में वर्णित रीति अदायंग पर उप—प्रामाण के रूप में प्रस्तुत करनी होगी अथवा उसे भारत सरकार या राज्य सरकार के किसी नागरिक अधिकार के साथ अनुबंध—पत्र की प्राप्ति करने के लिए प्राधिकृत अधिकारी, जिन्हें एल्टद्वारा घोषणा का सत्यापित करने के लिए जाता है, के सम्मुख घोषणा—पत्र के रूप में देनी होगी।

(2) विनियम 4 में वर्णित सूचना अनुबंध में शपथ—पत्र के रूप में देनी होगी जो कि किसी दलजिकारी या आयु कमीशनर या नेटी परिपक्व द्वारा सत्यापित हो।

(3) उम्मीदवार तथा सत्यापन अधिकारी अनुबंध के प्रत्येक पृष्ठ पर अपने हस्ताक्षर करें।

6. अनुबंध के फार्म को प्राप्त करना—रिटेंज अधिकारी अथवा अन्य प्राधिकृत अधिकारी के कार्यालय से नामांकन—पत्र के फार्म को प्राप्त करने का इलुक प्रत्येक व्यक्ति नामांकन—पत्र के फार्म के साथ अनुबंध के फार्म की प्रति भी लेना।

7. अनुबंध की अतिरिक्त प्रतियाँ देना—(1) किसी पंचायत तथा नगरपालिक के किसी पद पर निर्वाचन के प्रत्येक उम्मीदवार को अपने नामांकन—पत्रों के अनुबंध की मूल प्रति तथा इसकी दो अतिरिक्त छाया—प्रतियाँ या सत्यापित प्रतियाँ प्रस्तुत करनी होगी।

(2) यदि काई व्यक्ति एक ही निर्वाचन क्षेत्र अथवा वार्ड से एक हेतु एक से अधिक नामांकन—पत्र किसी प्राधिकृत अधिकारी को प्रस्तुत करता है तो उसे इस विनियमावली के प्रावधानों के बावजूद उसी प्राधिकृत अधिकारी को, उसी पद तथा उसी निर्वाचन—क्षेत्र या वार्ड के लिए प्रस्तुत किये जाने वाले अन्य नामांकन—पत्रों के साथ अनुबंध की मूल प्रति तथा अन्य दो प्रतियाँ प्रस्तुत करने की आवश्यकता नहीं होगी।

8. निर्देश जानकारी का प्रकाश—नामांकन—पत्रों को प्राप्त करने के लिए प्राधिकृत अधिकारी प्रत्येक उम्मीदवार द्वारा अनुबंध में दी गई सूचना का प्रकाशन नामांकन—पत्र प्राप्त करने के लिए या बारे अनुबंध की एक फोटो नकल या सत्यापित नकल चिपक करेगा। दूसरी प्रति को नामांकन—पत्र को नामांकन प्राप्त करने के लिए या बारे अनुबंध की एक फोटो नकल या सत्यापित नकल चिपक करेगा। दूसरी प्रति को नामांकन—पत्र को नामांकन प्राप्त करने के लिए या बारे अनुबंध की एक फोटो नकल या सत्यापित नकल चिपक करेगा।

प्रतिव राज्य निर्वाचन आयोग को इन थानों या इनके अतिरिक्त अन्य थानों पर भी यह सूचना उपलब्ध रखना करने का अधिकार होगा।

9. निर्देश जानकारी को सुरक्षित रखना—अनुबंध की मूल प्रति, जो विचित्र सत्यापित की गई हो, को नामांकन—पत्र तथा प्रत्येक अनुबंध को चुनाव—परिषार घोषित करने की तिथि से 4: वर्ष तक सुरक्षित रखना जाएगा यदि किसी व्यक्ति या चुनाव विधीका से सम्भावित प्राधिकृत या राज्य निर्वाचन आयोग ने इस्तेमाल अधिक दिन के लिए सुरक्षित रखने के आदेश दिये हों तो इन्हें तब तक सुरक्षित रखा जाएगा।

10. अनुबंध की प्रमाणित प्रतिलिपि देना—रिटेंज अधिकारी 10 रुपये का प्रतिलिपि—शुल्क लेकर किसी उम्मीदवार द्वारा दिये गए अनुबंध की प्रमाणित प्रतिलिपि उसी निर्वाचन क्षेत्र या वार्ड के अनुबंध उम्मीदवार के या फिर इलेक्ट्रॉनिक या प्रिंट मीडिया के सदस्यों को लिखित आवेदन तथा उपयुक्त शुल्क देने पर दे सकता है।

