

Election Matter
Urgent/Time Bound



राज्य निर्वाचनआयोगहिमाचलप्रदेश

STATE ELECTION COMMISSION HIMACHAL PRADESH

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

No. SEC. 13-90/२०१५-३५३०-३९ Dated the 18th December, 2015

To

All the Distt. Election Officers (Municipalities)-cum-
Deputy Commissioners,
(except Tribal), Himachal Pradesh.

**SUBJECT: CONDUCT OF ELECTION TO PANCHAYATI RAJ INSTITUTIONS
---DIRECTIONS THEREOF.**

Sir,

I am directed to convey for your guidance and compliance the following directions for ensuring proper, timely and smooth conduct of general elections to Urban Local Bodies to be held as per programme issued by the Commission.

1. **PRELIMINARY ARRANGEMENTS:** The Commission has issued programme for the conduct of general elections to 52 Municipalities in the State. You have to make all preparatory arrangements within a short time. It is presumed that the list of staff to be deployed for this purpose has been prepared by now. If not, the same would need to be initiated immediately. You are advised to chalk-out a programme for imparting training to the Returning Officers/Assistant Returning Officers who shall be responsible for receipt of nominations, scrutiny of nomination papers, preparing list of contesting candidates, allotment of symbols and finally counting and declaration of results. The Returning Officers will arrange training programmes for the polling parties. The polling personnel may be given at least three rehearsals including the day fixed for collection of material for polling.

As you are aware that elections to Urban Local Bodies shall be conducted through Electronic Voting Machines (EVMs) therefore process for the conduct of elections to

Municipalities will be slightly different from the ongoing elections process of Panchayati Raj Institutions in the State.

2. **Arrangement for Electronic Voting Machines :-** There are 446 wards and 499 polling stations have been fixed for the election to Urban Local Bodies (ULBs). Therefor 499 Electronic Voting Machines will be put to use on the day of poll. Besides the Commission has decided to keep ready one EVM as spare for each ward, which can be supplied to the polling party in emergent circumstances. Two or three EVMs will be used for training purposes in every Municipality. Therefore about 1100 EVMs would be required for these elections. The Commission has 800 EVMs in its stock and remaining three hundred EVMs will be borrowed from the Chief Electoral Officer Himachal Pradesh for which approval from the Election Commission of India has already been obtained. The State Election Commission has requested the Bharat Electronic Ltd. Bangalore to depute Engineers of the Company to have 1st check of the EVMs. The EVMs will be checked by the Engineers of the Company before 25th December, 2015.

While preparing EVMs care should be taken that the EVMs of the State Election Commission shall be put to actual use and the EVMs borrowed from the Election Commission of India will be kept as spare and will only be used in case of emergency.

3. **NOMINATION :-** The filing of nomination papers shall start from 26th December, 2015. The Nominations papers for the office of Members of Municipality shall be received at the place determined by you keeping in view the administrative convenience under Rule 36(1) (b) of the Rules *ibid*. The place of receipt of nomination papers preferably should be headquarter of the Municipal Council / Nagar Panchayat. *The time for receipt of nomination papers is fixed between 11.00 am to 3.00 pm. under Rule 38 (2) of the Rules ibid.*

Since the RO /ARO will discharge the duties regarding receipt of nomination papers, scrutiny and withdrawal of nomination papers therefore they are to fully acquaint themselves with the relevant provisions of the Act and Rules.

Presiding Officers and Polling Officers may be classified on the basis of scale of pay / grade pay, their post and rank. As far as possible, Gazetted Officers be deployed as Presiding Officers failing which officials who is working in supervisory capacity only may be deployed



as Presiding Officers. The Presiding Officers should be of higher scale/grade in comparison to other Polling Officers of a polling party.

4. **DISCLOSURE OF SPECIFIED INFORMATION:** As you are aware that the Commission has framed Regulations namely “**The Himachal Pradesh Panchayats and Municipalities Elections (Disclosure of Specified information by the Candidate) Regulations, 2004**”, According to this every candidate seeking election to the member of a Municipality shall submit the information in the Annexure-I as per Regulation 5 (2) of the said regulations in the form of an affidavit duly made and signed by him in the presence of a Magistrate or a Notary Public or an Oath Commissioner. The forms in respect of Annexure-I, has been already supplied to you and is required to be issued along with the nomination form to the contesting candidates. Therefore, Please ensure that the said Annexure is attached to each set of nomination papers so that every contesting candidate should get complete set of nomination papers.

