

Authoritative English Text of this Department Notification No. UD-A (3)-7/2011-I dated 2.9.2015 as required under clause (3) of article 348 of the Constitution of India.)

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF URBAN DEVELOPMENT

NOTIFICATION.

No. UD-A (3)-7/2011-I

Shimla-2, the

2.9.2015

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 DELIMITATION 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 atleast 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 atleast 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.

CHAPETER-IV

ELECTORAL ROLLS.

14. Electoral roll for every ward. – (1) For each ward or polling station of a municipality, there shall be a 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
- (b) the inclusion or exclusion of any entry in or from an electoral rolls; or
- (c) a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true,

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 news-papers 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.

(3) 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- 17 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 :

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

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.

CHAPTER-V OFFICERS AND THEIR DUTIES

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 symble 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 alongwith an affidavit of the candidate in form- 31

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

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 alongwith its counterfoil shall be in form-35 and the particulars therein shall be in hindi in devnagri script.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates prepared under rule 43. The ballot papers shall be printed in the design and colour as specified by the Commission:

Provided that after the name and symbol of last candidate, there shall be a column with the words "None of the above" written therein. The size of the column shall be same as used for other candidates.

59. Arrangement at polling station.-(1) Outside each polling station there shall be displayed prominently -

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

(b) another notice in hindi in devnagri script containing the list of contesting candidates prepared under rule 43, alongwith the symbols allotted under rule 44.

(2) At each polling station there shall be 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 anyone 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 a 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 make 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 borne 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 desirous to affix their seals and shall take sufficient precautions for their safe custody during such intervals.
- (3) The ballot papers taken out of each box shall be mixed-up with other ballot papers taken out of other ballot boxes concerning the same office and after that it shall be sorted

out separately for each office. The ballot papers for the member of Municipal Council/Nagar Panchayat shall be retained on the same table. The result of member of Municipal Council/Nagar Panchayat shall be declared on form 46 after preparing the result sheet on form 47 :

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

(4) Immediately after declaration of result the Returning Officer shall affix a copy of Return of election in a conspicuous place at his office and send the same to the Commission and the Secretary (Urban Development) to the Government of Himachal Pradesh, as the case may be, for publication in the Official Gazette of the State Government as required under section 27 of the Act.

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

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

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

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 counter foils of used ballot papers, the packets of unused ballot papers, the packets of used ballot papers valid, tendered or rejected and all other papers relating to the elections in safe custody either in his own office or at such other place as he may specify in writing until the expiry of 90 days from the date of publication of the result of election.

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

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

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the orders of the competent court or of the officer authorized under section 282 of the Act.

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

85. Disposal of election papers.- Subject to any direction to the contrary given by the State Government or by the Commission or by a competent court or by an authorized officer under section 282 of the Act, the packets and other papers referred to in rules 83 and 84 shall be retained for a period of 90 days from the date of publication of results in the Official Gazette and shall thereafter be destroyed :

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

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 atleast 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 office 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) ^{3/4} Quorum for the meeting for the election of President shall be three fourth 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.

(4) 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.

(5) 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.

(6) 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/- (Rupees 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.

That I have the following objection(s) or suggestion(s) to the draft proposals:-

- (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.

Place:
date:

Electoral Registration Officer,
(Municipal Council/Nagar Panchayat)

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.

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 tomunicipality 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

| Sr. No. | Name of claimant | Father's name and address | Date of presentation of claim | Date of decision with note in the presence of the parties | Decision | | Signature of revising authority | Signature of official by whom effect was given to the revising authority and date |
|---------|------------------|---------------------------|-------------------------------|---|----------|----------|---------------------------------|---|
| | | | | | Admitted | Rejected | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

Form-8
(see rule 22 (4), (5) and rule 24)
REGISTER OF OBJECTION TO INCLUSION OF NAMES

.....Municipality.....ward

| Sr. No. | Person objection to | | Father/husband's name and address of the objector | Sr. No. of the objector in the roll | Date of presentation of objection. |
|---------|---------------------|--------------------------|---|-------------------------------------|------------------------------------|
| | Under name of | With Sr. No. in the roll | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |

| Date of decision with note as to presence of parties | Decision | | Signature of revising authority | Signature of official by whom effect was given to the decision of revising authority and date |
|--|----------|----------|---------------------------------|---|
| | Admitted | Rejected | | |
| 7 | 8 | 9 | 10 | 11 |

FORM-9
(see rule 22 (4), (5) and rule 24)
REGISTER OF OBJECTION TO THE PARTICULARS IN AN ENTRY