1 Aserted on dated 27.8.2015
11. अनुबन्ध प्रस्तुत न करने का परिणाम.—यदि काई उम्मीदवार इस विनियमवली में निर्धारित विधि अनुसार निर्दिष्ट सूचना प्रस्तुत करने में असफल रहता है। अथवा चूक करता है तो सम्बन्धित उम्मीदवार का नामांकन —पत्र सम्बन्धित रिटर्निंग अधिकारी अथवा द्वारा अस्पष्ट किया जा सकेगा।

12. रिटर्निंग अधिकारी को शक्तियों की व्यक्ति.—सम्बन्धित अधिनियम तथा उसके अन्तर्गत निर्मित नियमों द्वारा अथवा अधीन किसी नामांकन —पत्र की वैधता की जांच —पड़ताल, परीक्षण, या निर्णय की दृष्टि से छानबीन तथा परीक्षण के विषय में प्रदत्त शक्तियों का इस विनियमवली के किसी भी प्रावधान के बावजूद निरस्त अथवा द्वारा नहीं होगा।

हस्ताक्षर—
राज्य निर्वाचन आयुक्त,
हिमाचल प्रदेश।
अनुबन्ध-1

(उम्मीदवार द्वारा रिटर्निंग अधिकारी के समझ के समक्ष नामांकन –पत्र के साथ प्रस्तुत किए जाने वाला शपथ–पत्र / घोषणा–पत्र)

भाग-1

में...........................................................................................................................................(नाम) सुपुत्र/सुपुत्री/धर्म-पत्नी श्री...................................................................................(गांव, तहसील) एहद द्वारा सत्यवान अथवा शपथ पूर्वक घोषणा करता हूँ:—

(1) कि मैं विगत में आपराधिक मामलों में दोषी पाया गया हूँ जिनका योग्य निम्न है:—

(क) अभियोग संख्या

(ख) जिस आपराध के दोषी पाया गया उसका विवरण तथा अधिनियम की धारा

(ग) दोषी पाये जानें की स्थिति

(घ) न्यायालय जिस द्वारा दोषी करार दिया गया

(ङ) दी गई सजा / समाधान कारावास या कठोर कारावास, कारावास की अवधि तथा / या जुमले की राशि, दशा

(च) दोष सिद्ध होने के विरुद्ध यदि कोई अपील / पुनर्रोकक / पुनर्विवेक याचिका दायर की गई हो तो उसका योग्य तथा उसका परिणाम

(2) कि मैं विगत में आपराधिक मामलों में दोष मुक्त या बरी हूँ. जिनका योग्य निम्न है:—

(क) अभियोग संख्या

(ख) जिस आपराध में दोषमुक्त या बरी हुआ उसका विवरण तथा अधिनियम की धारा

(ग) न्यायालय जिसने दोषमुक्त अथवा बरी किया हो

(घ) दोषमुक्त अथवा बरी होने का दिनांक

(ङ) दोषमुक्त अथवा बरी होने के विरुद्ध यदि कोई अपील / पुनर्रोकक / पुनर्विवेक याचिका दायर की हो तो उसका योग्य तथा उसका परिणाम

(3) निम्नलिखित अभियोग, जिसमें नियमानुसार दो वर्ष या उससे अधिक कारावास का प्रावधान है। तथा मेरे विरुद्ध न्यायालय में विवादित है। अथवा जिसमें न्यायालय द्वारा संज्ञान लिया गया है।

(क) अभियोग संख्या

(ख) जिस आपराध में संज्ञान लिया गया उसका विवरण तथा अधिनियम की धारा

(ग) न्यायालय जिस द्वारा संज्ञान लिया गया हो

(घ) न्यायालय द्वारा संज्ञान लिया जानें समस्ती आदेश का दिनांक

(ङ) न्यायालय द्वारा संज्ञान लिया जानें समस्ती आदेश के विरुद्ध यदि कोई अपील / पुनर्रोकक / पुनर्विवेक / रति याचिका दायर की हो तो उसका योग्य

न्यायालय द्वारा संज्ञान लिया जाना तभी समझा जाएगा जब न्यायालय ने आरोप तय कर दिये हो अथवा जहां-न्यायालय द्वारा आरोप तय किया जाना आवश्यक न हो, न्यायालय द्वारा प्रथम दृष्ट्या अभियुक्त के विरुद्ध अभियोग चलाने के प्रयोजन से आदेश जारी करने का निर्णय लिया गया हो।
भाग-2
(क) चल सम्पत्तियों का व्यौहार

(4) में अपनी, अपने पति/पत्नी तथा आश्रितों की सम्पत्ति (चल, बैंक में जमा राशि, आदि) का व्यौहार नीचे दे रहा हूँ :-

