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THE HIMACHAL PRADESH PANCHAYATI RAJ (ELECTION)

RULES, 1994

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THE HIMACHAL PRADESH PANCHAYATI RAJ (ELECTION)

RULES, 1994

RURAL DEVELOPMENT AND PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Shimla-2, the 7th February, 1995

No. PCH-HA(3)-6/94.- In exercise of the powers conferred by sections 183 and 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act
No. 4 of 1994), the Governor, Himachal Pradesh is pleased to make the following rules entitled as the Himachal Pradesh Panchayati Raj (Election)
(extra-ordinary) on 17th December, 1994:-

CHAPTER-I

PRELIMINARY

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

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

(a) ―Act‖ means the Himachal Pradesh Panchayati Raj Act, 1994 (Act No.4 of 1994).

(b) ―Constituency‖ means a territorial constituency of a Gram Sabha, Panchayat Samiti or Zila Parishad, as the case may, for the representation of which a member is to be elected or has been elected and in relation to Pradhan or Up-Pradhan of a Gram Panchayat, shall mean the whole of Gram Sabha area;

[1][(c) ―District Election Officer (Panchayat)‖ means the officer appointed by the State Election Commission for the conduct of election to the Panchayats and also includes Assistant District Election Officer:

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

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

(e) ―electoral roll‖ means a list of voters of each constituency of a Panchayat;

(f) ―form‖ means a form appended to these rules;

(g) ―polling personel‖ means the person or persons appointed to conduct or to assist in the conduct of election ;

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

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

1 Clause (c) substituted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010, page . 4456-4467.

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

(k) ―Section‖ means the section of the Act; and

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

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

CHAPTER-II

DELIMITATION OF CONSTITUENCIES OF PANCHAYATS

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

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

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

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

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

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

(i) Bounded on the North by …….

(ii) Bounded on the South by ……

(iii) Bounded on the East by ……..……

(iv) Bounded on the West by …….

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

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

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

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

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

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

(i) Bounded on the North by …….

(ii) Bounded on the South by …….

(iii) Bounded on the East by ……..

(iv) Bounded on the West by …….

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

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

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

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

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

(i) Bounded on the North by ……

(ii) Bounded on the South by ……...

(iii) Bounded on the East by ……

(iv) Bounded on the West by ……

(4) The Deputy Commissioner, shall cause to be published a proposal for delimitation of constituencies by dividing a Zila Parishad area into single member constituencies and also indicate the territorial limits of each such co he proposal open for

inspection in the office of the Zila Parishad, Panchayat Samiti and in each of the offices of Gram Panchayats falling within the Zila Parishad area and by affixing a copy of such proposal at two conspicuous places within each Sabha area for inviting public objections thereon, within seven days.

(5) The Deputy Commissioner on receipt of objections, if any, under sub-rule (4) shall inquire into the same and shall consider them within a period of seven days and final order of delimitation shall be issued by him only after recording in brief the reasons for the acceptance or rejection of such objections.

10. Appeal.- Any elector aggrieved by the orders of the Deputy Commissioner may file an appeal to the Divisional Commissioner within a period of 10 days and who, after giving an opportunity of being heard to the appellant shall decide the same within a period of 15 days and communicate his orders thereon to the Deputy Commissioner. The order passed by the Divisional Commissioner shall be final.

[1][**11. Final publication of delimitation of constituencies.-** (1) The delimitation made under rules 6, 8 and 9 shall be amended in the light of the orders of the Divisional Commissioner, if any, made under rule 10 and the delimitation shall be finalised within a period of 30 days from the date of publication of the proposal in this behalf. A copy of the final orders of the

1 Rule 11 substituted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.

delimitation of constituencies of the Panchayats shall be affixed on the notice boards of the offices of the Deputy Commissioner, Zila Parishad, Panchayat Samiti, Gram Panchayat and at such other places as the Deputy Commissioner may decide and the copies of the same shall also be sent to the State Election Commission and the State Government.

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

CHAPTER-III

ELECTORAL ROLLS

12. Electoral roll for every constituency.- For each constituency of a Panchayat there shall be an electoral roll which shall be prepared in the manner specified in rules 13 to 24 by the District Election Officer (Panchayats) under the superintendence, direction and control of the State Election Commission:

[1][Provided that the State Election Commission may in its own discretion, use data base of the Election Commission of India for the preparation of the draft ns under these rules:]

Provided further that the preparation or revision of electoral roll, as the case may be, shall be taken up as and when so directed by the State Election Commission.

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

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

14. Disqualification for registration in electoral roll.- A person shall be disqualified for registration in an electoral roll, if he-

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by competent court; or

(c) is for the time being disqualified for voting under the laws relating to corrupt practices and other offences in connection with Panchayats/Municipality/Assembly/Parliamentary elections; or

(d) is not ordinarily resident of the constituency; or

1 . First proviso to Rule 12 Subs. vide Not. No. PCH-HA(1)18/2008-I dated 12th December, 2013, published in R.H.P. dated 27.12.2013 at pages 5356-5359**.**

(e) is less than 18 years of age on the date as may be notified by the State Election Commission for the preparation or revision, as the case may be, of the electoral rolls.

1[(f) is already registered as a voter in a Municipality or in some other Gram Sabha.]

15. Publication of electoral roll in draft.- (1) As soon as the electoral roll of a constituency is ready, the District Election Officer (Panchayats) shall publish it in draft, together with a notice in

Form-I and make available copies thereof for inspection at his office and in the offices of Gram Panchayat, Panchayat Samiti, Zila Parishad.

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

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

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

18. Manner of lodging of claims and objections.- (1) A claim or objection shall be addressed to the Revising Authority specified in the notice referred to in rule 15 and shall be presented to him personally or sent by registered post to that authority. Every claim for inclusion of names, objection in relation to the inclusion of the name or objection in relation to the particulars in an entry shall be in

Form 2, 3, 4 respectively.

(2) A claim shall be signed by the person desiring his name to be included in the electoral roll and countersigned by another person whose name is already included in the electoral roll in which the claimant desires his name to be included and shall, unless sent by post, be presented by claimant himself or by a person authorised by him in writing in this behalf.

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

1 Clause (f) added vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467.

Form-5, of objections to the inclusion of names, in Form-6, and of objection to the particular in any entry in Form-7, and cause to be entered therein the time of their receipt, particulars of every claim or objections, as the case may be.

(5) Any claim or objection, which is not lodged within the prescribed period or in the manner herein specified shall be rejected and the decision recorded in the register prepared in

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

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

(3) A person against whom objection has been received by the Revising Authority for the inclusion or deletion of his name on or from the electoral roll shall also be given a notice in

Form- 14 of the place, date and time fixed for hearing of objection, at his last known place of residence and be asked to adduce such evidence as he may like to adduce for his defence.

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

Form-5, 6 and 7, as the case may be.

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

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

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

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

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

(c) after considering any verbal or written objection which may be preferred, decide whether all or any of the names should be included in or deleted from the electoral roll.

21. Final publication of electoral rolls.- (1) The Revising Authority as soon an as he has disposed of all the claims or objections presented to him, shall forward the same alongwith the register of such claims or objections and the orders passed by him thereon to the District Election Officer (Panchayats) who shall cause the electoral roll to be corrected in accordance with such orders or the orders passed on appeal by him under sub-rule (3) of rule 20, as the case may be and shall publish the electoral roll so corrected, or if he deems fit, shall publish the electoral roll together with a list of additions/deletions and corrections prepared in accordance with the aforesaid orders or as a consequence of his decision under sub-rule (4) of rule 20, by making complete copy thereof available for inspection and display a notice thereof in

Form-15 in his office and also in the office of the Gram Panchayat, Panchayat Samiti and Zila Parishad.

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

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

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

23. Correction of entries in electoral rolls.- If the District Election Officer (Panchayats) on an application in

Form-4 or Form-16 made to him or on his own motion is satisfied, after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency-

(a) is erroneous or defective in any particular;

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

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

Provided further that an application under this rule at any time after the publication of the election programme under rule 32 shall be made to the District Election Officer (Panchayats) not later than 1[nine days] before the last date fixed for the filing of nomination papers.

24. Inclusion of names in the electoral roll, finally published.- (1) Any person, whose name is not included in the electoral roll shall make an application, in

Form-2 (in duplicate), to the District Election Officer (Panchayats) for inclusion of his name in that electoral roll, and such application shall be accompanied by a fee of rupees two to be paid in cash against receipt.

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

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

Provided that if the applicant whose name is ordered to be included is already registered in the electoral roll of any other constituency of the same Gram Sabha or another Gram Sabha or a Municipality, such a name shall be deleted from that electoral roll:

Provided further that an application under this rule at any time after publication of the election programme under rule 32 shall be made to the District Election Officer (Panchayats) not later than 9 days before the last date fixed for the filing of nomination papers:

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

(4) Where an application made under sub-rule (1), is rejected, an appeal shall be within a period of ten days from the date of rejection of the

1 Substituted for the words ―five days‖ vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.

2. Sub-rule 3 substituted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.

application for the inclusion of names to the State Election Commission, whose decision shall be final.

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

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

(a) complete spare copies of the electoral roll ;

(b) papers relating to claims and objections and orders under rule 20 ;

(c) applications and decisions thereon, under rules 23 and 24 ;

(d) papers relating to appeals under rule 24 (4);

[1][xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx]

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

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

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

CHAPTER-IV

RESERVATION OF SEATS IN PANCHAYATS

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

(2) In every Panchayat the population of general category, Scheduled Castes, Scheduled Tribes and Women shall be worked out constituency-wise

1. Clause(e), deleted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467 .

2 Sub–rule 2 substituted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September, 2010 , page 4456-4467, .

and the percentage of Scheduled Caste and Scheduled Tribes and Women, in relation to the total population of the Constituency shall be determined for the purposes of making reservation.

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

percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

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

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

(5) Out of the constituencies reserved for members of Scheduled Castes and Scheduled Tribes, [1][one-half] of the constituencies shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes, as the case may be, and the Constituency having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes in relation to total population of the Constituency, as the case may be, in a Panchayat area shall be reserved for such women.

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

(7) Out of the total constituencies excluding the constituencies reser-ved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled tribes),[2][one- half] of the constituencies shall be reserved for women and the constituency having highest percentage of population of women shall be reserved for such women and if the number of constituencies to be reserved for women is more than one, then the constituency having the next highest percentage of women population shall be reserved for general women and so on .

1 Substituted for the words ―one third‖ vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September, 2010 page . 4456-4467.

2 Substituted for the words ―one third‖ vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September, 2010 page . 4456-4467.

[1][(8) The Constituencies reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the constituency/constituencies having the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and

Scheduled Tribes and women belonging to general category and so on for subsequent elections:

Provided that the reservation for a particular category shall not be repeated unless all other constituencies are covered by rotation:

Provided further that the reservation for a particular category shall not be rotated in such a constituency where the population of that category is less than 5% of the total population of that constituency.]

2[(8-A) Notwithstanding anything contained in these rules, the roster of reservation of seats shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of seats shall be rotated to different constituencies under this rule.]

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

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

CHAPTER- V

CONDUCT OF ELECTIONS

30. Appointment of Returning Officers and Assistant Returning Officers.- The District Election Officer (Panchayat) or any other Officer authorised by him in this behalf for this purpose, in writing shall appoint one or more Returning Officers for the conduct of elections for Panchayats. The District Election Officer (Panchayat) or the Officer authorised by him for this

1 Sub rule 8 substituted vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September, 2010, page . 4456-4467 .

2 Sub-rule 8-A inserted vide Not. N0. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September, 2010 page . 4456-4467.

purpose shall also appoint one or more Assistant Returning Officers who shall assist the Returning Officers in the discharge of duties in connection with the election. The District Election Officer (Panchayat) or the Returning Officer may eturning Officer any

functions of the Returning Officer and in discharge of these functions the Assistant Returning Officer shall exercise the powers of the Returning Officer:

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

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

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

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

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

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

(i) the nomination papers shall be presented;

(ii) the nomination papers shall be scrutinised;

(iii) a candidate may withdraw his candidature;

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

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

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

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

(viii) the result of election shall be declared.

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

(4) The period for filing of nomination papers shall be three days and the date of scrutiny shall be the next day from the last date of filing of nomination papers. T be the third day from

the date of scrutiny. The date for affixing the list of contesting candidates shall be the same as fixed for withdrawal of candidature. The list of polling stations shall be published well before the date of withdrawal. The gap between the date of withdrawal and the date of poll shall be ten days and the day of poll shall preferably be a Sunday or any gazetted holiday:

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

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

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

33. Notice of Election.- The District Election Officer (Panchayats) shall on the date on which the Election Programme is issued under rule 32 shall affix a notice in

Form-I7 at his office and at the office of Panchayats, and such other places as the District Election Officer (Panchayats) or any officer authorised by him, may specify to-

(a) invite nomination papers of candidates for election;

(b) fix the date, time and place where and when the nomination paper shall be submitted;

(c) determine the authority to whom nomination shall be submitted;

(d) fix the date, time and place for the scrutiny of nomination papers of candidates;

(e) fix the date, time, place and authority for the receipt of notice of withdrawal;

(f) fix the date, time and place for the allotment of symbols; and

(g) fix the date and time of poll, if necessary.

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

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

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

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

[1][Provided that every nomination paper shall be accompanied by No Dues Certificate issued by the concerned Panchayat in

Form-18-A.]

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

36. Presentation of nomination papers.- On the date fixed for filing of nomination papers under rule 33, each candidate during the time and at a place, specified in this behalf shall either in person or through his proposer, deliver to the Returning Officer or any other person so authorised by him in this behalf the nomination paper duly filled-up and signed by the candidate of the Panchayat area and by a voter of the constituency as a proposer:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted for an election in the same constituency:

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

Provided further that every candidate filing his nomination papers shall take an oath of affirmation and allegiance to the Constitution of India in writing in

Form-19 before the Returning Officer or any other Officer authorised by the State Election Commission and shall attach the same with his nomination papers.