5. **DEPOSIT OF AMOUNT RECEIVED ON ACCOUNT OF VARIOUS RECEIPTS DURING THE ELECTIONS:** While imparting the training to Returning Officers/Assistant Returning Officers, you are requested to bring it to their notice that while discharging their duty as Returning Officer/Assistant Returning Officer they will receive various amounts such as on account of sale of voter lists, amount of forfeited security and amount on account of challenging of identity of a voter etc. The amount so received shall be deposited in the following Receipt Head of Accounts:

Major Heads:- 0070-Other Administrative Services-02-Election 101-Sale proceeds for election Forms and documents-02-Sale proceeds for election Forms and documents by State Election Commission.

As far as security money is concerned, the Assistant Returning Officer shall deposit the forfeited security money with the Returning Officer concerned immediately and it will be responsibility of Returning Officer only to deposit the forfeited security money in the Govt. Treasury immediately after receipt of such amount from Assistant Returning Officer in the following receipt Head:

Major Head: 0070-Other Administrative Services-02-Election 104-Fee fines foreitures-02-Fee fine forfeiture by State Election Commission.

Any miscellaneous amount received during the election shall be deposited in the following receipt head:-

Major Head: 0070-Other Administrative Services-02-Election 800-other receipt-03
Misc. receipt by State Election Commission.

The Returning Officer will send all the Challans in original alongwith used and unused receipt books issued to him and a summary of amount received (receipt book wise) to the Districts Election Officer (Panchayat) and retain a copy of the same with him for his record.
The proforma for sending summary is as under:

Sr. No.	Sr. No. of receipt book	Total receipts issued from a book	Amount	Total blank receipts in a book	Full blank receipt books in total (Unused books)	Detail, if any

Note: Even if no receipt is issued from a receipt book it has to be mentioned in the summary of receipt book.

6. **Ballot Paper:**-The Ballot Paper will be required to use in the EVM, for Tendered Votes and for Poll Duty Ballots. The ballot paper will be supplied by the State Election Commission. There shall be no choice of symbol under Rule 44 of the Rules ibid. The names of the contesting candidates will be printed on the ballot paper as they will appear in the list of contesting candidates. *Therefore, immediately after the date and time of withdrawal is over, the list of contesting candidates will be prepared under Rule 43 on form-25 and provided to the Commission through fax. At the same time you will also depute a responsible official to deliver the original lists to the representatives of the Commission in the HP Government Printing Press.* The official so deputed will read the proof of the ballot paper and go back only after receiving the delivery of ballot papers.

Since ballot papers are the most sensitive document among all the election material therefore responsible person with armed security personnel should be deputed. You will also arrange for the safeand secure transportation of ballot papers from Shimla to the District Headquarters and further distribution to the municipalities concerned.

The State Election Commission has decided to provide option of "NOTA" "उपरोक्त में से कोई नहीं"on ballot paper. Therefore, while fixing ballot paper on the ballot unit one extra button than the number of contesting candidates will be unmasked

COUNTING ARRANGEMENTS:

- i. **Setting up of Counting Centre at Municipal Headquarter:-**The Counting of Votes will be done in the presence of RO/ARO. The counting of votes will be done at the Municipal Headquarters on the day of the poll after the close of poll. Once the poll is closed the EVMs shall be brought to the counting center at Municipal Headquarters. All efforts should be made to commence counting as soon as the EVMs reach the counting center. The Police Personnel and the Home Guards on duty at that polling station shall accompany the EVMs to the Municipal Headquarters to ensure security of the EVMs.

Since the elections are being held in the winter season and the days are short, **adequate lighting arrangements at the counting centers shall have to be made.** In case electricity is not available or otherwise erratic petromax lamps have to be arranged and keep lighted as stand by. **Counting of votes in candle light is not permissible.** Petromax lamps may be made available by hiring.

Counting at the Municipal Headquarter shall be undertaken as per programme issued in this behalf. The Poll Duty Ballot Papers received in time shall be counted first. If counting is likely to continue till late night, adequate lighting arrangements and sufficient deployment of police force for maintaining law and order shall have to be made. Although the Municipal elections are expected to be by & large peaceful, still in order to maintain peace, adequate security arrangements shall have to be made. Police personnel/Home Guards on duty at the different polling stations in a Municipality are to remain on duty at the Municipal Headquarter during the period of counting and up to the time of declaration of the

results for maintaining law and order. The pattern of deployment of police force and Home Guards at each Polling Stations and at the counting centers is left to the discretion of the Returning Officer-cum-Deputy Commissioner who will do the needful in consultation with the Superintendent of Police. In case of sensitive counting centers adequate security arrangement shall have to be ensured.

