

(English Text of the Department's Notification No. UD-A(3)-7/2011 Dated 23.03.2012 as required under Article 348(3) of the Constitution of India).

**GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF URBAN DEVELOPMENT**

NOTIFICATION.

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

Shimla-2, the

23rd March, 2012

In Exercise of the powers conferred by sections 6,31 and 36 of the Himachal Pradesh Municipal Corporation Act, 1994, the Governor, Himachal Pradesh is pleased to the following rules for carrying out purposes of the Act ibid after the draft of which had been previously published in the Rajpatra, Himachal Pradesh dated 16.3.2012 vide this Department's notification of even number dated 14.3.2012, namely:-

CHAPTER-I

PRELIMINARY

1. Short title. - These rules may be called the Himachal Pradesh Municipal Corporation Election Rules, 2012.

2. Definition. – (1) In these rules, unless there is anything repugnant in the subject or the context,-

- (i) **"Act"** means the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994);
- (ii) **"Agent"** means any person appointed in writing by a candidate at an election to be agent for the purpose of these rules;
- (iii) **"Ballot Box"** means any box, bag or other receptacle used for the insertion of ballot paper by electors and shall also include the **Electronic Voting Machine in case the votes are recorded through it;**

"Commission" means the State Election Commission defined under clause (58) of section 2.
- (iv) **"Delimitation"** means the delimitation of wards made under these rules;
- (v) **"Deputy Commissioner"** means the Deputy Commissioner of the District and includes such other officer as may be appointed **on the recommendation of the Commission** by the State Government to perform the functions of the Deputy Commissioner for the purposes of these rules;
- (vi) **"Divisional Commissioner"** means the Commissioner of the Division concerned;
- (vii) **"election"** means an election of the Councillors, Mayor and Deputy Mayor of the Corporation;
- (viii) **"Elector"** means any person entitled to vote at an election of **Councillors of the Corporation;**
- (ix) **"Electoral roll"** means the electoral roll of persons of a ward entitled to vote at an election under these rules;
- (x) **"Electoral Registration Officer (Municipal Corporation)"** means an officer appointed by the Commission for the purpose of preparation of electoral rolls in accordance with these rules.
- (xi) **"Form"** means a form appended to these rules;
- (xii) "Government" means the Government of Himachal Pradesh;
- (xiii) **"Oath or affirmation"** means the oath or affirmation of allegiance specified under sub-section (1) of section 33;
- (xiv) **"Office Bearer"** means a person elected as ^ICouncillor, as the case may be by the voters of the Corporation;
- (xv) **"Polling Station"** means the place fixed by the Returning Officer for

^I deleted vide notification dated 11-02-16

^{II} deleted vide notification dated 11-02-16

the conduct of election to the Corporation;

- (xvi) **“population”** means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (xvii) **”Revising Authority”** means a Gazetted Officer or an Executive Magistrate who may be appointed by **the Electoral Registration Officer (Municipal Corporation)** as the revising authority in respect of electoral roll of a ward or a part thereof ;
- (xviii) **“section” means section of the Act;**
- (xix) **"Symbol"** means a symbol which may be allotted to a candidate for contesting election under these rules;
- (xx) **"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
- (xxi) **"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. Corporation to be divided into wards- (1) For holding of election to a Corporation it shall be divided into wards.

(2) The number of wards under sub-rule(1)in a Corporation shall be determined in accordance with the provisions of **section 6**.

4. Limit of wards- (1) As far as practicable each ward shall have equal population, **through out 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) One councilor shall be elected from each ward.

(3) 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 under section 9 by the Commission, the Deputy Commissioner shall make a proposal for delimitation of wards by dividing the municipal area into wards as per provisions of **section 6** 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 Corporation and issue a notice inviting **public objections from the residents** in relation to such proposal in Form-I by affixing a copy of such notice in his office and in the office of the Corporation.

(2) While issuing notice, the Deputy Commissioner shall call for objection(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-II.

7. Disposal of objections - The Deputy Commissioner on receipt of objection(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 objections.

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** 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 all the objections 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 Corporation 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 Corporation in the Official Gazette.

(3) The copies of these finalized delimited wards shall be available for inspection in the office of the Deputy Commissioner and the Corporation. Any voter can have a copy of delimitation order by making payment of **Rs. 50/-** against receipt to the Deputy Commissioner and the same shall be made available to him immediately.

10. Reservation and Rotation of Seats of Councillors- (1) The seats shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population. The seat in ward having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and seat in the ward

having the highest population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(2) If the number of seats to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the seat in 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 Corporation area is **less than 5%** of the total population, then no seat shall be reserved for them.

(3) ^{III}Subject to the provisions of sub-rule (5), out of the seats reserved for member of Schedule Castes and Schedule Tribes, one-half of the seats shall be reserved for women members belonging to Schedule Castes and Schedule Tribes having highest percentage of women in the ward in relation to total population of that ward.

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 the women member belonging to Scheduled Castes and Scheduled Tribes, as the case may be.

(4) In the corporation out of the total wards formed under **rule 9**, one –half of the seats shall be reserved for women including the 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.

(5) The seats reserved for Scheduled Castes and Scheduled Tribes and Women belonging to Scheduled Castes and Scheduled Tribes on the basis of percentage of population shall be changed in the next election and at the time of following elections, the seats of the ward / wards, containing the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes including Women belonging to Scheduled Castes and Scheduled Tribes and the seat of the ward earlier reserved shall be kept open to the members of the *general category and so on for subsequent elections.

Explanation: General category includes men or women or both belonging to this category.

(6) ^{IV}The reservation of seats for women shall be made having highest percentage of population of women in the ward in relation to total population of that ward after excluding the seats which have been reserved for the Scheduled Castes and Scheduled Tribes candidates including women belonging to the Scheduled Castes and Scheduled Tribes, as the case may be.