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

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

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

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

(c) in case of a member of Panchayat Samiti a sum of one hundred and fifty rupees and where a candidate is a woman or member of

[1] Proviso ins. vide Not. No. PCH-HA(1)18/2008-I dated 12th December, 2013, published in R.H.P. dated 27.12.2013 at pages 5356-5359

Scheduled Castes or Scheduled Tribes or Backward Classes a sum of seventy five rupees;

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

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

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

Form-20 containing description similar to those contained in the nomination paper both of the candidate and his proposer.

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

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

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

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

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

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

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

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

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

(6) The Returning Officer shall record on each nomination paper his decision accepting or rejecting the same and, if the nomination paper

is rejected shall record, in writing, a brief statement of reasons for such rejection.

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

(8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare in

Form-21 a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it on the notice board at the offices of the Returning Officer and of the Panchayats.

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

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

(3) Upon receiving such a notice of withdrawal of candidature the Returning Officer or the specified authority shall cause a notice, in

Form-23, to this effect to be affixed in some conspicuous place in his office and at the office of the Panchayat concerned.

41. List of contesting candidates.- (1) On completion of the scrutiny of nomination papers and after the expiry of the period within which candidature may be withdrawn under rule 40, the Returning Officer shall forthwith prepare a list of contesting candidates in Hindi in

Form-24 and cause it to be affixed at some conspicuous place in his office and at the office of the Panchayat concerned.

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

42. Allotment of symbols.- (1) After the list of contesting candidates is prepared and if the number of candidates is more than one, the Returning Officer shall allot to each contesting candidate, according to the serial number, in the list of contesting candidates, the approved symbols in accordance with the serial number of the symbol specified in the notification under rule 34:

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

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

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

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

Form-26 signed by the candidate or his election agent, as the case may be.

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

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

Form-27 signed by the candidate or his election agent, as the case may be.

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

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

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

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

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

49. Uncontested election.- (1) If for any seat after the date and time fixed for withdrawal of nomination paper there remains only one candidate whose nomination paper is found to be valid, the Returning Officer shall forthwith declare in

Form-28 the candidate duly elected to fill the seat and shall inform the State Election Commission through District Election Officer (Panchayats) of the same.

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

[1][CHAPTER-V-A

POLL DUTY BALLOT

49-A.Electors on poll duty entitled to vote.- Subject to their fulfilling the requirements hereinafter specified, the electors who are on poll

1 Chapter- V-A inserted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September, 2010 page . 4456-4467.

duty within the same block shall be entitled to vote at an election of Panchayat.

49-B. Intimation by voters on Poll Duty.-An elector on poll duty within the same Block, who wishes to vote at an election shall apply in

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

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

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

(a)two declaration forms in Form-28B (one for Gram Panchayat and other for Panchayat Samiti and Zila Parishad);

(b)five covers in Form-28C (one for each ballot paper);

(c)two large cover addressed to the Returning Officer in

Form-28D (one for Gram Panchayat and other for Panchayat Samiti and Zila Parishad); and

(d) instructions for the guidance of the elector in

Form 28-E.

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

(a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll;

(b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector; and

(c) ensure that the elector is not allowed to vote at a polling station.

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

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

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

49-E.Recording of Vote.- (1) An elector who has received Poll Duty Ballot Papers and desires to vote shall record his vote on the ballot paper in accordance with the directions contained in

Form-28-E and then enclose each ballot paper in separate cover in Form-28C.

Form-28B in the presence of Returning Officer of the Panchayat or such officer as may be notified in this behalf by the State Election Commission.

49-F.Return of ballot paper.- (1) After an elector has recorded his vote and made his declaration under rule 49-E, he shall return the ballot paper and declaration to the Returning Officer for the Gram Panchayat or such officer as may be notified in this behalf by the State Election Commission within such time as may be fixed and in accordance with the instructions communicated to him in

Form-28E.

(2) If any cover containing a poll duty ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1) he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

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

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

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

(c) the Returning Officer of the concerned Zila Parishad in the case of election of members of Zila Parishad at the time of counting of votes.]

CHAPTER- VI

POLL AND VOTING FOR ELECTION

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

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

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

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

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

Form-29.

53. Notice at polling stations.- (1) Outside and inside each polling station there shall be displayed prominently-

(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station; and

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

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

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

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

(a) Polling Officer;

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

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

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

(e) a child in arms accompanying a voter;

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

(g) such other person as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

56. Ballot boxes to be locked and sealed before the commencement of poll.- (1) The Presiding Officer at each polling station shall immediately before the commencement of poll, allow inspection of each ballot box, to be used at the poll by the candidates,

their election agents and their polling agents, who are present at such station and demonstrate to them and to all other persons present, that it is empty.

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

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

57. Identification of voters.- (1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking a poll:

Provided that identity cards when issued by the Election Commission of India or by the State Election Commission or any other officer authorised by it to the voters shall be valid proof of identification during the polling for Panchayat Elections.

(2) As each voter enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voters name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the voter.

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

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

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

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

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

Form-30; and

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

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

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

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

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

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that challenge has been established he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the State Government and in any other case he shall return it to the challenger at the conclusion of the inquiry.

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

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

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

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

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

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

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

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

1[(3) On receiving the ballot paper, the voter shall forthwith proceed to the compartment and mark the ballot paper by putting the seal provided for the purpose on or before the name and symbol of the candidate of his choice or _none of the above‘ (NOTA), printed on the ballot paper and shall insert ballot paper in the relevant sealed ballot box kept before the Polling Officer.]

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

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

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

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

(2) The Presiding Officer shall keep a brief record of all such cases.

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

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the ballot paper so

returned and the counterfoil of such ballot paper shall be marked as ―Returned-cancelled‖ by the presiding officer.

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

1 Sub-rule (3) subs. vide No. PCH-HA(1)1/2015 the 28th October, 2015 published in R.H.P. dated 6.11.2015, p. 5063-5083.

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

(2) A tendered ballot paper shall instead of being put into the ballot box, be handed over by such person to the Presiding Officer. The Presiding Officer shall then place the ballot paper in a separate packet set apart for the purpose. At the end of the poll the packet containing all such tendered ballot papers shall be sealed. Such votes shall not be counted at the time of counting of votes.

(3) The name of the village, the number of the constituency, the name of the voter, his serial number in the electoral roll and the number of the polling station to which the electoral roll relates shall be entered in a list in

Form-31 which shall bear the heading ―List of tendered vote‖. The person tendering such ballot paper shall sign his name or affix his thumb impression against entry relating to him in that list.

(4) Form-31 shall be prepared separately concerning the election of Member, Pradhan, Up-Pradhan and member of Panchayat Samiti and member of Zila Parishad.

64. Closing of poll.- (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 32 and shall not thereafter admit any voter into the polling station:

Provided that all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

65. Sealing of ballot boxes after poll.- (1) As soon as practicable after the closing of the poll, the Presiding Officer shall in the presence of candidates or their election or polling agents close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate, election agent or polling agent present to affix his seal, if they so desire.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, scaled and secured as provided under sub-rules (1) and (2) before another ballot box is put into use.

66. Account of ballot papers.- (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in

Form-29 and enclose it in a separate cover with the words —Ballot Paper Account‖ superscribed thereon.

(2) The account of ballot papers shall be prepared separately for the election of Member, Pradhan, member of Panchayat Samiti and member of Zila Parishad, as the case may be.

67. Sealing of other packet.- The Presiding Officer shall then prepare and seal the following packets:-

(a) the marked copy of the electoral roll;

(b) other copy of electoral roll;

(c) counterfoils of the used and un-used ballot paper(s);

(d) the cancelled ballot papers;

(e) the cover containing the tendered ballot papers and the list of tendered ballot papers;

(f) the list of challenged votes; and

(g) any other papers directed by the Returning Officer to be kept in sealed packet.

Explanation.- Separate packets shall be prepared regarding election of Member, Pradhan, Up-Pradhan, member of Panchayat Samiti and member of Zila Parishad.

(2) Each packet referred to under sub-rule (1) shall be sealed with the seals of the Presiding Officer and of candidates, election agents or polling agents present who may desire to affix their seals thereon.

68. Transmission of ballot boxes, packets, etc. to the Returning Officer.- (1) The Presiding Officer shall deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer, or such other officer authorised by him in this behalf, may direct:-

(a) the ballot boxes;

(b) the sealed papers account;

(c) the sealed packets referred to in rule 67 ; and

(d) all other papers/material used at the poll.

(2) The Returning Officer or any other officer authorised by him in this behalf under the over all directions of the District Election Officer (Panchayats) shall make adequate arrangements for the safe transport of ballot boxes pertaining to the Gram Panchayat to the Gram Panchayat Headquarters and ballot boxes pertaining to panchayat Samiti and Zila Parishad to Panchayat Samiti Headquarters as per election programme. The building in which the ballot boxes are kept shall be adequately guarded by armed police/Homeguard forces.

69. Adjournment of poll in emergency.- (1) If at an election the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other

sufficient cause the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later and where the poll is so adjourned by the Presiding Officer he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the circumstances to the State Election Commission through the District Election Officer (Panchayats) who shall as soon as may be, fix the day on which, the poll shall be held and fix the polling station at which and the hours during which, the poll shall be taken.

(3) In every such case as aforesaid, the District Election Officer (Panchayats) shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in rule 32 and the provisions of the rules governing the original poll shall mutatis mutandis apply to the fresh poll taken under this rule.

70. Procedure of adjournment of Poll.- (1) If the poll at any polling station is adjourned under rule 69 the provisions of rule 64 to 67 (both inclusive) shall as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 64.

(2) The Returning Officer shall provide to the Presiding Officer of the polling station, at which such adjourned poll is held, ballot papers, copies of electoral rolls and all other election material required for the purpose.

(3) The provisions of rules 50 to 69 (both inclusive) shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

71. Fresh poll in case of destruction etc. of ballot boxes.- (1) If at any election:-

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or Returning Officer or is accidentally or intentionally destroyed or lost or is damaged or tampered with to such an extent, that the result of the poll at that polling station cannot be ascertained; or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the State Election Commission through the District Election Officer (Panchayats).

(2) On receipt of report under sub-rule (1) the State Election Commission shall, after taking all material circumstances into account, either:-

(a) declare the poll at the polling station to be void, and appoint a day, and fix the hours for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit ; or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way affect the result of the election or that the

error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper.

(3) The provisions of the Act and these rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

CHAPTER-VII

COUNTING OF VOTES

72. Supervision of counting of votes.- At every election where a poll is taken, votes shall be counted under the supervision and direction either of the Returning Officer or such other officer as may be authorised by him in this behalf. Each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of such counting.

73. Admission to the place fixed for counting.- (1) The Returning Officer or such other officer authorised by him in this behalf, shall exclude from the place fixed for counting of votes all persons except:-

(a) such persons as he may appoint to assist him in the counting;

(b) person authorised by the State Election Commission or the District Election Officer (Panchayats);

(c) public servants on duty in connection with the election; and

(d) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer or such other officers authorised by him in this behalf, shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer or such other officers auth may be removed from

the place where the votes are being counted, by the Returning Officer, or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

[1][**73-A. Counting of votes received through poll duty ballot papers.-** (1) The Returning Officer shall at the first instance deal with the poll duty ballot papers in the manner hereinafter provided.

1. Rule 73-A inserted vide inserted vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.

(2) No cover in Form-28D received by the Returning Officer after the expiry of the time fixed in this behalf shall be opened and no vote contained in such a cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinize the declaration in

Form-28B contained therein and if the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form-28C, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper contained therein.

(4) Each cover so endorsed and the declaration received with it shall be replaced in the cover in

Form-28D and all such covers in Form-28D shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its content.

Form-28B which he has found to be in order in a separate packet which shall be sealed before any cover in Form-28C is opened and on which shall be recorded the particulars referred to in sub-rule (4).

Form-28D not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinize each ballot paper and decide the validity of the vote recorded thereon.

(7) A poll duty ballot paper shall be rejected-

if it bears any mark other than mark to record the vote or writing by which the elector can be identified; or

(a) if it bears any mark other than mark to record the vote or writing by which the elector can be identified; or

(b) if no vote is recorded thereon; or

(c) if votes are recorded in favour of more candidates than one; or

(d) if it is a spurious ballot paper; or

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

(f) if it is not returned in the cover sent along with it to the elector by the Returning Officer.

(8) A vote recorded on a poll duty ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been recorded.

(9) A vote recorded on a poll duty ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.

(10) The Returning Officer shall count all the valid votes recorded in favour of each candidate and record the total thereof in the result sheet in-

Form-32 in the case of member of Gram Panchayats;

Form-34 in the case of Pradhan/Up Pradhan;

Form-36 in the case of member of Panchayat Samiti ; and

Form-38 in the case of member of Zila Parishad,

and announce the same.

(11) All the valid ballot papers and the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and the candidates or their election agents or counting agents, if they desire to affix their seals thereon, and on the packet so sealed the name of the constituency, the date of counting and a brief description of its contents shall be recorded.".]

74. Scrutiny and opening of ballot boxes.- (1) The Returning Officer or such other Officers authorised by him in this behalf may have the ballot boxes used at more than one polling station for the election of same office, opened and votes polled therein counted simultaneously.

(2) Before any ballot boxes opened at a counting table, the counting agents present at the table shall be allowed to inspect the paper seal or such other seals as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer or such other officer authorised by him, shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer or such other Officer authorised by him, is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 71 in respect of that polling station.