यदि कोई सम्पत्ति किसी व्यक्ति के साथ साझी हो तो साझे स्वामित्व में सम्बन्धित व्यक्ति का भाग दर्शाया जाएगा। यहाँ पर आश्रित से तात्पर्य उस पुत्र, पुत्र से है जो वित्तीय रूप से उम्मीदवार पर काफी हद तक आश्रित हो।
यदि आश्रित तीन से ज्यादा हो तो नीचे और खाने जोड़ ले।

<table>
<thead>
<tr>
<th>क्र0</th>
<th>सम्भ.</th>
<th>नकदी</th>
<th>बैंक, वित्तीय संस्थाओं तथा गैर-बैंकिंग वित्तीय संस्थाओं की रक्षा करने वाले जीवन निगम आदि में जमा राशि</th>
<th>कम्पनियों के शेयर-बौंड तथा डिबार्ज</th>
<th>मोटरवाहन (में आदि का व्यौहार)</th>
<th>आमूर्तांग आदि (लगभग भारतीय तथा कीमत लिखे)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>I</td>
<td>स्वामि</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>पति/पत्नी (नाम)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>आश्रित (नाम तथा सम्भ. )</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>आश्रित (नाम तथा सम्भ. )</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>आश्रित (नाम तथा सम्भ. )</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

भाग-2
(ख) अचल सम्पत्ति का व्यौहार

<table>
<thead>
<tr>
<th>क्र0</th>
<th>सम्भ.</th>
<th>भूमि (मकान की तह-जमीन, आंगन अथवा लोन आदि के अतिरिक्त) भूमि के क्षेत्रफल सहित मोहल/गांव/कस्बा तहसील व जिला का नाम</th>
<th>भवन (मोहल/गांव/ मुक्तला अथवा शहर की बस्ती) निर्मित भाग का क्षेत्रफल बाजारी कीमत (रूपये हजारों में)</th>
<th>अन्य</th>
<th>आधार संख्या (वैकल्पिक)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>स्वामि</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>पति/पत्नी (नाम)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>आश्रित (नाम तथा सम्भ. )</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>आश्रित (नाम तथा सम्भ. )</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>आश्रित (नाम तथा सम्भ. )</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

नोट:—साझे स्वामित्व की सम्पत्तियों के व्यौहार में सम्बन्धित व्यक्ति का भाग—दर्शाया जाए।

भूमि में कृप्ति भूमि तथा गैर—कृप्ति भूमि सम्मिलित है।
भवन में घर पलटे, कार्यालय अथवा व्यवसायिक सम्मिलित है।
(5) मैं लोक वित्तीय संस्थाओं तथा सरकार के ग्राहक अथवा अन्य साधारण योग्यताएं निम्नानुसार हूँ: —

नोट.—(कृपया प्रत्येक मदद का अलग से योग्यता दें)

<table>
<thead>
<tr>
<th>क्र0 सं0</th>
<th>विवरण</th>
<th>बैंक/संस्थाओं (ओ) विभाग (ग) का नाम तथा पता</th>
</tr>
</thead>
<tbody>
<tr>
<td>(I)</td>
<td>बैंक से ऋण</td>
<td></td>
</tr>
<tr>
<td>(II)</td>
<td>वित्तीय संस्थाओं से ऋण</td>
<td></td>
</tr>
<tr>
<td>(III)</td>
<td>सरकारी देनदारियाँ (आयकर, जीनाक, विक्रेता आदि)</td>
<td></td>
</tr>
<tr>
<td>(IV)</td>
<td>नगर पालिका या पंचायत को देय कर</td>
<td></td>
</tr>
</tbody>
</table>

भाग—4 विलोपित

भाग—5

(7) मेरी दसवीं कक्षा से आगे शैक्षणिक योग्यताएं निम्नानुसार है: —

(दसवीं कक्षा से आगे विद्यालय अथवा विश्वविद्यालय की शिक्षा का विवरण भी दें)
(स्कूल /विश्वविद्यालय का नाम तथा जिस वर्ष की, उसका विवरण दें)

शपथकर्ता/घोषणकर्ता

मैं उपर्युक्त शपथकर्ता/घोषणकर्ता एतद्वारा विधिवत सत्यापित तथा घोषित करता हूँ कि इस शपथ व-पत्र/घोषणा—पत्र में दिए गए सभी तथ्य मेरी जानकारी तथा विवाद के अनुसार सत्य सही है तथा इनका कोई भी भाग झूठ नहीं है तथा इसमें से कुछ भी महत्वपूर्ण छुपाया नहीं गया है।

शपथकर्ता/घोषणकर्ता
सत्यापन अधिकारी

दिनांक ......................