^{III} substituted vide notification dated 11-02-2016

^{IV} substituted vide notification dated 10-04-2017

(7) 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 Corporation and he shall also proclaim it by beat of drums within the municipal area. The draw shall take place on the date, place and time specified in the presence of atleast three prominent persons of the municipal area and three gazetted officers of the Government

(8) No ward shall be reserved for Scheduled Casts and Scheduled Tribes Candidates in two consecutive elections.

(9) Notwithstanding anything contained in these rules, the roster of reservation of seats shall operate from the initial stage for the elections to be held after the commencement of the above 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 Corporation under this rule:

(10) 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 Corporation and he shall also send a copy of the same to the Government.

11. Report to Commission: The Government shall cause to be delivered a copy of final reservation order made by it immediately to the Commission.

CHAPTER-III

RESERVATION AND ROTATION OF OFFICE OF MAYOR

12.^v Reservation and rotation of the office of Mayor:- (1) The reservation for the office of Mayor shall be as under:-

- | | |
|---|---------|
| (i) During the first two and half years | SC |
| (ii) During the second two and half years | ST |
| (iii) During the next two and half years | General |
| (iv) During the next two and half years | women |

Provided that where the population of any class of persons referred to above is less than fifteen per cent of the total population of the Corporation area, the office of Mayor shall not be reserved for that class and same shall be thrown open to all the categories.

^v substituted vide notification dated 11-02-2016

(2) The roster of reservation in sub-rule (1) shall be repeated after **every ten years**.

13 Report to Commission:- The Government shall cause to be delivered a copy of the order regarding final reservation and rotation of office of Mayor 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 Corporation, there shall be a electoral roll which shall be prepared in the manner specified in **rules 15 to 29** 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.

^{VI}Provided further that the State Election Commission may 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 as may be directed by the State Election Commission.

15. Preparation of Electoral roll.- When a direction is given under **rule 14** by the Commission, the **Electoral Registration Officer** shall cause to be prepared electoral roll, for each ward or part there of the Corporation, 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, –

(a) is not a citizen of India; or

^{VI} inserted vide notification dated 11-02-2016

- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is for the time being disqualified for voting under the laws relating to corrupt practices and other offences in connection with elections to municipalities or Assembly or Parliament; or
- (d) is not ordinarily resident of the ward; or
- (e) is less than 18 years of age on or before 1st January or the date as may be notified by the Commission for the preparation or revisions of electoral rolls as the case may be; or
- (f) *is already registered as elector in any other municipality or Gram Sabha, as the case may be.*

(2) A person shall be entitled to be registered in the electoral rolls for only one ward of the Corporation.

(3) 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. A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

16-A ^{vii} **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 the electoral rolls, or
- (c) a statement or declaration in writing which is false and which he either knows or believes to be false, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

17. Publication of Electoral roll in draft.- (1) **Once the draft Electoral roll of a ward is ready, the Electoral Registration Officer shall publish it in draft according to programme issued by the Commission** together with a notice in **Form-3** and make available copies thereof for inspection at his office, and in the offices of the Corporation and Tehsil concerned.

(2) The notice under sub-rule (1) shall also be given publicity through news-papers having large 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 Corporation 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.

18. Period for lodging claims and objections.- Every claim for the inclusion of name in the Electoral roll and every objection to an entry therein shall be lodged within a period of 10 days from the date of publication of draft Electoral roll under **rule 17**, or within such shorter period as may be fixed by the Commission in this behalf.

^{vii} inserted vide notification dated 11-02-2016

19. Appointment of Revising Authorities.- The **Electoral Registration Officer** may appoint one or more Revising Authority(ies) for the purpose of hearing claims and objections relating to Electoral roll of a ward or wards. **These appointments as and when made shall be given wide publicity.**

20. 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 19** 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 Corporation.**

(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 cause to be entered therein the time of their 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.

21. Notice of claims and objections.- (1) Where a claim or objection is not rejected under sub-rule (5) of **rule 20**, the Revising Authority shall after the period specified for the presentation of claims and objections has expired, 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 adduce such evidence as he may like to adduce for his defense.

22. Disposal of claims and objections.- (1) On the date, time and place fixed under the provisions of **rule 20**, the Revising Authority shall hear and **decide within 10 days or such shorter period as may be specified by the Commission** 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. 15/- to the claimant against receipt and objector immediately, if he is present. Otherwise he can get the copy of the same on payment of Rs. 25/- in cash against receipt.

(3) Any person aggrieved by an order passed under the provisions of **sub-rule (1)**, may, within 3 days from the date of the order, file an appeal to **Electoral Registration Officer**, who shall as far as practicable, within a week, decide the same.

(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 seven days from the date of publication of draft Electoral roll -**

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

(b) 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.

23. Final publication of Electoral roll.- (1) The Revising Authority as soon as it has disposed of all the claims or objections presented to it, shall forward the same along with the register of such claims or objections and the orders passed by it thereon to the **Electoral Registration Officer** , who shall cause the Electoral roll to be corrected in accordance with such orders or the orders passed on appeal by him under sub-rule (3) of rule 22 **and corrections consequential to sub-rule(4) of rule 22**, 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 Corporation and the Tehsil concerned.

(2) On such publication, the Electoral roll with or without amendments 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.

24 Special Revision of Electoral rolls.- Notwithstanding anything contained in **rule 23**, the Commission may at any time, for the reasons to be recorded, direct a special revision for any ward or part thereof in such a manner as it may think fit :

Provided that, subject to, other provisions of these rules, the Electoral rolls for the wards or part thereof 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.

25. Correction of entries in Electoral rolls.- If the **Electoral Registration Officer** on an application in **Form-6** or in **Form-18** made to him, or on his own motion, is, satisfied, after such inquiry as he thinks fit, that any entry in the Electoral roll -

(a) is erroneous or defective in any particular;

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

Provided that before taking any action on any ground under clause (a) or clause

(b), the **Electoral Registration Officer** shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him:

Provided further that an application under this rule at any time after the publication of the election programme under **rule 33** shall be made to the **Electoral Registration Officer** not later than 8 days before the last date fixed for the filing of nomination papers.