75. Procedure for counting of votes.- The Returning Officer or any officer authorised by him, on the date, time and place fixed under rule 32, shall start the counting of votes in the following manner, namely:-

(i) the counting of votes for the office/seats of Gram Panchayat shall take place at the headquarters of Gram Panchayat and for the members of panchayat Samiti and Zila Parishad at the Block headquarters as per election programme;

(ii) the Returning Officer or such other Officer as may be authorised by him in this behalf shal1 take out the ballot box

constituency-wise according to serial number and allow opportunity to candidates or their election agent to inspect the ballot box(es) and the seals to satisfy themselves that they are intact;

(iii) after each ballot box is opened, the candidates or the election agents, who may be present, shall be allowed to

inspect the ballot box and satisfy themselves that it bears the proper labels inside the ballot box;

(iv) all the ballot papers in each box shall be taken out and the empty box be shown to the candidates or the election agents for their satisfaction that no ballot paper has been left inside the box ;

(v) the ballot papers taken out of each box shall be mixed up with other ballot papers taken out of other ballot boxes concerning the same office and after that shall be sorted out separately for each seat/office. The ballot paper for the members of Gram Panchayat shall be retained on the same tables and ballot papers for the office of Pradhan and Up-Pradhan shall be passed on without counting them to the Returning Officer for their counting at later stage. After the counting the result of members of Gram Panchayat shall be declared on

Form 33 after preparing the result sheet on Form 32. After the declaration of result of all the members of the Gram Panchayat, the counting for the offices of Up-Pradhan/Pradhan shall be taken and result declared on Form 35 after preparing result-sheet on Form 34;

(vi) the ballot papers taken out of boxes after mixing up with other ballot boxes concerning the election for each office shall be sorted out separately for members, Panchayat Samiti and Zila Parishad at Block level. The ballot papers for the seat of members of Panchayat Samiti shall be retained on the same table and the ballot papers for the seat of members, Zila Parishad shall be passed on the another tables without counting them after telling with the Ballot Paper account. Counting for the seat of members, Panchayat Samiti shall be taken up first and the result of the members Panchayat Samiti shall be declared on

Form 37 after preparing result sheet on Form 36, After this counting for the member, Zila Parishad shall be taken up and result of counting of votes of members of Zila Parishad shall be prepared on Form 38 Part-I. The ballot paper account alongwith Form 38 Part-I and ballot paper in the sealed envelope shall be sent to the District Election Officer (Panchayats) who after compiling the Form 38 Part-I received from each block, prepare the result sheet in Form 38 part-II and then declare the result on Form 39:

1[Provided that the declaration of results on Forms 33, 35, 37 and 39 shall be made only after a reasonable opportunity for exercise of right to recount has been given under rule 79 to the candidate or his election agent or his counting agent.]

76. Scrutiny and rejection of ballot papers.- (1) A ballot paper contained in a ballot box shall be rejected if :-

(a) it bears any mark or writing by which the voter can be identified;

(b) it is a spurious ballot paper;

(c) it has been so damaged or multilated that its identity as a genuine ballot paper cannot be established;

(d) it bears a serial number, or is of a design, different from the serial numbers, or as the case may be, of design of the ballot paper, authorised for use at the particular polling station;

(e) it does not bear any mark which it should have borne under the provisions of sub-rule (3) of rule 59.

(f) it has not been marked by the Presiding Officer;

(g) it has been marked in the columns of more than one candidates; or

(h) it has been marked by an equipment and in the manner other than the equipment and the manner prescribed for that purpose;

Provided that where Returning Officer or such other officer authorised by him, on being satisfied that any such defect as is mentioned in clause (d) or clause (e) has in respect of all or any ballot papers used at a polling station been caused by the mistake or failure on the part of the Presiding Officer or Polling Officer concerned has directed that the defect should be overlooked, a ballot paper shall not be rejected only on the ground of such defect under c1ause (d) or clause (e):

Provided further that if the mark put by a voter has spread over two columns of the ballot paper then, the vote shall be counted in favour of the candidate in whose column the major portion of the mark falls.

(2) Before rejecting any ballot paper under sub-rule (1) the Returning Officer or such other Officers authorised by him shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(3) The Returning Officer or such other Officers authorised by him, shall record on every ballot paper which he rejects the letter _R' and the

1 Proviso added vide Not. No. PCH- HA(1)-18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.

grounds of rejection in abbreviated form whether in his own hand or by means of a rubber stamp.

(4) All ballot papers rejected under this rule shall be bundled together.

77. Counting to be continuous.- The Returning Officer or such other Officer authorised by him, shall, as far as practicable, proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or election agent or the counting agents, as may be desirous of affixing their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

78. Recommending of counting after fresh poll.- (1) If a fresh poll is held under rule 71, the Returning Officer or any other officers authorised by him in this behalf shall after completion of that poll, commence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 1[75,] 76 and 77 shall apply so far as may be to such further counting.

2**[79. Recount of votes**.- (1) After the completion of the counting and preparation of result sheet under rule 75, the District Election Officer (Panchayat) or Returning Officer, as the case may be, or any other Officer authorised by him shall announce the particulars of the result sheet.

(2) After such announcement has been made, a candidate or, in his absence, his election agent or any of his counting agent may apply in writing to the District Election Officer (Panchayat) or Returning Officer, as the case may be, or any other Officer authorised by him in this behalf for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount:

Provided that if no application for recount is received within reasonable time the result shall be declared in accordance with the provisions of clauses (v) and (vi) of rule 75.

(3) On an application for recount under sub-rule(2), the District Election Officer (Panchayat) or Returning Officer, as the case may be, or other officer authorised by him in this behalf shall decide the matter and may allow the application in whole or in part or may reject it if it appears to him to be frivolous or unreasonable:

1 Figure and sign ―75,‖ inserted vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.

2 Rule 79 substituted vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467, .

Provided that every decision of the District Election Officer (Panchayat) or Returning Officer, as the case may be, or any other Officer authorised by him shall be in writing and contain the reasons therefor.

(4) If the District Election Officer (Panchayat) or Returning Officer, as the case may be, or any other officer authorised by him in this behalf, decides under sub-rule (3) to allow an application either in whole or in part, then he shall-

(a) count the ballot papers again in accordance with his decision;

(b) amend the result sheet to the extent necessary after such recount; and

(c) announce the amendment so made by him.

(5) After the total number of votes polled in favour of each candidate has been announced under sub-rule (4), the District Election Officer (Panchayat) or Returning Officer, as the case may be, or such other officer authorised by him, shall complete and sign the result sheet and no application for a recount shall be entertained thereafter.]

80. Equality of votes.- If, after the counting of votes is completed and equality of votes is found to exist between any candidates and an addition of one vote will entitle any of these candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls has received an additional vote.

CHAPTER-VIII

ELECTION PAPERS

81. Return or forfeiture of candidates deposits.- (1) The deposit made under rule 37 shall either be returned to the persons making

it or his legal representative or be forfeited to the State Government in accordance with the provisions of this rule.

(2) Except in cases hereinafter mentioned in this rule, deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown in the list of contesting candidates or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.

(4) Subject to the provisions of sub-rule (3) the deposit shall be forfeited, if at an election where poll has taken place, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates.

82. Custody of papers relating to election.- The papers relating to election of member of Gram Panchayat, Pradhan. Up-Pradhan and member of

Panchayat Samiti shall be kept in the office of Block Development and Panchayat Officer under safe custody and election papers relating to the election of Members of Zila Parishad shall be kept in the Office of District Election Officer (Panchayati) in the safe custody.

83. Production and inspection of election papers.- While in the custody of the District Election Officer:-

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered, or rejected; and

(c) the packets of marked copies of the voters‘ lists;

shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the order of a competent Court.

1[**84**. **Disposal of Election Papers**.- The election papers and packets referred to in rules 61, 62, 67 and 83 shall be retained for a period of ninety days from the date of publication of results in the Official Gazette under rule 124 of the Himachal Pradesh Panchayati Raj (General) Rules, 1997 and shall thereafter be destroyed subject to any direction to the contrary given by the State Government or by the State Election Commission or by a Competent Court or pending legal proceedings.]

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CHAPTER-IX

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF PANCHAYAT SAMITI

85. Meeting for election.- (1) After the declaration of results of the elected members of the Panchayat Samiti, the Deputy Commissioner

concerned or any other officer authorised by him in this behalf except Block Development and Panchayat Officer shall fix a date of meeting under his presidentship (hereinafter referred to as Presiding Officer) for the purposes of oath or the affirmation of allegiance under section 127 of the Act [3][*****] as soon as possible, but not later than one week of the declaration of results as per section 79 of the Act.

1. Rule 84 substituted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010, page . 4456-4467.

2. Chapter VIII- A inserted vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 published in. R.H.P. Extra., dated 30-12-2005, p. 5647-5662, and deleted vide not. No. PCH-HA(1)18/2008, dated 20.10.2008, published in Rajpatra, Himachal Pradesh dated 21.10.2008, p. 4318-4319.

3. The words ―and for the election of Chairman and Vice-Chairman of Panchayat Samiti‖ deleted vide Not. No. PCH-HA(1)12/2000 dated 26-12-2000 published in R.H.P. Extra., dated 27-12-2000, p. 4778-4780.

[1][(1-A). As soon as possible but not later than seven days after oath or affirmation of allegiance under sub-rule (1) is administered or made, the Deputy Commissioner concerned or any other officer authorized by him in this behalf except Block Development Officer shall call under his Presidentship a meeting of all elected members to elect one of its members to be the Chairman and another member to be the Vice-Chairman of the Panchayat Samiti:

Provided that the State Government may, be general or special order, allow holding of meeting for the election of Chairman and Vice-Chairman under this sub-rule after one week but not later than one month from declaration of result of election of the elected members of the Panchayat Samiti under the following circumstances:-

(i) if it is not possible to convene meeting within seven days due to natural calamities;

(ii) if it is not possible or desirable to hold meeting within seven days due to severe law and order problem; and

(iii) if the election are declared exceeding the period of fifteen days prior to the expiry of the duration of the existing Panchayats.]

[2][(1-B). As soon as possible but not later than seven days after the declaration of occurrence of the casual vacancy in the office of the Chairman or the Vice-Chairman or both, as the case may be, the Deputy Commissioner concerned or any other officer, except the Secretary of the Panchayat Samiti, authorised by him in this behalf shall call under his presidentship a meeting of all elected members to elect the Chairman or the Vice-Chairman or both, as the case may be:

Provided that if, owing to a natural calamity of great severity or a grave situation of law and order or a war or aggression by another country against India affecting the relevant area in Himachal Pradesh or

any other cause beyond human control, it is not possible to hold such meeting within seven days, the government may allow such meetings to be held after seven days, but not later than thirty days after the occurrence of the vacancy in question.]

(2) The Presiding Officer shall issue a notice to all the members entitled to take part in the proceedings in

Form-40.

(3) A copy of such notice shall be exhibited on the notice board of the Panchayat Samiti Office.

(4) The Notice shall be dispatched at least five days before the date of meeting at their permanent address and shall contain the date, time, place and purpose of the meeting.

1. Sub-rule (1-A) added vide Not. No. PCH-HA(1)12/2000 dated 26-12-2000 published in R.H.P. Extra., dated 27-12-2000, p. 4778-4780.

2. Sub-rule (1-B) inserted vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662.

[1][(5) No quorum shall be required for the meeting for the purpose of oath or affirmation of allegiance under sub–rule (1). Quorum for the meeting for the purpose of election of Chairman or Vice Chairman or both, as the case may be, shall be two-third of the total elected members. If within two hours after the time appointed for the meeting, the quorum is not present, the meeting shall be adjourned. In the event of adjournment of the first meeting for want of quorum, the second meeting shall be convened within ten days from the date of first meeting and if the second meeting is also adjourned for want of quorum, the subsequent meetings shall be convened within ten days from the date of the last adjourned meeting and action under clause (b) of sub–section (1) of section 146 of the Act shall be taken against those members who will not attend subsequent meetings for which specific mention shall be made in the notices of such meetings. Quorum for the second and subsequent meetings shall be the simple majority of the total elected members.]

(6) Every candidate for the office of Chairman or Vice-Chairman, as the case may be, shall be nominated in writing and the nomination paper in

Form-41 shall be signed by two of the members one as proposer and another as a seconder. No member shall be allowed to propose or second more than one candidate for one office. The nomination paper shall be delivered to the Presiding Officer within one hour after the [2][completion of quoram]. Any nomination paper subscribed and delivered in contravention of these rules shall be invalid and declared as such by the Presiding Officer.

(7) Scrutiny of nomination papers shall be taken up by the Presiding Officer after the expiry of one hour allotted for the delivery of nomination papers in the presence of members. An objection to any nomination paper shall be recorded by the Presiding Officer who after proper consideration shall accept or reject each nomination. In case of rejection of any objection he shall record the reason for the same.

(8) The Presiding Officer of the meeting shall read out in the meeting:-

(a) names of the candidates whose nomination papers have been declared invalid and the reason thereof; and

(b) the names of the candidates duly nominated.

(9) (i) If there is only one candidate for election he shall be declared to have been duly elected.

1. Sub-rule (5) subs. vide Not. No. PCH-HA(1)12/2000 dated 26-12-2000 further subs. vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005, further subs. vide Not. No. PCH-HA(3)17/96, dated 24th of February, 2009, published in Rajpatra, Himachal Pradesh, page . 7881-7882.

2 Substituted for the words and figures ―oath or affirmation of allegiance under section 127 of the Act is administered or made‖ vide Not. No. PCH- HA(1)-18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010, page . 4456-4467.

[1][xxxxxxxxxxxxxxxxxxxxx]

(10) If the number of candidates is more than one, the election shall be held by secret ballot.

(11) The Presiding Officer shall assign serial number to each candidate with reference to their names written alphabetically in Hindi in Devnagari Script and announce to the members serial numbers assigned to each candidate.

(12) The Presiding Officer shall cause the ballot paper to be prepared in the following form:-

BALLOT PAPER

……. Panchayat Samiti

…….. Name of candidates for election of

……. 1.

2.

3.

4.

and so on.

Dated ……..

……...

Signature of the Presiding Officer of the meeting with his official seal.

(13) The ballot paper shall be signed by the Presiding Officer of the meeting and one paper handed over to each member for each election who shall [2][mark the ballot paper by putting the seal provided for the purpose] against the candidate for whom he wishes to vote. If a member is unable due to illiteracy, blindness or their physical infirmity to record his vote, the Presiding Officer of the meeting shall record the vote on ballot paper in accordance with the wishes of the such member. The ballot paper shall not be signed by the member nor be marked in any other way that could reveal his identity. If the paper is so signed or marked or mutilated, the vote shall be void.

(14) The ballot paper shall be inserted in the box provided for the purpose.

[1] Clause (ii) of sub-rule (9) deleted vide Not. No. PCH-HA(1)18/2000-II dated 30-12- 2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662.

[2] Substituted for the words and brackets ―put a cross (X)‖,vide Not. No. PCH-HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467 .