.....Municipality.....ward

| Sr. No. | Name of the objector | Date of presentation of objection | Particular as existed in the roll | Correct particulars as requested by objector |
|---------|----------------------|-----------------------------------|-----------------------------------|--|
| 1 | 2 | 3 | 4 | 5 |

| Decision | | Signature of the revising authority | Signature of official by whom effect was given to the decision of revising authority and date |
|----------|----------|-------------------------------------|---|
| Admitted | Rejected | | |
| 6 | 7 | 8 | 9 |

FORM-10
[see rule- 23 (1)]
LIST OF CLAIMS

.....Municipality.....ward

| Date of receipt | Sr. No. | Name of claimant | Name of Father/husband/mother | Address | Date, time & place of hearing |
|-----------------|---------|------------------|-------------------------------|---------|-------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

Signature of Revising Authority

FORM-11
[see rule 23 (1)]
LIST OF OBJECTIONS TO INCLUSION OF NAMES

.....Municipality.....ward

| Date of receipt | Sr. No. | Full name of objector | Particulars of name objected to | | Objection in brief | Date, time and place of hearing |
|-----------------|---------|-----------------------|---------------------------------|--------------|--------------------|---------------------------------|
| | | | Sr. No. of entry | Name in full | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

Signature of Revising Authority

FORM-12
[(see rule 23 (1))]
LIST OF OBJECTION TO PARTICULARS IN ENTRIES

.....Municipality.....ward

| Date of receipt | Sr. No. | Full name of objector | Part No. and Sr. No. of entry | Nature of objection | Date, time and place of hearing |
|-----------------|---------|-----------------------|-------------------------------|---------------------|---------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

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

FORM-14
[see rule 23(2)]

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.....

No..... The objection against inclusion of your name at Serial
to..... 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 tocaste/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.....

| S.No. of Nomination paper. | Name of Candidate. | Name of father/husb and. | Age of candidate. | Address | Particulars of caste/tribe/OBC of candidate belonging to Sch. Caste/Tribe/OBC | Sr..No.of candidate in the electoral roll. | Name of proposer. | Sr..No. of proposer in the electoral roll. |
|----------------------------|--------------------|--------------------------|-------------------|---------|---|--|-------------------|--|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. |

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.....

| Sl.No. | Name of candidate. | Name of father/husband. | Address of candidate. |
|--------|--------------------|-------------------------|-----------------------|
| 1. | 2. | 3. | 4. |

Place:

Date:

Returning Officer

Form 23
[see rule 42(1)]
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 candidature 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.....

Returning Officer or
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:-

| Sr. No. | Name of candidate. | Address of candidate. | Remarks. |
|---------|--------------------|-----------------------|----------|
| 1. | 2. | 3. | 4. |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. etc. | | | |

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.....

| Sr. No. | Name of candidate. | Address of candidate. | Symbol Allotted. |
|---------|--------------------|-----------------------|------------------|
| 1. | 2. | 3. | 4. |

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.....

Ia 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:

Signature of candidate.

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.

Place:
Date:

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.....

| Date of Expdt | Nature of Expdt. | Amount of Expdt.. | | Date of payment | Name and address of payee. | No of Vouchers in case of amount paid. | No. of bills in case of amount outstanding. | Name and address of the person to whom the amount outstanding is payable. | Remarks. |
|---------------|------------------|-------------------|-------------|-----------------|----------------------------|--|---|---|----------|
| | | paid | Outstanding | | | | | | |
| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. | 10. |

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.....

| Item of Expenditure. | Sources from where money procured. | Amount of Expenditure. | Date(s) of payment. | Mode of payment. | Evidence of payment enclosed with the account. | Remarks. |
|----------------------|------------------------------------|------------------------|---------------------|------------------|--|----------|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. |

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.....

| Date of Expdt | Nature of Expdt. | Amount of Expdt.. | | Date of payment | Name and address of payee. | No of Vouchers in case of amount paid. | No. of bills in case of amount outstanding | Name and address of the person to whom the amount outstanding is payable. | Remark |
|---------------|------------------|-------------------|-------------|-----------------|----------------------------|--|--|---|--------|
| | | paid | Outstanding | | | | | | |
| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. | 10. |

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 ofdo 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 Panchayatthe result of which was declared on.....
2. That 1/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.

FORM-32 .
(see rule 48(11)).

ACKNOWLEDGEMENT.

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

FORM-33
(see rule 50(1))

FOR USE IN ELECTION WHEN SEAT IS UNCONTESTED.