26. 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 receipt:

Provided that after the publication of the election programme under **rule 33** such application shall be made not later than 8 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)** paste one copy thereof in some conspicuous place at his office and invite objections thereto to be filed within a period of 4 days from the date of such pasting.

(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 such name shall be deleted from that Electoral roll.

(4) Where an application made under sub-rule (1) is rejected, an appeal shall lie, 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 receipt. The **Divisional Commissioner** shall decide the appeal within **7 days** after giving opportunity to the party concerned 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.

27. 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 said Electoral roll remains in force:-

- (a) complete spare copies of the Electoral roll;
- (b) papers relating to claims and objections and orders under **rule 22**;
- (c) applications under **rules 25 and 26** and decisions thereon;
- (d) papers relating to appeals under **sub-rule (4) of rule 26**; 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 at such places as the Commission may specify **till the new Electoral roll is finally published.**

28. Inspection of electoral rolls and connected papers. - Every person shall have the right to inspect the Electoral rolls under **rule 27** and get a copy thereof on payment of **Rs. 10/-** per page or part thereof to be paid in cash against receipt.

29. Disposal of Electoral rolls and connected papers.- The papers under **rule 27** 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

30. Returning 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 Returning Officer in respect of elections for the Corporation .

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

(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** in this behalf, by pasting a list thereof at his office and at the office of the Corporation 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.

31. Appointment of polling personnel.- (1) The Returning Officer shall appoint Presiding Officers and such number of Polling Officers, as he thinks necessary, in respect of each polling station:

Provided that if the Polling Officer is absent from the polling station, the Presiding Officer may appoint any Government or Semi-Government or Corporation servant, who is present at the polling station, as a polling officer during the absence of the former officer and inform the Returning Officer accordingly.

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

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

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

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

CHAPTER-VI

CONDUCT OF ELECTIONS

33 Election Programme.- (1) The State Election Commissioner shall frame a programme of general elections of the Corporation or a programme to fill up any casual vacancy in a Corporation or hold election to a Corporation 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;

^{VIII} inserted vide notification dated 11-02-2016

- (vi) the poll, if necessary shall be held on..... from..... A.M. to..... P.M. (the hours of poll shall not be less than six hours).
- (vii) the counting in the event of poll, shall be done..... (here time and, place fixed for the purpose shall also be specified) ; and
- (viii) the result of the election shall be declared.

(3) The election programme shall be published seven days before the date of filing of nomination papers by pasting a copy at the office of the Deputy Commissioner, Tehsil and Corporation and at such other conspicuous places in the Corporation 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 **approximately one month before the date of poll or 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 fifteen days and the day of poll shall preferably be a Sunday or any gazetted holiday.

(5) The Commission may by an order amend, vary 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.

34. Notice of election.- (1) The **Returning Officer** shall on the date on which the election programme is issued by the Commission under **rule 33**, shall affix a notice in **Form-19** at his office, and at the office of the Tehsil and the Corporation, and such other places as the **Returning Officer** may determine to -

- (a) invite nomination papers of candidates for election ;
- (b) fix the date, time and place for submitting the nomination papers;
- (c) specify the authority to whom nomination shall be submitted;

- (d) fix the date, time and place for the scrutiny of nomination papers :
- (e) fix the date, 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 date and time of poll , if necessary.

Explanation.- The dates fixed under clauses (b), (d), (e) and (g) shall be the same as specified under **rule 33** 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;

Provided that where any premises, vehicle, vessel or animal, belonging to or owned by the State Government or its instrumentalities, is requisitioned the compensation payable there-for shall not exceed the amount as may be determined by the State Government from time to time.

35. 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 Corporation and may amend or vary the list of symbols from time to time.

36. Classification of symbols-^{IX}

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

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

^{IX} deleted vide notification dated 11-02-2016

^X substituted vide notification dated 11-02-2016

P.M. on the date specified for the filing of nomination papers.

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

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

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

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

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

(a) ^{XI}

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

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

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

^{XI} deleted vide notification dated 11-02-2016

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

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

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

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

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

(a) that on the date fixed for the scrutiny of nomination, the candidate either is not qualified or is disqualified for being chosen to fill the office under the provisions of these rules or the Act or any other law for the time being in force; or

(b) that there has been a failure to comply with any of the provisions of **rule 37** or **rule 38**; 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) sub-rule (1) of **rule 34. The process of scrutiny once started shall not be adjourned,** except, when such proceedings are interrupted or obstructed by riots, open violence or by causes beyond the control of the Returning Officer :

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

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

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

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

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

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

some conspicuous place in his office.

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

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

43. Allotment of symbols to candidates.-(1) ¹²After the list of contesting candidates is prepared and if the number of candidates is more than one, the Returning Officer shall allot symbol to each contesting candidate according to the serial number in the list of contesting candidates and of the approved symbols in accordance with the serial number of the symbols specified in the notification under rule 35:

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

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

44. When a candidate shall be deemed to be set up by a political party :-¹³

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.

¹²substituted vide notification dated 11-02-2016

¹³deleted vide notification dated 11-02-2016

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.- ¹⁴(1)The maximum limit of election expenditure to be incurred by a contesting candidate or his authorized agent shall not exceed one lac rupees:

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

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

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

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

¹⁴ substituted vide notification dated 11-02-2016

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

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

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

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

(9) A statement of account of the total election expenditure maintained shall be submitted to the **Returning Officer within ten 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 :- The poll shall be countermanded for the Corporation ward if any of its validly nominated and contesting candidate demises. On such **an occurrence**, the Returning Officer shall, upon being satisfied of fact of the

death shall send a report to the Commission and proceedings with reference to the election shall be commenced afresh in all respects as if for a new election in accordance with these rules:

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

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

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

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

(2) Where a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commission and to the Government and shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station at which and the hours during which, the polling shall take place. The votes cast at such election shall not be counted until such adjourned poll is completed and the ballot box used at such polling station shall be sealed and kept in safe custody till the commencement of the counting.

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

52. Fresh poll in the case of destruction etc. of the ballot box.- (1) If at any election any ballot box is unlawfully taken out of the custody of the Presiding Officer or is in any

way tampered with, or is either accidentally or intentionally destroyed, lost or damaged, the polling at the polling station to which such ballot box relates shall be liable to be declared as void.