(15) (i) Immediately after the voting is over, the Presiding Officer shall in the presence of the members present open the box containing the ballot papers, count them and record the number thereof in a statement.

(ii) A ballot paper shall be invalid:-

(a) if it bears the signature of the member or contains any word, or any visible representation by which he can be identified; or

(b) if marks are placed thereon against more than one candidate; or

(c) if the mark is so placed thereon as to make it doubtful for which one or the two or more candidates the vote was intended to be given; or

(d) if no mark is placed thereon; or

(e) if it does not bear the signature of the Presiding Officer.

(16) At the end of the poll the Presiding Officer shall declare the candidate who secures the largest number of votes to be duly elected.

(17) In case of equality of votes, the election shall be decided by lot to be drawn by the Presiding Officer.

(18) The Presiding Officer shall keep order in the meeting and ensure that the election is fairly conducted.

(19) Immediately after the conclusion of the meeting the Presiding Officer shall:-

(a) prepare a record of the proceedings of the meeting and sign it. Any member in the meeting shall be permitted to affix his signature to such record, if he so desires; and

(b) publish on the notice board of the Panchayat Samiti a notice in

Form-42 signed by him as a prescribed authority as per provisions of section 126 of the Act stating the names of persons elected and send a copy of such notice to the District Election Officer.

(20) (a) The Presiding Officer shall then make up into separate packets the counted and rejected ballot papers relating to each election, seal each packet and note thereon description of its contents, the election to which it relates and the date thereof. The packets so sealed shall not be opened and their contents shall not be inspected or produced except under the orders of the competent court.

(b) The ballot paper shall remain in safe custody of the District Election Officer (Panchayat) for one year and shall thereafter be destroyed unless otherwise directed by a competent court or pending legal proceedings.

[1][**85-A. Administration of oath to the Chairman and Vice Chairman.-** Immediately after the publication of the names of the Chairman and Vice-Chairman or both under section 126 of the Act, the Sub Divisional Officer(Civil) concerned shall administer the oath of allegiance or affirmation to the newly elected Chairman and Vice-Chairman or both, as the case may be.]

CHAPTER-X

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF ZILA PARISHAD

86. Meeting for election.- (1) After the declaration of result of the elected members of the Zila Parishad, the Deputy Commissioner concerned shall fix a date of meeting for the purpose of oath or the affirmation of allegiance under section 127 of the Act [2][*****] under his presidentship (hereinafter referred to as the Presiding Officer) as soon as possible but, not later than one week of such declaration as per section 90 of the Act.

[3][(1-A). As soon as possible but not later than ten days after oath or affirmation of allegiance under sub-rule (1) is administered or made, the Deputy Commissioner concerned shall call under his presidentship a meeting of all elected members to elect one of its members to be the Chairman and another member to be the Vice-Chairman of the Zila Parishad:

Provided that the State Government may, by general or special order, allow holding of meeting for the election of Chairman and Vice-Chairman under this sub-rule after one week but not later than one month from declaration of result of election of the elected members of the Zila Parishad under the following circumstances:-

(i) if it is not possible to convene meeting within seven days due to natural calamities.

(ii) if it is not possible or desirable to hold meeting within seven days due to severe law and order problem; and

(iii) if the election results are declared exceeding the period of fifteen days prior to the expiry of the duration of the existing Panchayats.]; and

[4][(1-B). As soon as possible but not later than seven days after the declaration of occurrence of the casual vacancy in the office of the Chairman or the Vice-Chairman or both, as the case may be, the Deputy Commissioner

1. Rule 85-A, inserted vide not. No. PCH-HA(1)18/2008, dated 20.10.2008, published in Rajpatra, Himachal Pradesh dated 21.10.2008, p. 4318-4319.

2. The words ―and for the election of Chairman and Vice-Chairman of the Zila Parishad‖ deleted vide Not. No. PCH-HA(1)12/2000 dated 26-12-2000 published in R.H.P. Extra., dated 27-12-2000, p. 4778-4780.

3. Sub-rule (1-A) added vide Not. No. PCH-HA(1)12/2000 dated 26-12-2000 published in R.H.P. Extra., dated 27-12-2000, p. 4778-4780.

4. Sub-rule (1-B) inserted vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662.

concerned or any other officer, except the chief executive officer and the Secretary of the Zila Parishad, authorized by him in this behalf shall call under his presidentship a meeting of all elected members to elect the Chairman or the Vice-Chairman or both, as the case may be:

Provided that if, owing to a natural calamity of great severity or a grave situation of law and order or a war or aggression by another country against India affecting the relevant area in Himachal Pradesh or any other cause beyond human control, it is not possible to hold such meeting within seven days, the government may allow such meeting to be held after seven days, but not later than thirty days after the occurrence of the vacancy in question.]

(2) The Deputy Commissioner shall issue a notice to all the elected members in

Form-40.

(3) A copy of such notice shall be exhibited on the notice board of the Zila Parishad office and office of the Deputy Commissioner.

[1][(4) No quorum shall be required for the meeting for the purpose of oath or affirmation of allegiance under sub-rule (1). Quorum for the meeting for the purpose of election of Chairman or Vice-Chairman or both, as the case may be, shall be two-third of the total of the elected members. If within two hours after the time appointed for the meeting, the quorum is not present, the meeting shall be adjourned. In the event of adjourned of the first meeting for want of quorum, the second meeting shall be convened within ten days from the date of first meeting and if the second meeting is also adjourned for want of quorum , the subsequent meetings shall be convened within ten days from the date of the last adjourned meeting action under clause(b) of sub- section (1) of section 146 of the Act shall be taken against those members who will not attend subsequent meetings for which specific mention shall be made in the notices of such meetings. Quorum for the second and subsequent meetings shall be the simple majority of the total elected members.]; and

(5) The notice shall be dispatched at least five days before the date of meeting at their permanent address and shall contain the date, time, place and purpose of the meeting.

(6) Every candidate for the Chairman and Vice-Chairman as the case may be shall be nominated in

Form-41 signed by two of the elected members one as a proposer and another as a seconder. No member shall be allowed to propose or second more than one candidate. The nomination papers shall be

1. Sub-rule (4) subs. vide Not. No. PCH-HA(1)12/2000 dated 26-12-2000 further subs. vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005,further substituted vide Not. No. PCH-HA(3)17/96, dated 24th of February,2009, published in Rajpatra, Himachal Pradesh, page. 7881-82.

delivered to the Presiding Officer within hour after the 1[completion of quorum]. Any nomination paper subscribed and delivered in contravention of these rules shall be invalid and declared as such by the Presiding Officer.

(7) Scrutiny of nomination papers shall be taken up by the Presiding Officer after the expiry of one hour allotted for the delivery of nomination papers in the presence of members. An objection to any nomination shall be recorded by the Presiding Officer who after proper consideration shall accept or reject each nomination. In case of rejection of any objection he shall record the reasons for rejection in brief.

(8) The Presiding Officer of the meeting shall read out in the meeting:-

(a) the names of the candidates whose nomination papers have been declared invalid and the reasons thereof; and

(b) the names or the candidates duly nominated.

(9) (i) If there is only one candidate, for election he shall be declared to have been duly elected.

2[xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx]

(10) If the number of candidates is more than one, the election shall be held by secret ballot.

(11) The Presiding Officer shall assign serial number to each candidate with reference to their names written alphabetically in Hindi in Devnagari script and then announce to the members serial numbers assigned to each candidate.

(12) The Presiding Officer shall cause the ballot paper to be prepared in the following form:-

BALLOT PAPER

…… Zila Parishad …….

Name of Candidate for election of ……..

1.

2.

3.

etc.

1. Substituted for the words and figures ―oath or affirmation of allegiance under section 127 of the Act is administered or made‖, vide Not. No. PCH- HA(1)-18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010, page . 4456-4467.
2. Clause (ii) of sub-rule (9) deleted vide Not. No. PCH-HA(1)12/2000 dated 26-12- 2000 further subs. vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 published in R.H.P. R.H.P. Extra., dated 30-12-2005, p. 5647-5662.

…….

Signature of the Presiding Officer

of the meeting with his official

Seal.

(13) The ballot papers shall be signed by the Presiding Officer and one paper each shall be handed over to each elected member for each election who shall 1[mark the ballot paper by putting the seal provided for the purpose] against the candidate for whom he wishes to vote. If a member is unable due to illiteracy, blindness or other physical infirmity to record his vote, the Presiding Officer of the meeting shall record the vote on ballot paper in accordance with the wishes of such member. The ballot paper shall not be signed by the member nor be marked in any other way that could reveal his identity. If the paper is so signed or marked or mutilated, the vote shall be void.

(14) The ballot paper shall be inserted in the box provided for the purpose.

(15) (i) Immediately after the voting is over, the Presiding Officer shall in the presence of the members present, open the box containing the ballot papers, count them and record the number thereof in a statement.

(ii) A ballot paper shall be invalid:-

(a) if it bears the signature of the member or contains word, or any visible representation by which he can be identified; or

(b) if marks are placed thereon against more than one candidate; or

(c) if the mark is so placed thereon as to make it doubtful for which one or two or more candidates the vote was intended to be given; or

(d) if no mark is placed thereon; or

(e) if it does not bear the signature of the Presiding Officer.

(16) At the end of the poll the Presiding Officer shall declare the candidate who secures the largest number of votes to be duly elected.

(17) In case of equality of votes, the election shall be decided by lot to be drawn by the Presiding Officer.

(18) The Presiding Officer of the meeting shall keep order in the meeting and see that the election is fairly conducted.

(19) Immediately after the conclusion of the meeting, the Presiding Officer shall:-

1. Substituted for the words ―put a cross(X)‖, vide Not. No. PCH- HA(1)-18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467, .

(a) prepare a record of the proceedings of the meeting and sign it, any member in the meeting shall be permitted to fix his signature on such record, if he so desires; and

Form-42 signed by him as a prescribed authority as per provisions of section 126 of the Act stating the names of persons elected and send a copy of such notice to the District Election Officer.

(20) (a) The Presiding Officer shall make up into separate packets the counted and rejected ballot papers relating to each election, seal such packets and note thereon a description of its contents, the election to which it relates and the date thereof. The packets so sealed shall not be opened and their contents shall not be inspected or produced except under the orders of the competent court.

(b) The packets shall remain in safe custody of the District Election Officer (Panchayats) for one year and shall thereafter be destroyed unless otherwise directed by a competent court or pending legal proceedings.

[1][**86-A. Administration of oath to the Chairman and Vice Chairman.-** Immediately after the publication of the names of the Chairman and Vice-Chairman or both under section 126 of the Act, the Deputy Commissioner concerned shall administer the oath of allegiance or affirmation to the newly elected Chairman and Vice-Chairman or both, as the case may be.]

CHAPTER-XI

RESERVATION FOR CHAIR PERSONS

87. Reservation of office of Pradhans, Gram Panchayats.- (1) Before every election to a Gram Panchayat the State Government or any other officer authorised by it in this behalf shall in accordance with the provisions of section 125 of the Act, determine the number of the offices of Pradhans of Gram Panchayats to be reserved for Scheduled Castes, Scheduled Tribes and Women in a block.

(2) For the purpose of reservation of the offices of the Pradhans the population of general category, Scheduled Castes, Scheduled Tribes and women shall be worked out Gram Sabha-wise and the percentage of Scheduled Castes, Scheduled Tribes and women in relation to the total population of Gram Sabha, shall be determined.

(3) In every block the offices of the Pradhans of the Gram Panchayats shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the Block. The Gram Sabha having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the Gram Sabha having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

1 Rule 86-A, inserted vide not. No. PCH-HA(1)18/2008, dated 20.10.2008, published in Rajpatra, Himachal Pradesh dated 21.10.2008, p. 4318-4319.

(4) If the number of offices to be reserved for the members of Sche-duled Castes or Scheduled Tribes is more than one, then the Gram Sabha having the next highest percentage of population of Scheduled Castes and Scheduled Tribes, shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes or Scheduled Tribes in a Block is less than 5 % of the total population, then no office shall be reserved.

(5) Out of the offices reserved for members of Scheduled Castes and Scheduled Tribes,[1][one-half] of the offices shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes as the case may be, and the Gram Sabha having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, in relation to the total population of Gram Sabha, as the case may be, in a block shall be reserved for such women.

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

(7) Out of the total offices, excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes), [2][one-half] of the offices shall be reserved for women, and the Gram Sabha having the highest percentage of women population shall be reserved for general women, and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the Gram Sabha having the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category [3][******]and so on for subsequent election:

1. Substituted for the words ―one-third‖, vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467 .
2. Substituted for the words ―one-third‖, vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.
3 The brackets and words "(and the office earlier reserved shall be kept open to the members of the general category)", deleted vide Not. No. PCH- HA(1)-18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page. 4456-4467.

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices in the block are covered by rotation:

[1][Provided further that the reservation for a particular category shall not be rotated in such a Gram Sabha where the population of that category is less than 5% of the total population of that Gram Sabha.]

[2][(8-A) Notwithstanding anything contained in these rules, the roster of reservation of offices shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of offices shall be rotated to different Gram Sabhas under this rule.]

(9) The reservations made under this rule shall be finalised by the State Government or by any officer authorised by it, in this behalf, and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the Gram Panchayat and Panchayat Samiti and shall also send a copy of the same to the Government for publication of the order in the Official Gazette and this notification shall be the conclusive proof of reservations of offices as of Pradhan in the block.

88. Reservation of offices of Chairmen in Panchayat Samitis.- (1) Before every election to Panchayat Samitis, the State Government or any other officer authorised by it in this behalf shall in accordance with the provisions of section 125 of the Act, determine the number of the offices of Chairmen of Panchayat Samitis to be reserved for Scheduled Castes, Scheduled Tribes and women in the district.

(2) For the purpose of reservation of the offices of the Chairmen of Panchayat Samitis, the population of general category, Scheduled Castes, Scheduled Tribes and women, shall be worked out Panchayat Samiti-wise, and the percentage of Scheduled Castes, Scheduled Tribes and women population in relation to the total population of Panchayat Samitis shall be determined.