नगरपालिका या जिला परिषद् या पंचायत समिति के अन्यथा के अनुबंध में किसी दण्डाधिकारी या अथवा शपथ आयुक्त के समक्ष विधिवत रूप से अपने हस्ताक्षर सहित शपथ—पत्र के रूप प्रस्तुत करनी होगी। जबकि ग्राम पंचायत के किसी पद हेतु जानकारी अनुबंध में उपरोक्त अनुसार शपथ—पत्र के रूप में प्रस्तुत करनी होगी अथवा नामांकन—पत्र प्राप्त करने के लिए प्राप्तिकृत अधिकारी या भारत सरकार या राज्य सरकार के किसी राजपत्रित अधिकारी के समक्ष अपने हस्ताक्षर सहित घोषणा—पत्र के रूप में कर सत्यापन करने वाला अधिकारी शपथकर्ता/घोषणकर्ता के हस्ताक्षर सत्यापित रूप अपने हस्ताक्षर करेगा तथा मोहर लगाएगा। वह प्रत्येक पृष्ठ के हाशिये में भी अपने हस्ताक्षर करेगा।
STATE ELECTION COMMISSION
HIMACHAL PRADESH

No.SEC-16-4/95-(Pant.)- Dated, Shimla-2, the 1st July,1995

NOTIFICATION

In exercise of the powers vested in him under section 160 (1) of Himachal Pradesh Panchayati Raj Act, 1994 read with Rule 2 (1) (c) of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 the State Election Commission hereby appoints all the Deputy Commissioners in Himachal Pradesh as District Election Officer (Panchayats) in respect of their respective Districts for the conduct of elections to Gram Panchayats, Panchayat Samitis and Zila Parishads in Himachal Pradesh.

By order,
State Election Commissioner
Himachal Pradesh.
NOTIFICATION

No. PCH-HA(3)13/94.—In exercise of the powers conferred on him under section 189 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor, Himachal Pradesh please to confer the powers under section 123, 126 127 (1) & (2) of the Act upon the following officers:-

Section-123 : The Deputy Commissioner of the concerned District shall be the prescribed Authority under this Section to whom a person, elected to more than one office in a Panchayat, shall within 15 days from the date of the declaration of the result of election, give in writing about holding one of the office of his choice.

Section-126: The Deputy Commissioner shall notify the election results of every office bearer of the Panchayat whether or not chosen by direct election, immediately after the declaration of results. The result will be published in the official gazette and will also be displayed on the notice boards of the Panchayats for the information of the general public.

Section-127(1): For administering the oath or affirmation of allegiance to Pradhans, up-Pradhans and Gram Panchayat members, the Sub-Divisional Officer (Civil) of the concerned area shall convene a meeting of the Pradhan of the area for administering the oath. The form of oath, as given in schedule-V of the Act, shall be provided to the Pradhan present in the meeting, and the oath shall be subscribed to them. The Pradhans, who have taken the oath, shall sign the forms of oath or put their thumb impression marks which shall be retained in office for record.

The Pradhan of the concerned Panchayat shall administer the oath to the up-Pradhans and Members of the Gram Panchayats on the day of first meeting of the Panchayat concerned as fixed by the State Government. Up-Pradhans and Members, taking oath in the first meeting, shall put their signatures or thumb impression marks on the form of the oath, after subscribing the oath, which shall be retained in the Panchayat’s record.

Section127(2): The Authority/Officer who convenes the meeting for the purpose of oath or affirmation of allegiance of Gram Panchayat or Panchayat Samiti or Zila Parishad, as the case may be shall be the prescribed authority under Section 127 (2).

By Order,

O.P. YADAVA,
Financial Commissioner (Development)-cum
Secretary (Panchayati Raj) to the
Govt. of Himachal Pradesh.
SCHEDULE-V

(See sections 127)

I, hereby ……………………………….swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a ………………………………………………………………………………………………………………………………..

(name of office)

As of……………………………………………………………………………………………………………………………..

(name of Panchayat)

and that I will do right to all manner of people in accordance with the Constitution and the Law without fear of favour, affection or ill-will.

_____________________________________________________________________________________________
NOTIFICATION

NO.SEC.16.-18/96-IV-3841 to 4040.—In exercise of the powers vested in it under Sections 160 and160 E(1) of the H.P.Panchayati Raj Act, 1994 and Article 243 K of the Constitution of India, the State Election C omission 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,
(K.C. Sharma)
State Election Commissioner,
Himachal Pradesh.

By Order,
Commissioner-cum-Secretary
(Panchayati Raj) to the
Government of Himachal Pradesh.
NOTIFICATION

The Governor of Himachal Pradesh, in exercise of the powers vested in him under clause (i) to sub-section (2) of Section 122 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), is pleased to authorize the Returning Officer or the Assistant Returning Officer, who is appointed by the District Election Officer (Panchayat) to decide the question whether a person is or has become subject to any of the disqualifications under sub-Section (1) of Section 122 of the Act during the process of an election to the Panchayati Raj Bodies.