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

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

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

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

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

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

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

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

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

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

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 own signature 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 therefor 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) ¹⁵ 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 42**, alongwith the symbols allotted under **rule 43**.

¹⁵ incerted vide notification dated 11-02-2016

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

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

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

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

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

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 authority**;
- (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, 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) The Presiding Officer may employ at the polling station such **number** of persons as he thinks fit to help him in the identification of voters and to assist him in taking the poll.

(2) As each voter 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.

(3) 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 overlook 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 Corporation..

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

(2) Where a person being a Polling Officer, Presiding Officer or other public servant on poll duty in the ward of which he is an elector, wishes to vote in person at an election in a Corporation/ward and not by post, he shall send an application in **Form 37** to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is a public servant and voter on poll duty in the ward, he shall issue to the applicant an election duty certificate in **Form -38**.

(a) Where Election Duty Certificate has been issued to an elector under sub-rule(1) and (2) the Returning Officer shall mark "EDC" against his name in the

marked copy of the Electoral roll to indicate that an election duty certificate has been issued to him; and

(c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

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

(2) On production of such certificate the Presiding Officer shall -

(a) obtain thereon the signatures of the person producing it;

(b) have the person's name and Electoral roll number as mentioned in the certificate entered at the end of marked copy of the Electoral roll; and

(c) issue to him a ballot paper, and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

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 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 cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying himself of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked by the Presiding Officer as "**cancelled being Spoilt**".

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as "**Returned Cancelled**" by the Presiding Officer.

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

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 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 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 enclose it in a separate cover with the words "**Ballot Papers Account**" subscribed thereon.

75. Sealing of other packets.- (1) The Presiding Officer shall then make 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 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 33** a person, except -

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

(2) Any person, who during the counting of votes mis-conducts or fails to obey the lawful directions of the Returning Officer may be removed from that place where the votes are being counted.

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

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

78. Scrutiny and opening of ballot boxes.- (1) The Returning Officer shall on the date and at the time and place fixed under **rule 33** before commencement of the counting, read out the provisions of section 22 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-

- (a) if votes are given on it in favour of more than one candidate; or
- (b) if it bears any mark or writing by which the voter can be identified; or
- (c) if no vote is recorded thereon; or
- (d) if 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) if it is spurious ballot paper; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) if it bears a different serial number, or is different from design of the Ballot paper authorized for use at the polling station; or

(h) if 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 mentioned 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 desire to affix their seals and shall take sufficient precautions for their safe custody during such intervals.

(3) ¹⁶The 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. The result of counting of ballot papers shall be declared on **Form 46** after preparing the result sheet on **Form 47:**

Provided that before declaring the result on Form 46 and after the counting of all

¹⁶ substituted vide notification dated 11-02-2016

valid votes of polling station has been completed, the Returning Officer who have made the entries on a result sheet in Form-47 shall 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 Retuning Officer on such application shall be in writing and contain the reasons therefor.

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

(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/ Corporation;

(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 paste 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. Administration of oath to the elected Councillors¹⁷

(1) After the results of elections of Councillors have been declared under **rule 80**, the Director, Urban Development shall fix a date and time for making an oath or subscribing an allegiance to the Constitution of India to the elected Councillors of the Corporation under **sections 33** by issuing notice in writing to the newly elected Councillors giving **three days** time for the first meeting, provided that such notice shall be delivered to the elected Councillors atleast 48 clear hours before such meeting. This meeting shall be held at the office of the Corporation,

(2)¹⁸.

¹⁹81-A. Election of Mayor.-(1) Immediately after an oath is taken or an allegiance is subscribed by the elected Councillor under rule 81, or before the expiry of each term of office under sub-section (2) of section 36 of the Act, the Director shall convene the meeting and shall preside over the meeting for the conduct of election to the Mayor.

(2) Quorum for the meeting for the election of Mayor shall be $\frac{3}{4}$ of the total elected Councillors. In case the quorum is not complete, the Director 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.

(3) If only one candidate for the office is proposed, he shall declare such a candidate as duly elected to fill the said office.

(4) If there are more candidates, then, the poll shall be held.

(5) Ballot papers to be used at the election of the Mayor, shall be in Form-47-A and the particulars there in shall be in Hindi Devnagri script.

81-B. Method of voting at the election of Mayor.- (1)The procedure of voting at the election of mayor shall be as under.-

(a) before issuing the ballot paper to the Councillors, the Director, shall put his signatures on the back of each ballot paper in token of distinguishing mark

(b) the Councillors on receipt of the ballot papers, shall make a cross(x) against the name of the candidate for whom he intends to vote;

(c) after making cross, the councillor shall fold the ballot papers so as to conceal his vote; and

¹⁷deleted vide notification dated 11-02-2016

¹⁸ deleted vide notification dated 11-02-2016

¹⁹ incerted vide notification dated 11-02-2016

(d) the Councillor shall insert the folded ballot paper into

the ballot box kept for the purpose in front of the Director functioning as the Presiding Officer.

(2) After polling is over, the Presiding Officer shall open the ballot box and shall, in the presence of the Councillor, count the votes.

EXPLANATION.- For determining whether a vote polled is valid or invalid, the provision of rule 79 shall apply.

(3) A candidate obtaining largest number of votes shall be declared to be elected to fill the office:

Provided that if, after the counting of the votes tie is found to exist between any candidates and 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 Councillors present there and the description of the election to which the ballot papers relate shall be inscribed thereon. The Commissioner, Municipal Corporation, 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 and shall then subject to any direction to the contrary given by the competent court or the State Election Commission cause it to be disposed off with its contents in such manner as he may deem fit.

(5) The Director, shall prepare and forward the result of election in Form-49 to the State Government as well as to the State Election Commission for information and record.

(6) The State Government on receipt of the election result under sub-rule (5) shall notify the election of the Mayor and forward a copy of the same to the State Election Commission .