(3) In every district the offices of the Chairman of the Panchayat Samiti shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the District. The Panchayat Samiti having the highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the Panchayat Samiti having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

1 Second proviso inserted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.

2 Sub-rule (8-A) inserted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page. 4456-4467.

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

Provided that if the total population of Scheduled Castes or Scheduled Tribes in a district is less than 5 % of the total population, then no office shall be reserved.

(5) Out of the offices reserved for member of Scheduled Castes and Scheduled Tribes 1[one-half] of the offices shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes, as the case may be, and the Panchayat Samiti having highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes in relation to the total population of Panchayat Samiti as the case may be, in the district shall be reserved for such women.

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

(7) Out of the total offices excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes) 2[one-half] of the offices shall be reserved for women and the Panchayat Samiti having the highest percentage of women population shall be reserved for general women and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the Panchayat Samiti having the next highest percentage of population shall be reserved for member of Scheduled Castes and Scheduled Tribes including women belonging to general category 3[********] and so on for subsequent election:

1. Substituted for the words ―one-third‖, vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467 .

2 Substituted for the words ―one-third‖, vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467.

3. Brackets and words "(and the office earlier reserved shall be kept open to the members of the gener ot. No. PCH- HA(1)-

18/2008, dated the 8th September, 2010, published in Rajpatra,dated 10th of September, 2010 Himachal Pradesh, page . 4456-4467 .

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices in the district are covered by rotation.

1[Provided further that the reservation for a particular category shall not be rotated in such a Panchayat Samiti where the population of that category is less than 5% of the total population of that Panchayat Samiti.]

2[(8-A) Notwithstanding anything contained in these rules, the roster of reservation of offices shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of offices shall be rotated to different Panchayat Samitis under this rule.]

(9) The reservation made under this rule shall be finalised by the State Government or by any other officer authorised by it in this behalf and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the Gram Panchayat, Panchayat Samiti and Zila Parishad and shall also send a copy of the same to the Government for publication of the order in the Official Gazette and this notification shall be the conclusive proof of reservations of offices of Chairmen in the District.

89. Reservation of Offices of Chairmen in Zila Parishads.- (1) Before every election to a Zila Parishad, the State Government or any other officer authorised by it in this behalf, shall in accordance with the provisions of section 125 of the Act, determine the number of offices of Chairman of Zila Parishad, to be reserved for Scheduled Castes, Scheduled Tribes and women in the State.

(2) For the purpose of reservation of the offices of the Chairman of Zila Parishad the population of general category, Scheduled Castes, Scheduled Tribes and women shall be worked out Zila Parishad-wise and the percentage of Scheduled Castes, Scheduled Tribes and women in relation to the total population of the Zila Parishad shall be determined.

(3) In the State the offices of the Chairmen of Zila Parishads shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the State. The Zila Parishad having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the Zila Parishad having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of offices to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the Zila Parishad

1. Second proviso inserted vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh,dated 10th of September, 2010 page 4456-4467.

2. Sub Rule, (8-A) inserted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467, .

having the next highest percentage population of Scheduled Castes and Scheduled Tribes shall be reserved for the members of Scheduled Castes, Scheduled Tribes, as the case may be, and so on.

(5) Out of the office reserved for members of Scheduled Castes and Scheduled Tribes 1[one-half] of the offices shall be reserved for women members belonging to Scheduled Castes or Scheduled Tribes, as the case may be, and the Zila Parishad having highest population in percentage of women belonging to Scheduled Castes or Scheduled Tribes, in relation to the total population of Zila Parishad, as the case may be, in the State shall be reserved for such women.

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

(7) Out of the total offices excluding the offices reserved for Schedu-led Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes), 2[one-half]of the offices shall be reserved for women and the Zila Parishad having the highest percentage of women population shall be reserved for general women and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of next election, the Zila Parishad having the next highest percentage of population shall be reserved for member of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category 3[xxxxxxxxxxxx] and so on for subsequent election:

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices in the State are covered by rotation.

1. Substituted for the words ―one-third‖ vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467.

2. Substituted for the words ―one-third‖ vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467.
3. The brackets and words "(and the office earlier reserved shall be kept open to the members of the general category)" deleted, vide Not. No. PCH- HA(1)-18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467.

1[Provided further that the reservation for a particular category shall not be rotated in such a Zila Parishad where the population of that category is less than 5% of the total population of that Zila Parishad.]

2[(8-A) Notwithstanding anything contained in these rules, the roster of reservation of offices shall operate from the initial stage for the elections to be held after the commencement of the Himachal Pradesh Panchayati Raj (Election) Amendment Rules, 2010 as if the said elections are being conducted for the first time under sub-rule (8) and thereafter, the reservation of offices shall be rotated to different Zila Parishads under this rule.]

(9) The reservation made under this rule shall be finalised by the State Government or by any other officer authorised by it in this behalf and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the Gram Panchayat, Panchayat Samiti and Zila Parishad and shall also send a copy of the same to the Government for publication of the order in the Official Gazette and this notification shall be the conclusive proof of reservation of offices of Chairmen in the District.

90. Report to State Election. Commission.- The Government shall cause to be delivered immediately after it is issued a copy of the final delimitation and reservation and reservation order made under these rules to the State Election Commission.

91. Assistance from other Department.- The State Election Com-mission may take assistance of any Government Officers/Officials of any Department for the smooth and peaceful conduct of election.

[3][**92. Accounts of election expenses and maximum limit thereof.-** (1) Every candidate at an election of member of Zila Parishad shall, in accordance with the provisions of sub-section (1) of section 121-A of the Act, maintain a separate and correct account of all expenditure on day-to-day basis in connection with the election in the register in

Form-44:

Provided that the maximum limit on expenditure to be incurred by a contesting candidate at an election of member of Zila Parishad shall be 4[one lakh] rupees.

(2) All documents such as vouchers, receipts and acknowledgements, etc., in support of the expenditure incurred and recorded on the register

1. Second proviso added vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 , page . 4456-4467.

2. Sub-rule (8-A), inserted vide Not. No. PCH- HA(1)- 18/2008, dated 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page 4456-4467 .

3. Rule 92 subs. vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662.

4 Subs. for the words ―thirty thousand‖ vide No. PCH-HA(1)1/2015 the 28th October, 2015 published in R.H.P. dated 6.11.2015, p. 5063-5083.

mentioned under sub-rule (1) shall be maintained correctly. Every candidate shall, at any time during the process of election, make available the register along with the supporting documents to the District Election Officer (Panchayat) or any other officer authorized by the State Election Commission in this behalf for inspection as and when required by such officer.

(3) The account of election expenditure shall be submitted to the District Election Officer (Panchayat) in

Form-44 alongwith the details of election expenses in Form-45. The account of election expenditure shall be supported by a declaration in Form-46.

(4) The District Election Officer (Panchayat) shall acknowledge the accounts of election expenses in

Form-47].

CHAPTER-XII

ELECTION DISPUTES AND APPEALS

93. Election disputes.- Disputes relating to elections to Panchayats shall be disposed of in accordance with the provisions of Chapter-XI of the Act.

94. Presentation of Petition.- (1) The election petition under section 163 of the Act shall be presented to the authorised Officer under whose territorial jurisdiction the Gram Panchayats, Panchayat Samiti or Zila Parishad, as the case may be, is situated.

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

(3) The affidavit referred to in the proviso to sub-section (i)-of section 164 of the Act shall be in

Form-43 and shall be shown before a Magistrate.

95. Security deposit to be made with the petition.- At the time of presentation of an election petition, the petitioner shall deposit a sum of Rs. 300/- as security money in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of Authorised Officer to whom the petition is presented or caused to be presented.

96. Withdrawal of petition.- (1) An election petition may be with-drawn by the petitioner only after the permission of the Authorised Officer to whom the petition is presented or transferred as the case may be;

(2) When an application for withdrawal is made, a notice thereof fixing a date for the hearing, of the application shall be given to all other parties to the petition.

(3) No application for withdrawal shall be granted if, in the opinion of the Authorised Officer to whom the petition is presented or to whom such petition is transferred, as the case may be, such an application has been induced by any bargain or consideration which might not to be allowed.

(4) If the application is granted the Authorised Officer to whom the petition is presented or to whom such petition is transferred as the case may

be, shall pass an order with regard to security deposit in accordance with the provisions laid down under section 177 of the Act :

Provided that where the application of withdrawal is granted by the Authorised Officer a copy of the order shall be sent to the Director.

97. Place and procedure of enquiry.- (1) The place of the enquiry shall be the headquarters of the Authorised Officer concerned to whom the petition is made or transferred:

Provided that the Authorised Officer to whom the petition is made or transferred as the case may be, may on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, fix some other convenient place for this purpose.

(2) The public shall have free access to the place where enquiry into the election petition may be held.

(3) Notice of the time and place of enquiry shall be given to the parties not less than seven days before the first date of hearing.

98. Communication of orders of petition.- The Authorised Officer to whom the election petition is made or transferred, as the case may be, shall after conclusion of the election petition send a copy of the order to the appellate authority and the Director.

99. Procedure in presentation of appeal.- (1) Any person aggrieved by an order made by the Authorised Officer under sections 174 and 175 of the Act may within a period of thirty days make an appeal to the authorities referred to in section 181 of the Act:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) In computing the period of limitation for filing an appeal under the Act, the period spent in obtaining a copy of the order shall be excluded.

(3) Every appeal preferred under sub-rule (1) shall be in the form of the memorandum by the appellant or his duly authorised agent and shall be accompanied by the Treasury Challan evidencing the deposit of a sum of Rs. 300/- as fee in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of appellate authority to whom the appeal is presented, or caused to be presented, the memorandum shall set forth consisting the grounds of objections to order appealed from and shall be accompanied by a copy of such order.

(4) on receipt of an appeal under sub-rule (1) the appellate authority may after calling for record from the Authorised Officer against whose decision the appeal has been preferred and giving an opportunity to the parties of being heard and after making such further enquiry, if any, as may be necessary, pass such orders as it thinks fit and the order of the appellate authority shall be final.

(5) A copy of the order passed in appeal shall be sent to the Director.

100. Abatement of appeal.- If, before the decision on the appeal, the appellant or respondent dies, the appeal shall abate, the appellate authority shall cause notice of such event sent to the Divisional Commissioner and the Director of Panchayati Raj, Himachal Pradesh.

101. Repeal and savings.- (1) The Himachal Pradesh Gram Panchayat and Panchayat Samiti (Election) Rules, 1991, Himachal Pradesh Zila Parishad (Co-option of Members) Rules, 1973 and Himachal Pradesh Panchayat Samiti (Co-option of Members) Rules, 1973 are hereby repealed.

(2) Notwithstanding such repeal anything done or action taken under the rules so repealed (including the orders issued or directions given) shall always be deemed to have been taken or done under the corresponding provisions of these rules.

FORM-1

(See rule 15)

NOTICE OF PUBLICATION OF ELECTORAL ROLL

To

The Electors of Constituency No.
…… of Gram Sabha/Panchayat
Samiti/Zila Parishad of ……
District, Himachal Pradesh.

Notice is hereby given that the electoral roll has been prepared in accordance with the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 and a copy thereof is available for inspection at my office and the offices of Gram Panchayats/Panchayat Samiti/Zila Parishads..... during office hours.

If there is 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 on or before …….. (date) in forms 2, 3 and 4 as may be appropriate.

Each 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 registered post so as to reach him not later than the aforesaid date.

Place ……..

Date ……..

_____

[1][FORM-2

[See rule 18 (1) and 24]

CLAIM APPLICATION FOR INCLUSION OF NAME To

The Revising Authority,
Gram Panchayat …….

Development Block
……
District …….., Himachal
Pradesh.

Sir,

I request that my name be included in the electoral roll for the ……. constituency relating to Gram Panchayat …….

My Name (in full)..... My father‘s/mother‘s/husband‘s Name..... ……

Particulars of my place of residence are…….. House

No.....
Street/Mohalla Village
.....

Post Office
.....

Tehsil and 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. the date notified by the State Election Commission under clause (e) of rule 14 was /will be ..... years ……. months.

(iii) I am an ordinarily resident of the address given above.

(iv) I have not applied for the inclusion of my name in the electoral roll for any other Constituency.

(v) My name has not been included in the electoral roll for any constituency of the above mentioned Gram Panchayat or any constituency of any other Gram Panchayat in Himachal Pradesh.

OR

That my name has been included in the electoral roll for the Ward Number ..... of Gram Panchayat …… Development Block …… District ……. at Serial No.

1. Form-2 subs. vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662.

…….. and, I request that the same may be excluded from the electoral roll.

Signature/thumb impression of

Place ……..
Date ……...

claimant …….. (Full postal address).....
……. …….
…….

I am an elector included in the electoral roll of the same part in which the claimant has applied for inclusion viz. Part No. ……... …….. relating to ..... my serial number therein to..... support his claim and countersign it.

……
……
Signature of the elector.

DECLARATION

I hereby declare that I am aware that in case any of the information given by me is proved to be wrong, I shall be liable to criminal action under various sections of the Indian Penal Code.

…….

Signature of the claimant.

_____

Strike off the inappropriate words.]

Note.- Any person who makes a statement or 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.]

_____

FORM-3

(See rule 18)

OBJECTION TO INCLUSION OF NAME

To

The Revising Authority,

…….. Constituency.

Sir,

I object the inclusion of the name of ..... at serial No. …….. in the electoral roll for.....constituency relating to …….Gram Panchayat/Panchayat Samiti/Zila Parishad for the following reason (s):- .....

……

……

.....

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief that my name has been included in the electoral roll for this constituency as follows:-

Name in full. . . . . Father‘s/Husband‘s/Mother‘s name. . . . . Serial No. .... No. and name of the constituency ..... relating to..... Gram Panchayat/ Panchayat Samiti/Zila Parishad.

Signature/thumb impression of objector (Full postal address)……..

Dated …….

I am an elector included in the same electoral roll in which the name objected to appears, viz. number and name of the constituency……. …….. relating .... Gram Panchayat/ Panchayat Samiti/ Zila Parishad, my serial number therein is …… I support this objection and countersign it.

Signature/thumb impression of the elector.

(Full postal address)

……

…….

Note.- Any person who makes a statement or 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.

FORM-4

OBJECTION TO PARTICULARS IN ANY ENTRY

To

The Revising Authority for Panchayat Election ……..