By Order,

Commissioner-cum-Secretary
(Panchayati Raj) to the
Government of Himachal Pradesh.
From: Secretary,  
State Election Commission,  
Himachal Pradesh.

To: All the District Election Officers (P)  
(Deputy Commissioners)  
in Himachal Pradesh.


Subject: Copy of rejection orders passed on nomination papers.

Sir/Madam,

The matter regarding supply of a copy of order of rejection of nomination paper to a candidate was under consideration of the Commission. After due consideration, the Commission has decided that it will be in the interest of transparency in the electoral process that copy of rejection order is supplied to a candidate. The norms for supply of rejection order passed on nomination forms shall be as under:-

1. Where all nomination papers of candidate are rejected, he should be supplied with the reasons for rejections immediately even without having applied for this copy & even on oral application/request.

2. When atleast one set of nomination papers is accepted but the others are rejected, the candidate should be supplied copies of the rejection order detailing reasons therefor on his application for obtaining there.

3. No charges will be levied for supplying copies where all the nomination papers of a candidate are rejected. However, copying fee will be levied in cases where one or more sets of nomination papers have been accepted while others stand rejected. Charges will be Rs. 1.50 per page or a minimum of Rs. 5.00. For copies demanded by post charges will be levied as per postal weight plus Rs. 5/-.  

4. Copies of rejection orders will be supplied by the Returning Officer/Assistant Returning Officer concerned on the proforma prescribed by the Commission (copy enclosed).

5. The District Election Officer (Panchayat) in respect of Panchayats and Returning Officer in case of Municipalities will ensure the safe custody of all the record pertaining to nominations, scrutiny and rejection which may be required at short notice if when election petitions are filed.

6. All applications for copies will be entered in a register in a chronological order, also indicating the date on which copy prepared and copy supplied.

7. All cash receipts shall be entered in a cash book and credited to Government account in a treasury and challan kept in record.

Yours faithfully,

Secretary
PROFORMA FOR SUPPLYING THE ORDER REJECTING NOMINATION PASSED BY THE RETURNING OFFICER

Copy of order passed by........................................................................................................................................................................Returning Officer/Assistant Returning Officer on the nomination paper of Shri/Shrimati/ Kumari.......................................................... resident of........................................................................... Tehsil............................................ District............................................ who was a candidate for election to the office of Member/ Up-Pradhan/Pradhan from ward No./Name..................................................................................................................................of Gram Panchayat/Panchayat Samiti..................................................Zila Parishad/Municipal Council/Nagar Panchayat of................................. Block..........................District.................................

........................................................................................................................................................................................................
........................................................................................................................................................................................................
........................................................................................................................................................................................................
........................................................................................................................................................................................................
........................................................................................................................................................................................................

-----------------------------------------------------------------------------------------------
Returning Officer/Assistant Returning Officer Panchayat/ Municipal Block............... District.................................

Date.................................
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.
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 the 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.
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, 194 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 is 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
(K.C. Sharma)
State Election Commissioner
Himachal Pradesh.
From: Secretary,  
State Election Commission,  
Himachal Pradesh.

To: All the District Election Officers (Panchayats)  
(Deputy Commissioner),  
Himachal Pradesh.  

Subject: Appointment of polling Parties during the Bye-Elections.

Sir,

A number of references have been received from the District Officers regarding appointment of polling parties during the bye elections. In this regard it is clarified that during the general elections to Panchayati Raj Institutions a voter has to cast five votes therefore polling parties are appointed ward-wise.

But during bye-elections in most cases a voter has to cast only one vote for either Pradhan or Up-Pradhan or a Ward Member. Only in very few and in rare cases bye-elections to more than one office concerning one ward are held in a given bye election. Therefore considering all aspects the Election Commission after careful evaluation decided and directed as under:-

1. If from any ward a voter has to cast his votes for more than one office in a bye election then a separate polling party will be appointed for each such ward.

2. If from any ward the electors have to cast only one vote for bye-election to any of the office even then his polling station will remain the same. However in such cases where more than one polling stations is situated in the same building, then up to three wards only one polling party may be appointed. In such a case the electors from all these wards will cast their vote only one polling station.

3. In any case no polling party will attend to more than three wards of a Panchayat.

4. It has to be ensured that location of the polling stations should not be changed from the vicinity of existing one.

However these guidelines are not totally binding and the concerned District Election Officers can appoint more polling parties considering the number of voters and over all administrative convenience.

Yours faithfully,  
Secretary,  
State Election Commission,  
Himachal Pradesh.
NOTIFICATION

In exercise of the powers vested in him under section 160 (1) of Himachal Pradesh Panchayati Raj Act, 1994 read with Rule 2 (1) (c) of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 the State Election Commission hereby appoints the Additional Deputy Commissioner Kaza District Lahaul & Spiti as District Election Officer (Panchayats) in respect of Kaza Block of Lahaul & Spiti District keeping in view the tough geographical conditions of the area.