81-C. Election of the Deputy Mayor.- After the election of the mayor , the Director , shall hold the election to the office of the Deputy Mayor in the same manner as provided for the election of mayor under rules 81-A and 81-B of these rules.

81-D. No. confidence motion against the Mayor or the Deputy Mayor.- (1) A motion or no confidence motion against the Mayor or the Deputy Mayor of a Corporation may be brought through a requisition given in writing addressed to the Director , signed by not less than majority of its total elected councillors:

Provided that the Councillors who have made such a requisition 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 six months of the date of his election to such office and any subsequent motion of no confidence shall not be maintainable within the interval of six months of the last motion of no confidence.

(2) The Director or such other officer under his control not below the rank of an Officer of the Himachal Pradesh Administrative Service, authorized by him in this behalf, shall circulate to each councillor a copy of the requisition for their information .

(3)The Director or such other officer authorized by the Director under sub-rule (2), shall convene a special meeting by giving a notice of not less then fifteen days for the consideration of the motion referred to in sub-rule(1) and shall preside over at such meeting.

(4) A motion or no-confidence shall be carried in accordance with the provisions of sub-section (2) of section 37 of the Act.

81-E. Fresh Election- If the office of the Mayor or the Deputy is vacated during his tenure on account of no-confidence motion a fresh election for the reminder of the period shall be held under these rules for the office of Mayor or the Deputy Mayor, as the case may be, within a period of one month from the date of occurrence of vacancy

82. 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 79 and 80** shall apply to such further counting.

83. 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.

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

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

(a) the packets of counterfoils of used ballot papers;

(b) the packets of unused ballot papers;

(c) the packets of used ballot papers; and

(d) the packets of marked copies of the electoral roll shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the orders of the competent court or of the officer authorized under **section 14**.

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

application in respect of case dealt with by a Revenue Officer.

86. Disposal of election papers.- Subject to any direction to the contrary given by the State Government or by the Commission or by a competent court or by an authorized Officer under section 14, the packets and other papers referred to in rules 68,69,75,84 and 85 shall be retained for a period of 90 days from the date of publication of results in the Official Gazette and shall thereafter be destroyed”.

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

87.Casual vacancies in the Corporation.-When a vacancy occurs among the Mayor/Deputy Mayor/Councillors of a Corporation by death, resignation or removal of any Mayor/Deputy Mayor/Councillors and a new /Mayor/Deputy Mayor/Councillors shall be elected in his place in accordance with the provisions of sub-section (1) of section 12, and such election shall be conducted in the manner as specified in these rules for a general election and the programme of the election shall be framed as soon as may be convenient after occurrence of the vacancy.

88. 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.

CHAPTER-IX

ELECTION PETITIONS AND APPEALS

89. Presentation of petition.- (1) The election petition under section 14 shall be presented to the Divisional Commissioner, under whose territorial jurisdiction the

Corporation is situated.

(2) The petitioner shall enclose with the petition copies of the petition and its enclosures equal to the number of respondents.

(3) The affidavit referred to in the proviso to **sub-section (1) of section 14** shall be in **Form-50** and shall be sworn in before a Magistrate.

90. 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. 3000/- (three thousand Rupees)** 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 or caused to be presented.

91. Withdrawal of petitions.- (1) An election petition may be withdrawn by the petitioner only after the permission of the Divisional Commissioner 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 Divisional Commissioner to whom the petition is presented. Such an application has been induced by bargain or consideration.

(4) If the application for withdrawal is allowed, the Divisional Commissioner to whom the petition is presented shall pass an order with regard to **refund or forfeiture of security deposit:**

Provided that where the application of withdrawal is allowed by the Divisional Commissioner, a copy of the order shall be sent to the Director, Urban Development, Himachal Pradesh.

92. Place and Procedure of enquiry.- (1) The place of enquiry shall be headquarters of the Divisional Commissioner concerned to whom the petition is made or transferred:

Provided that the Divisional Commissioner 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.

93. Communication of orders on petition .- The Divisional Commissioner 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.

94.Procedure in presentation of appeal :- (1) Any person aggrieved by an order made by the Divisional Commissioner under **section 18** may within a period of thirty days make an appeal to the Financial Commissioner (Appeal) Government of Himachal Pradesh under **sub-section (3) of section 20**:

Provided that the appellate authority 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 an appeal under the Act, the period spent in obtaining a copy of the order shall be excluded.

(3) Every appeal preferred, under sub-rule (1), shall be 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.3000/-** as fee in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of appellate authority to whom the appeal is presented. 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 appellate authority may, after calling for record from the Divisional Commissioner, 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 it thinks fit and the order of the appellate authority shall be final.

(5) A copy of the order passed in appeal shall be sent to the Commission and to the State Government.

95. Abatement of appeal:- If before the decision of the appeal, the appellant or respondent dies, the appeal shall abate, the appellate authority shall cause notice of such event sent to the Slate Government.

CHAPTER-X MISCELLANEOUS

96. Penalty for disobedience of certain orders and for contravention of rules.- If any person who contravenes 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 or in accordance with the relevant law and practice for time being in force for such purpose.

97.Repeal and savings- (1) The Himachal Pradesh Municipal Corporation Elections Rules, 1996, Himachal Pradesh Municipal Corporation(Delimitation and Reservation of wards) Rules, 1995 and the Himachal Pradesh Municipal Corporation (Reservation and Elections to the office of the Mayor and Deputy Mayor) Rules,1996, 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, notifications or orders 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 rules.

Form-1

(See rule 6)

Notice of publication of the proposals for dividing the Municipal Corporation into wards and defining the limits of each ward.

Notice is hereby given that the proposals for dividing _____ Municipal Corporation 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 Municipal Corporation _____ during the office hours for the next 10 days.

If any resident has any objections to make with regard to aforesaid proposal against anything contained in it he can send the same to the undersigned in Form-2 within ten days from the date of publication of this notice and objections or suggestions so received shall be inquired into before finalizing the proposal.

Deputy Commissioner

Place _____

Date _____

Form-2
(See rule 7)

To

The Deputy Commissioner,

Subject:- Objection to the draft delimitation of Wards.