..... Constituency.

I submit that the entry relating to myself which appears at serial No. ..... in the electoral roll for …… .....Constituency relating to ……..... Panchayat as ..... is incorrect.

It should be corrected to read as follows:-

.....

.....

.....

Place ..... ……

Signature/thumb impression of elector.

Date…….

(Full postal address) …….. ----------

FORM-5

[See rule 18 (4) and 20 (1)]

REGISTER OF CLAIMS FOR INCLUSION OF NAMES

. . . . . Gram Panchayat/Panchayat Samitit/Zila Parishad. . . . . .. Constituency.

Sl. No.	Name, father's name and address	Date of presentation of claim	Date of decision with note in the presence of parties
1	2	3	

Decision		Signature of Revising Authority	Signature of official by whom effect was given to the decision of the Revising Authority and date
Admitted	Rejected		
5	6	7	8

FORM-6

[See rule 18(4) and 20(1)]

REGISTER OF OBJECTION TO INCLUSION OF NAMES

…….. Gram Panchayat/Panchayat Samiti/Zila Parishad.

.... Constituency.

Person objected to			Name, father's/ husband's name and address of the objector	Sl. No. of objector in the electoral roll
Sl. No.	Under Name of	With Sl. No. in the electoral roll		
1	2	3	4	5

Date of decision with note as to presence of parties	Decision		Signature of Revising Authority and date	Signatur by whom ef given to the decision of Revising A
	Admitted	Rejected		
7	8	9	10	11

FORM-7

[See rule 18(4) and 20(1)]

REGISTER OF OBJECTIONS TO THE PARTICULARS IN AN ENTRY

…… Gram Panchayat/Panchayat Samiti/Zila Parishad .....
Constituency.

S1. No.	Name of the objector	Date of presentation of objection	Particulars as existed in the electoral roll	Correct partic requested by
1	2	3	4	5

Decision		Signature of the Revising Authority and date	Signature of official b whom effect was given the decision of the Revi
Admitted	Rejected		
6	7	8	9

FORM-8

[See rule 19(1)]

LIST OF CLAIMS

…….. Gram Panchayat/Panchayat Samiti/Zila Parishad …….. Constituency.

Date of receipt	Serial No.	Name of claimant	Name of Father/Husband/ Mother	Address	Date, time and place of hearing
1	2	3	4	5	6

…….

Signature of Revising Authority.

FORM-9

[See rule 19(1)]

LIST OF OBJECTIONS TO INCLUSION OF NAMES

…….. Gram Panchayat/Panchayat Sarniti/ Zila Parishad

…….....

Constituency.

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

……

….

Signature of Revising Authority.

FORM-10

[See rule 19 (1)]

LIST OF OBJECTIONS OF PARTICULARS IN ENTRIES IN ELECTORAL ROLL

Date of receipt	Sl. No.	Name in full of elector objecting	Part No. and Sl. No. of entry of electoral roll	Nature of objection	Date, time and place of hearing
1	2	3	4	5	6

……
….
Signature of Revising Authority.

FORM-11

[See rule 19 (2)]

NOTICE OF HEARING OF CLAIM

To

Full name and address of claimant ……
Reference/objection No. ……..

Your claim for the inclusion of your name in the electoral roll will be heard at ……. (place) at ……
O'clock on the [1] [……. day of 20…….
.]

You are directed to be present personally or through your authorised agent at the hearing with such evidence as you may like to adduce.

…….

Place …….. Date ……

Signature of Revising Authority. …….

(Constituency)

FORM-12

[See rule 19 (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
…… O'Clock on the [2][……..
day of …….20...]

You are directed to be present personally or through your authorised agent at the hearing with such evidence as you may like to adduce.

Place …….....
…… Date ……..
Revising Authority

FORM-13

[See rule 19 (2)]

NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS IN AN ENTRY IN THE ELECTORAL ROLL

To

[1] Substituted for signs, words and figure "…….day of 19…." , vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 , page . 4456-4467 .

2. Substituted for signs, words and figure "…….day of 19…." , vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September, 2010, page . 4456-4467.

Full name and address of objector …….

……

Reference: Objection No.

……..

Your objection to certain particulars in the entry relating to you will he heard at …… (place) at

…….

O'clock the 1[…….. day of …….. 20…….] You are directed to be present personally or through your authorised agent at the hearing with such evidence as you may like to adduce.

Place …….....

…… Revising Authority

Date …….. …….. Constituency.

FORM-14

[See rule 19 (3)]

NOTICE OF HEARING OF OBJECTION

To

Full name and address of person objected to

……

……

Reference: Objection No. .....

The objection to the inclusion/deletion of your name at the serial No. …… in the electoral roll for ……..... Constituency relating to ……. Gram Panchayat/Panchayat Samiti/Zila Parishad filed by (Full name and address of objector) ……. will be heard at ……. (Place) at ……. O'clock on the […….day of ……. 19….]

You are directed to be present personally or through your authorised agent at the hearing with such evidence as you may like to adduce.

The grounds of objection (in brief) are;

(a) ……..

(b) ……..

1. Substituted for signs, words and figure "…….day of 19…." , vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September, 2010, page . 4456-4467.

(c) ……..

Place ……

Date …….

……..

Revising Authority

……Constituency.

1[FORM-15

[See rule 21 (1)]

NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public information that the additions/deletions and corrections ordered by the Revising Authority/Appellate Authority to the draft electoral roll for Constituency No.…… (Constituency) of Gram Panchayat/Panchayat Samiti/ Zila Parishad…… has been incorporated in the said draft roll or list of such amendments has been prepared in accordance with the Himachal

Pradesh Panchayati Raj (Election) Rules, 1994 and a copy of the electoral roll so corrected alongwith list of amendments has been published finally.

Registration Officer.

Place ……

Date ……]

FORM-16

(See rule 23)

1 Form-15 substituted vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh,,dated 10th of September, 2010, page . 4456-4467.

APPLICATION FOR DELETION OF ENTRY IN ELECTORAL ROLL

To

The District Election Officer (Panchayat),

District …… (H. P.).

Sir,

I submit that the entry at Serial No. ..... in the electoral roll for …….. constituency relating to Shri/Shrimati …….. son/daughter of ……

…….. 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 mentioned above are true to the best of my knowledge and belief.

I declare that I am an elector of this constituency being enrolled at serial No. .....

Place ……

……
…

Date …… Signature/Thumb impression of applicant

(Full postal address)

……

……
…… _____

*Strike off the inappropriate words.

Note.- Any person who makes a statement or declaration which is false or 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.

FORM-17

(See rule 33)

NOTICE OF ELECTION PROGRAMME

Notice is hereby given that:-

(1) an election is to be held for electing a Pradhan/Up-Pradhan from a Gram Sabha/one member from each constituency of the Gram Sabha/one member from each constituency of the Panchayat Samiti/one member from each constituency of the Zila Parishad shown in the Table below;

(2) nomination papers may be delivered by a candidate or his proposer to the officer appointed as Returning Officer at the place, date and time mentioned in the Table below:-

TABLE

…….. (Block) in …… (Tehsil) of ……. District.

Name of Zila Parishad	No. and Name of Zila Parishad constituency	No. and name of Panchayat Samiti	No. and Name of Panchayat Samiti constituency	Name of Gram Sabha	No. and Name of Gram Sabha constituency
1	2	3	4	5	6

Officer before whom Nomination Papers may be presented				
For member of Zila Parishad	For member of Panchayat Samiti	For Member, Up-Pradhan and Pradhan of Gram Panchayat	Place	Date and time
7	8	9	10	11

(3) forms of nomination paper may be obtained from the respective Gram Panchayat Office or from the officer specified in columns 7, 8, 9, as the case may be, and at the place and date specified in columns 10 & 11 of the Table above;

(4) the nomination papers will be taken up for scrutiny by the officer specified in columns 7, 8 or 9, as the case may be, and at the place specified in column 10 of the Table above at ……. (hours) on …….. (date .....

(5) notice of withdrawal of candidature may be delivered by candidate or his proposer duly authorised, in writing, by the candidate for the purpose to the Officer specified in column 7 or column 8 or column 9 as the case may be, and at the place specified in column 10 of the Table above upto ……..
(hours) on …….. (date);

(6) the symbols to the contesting candidates shall be allotted by the officer specified in column 7 or column 8 or column 9, as the case may be, of the Table above immediately after the expiry of the time fixed for the withdrawal of candidature and list of contesting candidates shall be affixed outside his office;

(7) in the event of election being contested, the poll shall be taken between the hours . . . . . .and. . . . . on the date and place in the Table below;

(8) on completion of poll, counting shall take place at place, date and time given in the Table below and the result shall be declared after counting, namely:-

TABLE

Name of Zila Parishad	No. and name of Zila Parishad constituency	Name of Panchayat Samiti	No. and name of Panchayat Samiti constituency
1	2	3	4

Name of Gram Sabha	No. and name of Gram Sabha constituency	Date of poll	Place of counting
5		6	7

Date and time of counting	Place and date for declaration of result of Pradhan, Up-Pradhan and member Gram Panchayat and name of authorised officer	Place and date for declaration of result of member of Panchayat Samiti and name of authorised officer	Place a decla result of members of Zila Parishad and name of authorised offic
9	10	11	

Place ..... District Election Officer

(Panchayat).

---

* Strike off which is not applicable.

Note.- In case of single election or bye-elections column(s) of tables above which are not applicable need not be filled in.

---

[1][FORM-18

(See rule 35)

NOMINATION PAPER

*Election of member from ……. (Constituency) of ……..... Gram Sabha. *Election of Pradhan from ……. Gram Sabha.

*Election of Up-Pradhan from …… Gram Sabha.

*Election of member to Panchayat Samiti …… from ……. constituency.

*Election of member to Zila Parishad ..... from …….. constituency.

I, nominate as a candidate for above election—

Candidate's Name ……

Father's or Husband's name .....…… Postal Address ……..

His name is entered at serial No. …… in the electoral roll for constituency of …… Gram Sabha/Panchayat Samiti/ Zila Parishad.

My name is entered at Serial No …… in the electoral roll for …… ……..……. constituency of ……..……Gram Sabha/Panchayat Samiti/Zila Parishad.

Date ……. Name and Signature of Proposer.

I ……. the above mentioned candidate, assent to this nomination and hereby declare that-

(a) I have completed …… years of age.

(b) I have not encroached upon any land belonging to or

taken on lease or requisitioned by, or on behalf of, the State Government, Municipality, Gram Panchayat, Panchayat

1 FORM-18 Subs. vide Not. No. PCH-HA(1)18/2008-I dated 12th December, 2013, published in R.H.P. dated 27.12.2013 at pages 5356-5359 again subs. vide No. PCH-HA(1)1/2015 the 28th October, 2015 published in R.H.P. dated 6.11.2015, p. 5063-5083.

Samiti, Zila Parishad or a Co-operative Society and also do not suffer from any other disqualifications under the Act.

(c) I further declare that I am a member of the…… Caste/Tribe which is a Scheduled Caste/Tribe.

(d) I have enclosed ―No Dues Certificate‖ duly issued by the competent authority as required under rule 35(2) of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994.

(e) I shall neither use narcotics nor cultivate the poppy, opium and cannabis and shall also persuade others not to use narcotics and cultivate the poppy, opium and cannabis in the Panchayat area.

Signature of Candidate.

Place……

Date ……

(To be filled by the Returning Officer).

Serial No. of nomination paper …….

This nomination paper was delivered to me at …… (Place) at ……. (hour) on …… (date) by the ……. *candidate/proposer.

Date…… Returning Officer

(Decision of the Returning Officer accepting or rejecting the nomination paper).

I have examined this nomination paper in accordance with law and decide as follows:—

Date ……

The nomination paper of the above candidate has neither been rejected nor he has withdrawn his candidature and therefore …… (name of symbol) is hereby allotted.

Date …… Returning Officer

RECEIPT FOR NOMINATION PAPER AND NOTICE OF SCRUTINY AND WITHDRAWAL

(To be handed over to the person presenting this nomination paper)

Serial No. of nomination paper …….....

The nomination paper of…… a candidate for election of or *member/Pradhan/Up-Pradhan of Gram Panchayat, Member of Panchayat Samiti/member of Zila parishad from……...…
……..……
……. .....…….. constituency of
…… Gram Sabha
.....…….…… Constituency of Panchayat Samiti ……..…….....
Constituency of …….....Zila Parishad delivered to me at my office at
.....…….…… (hour)
on……... (date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at …… …….…….
(hours) on …… (date) at …… (place).

The candidature may be withdrawn upto ……. (hours) ……. (date). The symbol may be allotted immediately after the expiry of time fixed for withdrawal.

Returning Officer

Date ……

---

*Score out the words not applicable.

[see rule 35 (2)]

No Dues Certificate

Office of the Gram Panchayat/Panchayat Samiti/ Zila Parishad ……... District……..

Certified that no arrears of tax imposed by the Panchayat or arrears of any kind due to the Sabha, Samiti or Zila Parishad or retained amount which forms the part of Sabha, Samiti or Zila Parishad fund are due from Sh/Smt/Kumari ……..….. S/o/D/o/W/o Sh.....Resident of Gram

1 Form 18-A ins. vide Not. No. PCH-HA(1)18/2008-I dated 12th December, 2013, published in R.H.P. dated 27.12.2013 at pages 5356-5359.

Panchayat……Village ...……Post Office……Development Block …..…… Distt……., Himachal Pradesh as per the Panchayat record.

Secretary,
Zila Parishad/Panchayat Samiti……
Secretary/Sahayak…….……
……
Gram Panchayat…….
Development Block
…….……
District
……..…….……..…

Note:-*Certificate issued by the Gram Panchayat shall be countersigned by the Executive Officer, Panchayat Samiti.

** Strike out whichever is not applicable.‖.

FORM-19

(See rule 36)

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDI-DATE FOR ELECTION TO THE GRAM PANCHAYAT AND PANCHAYAT SAMITI AND ZILA PARISHAD OF A STATE

— I, ……. having been nominated as a can-didate to fill a seat in the Gram Panchayat ..... /Panchayat Samiti ……. of Zila Parishad…….. ..……. do swear in the name of God and solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India‖.