By Order,
State Election Commissioner
Himachal Pradesh.
NOTIFICATION

Whereas Rule 2(j) of the HP Panchayati Raj (Election) Rules, 1994 defines “Registration Officer” as the Electoral Registration Officer which includes Assistant Electoral Registration Officer appointed by the State Election Commission;

Whereas Rule 12 of the Rules ibid provides that for each constituency of a Panchayat there shall be an electoral roll which shall be prepared in the manner specified in rules 13 to 24 by the District Election Officer (Panchayat) under the superintendence direction and control of the State Election Commission;

Therefore, the State Election Commission in exercise of the powers vested in it under Article 243 K of the Constitution of India and Section 4 and 160 of the HP Panchayati Raj Act, 1994 read with Rule 12 of the Rules ibid appoints all the Block Development Officers in Himachal Pradesh as Assistant Electoral Registration Officer (Panchayat) within their respective Blocks.

It is further directed that the Assistant Electoral Registration Officers (Panchayat) will assist the District Election Officer (Panchayat) in the preparation of draft electoral rolls of Panchayats for the purpose of Rule 12.

By Order of the State Election Commission, Himachal Pradesh

Sd/-
(H.S. Choudhary)
Secretary
State Election Commission
Himachal Pradesh.
NOTIFICATION

In exercise of the Powers vested in him under Article 243K Of the Constitution of India Section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 read with Rule 2(c) of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 , the State Election Commission hereby appoints all the District Panchayat Officers in respect of their Districts as Assistant District Election Officer (Panchayat).

However all the action of the Assistant District Election officer shall be subject to the approval of District Election Officer (Panchayat)-cum-Deputy Commissioner concerned.

By Order,

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

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:

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Name of Symbols</th>
<th>SL. No.</th>
<th>Name of Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Chair</td>
<td>3</td>
<td>Letter Box</td>
</tr>
<tr>
<td>2</td>
<td>Lock &amp; Key</td>
<td>4</td>
<td>Railway Engine</td>
</tr>
<tr>
<td>3</td>
<td>Sewing Machine</td>
<td>5</td>
<td>Apple</td>
</tr>
<tr>
<td>4</td>
<td>Aero plane</td>
<td>6</td>
<td>Bench</td>
</tr>
<tr>
<td>5</td>
<td>Bus</td>
<td>7</td>
<td>Gas Cylinder</td>
</tr>
<tr>
<td>6</td>
<td>Bat</td>
<td>8</td>
<td>Camera</td>
</tr>
<tr>
<td>7</td>
<td>Bus</td>
<td>9</td>
<td>Table</td>
</tr>
<tr>
<td>8</td>
<td>Bat</td>
<td>10</td>
<td>Almirah</td>
</tr>
</tbody>
</table>

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.
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,

State Election Commissioner
Himachal Pradesh.
STATE ELECTION COMMISSION HIMACHAL PRADESH

To
All the District Election Officers (Panchayat)-cum-
Deputy Commissioners,
Himachal Pradesh.

Subject: Instructions regarding fixation of polling stations during the elections to Panchayati Raj Institutions.

Madam / Sir,

The State Election Commission in exercise of the powers vested in it under Article 243-K of the Constitution of India read with Section 160 of the HP Panchayati Raj Act, 1994 hereby issues the following instructions with regard to fixation of Polling Stations for the elections to Panchayati Raj Institutions:

1. The Returning Officer shall fix such number of polling stations as he may deem fit but not less than one, for every ward.
2. As far as possible the polling stations shall be located, in Government or Semi Government buildings. In case no such building is available, the polling station shall be located in a temporary structure.
3. No polling station shall be located in a police station, hospital or a place having sectarian or religious significance;
4. The Returning Officer shall publish the detail of polling station by pasting a list thereof at his office and at the office of the Gram Panchayat and at Polling Station showing therein clearly the polling area on the date as will be specified by the Commission in the Election Programme under rule 22 of the HP Panchayati Raj Election Rules, 1994.
5. The buildings in which polling stations are being located should be inspected by a team of two officials nominated by the Returning Officer. Out of which one official should be a Gazetted Officer.
6. The visiting officials will give a certificate to the effect that the premises are safe, proper lighting and furniture arrangement is there and are well lit.
7. The number of polling station in each Development Block may be intimated to the Commission through concerned District Election Officer (Panchayat)-cum-Deputy Commissioner.
8. Before election you will also identify the hyper sensitive, sensitive polling stations with the help of law & order machinery and intimate the number of sensitive polling stations to the State Election Commission, District Election Officer (Panchayat)-cum-Deputy Commissioner so that adequate security arrangements are made at such polling stations.