Sir,

 Please refer to the draft delimitation proposals of wards published
on _____ in respect of _____ Municipal Corporation area.

 That I am a resident of ward No. _____ of _____ Municipal
Corporation area.

 That I have the following objections to these draft proposals:-

- (1)
- (2)
- (3)
- (4)

Yours faithfully,

**Signature, full name &
address.**

Place:

Form-3

(See rule 17)

NOTICE OF PUBLICATION OF ELECTORAL ROLL

To

The voters of ward No. _____ of Municipal Corporation of
_____ District, Himachal; Pradesh.

Notice is hereby given that the electoral roll has been prepared in accordance with the Himachal Pradesh Municipal Corporation Election Rules, 2012 and copy thereof is available during office hours for inspection at my office and in the office of the Municipal Corporation and at the office of the Tehsildar.

If there be any claim for the inclusion of a name in the electoral roll or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged in or before (date) in Form 4,5, and 6 as may be appropriate.

Every such claim or objection should be addressed to the
_____ (full address) Revising Authority and should either be presented in person or through agent or sent by the registered post so to reach him not later than the aforesaid date.

(Municipal Corporation)

Place:

date:

Form-4

(See rules 20 (1) and 26)

CLAIM APPLICATION FOR INCLUSION OF NAME

To

**The Revising Authority/Electoral Registration Officer,
(Municipal Corporation).**

Sir,

I request that my name be included in the electoral roll for the _____
ward relating to _____Municipal Corporation.

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 (e) of rule 16 (1) 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 Corporation.
- (v) My name has not been included in the electoral roll for any ward of the above mentioned Municipal Corporation or municipality constituted under the H.P. Municipal Act, 1994or Gram Sabha constituted under the H.P. 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 20(1)]

OBEJECTION TO INCLUSION OF NAME

To

The Revising Authority,

_____ward.

Sir,

I object the inclusion of the name ofat serial No. in the electoral rollward relating to..... Municipal Corporation 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 has been 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.....Municipal Corporation.

Signature/thumb-impression of objector.

(full postal address).

.....

.....

I am a voter included in the same electoral roll in which the name objected stand appears, viz. No. and name of the ward relating to Municipal Corporation. My Sr. No. there in 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 rules 20 (1) and 25)

OBEJECTION TO PARTICULAR IN ANY ENTRY

To

The Revising Authority/Electoral Registration Officer,

_____ward.

Municipal Corporation_____.

Sir,

I submit that the entry relating to myself which appears at Sr. No.
in the roll ward relating toMunicipal Corporation as is incorrect. It
should be corrected to read as follows:-

.....
.....

Signature/thumb-impression of claimant.
(full postal address).

.....
.....

Place:

Date

Form-7

(See rules 20 (4),(5) and rule 22)

REGISTER OF CLAIM FOR INCLUSION OF NAME

.....Municipal Corporation.....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 rules 20 (4) and (5) and rule 22)

REGISTER OF OBJECTION TO INCLUSION OF NAMES

.....Municipal Corporation.....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

Dated 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 revision authority and date
	Admitted	Rejected		
7	8	9	10	11

FORM-9

(See rules 20 (4) and (5) and rule 22)

REGISTER OF OBJECTION TO THE PARTICULARS IN AN ENTRY

.....Municipal Corporation.....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 revision authority and date
Admitted	Rejected		
6	7	8	9

FORM-10

[See rules 21 (1)]

LIST OF CLAIMS

.....Municipal Corporation.....ward

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

Signature of Revising Authority

FORM-11

[See rules 21 (1)]

LIST OF OBJECTIONS TO INCLUSION OF NAMES

.....Municipal Corporation.....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. entry	Name in full		
1	2	3	4	5	6	7

Signature of Revising Authority

FORM-12

[(See rules 21 (1))]

LIST OF OBJECTION TO PARTICULARS IN ENTRIES

.....Municipal Corporation.....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 21(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 21(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 21(3)]
NOTICE OF HEARING OF OBJECTION

To

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

(Full name and address of person against whom objection is received)

Reference objection No.....

The objection against inclusion of your name at Serial No.....in the Electoral roll forWard relating to.....Municipal Corporation 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 21(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 theday 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 23(1))
NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL.

It is hereby notified for public information that electoral roll for ward No.(Ward) of Municipal Corporation.....has been prepared in accordance with the Himachal Pradesh Municipal Corporation Election Rules, 2012 and a copy of the said electoral roll is hereby published finally.

Date:
Place:

Electoral Registration Officer
(Municipal Corporation)

FORM-18.
(See rule 25).

APPLICATION FOR 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 deleted as the said person is not 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 34)

NOTICE OF ELECTION PROGRAMME.

Notice is hereby given that -

1. An election is to be held for electing a—

*Councilor from.....ward(S) of Municipal Corporation.

*Mayor/Deputy Mayor of.....ward(s) of Municipal Corporation.

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 at.....

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 taken on.....between the hours of.....and

Returning Officer

FORM-20
(See rule 37)
NOMINATION PAPER.

Election to the Councillor from ward No. and Name..... of Municipal Corporation, Shimla.

Election to the office of the Mayor/Deputy Mayor of Municipal Corporation, Shimla.

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 Corporation.....

My name is entered at Serial No.....of electoral roll of polling station.....of ward No..... of Municipal Corporation.....

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; and
- (b) That I have not been disqualified for contesting of election(s) under any law in force.
- (c) That I am set up in this election by theparty.

Dated:

Signature of candidate.

Note:-

(Further declaration to be made by a Scheduled Caste or Scheduled Tribe candidate or other Backward Classes candidate).

I hereby declare that I am a member of thecaste/tribe / other Backward Classes which has been declared to be Scheduled Caste or Tribe or other Backward Classes in Himachal Pradesh.

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 Corporation Election Rules, 2012 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 to extra attested photocopy of the said Annexure alongwith original Affidavit to Returning Officer.