FORM-20

(See rule 38)

NOTICE OF NOMINATION

Election to the Gram Panchayat/Panchayat Samiti/Zila Parishad ……. ……. from the ……..... Constituency.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3.00 P.M. today. . . . . .

Sl. No. of nomination paper	Name of Candidate	Name of father/husband	Age of Candidate	A
1	2	3	4	

Seat/Office for which candidate is nominated	Particulars of caste /tribe of candidate belonging to Scheduled Caste /Tribe	Sl. No. of candidate in electoral roll	of propo ser	Name No. of Proposer in the electoral roll	S
6	7	8	9	10	

Place ……. Date ……..

Returning Officer

_____

*Strike off the inappropriate alternative.

FORM-21

[See rule 39 (8)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the Gram Panchayat/Panchayat Samiti/Zila Parishad …….
……. from …….
Constituency.

Sl. No.	Name of candidate	Name of *father/husband	Address of candidate	Seat/Office for which candidate is nominated
1	2	3	4	5

Place ……..
Date ……

Returning Officer

_____

_____

*Strike off the inappropriate alternative.

FORM-22

(See rule 40)

NOTICE OF WITHDRAWAL OF CANDIDATURE Election to.....

*Constituency No. …… of ZiIa Parishad ……... *Constituency No. ……..…. of Panchayat Samiti ..... *Pradhan/Up-Pradhan of Gram Panchayat .....

To

The Returning Officer,

…… .

I, ……. son/daughter/wife of …….

…….. a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place …….. Date ……... ……. Signature of validly nominated candidate.

This notice was delivered to me at my office at. . . . . …… (hour) on …… (date) by …… (name) the candidate/candidate‘s proposer/candidate‘s election agent.

Date ……. …… Returning Officer

_____

*Strike out which is not applicable.

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by Shri/Sushri. ……..

…… a validly nominated candidate at the election to the …… was delivered to me by the candidate/candidate‘s proposer/candidate‘s election agent(*) at my office at …… (hour) on ……. (date).

Date …….. …… Returning Officer.

---

*Strike out which is not

FORM-23

[See rule 40(3)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the Gram Panchayat/Panchayat Samiti/Zila Parishad ……
……
from..... Constituency.

Notice is hereby given that the following candidate/candidates at the above election have withdrawn his candidature/their candidatures today:-

Name of candidate	Address of candidate	Seat/Office for which candidature has been withdrawn	Remarks
1	2	3	4
1.			
2.			
3.			
4.			
5.			

etc.

Date ……. Place ……
…… Returning Officer

FORM-24

[See rule 41 (1)]

LIST OF CONTESTING CANDIDATES

Election to the Gram Panchayat/Panchayat Samiti/Zila Parishad. .

. . .

…….from

…… Constituency.

Sl. No.	Name of Candidate	Address of Candidate	Symbol allotted
1	2	3	4

Date …… Place ……

Signature …….. Returning Officer

FORM 25

(See rule 43)

FORM OF APPOINTMENT OF ELECTION AGENT

I, ……
a candidate for election of-
*Member from Constituency ……
Gram Panchayat ……
(Block) ……
*Pradhan/Up-Pradhan Gram Panchayat
…… Block
……).
*Member of Panchayat Samiti from Constituency No.
……. of Panchayat
Samiti…….....
*Member of Zila Parishad from Constituency No.
……. to be held on
…… hereby appoint Shri/Sushri.
……..… as my
…… (Name of the agent)
election agent from this date at the above election.

Place …… Date …….
…… Signature of Candidate.

I accept the above appointment.

Place …… Date
…….

Approved

Place …… Date …….

_____ *Strike out which is not applicable.

…… Signature of Election Agent

……
Signature of Returning Officer.

FORM-26

(See rule 44)

APPOINTMENT OF POLLING AGENT

Election to-
*Member from Constituency …….. of Gram
Panchayat …...……...

*Pradhan, Gram Panchayat ……
*Up-Pradhan, Gram Panchayat
.....
*Member of Panchayat Samiti from Constituency No. …….....

*Member of Zila Parishad from Constiuency No. …… of Zila Parishad.....
……..

I, ……. a candidate/the election agent of Shri/Sushri ……. who is a candidate at the above election do hereby appoint ……. (Name and address) ……. as a Polling Agent to attend Polling Station No. ……. at ……

Place ……

……
…

Date ……. Signature of Candidate/Election Agent.

I agree to act as such Polling Agent. Place. . . . . .

Place …… Date …….

…… Signature of Polling Agent.

DECLARATION OF POLLING AGENT TO BE SIGNED BEFORE THE PRESIDING OFFICER

I hereby declare that at the above election I will not do anything forbidden by the Himachal Pradesh Panchayati Raj Act, 1994 or Rules made thereunder.

……..……

Signature of Polling Agent.

Signed before me.

Place ……

Date …….

……. Signature of Presiding Officer.

_____

*Strike out which is not applicable.

FORM-27

(See rule 45)

APPOINTMENT OF COUNTING AGENT

Election to-

*Member of Constituency …….. Gram Panchayat ……

……

……. *Pradhan, Gram Panchayat

……

*Up Pradhan Gram Panchayat
……

*Member of Panchayat Samiti from Constituency No.
…….. of Panchayat Samiti
……

*Member of Zila Parishad from Constituency No.
…….

I …… a candidate/the election agent of Shri/Sushri. …… who is a candidate at the above election do hereby appoint ……. (Name and address) …….. as a Counting Agent to attend Polling Station No. …….. at ……

Place …….. Date ……...
…… Signature of Candidate/Election Agent.

I agree to act as such Counting Agent.

Place …….. Date ……...
…… Signature of Counting Agent.

DECLARATION OF COUNTING AGENT TO BE SIGNED BEFORE

THE RETURNING OFFICER

I hereby declare that at the above election I will not do anything forbidden by the Himachal Pradesh Panchayati Raj Act, 1994 or Rules made
thereunder.

……
Signature of Counting Agent.

Signed before me.

Place ……..

……
……

Date ……... Signature of Returning Officer
/Officer authorized by the Returning Officer.

_____

Strike out which is not applicable.

FORM-28

(See rule 49)

DECLARATION OF RESULT IN UNCONTESTED ELECTION

*Election of member from …… constituency of ……..
…….. Gram Sabha.

*Election of Pradhan from …….. Gram Sabha.

*Election of Up-Pradhan from …… Gram Sabha.

*Election of Member of Panchayat Samiti
…….
from …….. constituency.

In pursuance of the provisions contained in rule 42 of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994, I declare that:-

…… (Name)

…… (Address)

has been duly elected to fill a seat in the
**……..

Place …….. (Signature)

Date ……... Returning Officer.

** Here insert one of the following alternatives as maybe appropriate;

(1) Office of member from ……. constituency of Gram Sabha.

(2) Office of Pradhan of ……. Gram Sabha.

(3) Office of Up-Pradhan of …… Gram Sabha.

(4) Office of member of …….. Panchayat Samiti from ……. ……constituency.

(5) Office of member of …….. Zila Parishad from ……. constituency.

---

[1][**FORM-28A**

[See rule 49-B]

LETTER OF INTIMATION TO RETURNING OFFICER

To

The Returning Officer,

Panchayat……..,

Development Block……

District……(H.P.)

1 Form-28A to Form-28E added vide Not. No. PCH- HA(1)- 18/2008, dated the 8th

September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th September,
2010 page . 4456-4467 .

Sir,

I am a voter on election duty within the same Block and my name is entered at Sr. No.…… of the electoral roll for ward No…… of Gram Panchayat……Panchayat Samiti……. Zila Parishad …….

I intend to cast my vote at the ensuing elections to the said Panchayats from ward No…… of Gram Panchayat…….

Yours faithfully, Place…….

Date……

_____

____

FORM-28B

[See rules 49-D(1) (a), 49-E (2) and 73-A (3) & (6)]

DECLARATION BY

ELECTOR *Election to the.....*

(This side is to be used only when the elector signs the declaration himself) I hereby declare that I am the elector to whom the poll duty ballot paper bearing serial number.....has been issued at the above election.

Signature of elector.

Date.....

Address.....

Attestation of signature

The above declaration has been signed in my presence by.....(elector) who is personally known to me/has been identified to my satisfaction by.....(identifier) who is personally known to me.

Signature of Attesting Officer.

Signature of identifier, if any.....

Designation.....

Address.....

Date.....

FORM-28C

[See rules 49-D(1)(b) and 73-A (5)&(6)] COVER FOR POLL DUTY BALLOT PAPER (Put only one Ballot Paper)

A.

NOT TO BE OPENED

BEFORE COUNTING

*Election of .....(Name of office of Panchayat for which elections are to be held) from..... Constituency.

POLL DUTY BALLOT PAPER

Serial number of ballot paper……

*Appropriate particulars of the election to be inserted here.

FORM-28D

[See rules 49-E(1)(c) and 73-A(5)]

LARGE COVER FOR POLL DUTY BALLOT PAPERS

B. ELECTION-IMMEDIATE

POLL DUTY BALLOT PAPER

COVER NOT TO BE OPENED
BEFORE COUNTING

To
The Returning Officer
For election of .....(Name of office of Panchayat for which elections are to be held) from..... * Constituency.

Signature ……..... of sender .....……

*Returning Officer to insert here the name of the appropriate Constituency of the Gram Panchayat.]

FORM-28E

[*See* rules 49-E(1)(d) and 49-G(1)]

INSTRUCTIONS FOR GUIDANCE OF ELECTORS

(To be used at an election to the Panchayats)

Election to the*.....from
the.....……

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to cast your vote.

The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are casting your vote. If the mark is so placed as to make it doubtful to which candidate you have cast your vote, your vote will be invalid.

The number of members to be elected is one. Please remember that you have only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

After your declaration has been signed and your signature has been attested, place the declaration in

Form 28-D as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, deliver it to the Returning Officer or the Officer authorized in this behalf by the State Election Commission personally.

You have to give full signature in the space provided on the cover marked `B'.

___ * Appropriate particulars of the election, to be inserted here.

You must ensure that the cover is delivered to the Returning Officer or the Officer authorized in this behalf by the State Election Commission before**.....**on.....

Please note that —

(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the Returning Officer or the Officer authorized in this behalf by the State Election Commission after**.....on

the**..... .....your vote will not be counted.

---

*(Here specify the hour and date fixed for the commencement of counting of votes).]

FORM-29

[See rule 52(3) and (66)]

BALLOT PAPER ACCOUNT

Election to-

*Member of Gram Panchayat …… Contituency No. ……..

*Pradhan/Up-Pradhan Gram Panchayat …….

*Member of Panchayat Samiti from Constituency No. …….

*Member of Zila Parishad from Constituency No. ……

Polling Station No. …….

1.	Number of ballot papers received by the Presiding Officer at the polling Station	……	……..
2.	Number of unused ballot papers	……	……..
3.	Number of ballot papers used (1+2=3)	……	……..
4.	Number of ballot papers used but not inserted in the ballot box.	……	……..
	(a) Number of ballot papers cancelled	……	……..
	(b) Number of tendered ballot papers	……	……...
	(c) Number of ballot papers cancelled for error in printing/writing. (a+b+c)	……. ……...	
5.	Number of ballot papers in ballot boxes (3-4=5) ……...	…….	

Place …… Signature of Polling Officer. Date ……..

FORM-30

(See rule 58)

LIST OF CHALLENGED VOTES

Particulars of Challenged votes during the election to

……. ……..

* Member of Gram Panchayat

……..Constituency. No.

……..

*Pradhan Gram Panchayat

……..... *Up-Pradhan Gram Panchayat ..... *Member of Panchayat Samiti from Constituency No. …… of Panchayat Samiti

*…… ….. *Member of Zila Parishad from Constituency No.

…… Polling Station No.

…….. Place

……..

Sl. No.	Name of Challenger	Name of voter	Sl. No. in voter list	Name of Gram Panchayat to which voters' list pertains	Present address of the person challenged	Signature or thumb impression of the persons challenged
1	2	3	4	5	6	7

Name of identifier, if any	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
8	9	10

Place ……. Date .....

…… Signature of Presiding Officer.

*Strike out which is not applicable.

**In case of dearth of space, back page may be used.

FORM-31

(See rule 63)

LIST OF TENDERED

VOTES Election to-

Member of Gram Panchayat.....

Constituency No. . . . . .

. . . . Pradhan/Up Pradhan, Gram Panchayat.....

Member of Panchayat Samiti from Constituency No. ……. of Panchayat Samiti ……..……..……. Member of Zila Parishad ……..…… from Constituency No. ……..……..……. Polling Station No. ……..…….

Sl. No.	Name of voter	Sl. No. in voter's list of Constituency No.	Name of Gram to which voter's list pertains	Sl. No. of tendered ballot paper	Sl. No. of the ballot paper issued to the person who has already voted	Signature or thumb impression of the person tendering Vote
1	2	3	4	5	6	7

Place …… Date.. ..... …… Signature of Presiding Officer.

_____

____

In case of dearth of space, back page may be used.

1[FORM-32

(See rule 75)

RESULT SHEET OF COUNTING FOR ELECTION OF MEMBER

Gram Panchayat …….. From Constituency No. …… … Polling Station No. ……. Place ……..

_____

___

Sl. No. Name of candidates No. of votes cast in favour of the candidate

_____

___

1 2 3.

_____

____ 1.

2.

3.

4.

5.

6.
7.
8.
9.

*

(a) Total No. of valid votes ……

1 Forms 32, 33, 34, 35, 36, 37, 38, and 39 subs. vide No. PCH-HA(1)1/2015 the 28th October, 2015 published in R.H.P. dated 6.11.2015, p. 5063-5083.

(b) Total No. of rejected votes …… (c) Total No. of votes for NOTA…… (d) Total No. of votes polled (a+b+c) …… (e) Total No. of tendered votes …… (f) Remarks ……

Place of counting …… ……

Date .....

Returning Officer (Gram Panchayat)/
Officer authorized by Returning Officer (Gram Panchayat)

FORM-33

(See rule 75)

FORM OF RETURN OF ELECTION OF MEMBER GRAM PANCHAYAT

.....

Election for member from Constituency No. .....