8. MAINTENANCE OF LAW AND ORDER: The Secretary (Home) and Director General of Police have been requested to make available adequate force according to realistic projection of requirements by the District Election Officers (Municipalities)-cum-Deputy Commissioners in consultation with the Superintendent of Police of the Districts. Assessment of requirement of police force and Home Guards may be done by you in consultation with Superintendent of Police of your Districts. After identifying Polling Stations are required to be classified as “**sensitive**” or “**hyper-sensitive**”. The number of security personnel to be deployed for maintaining law and order at the sensitive stations will be suitably increased. Utmost care should be taken before classifying a polling station as sensitive. This exercise may be undertaken in consultation with the Superintendent of Police of your District.

The list of polling stations be categorized “**sensitive**” or “**hyper-sensitive**” and the quantum of force to be deployed may be intimated to the Commission immediately.

9. Polling Stations:- Rule 32(4) of the Election Rules provides that the Returning Officer shall fix such number of polling stations for every ward as he may deem necessary. While fixing polling station provisions enshrined under the said Rule may be kept in view. The distance factor should also be taken into account, the Commission considers that on an average there should be a polling station within a radius of 2.00 kilometers so that no elector has to walk a distance of more than 2.00 kilometers in order to exercise his franchise. Where in a ward the number of *women electors is considerably high a separate polling station should be set-up for women*. If in a ward of 1500 electors, the number of women electors is more than 700 , it is desirable that a separate polling station should be set up for women electors. Every polling

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station should be selected after inspection by a Government Officer authorised by you so as to see that premises are safe, well- lit and suitable for the purpose.

The number of polling Stations set up in each Municipality may be intimated to the Commission immediately. The number of sensitive and hyper-sensitive polling stations may also be intimated to the Commission.

10. **MOVEMENT PROGRAMME:** Movement programme for the polling parties should be prepared separately well in advance so that there is no cause for any confusion in the minds of the officials deputed for the purpose. Arrangement of vehicles such as buses and jeeps, wherever needed, has also to be done in advance. The District Election Officer (Municipalities) may hire private vehicles only in extreme urgency in case Govt. vehicle are not available at that point of time. Needless to say that in the use of vehicles utmost economy may be ensured.

11. **RETURN OF NON-CONSUMABLE ITEMS:-** Out of the material to be supplied to the polling parties some items mentioned below are non-consumable. Therefore, these items should be received after completion of poll. The Returning Officer/Assistant Returning Officer will not relieve the polling parties until the following items are received back:

- | | |
|---|---|
| 1. EVMs | 7. Metal rule for detaching ballot paper and pusher |
| 2. Self Inking pad | 8. Needle (Sua) |
| 3. Presiding Officer Seal | 9. Cup for setting indelible ink. |
| 4. Rubber Seal for marking Ballot paper | 10. Gunny bags. |
| 5. Distinguishing mark seal | |
| 6. Material for voting Compartment | |

Besides these RO/ARO Hand Books and Returning Officer seals may also be received from the concerned Returning Officer/Assistant Returning Officer.

12. **STRONG ROOM:** The polled EVMs will be stored in safe custody. Since the number of EVMs to be kept in safe custody will not be very high therefore these can be stored in strong rooms of the nearest Govt. Treasury till the expiry of period fixed for filing of an election petition.

13. MODEL CODE OF CONDUCT AND ITS OBSERVANCE: With a view to maintain a healthy and peaceful atmosphere during the election period, which would be conducive for ensuring a free and fair election, the Commission has formulated a Model Code of Conduct for the guidance of political parties, candidates and others. It should be impressed upon to all concerned that Model Code of Conduct should not be violated at any stage and you are also requested to ensure that in no circumstances Model Code of Conduct is violated. Since the elections are not being held in District Lahaul – Spiti and in the territorial jurisdiction of Municipal Corporation Shimla therefore, Model Code of Conduct shall not be applicable in the territorial jurisdictions District Lahaul-Spiti and Municipal Corporation Shimla.

14. PROHIBITION OF PUBLIC MEETING: Section 304-B of the Himachal Pradesh Municipal Act, 1994 provides that no person shall convene, hold, attend, join or address any public meeting or procession in connection with an election or display to the public any election matter by means of cinematography, television or other similar apparatus. It further provides that no person propagate any election matter to the public by holding or arranging any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the numbers of the public thereto in any polling area **during the period of forty-eight hours ending with the hour fixed for the conclusion of poll .**