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.....

| Serial No. of ballot box used.. | Serial No. of paper seals used. | Remarks. |
|---------------------------------|---------------------------------|----------|
| 1. | 2. | 3. |

Signature of polling agent.

PART-II.

ACCOUNT OF PAPER SEAL

- | | |
|--|---------|
| 1. Serial No. of Paper seal supplied to.....total..... | 1 |
| 2. No. of Paper seal used..... | 2. |
| 3. No. of unused paper seals..... to.....total..... | 3. |
| Serial No. of damaged seals, if any..... to.....total..... | 4. |

Signature of Presiding Officer.

Place:

Date:

FORM 35.
[see rule 58(1)]

BALLOT PAPER.

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.....

| Name of Candidate. | Symbol. |
|--------------------|---------|
| 1. | |
| 2. | |
| None of the above | |

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-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.....

| Sr. No of Voter. | Full Name of Voter. | Full Name of companion. | Address of companion. | Signature of companion. |
|------------------|---------------------|-------------------------|-----------------------|-------------------------|
| 1 | 2 | 3 | 4 | 5 |

Place:
Date:

Signature of Presiding Officer.

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.....

| S.No. | Name of Voter. | Address of Voter. | S.No of tendered Ballot Paper. | S.No. of Ballot paper issued to the person who has already voted. | Signature or thumb impression of person tendering vote. |
|-------|----------------|-------------------|--------------------------------|---|---|
| 1. | 2. | 3. | 4. | 5. | 6. |

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.....

| S.No. of voter. | Name and address. | Signature or thumb impression of voter. | Name of identifier, if any. | Order of Presiding Officer in each case. |
|-----------------|-------------------|---|-----------------------------|--|
| 1. | 2. | 3. | 4. | 5. |

Signature of Presiding Officer.

Place:
Dated:

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 Ballot 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 -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.

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

Dated:
Place

Signature of Presiding Officer.

**PART-II
RETURN OF COUNTING
[see rule 80(6)]**

| Sr. No. | Name Candidate | No. of valid votes polled |
|---|---------------------------------|---------------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| etc | | |
| | Total number valid votes polled | |
| | Rejected Ballot Paper | |
| Total No. of ballot papers in the ballot box(s) | | |
| Difference, if any | | |

Signature of Counting Supervisor

Signature of Returning Officer

Date:

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

Election to the Municipal Council/Nagar Panchayat..... from Ward
No.....

| Sr. No. | Name of Candidate | No. of valid votes polled |
|---------|-------------------|---------------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

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:

Date:

Signature of Counting Agent.

Signed before me.

Place:

Date:

Returning Officer.

FORM- 46
[see rule 80(3)]
RESULT OF ELECTED MEMBER.

Election of Member from ward No..... of Municipal Council/Nagar Panchayat.....

| S.No. | Name of Candidate. | No. of valid votes polled. |
|-------|--------------------|----------------------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| etc. | | |
| 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.

FORM-47.
[see rule-80(3)]
RESULT SHEET OF THE ELECTION OF MEMBERS

Election of Member from ward No..... of Municipal Council/Nagar Panchayat.....

| S.No. | Name of Candidate. | No. of valid votes polled. |
|-------|--------------------|----------------------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| etc. | | |
| 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.....

| Sl. No. 1 | Name of candidate 2 | Space for marking 3 |
|--------------|------------------------|------------------------|
| 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.....

Deputy Commissioner.

Date.....

FORM-50
[see rule-89(3)]

NOMINATION PAPER

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:

Signature of the Proposer

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 ofMunicipal
Council/Nagar Panchayat.

Place:
Dated:

Signature of Seconder.

(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:

Signature of Candidate

(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.

Presiding Officer.

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 theand the particulars of such corrupt practices given in paragraphof 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 ofand 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.

By Order

Manisha Nanda
Addl. Chief Secretary (U.D.) to the
Government of Himachal Pradesh.

Endst. No. UD-A(3)-7/2011-I Shimla-2, the 2.9.2015

Copy is forwarded to the following for information and necessary action :-

1. The L.R.-cum-Principal Secretary (Law), GoHP, Shimla-2.
2. The Secretary, State Election Commission, Shimla-2.
3. The Divisional Commissioners, Shimla/Mandi/Kangra at Dharamshala.
4. The Director, Urban Dev., HP, Palika Bhawan, Talland, Shimla-2.
5. All the Deputy Commissioners, in HP.

Urnil Krar

(Urnil Krar)

Addl. Secretary (U.D.) to the
Government of Himachal Pradesh.