Sl. No.	Name of candidate	No. of valid votes cast in favour of the candidate
1	2	3.

___ (a) Total No. of valid votes …… (b) Total No. of invalid votes..... (c) Total No. of votes for NOTA…… (d) Total No. of votes polled.....

I declare that

(Name)

……..

Address……..

……...

has been duly elected as a Member.

Signature of Returning Officer/Officer authorised by Returning Officer (Panchayat).

Dated the …… day of ……. 20 ……..

___ *In case of dearth of space, back page may be used.

FORM-34

(see rule 75)

RESULT SHEET OF COUNTING OF VOTES FOR

PRADHAN/UP-PRADHAN

Gram Panchayat …… No. of Polling Stations included ……

Sl. No.	Name of candidate	No. of valid votes cast in favour of the candidate
1	2	3.

___ (a) Total No. of valid votes …… (b) Total No. of rejected votes..... (c) Total No. of votes for NOTA…… (d) Total No. of votes polled (a+b+c) ..... (e) Total No. of tendered votes ……....

Place of counting..... Returning Officer/ Officer
Date ……..... authorised by Returning Officer.

*In case of dearth of space, back page may be used.

FORM-35
(See rule 75)
FORM OF RETURN OF ELECTION FOR PRADHAN/UP-PRADHAN

GRAM PANCHAYAT .....

Election of Pradhan/Up-Pradhan……

Sl. No.	Name of candidate	No. of valid votes cast in favour of the candidate
1	2	3.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
*		

(a) Total No. of valid votes ……

(b) Total No. of invalid votes.....

(c) Total No. of votes for NOTA……

(d) Total No. of votes polled (a+b+c) .....

(e) Total No. of tendered votes ……..

I declare that-

(Name) ……

Address ……...

……

…… has been duly elected.

Signature of Returning Officer(Panchayat)/ Place: Officer authorized by Returning Officer. Dated the …….. day of …… 20 .

In case of death of space, back page may be used

FORM-36

(See rule 75)

RESULT SHEET OF COUNTING OF VOTES IN THE ELECTION OF PANCHAYAT SAMITI

Sl. No.	Name of candidate	No. of valid votes cast in favour of the candidate
1	2	3.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
*		

(a) Total No. of valid votes ……

(b) Total No. of rejected votes.....

(c) Total No. of votes for NOTA……

(d) Total No. of votes polled (a+b+c) .....

(e) Total No. of tendered votes ……....

Place.....

Date …….....

Returning Officer/ Officer
authorised by Returning Officer

*In case of dearth of space, back page may be used.

FORM-37

(See rule 75)

FORM OF RETURN OF ELECTION OF MEMBER OF PANCHAYAT SAMITI

Election of Member of Panchayat Samiti from Constituency No. …… of Panchayat Samiti .....

Sl. No.	Name of candidate	No. of valid votes cast in favour of the candidate
1	2	3.

___ (a) Total No. of valid votes ……. (b) Total No. of invalid votes.....

(c) Total No. of votes for NOTA……. (d) Total No. of polled votes .....

I declare that—

(Name)

……..

Address

……

……

…..

has been duly elected.

…….

Returning Officer.

Dated the ……. day of ……20…..

_____ *In case of dearth of space, back page may be used.

FORM-38 (PART-I)
(See rule 75)
RESULT SHEET OF COUNTING OF VOTES OF MEMBER

OF ZILA PARISHAD ……..

Constituency No. .....

BLOCK LEVEL COUNTING

No. of Polling Stations of Zila Parishad constituency No. ……. …… situated in Block …….

Sl. No.	Name of candidates	No. of valid votes cast in favour of the candidate
1	2	3.

___ (a) Total No. of valid votes …… (b) Total No. of rejected votes …… (c) Total No. of votes for NOTA…… (d) Total No. of votes polled ……..…… (e) Total No. of tendered votes ……

Place of counting ……

Date .....

Returning Officer/ Officer authorized by Returning Officer,

_____ *In case of dearth of space, back page may be used.

FORM 38 (PART-II)
(See rule 75)
DISTRICT LEVEL COUNTING
RESULT SHEET OF COUNTING OF VOTES OF MEMBER

OF ZlLA PARISHAD…….

Constituency No. ……..

Sl. No	Name of candidates	No. of votes secured by candidate in various ed	Total

		Blocks			
		Block.....	Block.	Block.....	
1.	2.	3.	4.	5.	6.
1.					
2.					
3.					
4.					
5.					
6.					

*

(a) Total No. of valid votes ..... (b) Total No. of rejected votes ..... (c) Total No. of votes for NOTA..... (d) Total No. of votes polled (a+b+c) ..... (e) Total No. of tendered votes .....

Place of counting .....

Dated .....

Returning Officer/Officer authorized by Returning Officer _____

*In case of dearth of space, back page may be used.

FORM-39

(See rule 75)

FORM OF RETURN OF ELECTION OF MEMBER OF ZILA PARISHAD

Election of member of Zila Parishad .....
from constituency No. .....

Sl. No.	Name of candidate	No. of valid votes cast in favour of the candidate
1	2	3
		(a) Total No. of valid votes .....

(b) Total No. of invalid votes.....

(c) Total No. of votes for NOTA…….

(d) Total No. of polled votes .....

I declare that-
(Name)
……..
Address
……
……
…..

has been duly elected.

…….
Returning Officer.

Dated the ……. day of ……20…….

_____

___ *In case of dearth of space, back page may be used.]

1[XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

FORM-40

(See rules 85 and 86)

2[OATH OR AFFIRMATION OF ALLEGIANCE TO THE MEMBERS OF PANCHAYAT SAMITI/ZILA PARISHAD OR ELECTION OF CHAIRMAN/VICE-CHAIRMAN OF PANCHAYAT SAMITI/ZILA PARISHAD]

To

Office-bearers of

1 Forms 39-A, 39-B and 39-C added vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 and deleted vide Not. No. PCH-HA(1)18/2008, dated 20.10.2008, published in Rajpatra, Himachal Pradesh dated 21.10.2008, p. 4318-4319.

2 Subs. for the words ―ELECTION OF CHAIRMAN/VICE-CHAIRMAN OF PANCHAYAT SAMITI/ZILA PARISHAD‖ vide Not. No. PCH-HA(1)12/2000 dated 26-12-2000 published in R.H.P. Extra., dated 27-12-2000, p. 4778-4780.

Panchayat Samiti/Zila Parishad.

In pursuance of sub-rule (2) of rules 1[85/86] of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994, I, ……. (pres-cribed authority), do hereby give notice that a meeting of the Panchayat Samiti/Zila Parishad shall be held on ……

…….. (hours) at the …… (place) for oath or affirmation of allegiance 2[or] to elect Chairman/Vice-Chairman of Panchayat Samiti/Zila Parishad under section 79/90 of the Act.

Place ……. Dated ……..... …….. Prescribed Authority.

_____

*Strike out which is not applicable.

FORM-41

(See rules 85 and 86)

FORM OF NOMINATION PAPER FOR ELECTION FOR THE OFFICE OF CHAIRMAN/VICE-CHAIRMAN OF …… PANCHAYAT SAMITI AND ……. ZILA PARISHAD

Name of Panchayat Samiti/Zila Parishad Name in full of candidate S1. No. of voter list with particulars thereof Father‘s name/Husband‘'s name

……... ……... ……... ……...

Full address

……

…...

3[Name of proposer in full] 4[Name of seconder in full]

Place .....

Date ……...

……...

……...

……...

5[Signature of Proposer and Secondar.]

1 Subs. for figures and sign —83/84‖ vide Not. No. PCH-HA(1)12/2000 dated 26-12- 2000 published in R.H.P. Extra., dated 27-12-2000, p. 4778-4780.

2 Subs. for the word —and‖ vide Not. No. PCH-HA(1)12/2000 dated 26-12-2000 published in R.H.P. Extra., dated 27-12-2000, p. 4778-4780.

3 Subs. for the words —Name in full of proposer‖ vide Not. No. PCH-HA(1)18/2000- II dated 30-12-2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662. 4 Subs. for the words — Name in full of seconder‖ vide Not. No. PCH-HA(1)18/2000- II dated 30-12-2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662. 5 Subs. for the words —Signature of Proposer‖ vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662.

DECLA E

I hereby declare that I agree to the nomination and I am willing to serve.

Place ……. Date ……..

…… Signature of Candidate.

FORM-42

(See rules 85 and 86)

PUBLICATION OF RESULT OF CHAIRMAN/VICE-CHAIRMAN OF PANCHAYAT SAMITI/ZILA PARISHAD

In exercise of the powers conferred by section 126 of the Himachal Pradesh Panchayati Raj Act, 1994 (No. 4 of 1994), I …… …… (prescribed authority) ……. …… District, hereby publish the election result of Chairman/Vice-Chairman of Panchayat Samiti/Zila Parishad Block …….. …….. District …….

Sl. No.	Name with name of Father/Husband and address	Name of the office viz. Chairman/Vice-Chairman	Elected
1	2	3	4

……..

Prescribed Authority.

Place …….

District

…….. Dated ……

FORM-43

[See rule 91(3)]

I …… the petitioner in the accompanying election petition calling in question the election of Shri/Shrimati ……. from …… respondent No. …… in the said petition make solemn affirmation/oath and say:-

(a) that the statements made in paragraphs …….. of the accompanying election petition about the commission of corrupt practice of *…… …… and the particulars of such corrupt practice mentioned in paragraphs …… of the Schedule annexed thereto are true to my knowledge;

(b) that the statement made in paragraphs …… of the said petition about the commission of the corrupt practice of ** ……. …… and the particulars of such corrupt practice 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/Shrimati ……... at this [1][……. day of ……20……..] before me.

Executive Magistrate.

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*Here insert one of the following alternatives as may be appropriate:-
(1) Office of Member from …… constituency of Gram Sabha …… (2) Office of Pradhan of …… Gram Sabha. (3) Office of Up-Pradhan of …… Gram Sabha. (4) Office of Member of ……..….. Panchayat Samiti from …….. constituency.

(5) Office of Chairman of ……..……. Panchayat Samiti/Zila Parishad. (6) Office of Vice-Chairman

…… Panchayat Samiti/Zila Parishad.

**Here specify the name of the corrupt practice.

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[2][FORM-44

[See rule 92 (1) and 92 (3)]

FORM FOR MAINTENANCE OF DAY-TO-DAY ACCOUNT OF ELECTION EXPENDITURE AND SUBMISSION THEREOF

1 Substituted for the for the signs, words and figure "…….day of 19… vide Not. No. PCH- HA(1)- 18/2008, dated the 8th September, 2010, published in Rajpatra, Himachal Pradesh, dated 10th of September, 2010 page . 4456-4467.

2. Form-44 to Form-47 added vide Not. No. PCH-HA(1)18/2000-II dated 30-12-2005 published in R.H.P. Extra., dated 30-12-2005, p. 5647-5662.

1. Name of the Panchayat ……
2. Name of the candidate ……
3. Number and name of the constituency ……
4. Date of filing of nomination ……
5. Date of declaration of result ……

Sl. No.	Date of expenditure	Nature of expenditure	Amount of expenditure		Date of Payment	Name and address of Payee
			Paid	Outstanding		
1	2	3	4	5	6	7

No. of vouchers in case of amount paid	No. of bills in case of amount outstanding payable	Name and address of person to whom the amount outstanding is	Remarks
8	9	10	11

Certified that this is a true copy of the account kept by me/my election agent.

Signature of the candidate.

Form-45

[See rule 92 (3)]

DETAILS OF ELECTION EXPENSES

1.Name of the Panchayat …… 2.Name of the candidate …… 3.Number and name of the constituency …… 4.Date of filing of nomination …… 5.Date of declaration of result ……

of Item expenditure	Sources from where money procured	of Amount expendi-ture	Date (s) of pay-ment	of Mode Payment	of Evidence payment with enclosed 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 manifest-tos, posters, hand bills etc. 4.Expenditure on pasting of posters. 5.Expenditure on wall writing and publication of advertise-ments. 6.Hiring charges of places for public meetings, pandals etc. 7.Hiring charges of loudspeakers for public meetings. 8.Hiring expenditure on account of vehicle repairs, petrol, oil and lubri-cants, repairs etc. by the candidate. 9.Hiring charges, repairs and petrol, oil and lubri-cants on vehicle used by the election agent/ polling agent. 10. Miscellane-ous expenses other than those listed above.						

Signature of the candidate

Form-46

[See rule 92 (3)]

FORM OF DECLARATION

Before the District Election Officer (Panchayat) ……..
Constituency ……. of …….. (Name of Panchayat).

Declaration of Shri/Smt./Km. …….. son/ wife/daughter of Shri. ……..

I, …… son/wife/daughter of Shri. …… ……. aged …….. years …… resident of …… do hereby solemnly affirm and declare as under:-

1. That I was a candidate at the general election/bye-election to the constituency of ……. (Name of the Panchayat), the result of which was declared on ……..

2. That I/my election agent kept a separate and correct account (running into ……. Pages) of all expenditure in connection with the above election incurred or authorized by me or by my election agent between …… (the date of nomination) and …….. (the date of declaration of result thereof), both days inclusive.

3. That the said account was maintained in the Form prescribed under rule 92 of the Himachal Pradesh Panchayati Raj (Election) Rules, 1994 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 annexed hereto includes all items of election expenditure incurred or authorized by me or by my election agent and nothing has been concealed or withheld/suppressed therefrom.

5. That the statements in the foregoing paragraphs 1 to 4 are true to my personal knowledge and that nothing is false and nothing material has been concealed.

Deponent.

Solemnly affirmed by …….
on …… this day of 20… before me.

Signature/Seal of the
District Election Officer (Panchayat),
District …….., Himachal Pradesh.

Form-47

[See rule 92 (4)]

ACKNOWLEDGEME

The detailed account of the election expenses and the supporting declaration on the prescribed Forms in respect of Shri. ……. (contesting candidate) from …… (Constituency) result of which was declared on …….. (date) filed by him on …….. (date) has been received by me today the ……. (date) of (month) …….. (year).

District Election Officer
(Panchayat), District …….., Himachal Pradesh.]

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(R.H.P. Extra., dated 8-2-1995, p.764-829)