15. CONTROL ROOM: In order to monitor the movement of the polling parties, to ensure peaceful conduct of the poll and counting of votes, control rooms shall be set up at the District Headquarters/Sub Division Headquarters three days before the poll and till the completion of counting. The District Election Officer (Municipalities) shall post a responsible person as an office-in-charge in the Control Room. The control room should have a telephone with fax so that urgent messages are communicated to and from the District Headquarters and the Commission Headquarter on the day of poll. The control room shall function round the clock until the counting is completed at all level. Fax machines at the District Headquarters shall also remain open to receive and transmit messages. In the Commission's Office, control room shall be in Room No. 208 in the Armsdale building of the HP Secretariat. The telephone numbers viz. 2620152, 2620159, 2620154 and fax No. 2620152 & 2620159 shall also remain open in the Commission's Office. You will **intimate the names of the Officers manning the control rooms with telephone numbers to the Commission also.**

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It would be desirable to have security arrangement at the Control room to meet any exigency that may arise owing to a law and order problem in the concerned district. The requirement of force at the control room shall be decided by the District Election Officer (Municipalities) in consultation with the Superintendent of Police of the District.

16. DEPUTATION OF STAFF AND PUNISHMENT ON BREACH OF OFFICIAL DUTY: Section 281 (4) of the HP Municipal Act, 1994 provides that the officer or staff employed in connection with the preparation, revision and correction of the electoral roll for, and the conduct of all elections shall be deemed to be on deputation with the State Election Commission for the period during which they are so employed and such officers and staff shall, during the period, be subject to control, and Superintendence and discipline of the State Election Commission.

17. SECTOR OFFICERS: The District Election Officer (Municipalities) may also examine the need for having sector officers, depending upon the geographical and general law and order conditions prevailing in the District. The Sector Officers can be provided with mobile wireless sets for transmitting urgent messages. Requirement of mobile wireless sets may be intimated to the D.I.G. (Wireless) who will be requested to provide the sets.

17. OBSERVERS: During the election process, Observers appointed by the State Election Commission will keep a constant watch on all issues and processes of election. The Observers will use their official vehicles in the concerned areas. The payments on account of fuels consumed will be borne by the State Election Commission. The Observers will submit the bills of fuel to the concerned District Panchayat Officers who will make the payments after following due procedure. The arrangements for stay will be made by the concerned DCs/SDMs/ in the Govt. Circuit/Rest Houses. All support in terms of telephone, fax, computer, internet and Assistant for typing report will be provided by the concerned DCs/SDMs as and when required.

19. TRANSMITTING OF URGENT MESSAGES: Urgent messages may be sent through wireless in case e-mail, telephone and fax facilities are not available. The D.I.G. (Wireless) will be requested to transmit all message concerning elections on priority basis. He will also be requested to accept messages on credit.

20. BAN ON THE SALE OF LIQUOR: Liquor Vends shall remain closed and there shall be no sale of liquor, one day before the day of poll, on the day of poll and on the day of counting in the Municipal areas. The dates for closing of liquor vends shall be notified by the District Election Officers (Municipalities)-cum- Deputy Commissioner in their respective district, according to the notification of election programme.

21. HAND BOOKS: The detailed guidelines for RO/ARO and Presiding Officers have been given in the Hand Books. These books are being provided to you alongwith election material.

22. LOGISTICS: The Commission has already fixed norms with regard to expenses on account of contingency, rehearsals or working in the odd hours in the offices etc. vide its letter No. SEC-2-23/2005-4377 dated 31st October, 2015 and 5th November, 2015. However, you may also authorize RO / ARO to increase the contingency amount for coolieage etc. in case the polling party has to cover a considerable distance on foot alongwith election material. As for as diet money to polling parties is concerned, it will be paid to the polling parties and security personnel deputed with the polling party. During counting light refreshment will be provided to the staff deputed for counting, if the counting lasts till four hours or less. In case counting continues for more than four hours the staff deployed for counting will be provided lunch / dinner @ Rs. 100/- per head. The staff deployed on election duty may also be advised to submit their TA claims within fifteen days from the completion of election process so that TA liability could be cleared within the current financial year.

You are, requested that the aforesaid directions / guidelines may be adhered to strictly in order to ensure free, fair and smooth conduct of elections to Urban Local Bodies in the State.

The Commission wishes smooth success for your diligent and consistent hard work.

Yours faithfully,
(Dr. A.K. Sharma)
Secretary,
State Election Commission,
Himachal Pradesh.

Endst. No. SEC-13-90/2015 - २५४०-६५ Shimla-2 Dated, the १८th December, 2015

Copy forwarded for favour of information and necessary action to:

1. The Additional Chief Secretary (Home) to the Govt. of H.P.
2. The Additional Chief Secretary (Excise and Taxation) to the Govt. of H.P.
3. The Additional Chief Secretary (UD) to the Govt. of H.P.
4. The Director General of Police, H.P. Shimla-2
5. The Secretary (GAD) to the Govt. of H.P.
6. The Director, Urban Development Department Shimla-2


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