Form-21
(See rule 39)
NOTICE OF NOMINATION

Election to:-

Councillor from ward No..... of Municipal Corporation.-----²⁰

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 Nominati on paper.	Name of Candi date.	Name of father/hu sband.	Age of can did ate.	Add res s.	Particulars of caste/tribe/ OBC of candidate belonging to Sch. Caste/Tribe/ OBC	S.No.of candidate in the electoral roll.	Nam e of prop oser.	S.No.of propose r in the electoral roll.
1.	2.	3.	4.	5.	6.	7.	8.	9.

Place:

Date:

Returning Officer or Specified Authority.

²⁰ deleted vide notification dated 11-02-2016

FORM-22.
[See rule 40 (7)]

LIST OF VALIDLY NOMINATED CANDIDATES.

Election to:-

Councillor from ward No..... of Municipal Corporation.-----²¹

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

Place:

Date:

Returning Officer

²¹ deleted vide notification dated 11-02-2016

Form 23
[See rule 41(1)]
NOTICE OF WITHDRAWAL.

Election to:
Councillor from.....ward of Municipal Corporation.-----²²

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-

Councillor from ward No..... of Municipal Corporation.....²³ was delivered to me by
the * Candidate.....at.....my office at.....(hours)
on.....(date).

Date.....

Returning Officer or
specified authority.

²² deleted vide notification dated 11-02-2016

²³ deleted vide notification dated 11-02-2016

FORM 24.
[See rule 41(2)]
NOTICE OF WITHDRAWAL.

Election to-

Councillor ward No.....of Municipal Corporation.....²⁴

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.

²⁴ deleted vide notification dated 11-02-2016

FORM-25.
(See rule 42)
LIST OF CONTESTING CANDIDATES.

Election to-

Councillor ward No..... of Municipal Corporation..... -----²⁵

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

Date:

Place:

Returning Officer

²⁵ deleted vide notification dated 11-02-2016

FORM 26.
(See rule 45)
FORM OF APPOINTMENT OF ELECTION AGENT.

I.....a candidate for election of -

Councillor from ward No..... of Municipal Corporation.....²⁶

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.

Dated:
Agent:
Place:

Signature of Election Agent.

I hereby declare that at the above election I will not do any thing forbidden by the Himachal Pradesh Municipal Corporation Act, 1994 and the rules made thereunder, which I have read/has been read over to me.

Signature of Election Agent
Approved.

Dated:
Place:

Signature of Returning Officer.

²⁶ deleted vide notification dated 11-02-2016

FORM 27.
[See rule 46(2)]
APPOINTMENT OF POLLING AGENT.

Councillor ward No..... of Municipal Corporation.-----²⁷

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 Corporation Act, 1994or Rule made there under which I have read/has been read over to me.

Place:

Date:

Signature of Polling Agent.

Signed before me.

Place:

Date:

Presiding Officer.

²⁷ deleted vide notification dated 11-02-2016

FORM-28.
(See rule 48(2))

REGISTER FOR MAINTENANCE OF DAY-TO-DAY ACCOUNT OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION TO WARD/MUNICIPAL CORPORATION.

1. Name of candidate.....
2. *Ward/Municipal Corporation from which contested.....
3. Seat for which contested.....
4. Date of filing nomination.....
5. Date of declaration of result.....

Date of Expdt .	Natur e of Expdt .	Amount of Expdt..		Date of payme nt	Name and addres s of payee.	No of Vouchers in case of amount paid.	No. of bills in case of amount outstandin g.	Name and address of the person to whom the amount outstanding is payable.	Remark s.
		pai d	Outsta -nding						
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 rules 48(5) and 48(10)]

DETAIL OF ELECTION EXPENSES BY CONTESTING CANDIATES FOR ELECTION TO WARD/MUNICIPAL CORPORATION-----

Name of contesting candidate.....

Name of ward/Municipal Corporation.....

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/MUNICIPAL CORPORATION.

1. Name of candidate.....
- 2.*Ward/Municipal Corporation.....
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.	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-31
[See rule 48(10)]

AFFIDAVIT.

I..... son/wife/daughter of
.....aged.....years.....resident ofdo hereby solemnly and
sincerely state and declare as under:-

1. That I was contesting candidate at the general election/bye-election to the ward No...../Municipal Corporationthe result of which was declared on.....
2. That I/my election agent kept a correct account of all expenditure in connection with the above election incurred authorized 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 Corporation Election Rules, 2012 and a true copy thereof is annexed hereto with the supporting vouchers/bills mentioned in the said account.
4. That the account 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 to4 are true to my personal knowledge, that nothing is false and nothing material has been concealed.

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/Municipal Corporation 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)

FOR USE IN ELECTION WHEN SEAT IS UNCONTESTED.

Election to:

Councillor ward No..... of Municipal Corporation.....²⁸

In pursuance of the provision contained in rule 50 of the Himachal Pradesh Municipal Corporation Election Rules, 2012, I declare that -

Name.....

Address.....

Has been duly elected as Councillor from the above ward of Municipal Corporation.

Place:

Date:

Signature of Returning Officer.

²⁸ deleted vide notification dated 11-02-2016

FORM 34.
[See rule 56(2) and 75]

PART-I
RECORD OF PAPER SEAL USED.

Election to Municipal Corporation.....From.....ward.

Number and name of polling station.....

Serial No. of ballot box used..	Serial No. of paper seal 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..... 4.
- to.....total.....

Place:

Date:

Signature of Presiding Officer.

FORM 35.
[See rule 58(1)]

BALLOT PAPER

Election of Councillor from ward No..... of Municipal Corporation.....

Ward/Municipal Corporation-----

Serial No. of voter-----

Number-----

Signature/thumb impression

No. and name of ward/Municipal Corporation.....

Name of Candidate	Photograph of Candidate	Symbol
1.		
2.		
None of the above(NOTA)		

²⁹ substituted vide notification 10-04-2017

FORM 36.
[See rule 64(1)]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To

The Returning Officer for.....

Ward No.....Municipal Corporation ,.....

Sir,

I intend to cast my vote in person at the ensuing election to Councillor from Ward No.....of Municipal Corporation.....