Yours faithfully
Sd/-
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:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the Distt.</th>
<th>Name of the Municipality/Nagar Panchayat</th>
<th>Returning Officer</th>
<th>Assistant Returning Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shimla</td>
<td>M.C. Rampur</td>
<td>S.D.O (C) Rampur</td>
<td>Tehsildar Rampur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C. Theog</td>
<td>S.D.O (C) Theog</td>
<td>Tehsildar Theog</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C. Rohru</td>
<td>S.D.O.(C)Rohru</td>
<td>Tehsildar Rohru</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N.P. Sunni</td>
<td>Tehsildar Sunni</td>
<td>Naib Tehsildar Sunni</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N.P. Jubbal</td>
<td>Tehsildar Jubbal</td>
<td>Naib Tehsildar Jubbal</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N.P. Chopal</td>
<td>Tehsildar Chopal</td>
<td>Naib Tehsildar Chopal</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N.P. Kotkhai</td>
<td>Tehsildar Kotkhai</td>
<td>Naib Tehsildar Kotkhai</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N.P. Narkanda</td>
<td>Tehsildar Kumarsein</td>
<td>NaibTehsildar Kumarsein</td>
</tr>
<tr>
<td>2.</td>
<td>Solan</td>
<td>M.C.Solan</td>
<td>S.D.O (C) Solan</td>
<td>Tehsildar Solan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C.Nalagarh</td>
<td>S.D.O (C) Nalagarh</td>
<td>Tehsildar Nalagarh</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C.Parwanoo</td>
<td>Tehsildar Kasuli</td>
<td>Naib Tehsildar Kasuli</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C.Baddi</td>
<td>Tehsildar Baddi</td>
<td>Tehsildar Baddi</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N.P.Arki</td>
<td>S D O (C) Arki</td>
<td>Tehsildar Arki</td>
</tr>
<tr>
<td>3.</td>
<td>Sirmour</td>
<td>M.C.Nahan</td>
<td>S.D.O (C) Nahan</td>
<td>Tehsildar Nahan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C.Paonta</td>
<td>S.D.O (C) Paonta</td>
<td>Tehsildar Paonta</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N.P.Rajgrah</td>
<td>S.D.O (C) Rajgrah</td>
<td>Tehsildar Rajgrah.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C.Bilaspur</td>
<td>S.D.O (C) Bilaspur</td>
<td>Tehsildar Bilaspur</td>
</tr>
<tr>
<td>4.</td>
<td>Bilaspur</td>
<td>M.C.Shri Naina Devi</td>
<td>Tehsildar Naina Dev Ji at Swarghat</td>
<td>Naib Tehsildar Railway,Bilaspur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C.Ghumarwin</td>
<td>S.D.O.(C) Ghumarwin</td>
<td>Tehsildar Ghumarwin</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N.P.Talai</td>
<td>Tehsildar Jhaupta</td>
<td>Naib Tehsildar Jhaupta</td>
</tr>
<tr>
<td>5.</td>
<td>Mandi</td>
<td>M.C. Mandi</td>
<td>S.D.O (C) Mandi Sadar</td>
<td>Tehsildar Mandi Sadar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C.Sundernagar</td>
<td>S.D.O (C) Sunderhagar</td>
<td>Tehsildar Sundernagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.C.Nerchowk</td>
<td>Tehsildar Balh</td>
<td>NaibTehsildar Sunder</td>
</tr>
<tr>
<td>Districts</td>
<td>Officers</td>
<td>Positions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Sarkaghat</td>
<td>S.D.O (C) Sarkaghat</td>
<td>Tehsildar Sarkaghat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Joginder Nagar</td>
<td>S.D.O (C) Joginder Nagar</td>
<td>Tehsildar Joginder Nagar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Rewalsar.</td>
<td>Tahsildar Kotli</td>
<td>Naib Tehsildar Kotli</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Karsog.</td>
<td>S.D.O (C) Karsog</td>
<td>Tehsildar Karsog</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>M.C. Kullu</td>
<td>Tehsildar Kullu</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M.C. Manali</td>
<td>S.D.O (C) Manali</td>
<td>Tehsildar Manali</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Bhuntar</td>
<td>A.C Kullu</td>
<td>Tehsildar Bhuntar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Banjar</td>
<td>S.D.O (C) Banjar</td>
<td>Tehsildar Banjar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>M.C. Una</td>
<td>S.D.O (C) Una</td>
<td>Tehsildar Una</td>
<td></td>
</tr>
<tr>
<td>N.P. Daulatpur</td>
<td>Tahsildar Amb</td>
<td>Naib Tehsildar Bangana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Gagret</td>
<td>SDO (C) Amb</td>
<td>Naib Tehsildar Amb</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Mehatpur</td>
<td>S D O (C) Bangana</td>
<td>Tehsildar Bangana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Tahaliwal</td>
<td>S D O (C) Haroli</td>
<td>Naib Tehsildar Una</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>M.C. Hamirpur</td>
<td>S.D.O (C) Hamirpur</td>
<td>Tehsildar Hamirpur</td>
<td></td>
</tr>
<tr>
<td>M.C. Sujanpur</td>
<td>S.D.O (C) Sujanpur</td>
<td>Tehsildar Sujanpur</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Daulatpur</td>
<td>Tahsildar Amb</td>
<td>Naib Tehsildar Bangana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Mehatpur</td>
<td>S D O (C) Bangana</td>
<td>Tehsildar Bangana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Tahaliwal</td>
<td>S D O (C) Haroli</td>
<td>Naib Tehsildar Una</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>M.C. Kangra</td>
<td>S.D.O (C) Kangra</td>
<td>Temple officer Kangra</td>
<td></td>
</tr>
<tr>
<td>M.C. Palampur</td>
<td>S.D.O (C) Palampur</td>
<td>Tesildar Palampur</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M.C. Nurpur</td>
<td>S.D.O (C) Nurpur</td>
<td>Tesildar Nurpur</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M.C. Nagrota</td>
<td>Tehsildar Kangra</td>
<td>Naib Tehsildar Kangra</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M.C. Dehra</td>
<td>S.D.O (C) Dehra</td>
<td>Tehsildar Dehra</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M.C. Jawalamukhi</td>
<td>S.D.O (C) Jawalamukhi</td>
<td>Tehsildar Jawalamukhi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Bajjnath Paprola</td>
<td>S.D.O (C) Bajjnath</td>
<td>Tehsildar Bajjnath</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Jawali</td>
<td>S.D.O (C) Jawali</td>
<td>Tehsildar Jawali</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>M.C. Chamba</td>
<td>S.D.O (C) Chamba</td>
<td>Tehsildar Chamba</td>
<td></td>
</tr>
<tr>
<td>M.C. Dalhouse</td>
<td>S.D.O (C) Dalhouse</td>
<td>Tesildar Dalhouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.P. Chowari</td>
<td>S.D.O (C) Bhatiyat at Chowari</td>
<td>Tesildar Bhatiyat at Chowari</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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,
State Election Commissioner
Himachal Pradesh.
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,