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 Municipal Corporation.

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.....

.....

Date

Yours faithfully,

Place:

().

FORM-37.
[See rule 64(2)]

LETTER OF INTIMATION TO RETURNING OFFICER.

To

The Returning Officer

Ward No (with name)Municipal Corporation.

Sir

I intend to cast my vote at the ensuing election to;-

Councillor from.....(Ward) of Municipal Corporation.....

My name is entered at Sr. No.....of polling station (No. and name) of the Electoral Roll for Ward No.....Municipal Corporation.

I may be issued a postal Ballot Paper/Election Duty Certificate (EDC) for the election of Councillor at the following address:-

Name.....

Address.....

.....

Yours faithfully,

Date:

Place: ()”.

³⁰ substituted vide notification 10-04-2017

FORM 38
[See rules 64(2) and 65(1)]

ELECTION DUTY CERTIFICATE.

Certified that.....is an elector in ward No..... of *Municipal CorporationHis 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 where he is entitled to vote and that he is, therefore, hereby authorized to vote at polling station (No. and name)of the ward where he is on duty on the day of poll.

Place:

Date:

Signature of Returning Officer.

SEAL

FORM-39.

(See rule 68).

DECLARATION BY THE COMPANION OF BLIND OR INFIRM VOTER.

*Election of Councillor from Ward No.....Ward of Municipal Corporation.---³¹.

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.

³¹ deleted vide notification 11-02-16

FORM 40.
[See rule 68(2)]

LIST OF BLIND AND INFIRM VOTERS.

*Election of Councillor from Ward No.....Ward of Municipal Corporation.----³²

Number and name of polling station.....

Sl.No of Voter.	Full Name of Voter.	Full Name of companion.	Address of companion.	Signature of companion.

Dated:

Signature of Presiding Officer.

³² deleted vide notification 11-02-16

FORM 41.
[See rules 70(2) and 75)]
LIST OF TENDERED VOTER.

*Election of Councillor from Ward No..... of Municipal Corporation.---³³
 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.

³³ deleted vide notification 11-02-16

FORM 42.
[See rules 71(1) and 75)]

LIST OF CHALLENGED VOTES.

*Election of Councillor from Ward No..... of Municipal Corporation.----³⁴
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.

Place:
Dated:

Signature of Presiding Officer.

³⁴ deleted vide notification 11-02-16

FORM -43
(See rule 74).

BALLOT PAPER ACCOUNT.

Election of Councillor from Ward No.....ward of Municipal Corporation.--³⁵
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

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5 ³⁶	None of the above	
	Total number valid votes polled	
	Rejected Ballot Paper	
Total No. of ballot papers in the ballot box(s)		
Difference, if any		

Signature of Counting Supervisor

Signature of Returning Officer

Date:

³⁵ deleted vide notification 11-02-16

³⁶ inserted vide notification 10-04-2017

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

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

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

Total number of votes polled

Total number of valid votes polled

Total number of rejected votes.

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

Place:

Date:

Signature of Returning Officer

³⁷ inserted vide notification 10-04-2017

FORM 45.
[See rule 77(4)]
PART-I.
APPOINTMENT OF COUNTING AGENTS.

Election of Councillor from ward No..... of Municipal Corporation.....³⁸

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:

Declaration of counting agent to be signed before the Returning Officer.

I hereby declare that at the above Corporation election I shall not do anything forbidden by section 22 and any other relevant sections of the Himachal Pradesh Municipal Corporation 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.

³⁸ deleted vide notification 11-02-16

FORM- 46
[See rule 80(3)]
RETURN OF ELECTION OF COUNCILLORS.

Election of Councillor ward No..... of Municipal Corporation.---³⁹

S.No.	Name of Candidate.	No. of valid votes polled.
1.		
2.		
3.		
4.		
5.		
6. ⁴⁰	None of the above	

- (a) Total of valid votes polled.....
- (b) Total No. of rejected votes.....
- (c) Total No. of votes polled.....

I, declared that—

Name.....
Address.....
.....

Has been duly elected as ⁴¹Councilor from the above ward No.....of Municipal Corporation.....

Place:
Date:

Signature of Returning Officer.

³⁹ deleted vide notification 11-02-16
⁴⁰ inserted vide notification 10-04-2017
⁴¹ deleted vide notification 11-02-16

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

Election of Councillor from ward No.of Municipal Corporation.....

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

- (a) Total No. of valid votespolled.....
 (b) Total No. of rejected votes.....
 (c) None of the above.....
 (d) Total No. of votes polled (a+b+c).....
 (e) Total No. of tendered votes.....
 (f) Remarks.....

Place of Counting.....

FORM-47-A

[see rule 81-A and 81-C]

BALLOT PAPER FOR THE ELECTION OF MAYOR/DEPUTY MAYOR

Name of Corporation.....

Sr. No.	Name of candidate	Space for marking
1		
2		
3		
4		

⁴³ inserted vide notification 11-02-16

FORM-48.
[See rule 80(3)]
RESULT OF ELECTION OF MAYOR /DEPUTY MAYOR

Election of Mayor/Deputy Mayor.....Municipal Corporation.

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

- (a) Total No. of valid votes polled.....
- (b) Total No. of rejected votes.....
- (c) Total No. of votes polled.....
- (d) Total No. of Tendered Votes.....
- (e) Remarks.

I, declared that—

Name.....
Address.....
.....

Has been duly elected as Mayor/Deputy Mayor of the above Municipal Corporation.

Place:
Date:

Signature of Returning Officer.

FORM-49.
[See rule 80(3)]
RESULT SHEET.

Election of Mayor/Deputy Mayor of Municipal Corporation.....

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

- (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:

Date:

Signature of Returning Officer.

FORM- 50.

[See rule 89(3)]

I.....the petitioner in the accompanying election petition calling in question the election of Shri/Smt.....from.....responent No.....in the said petition make solemn affirmation/oath and say,-

(a) That the statement made in paragraphs.....of the accompanying election 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 (UD) to the
Government of Himachal