Please 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,

Sd/-
(Dr. Ashwani Sharma)
Secretary
NOTIFICATION

The State Election Commission Himachal Pradesh in exercise of the powers vested in it under Article 243ZA of the Constitution of India, Section 281 of the HP Municipal Act, 1994, read with Rule 2 (1) (i) of the HP Municipal Election Rules, 2015, do hereby appoints all the Deputy Commissioners (except in Tribal Areas) as Electoral Registration Officers for the preparation of electoral rolls in respect of Municipal Councils and Nagar Panchayats in their jurisdictions.

By order

State Election Commissioner
Himachal Pradesh.
NOTIFICATION

In exercise of the powers vested under Section 281 of the Himachal Pradesh Municipal Act 1994, read with Rule 14 (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 Electoral Registration 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 registration of electors of the Municipalities in their concerned Districts of Himachal Pradesh.

By order,

State Election Commissioner
Himachal Pradesh.
NOTIFICATION

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

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

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

By order,
(T.G. Negi)
State Election Commissioner
Himachal Pradesh.
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 Bhotra.

By order,

State Election Commissioner
Himachal Pradesh.
To

All the Distt. Election Officer (Panchayat-cum-Deputy Commissioner H.P.

Subject: Providing of refreshment/meal/diet money and contingency etc. to the Officers/Officials.

Sir,

In continuation to this office letter No. SEC. 2-23/2005-4377 dated 31st Oct. 2015, on the subject cited above.

It is clarified that the packed lunch or diet money will be payable to every official of polling parties deputed for the conduct of elections including security personnel deployed with the polling party @ 100/- per head per phase.

Your faithfully,

Sd/-

State Election Commissioner
Himachal Pradesh.
RECEIPT HEADS OF THE COMMISSION FOR DEPOSIT OF AMOUNT RECEIVED ON ACCOUNT OF VARIOUS RECEIPTS DURING THE ELECTIONS

During the conduct of elections various amounts are received on account of sale of voter list, fee for registration as elector, security deposit and amount on account of challenge of identity of a voter etc. Such amounts shall be deposited in the Government Treasury under following receipt heads:—

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.
राजकीय मुद्रणालय, फ्रो, शिमला—1532—एस.ई.सी/2015—11—12—2015—500 पुस्तकें।