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A

COMPENDIUM

OF STATUTORY PROVISIONS OF THE CONSTITUTION OF INDIA

ACTS AND RULES

GOVERNING ELECTIONS TO PANCHAYATI RAJ INSTITUTIONS

AND

MUNICIPALITIES

IN

HIMACHAL PRADESH

2026

STATE ELECTION COMMISSION HIMACHAL PRADESH

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

P R E F A C E

Our country has been the cradle of a variety of cultural, social, political and administrative institutions. It has been witness to the existence and operation of different units of Local Self Government, both rural and urban, in the hoary past also, but the village panchayats and urban local bodies of the modern mould are characteristically, though not generically, different from the corresponding institutions of pristine India. Even these present-day institutions did not rest on the key-stone of adequate legislative frame-work in the Constitution of the country. This aspect of the matter attracted the attention of our political thinkers only about thirty years back. A nation-wise debate was held and finally Indian parliament carried out the seventy-third and seventy-forth amendments in the Constitution of India whereby Parts IX and IX-A have been inserted in and Schedules XI and XII have also been added to it in regard to panchayats and municipalities respectively. This legislation also provides for timely, free, fair, smooth and peaceful elections to Panchayati Raj and Municipal institutions. For this purpose, the Constitution now contemplates the constitution of an Election Commission in each State. Article 243K of the Constitution of India enjoins upon the States to establish a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats. By virtue of Article 243ZA, similar functions relating to election of municipalities are also vested in the very same State Election Commission. Naturally, these provisions have also found their way into and have also been the basis of a number of provisions in the Himachal Pradesh Panchayati Raj Act, 1994, the Himachal Pradesh Municipal Act, 1994 and the Himachal Pradesh Municipal Corporation Act, 1994.

Besides the afore-mentioned legislative enactments, statutory rules have also been framed regarding elections to these institutions. This legislative and executive material has acquired fairly large corpus. Besides, the various provisions are scattered here and there. This renders access to them relatively difficult. For these reasons, the Commission had decided to compile all this material before the general elections every time, hoping that the compilation would be of immense assistance to those engaged in conducting elections to Panchayati Raj Institutions and municipal bodies in this State of ours. Our hope has more than fulfilled, as even legal practitioners, libraries and teachers of public administration and political science have evinced keen interest in securing a copy of this Compendium.

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

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

I would like to place on record my appreciation for the good work done by Sh. Surjeet Singh Rathore, Secretary to the State Election Commission. I would also acknowledge with thanks the contribution of the Commission's staff, particularly, Sh. Sanjeev Mahajan, Electoral Officer, Sh. Sanjay Chandel, Supdt. Gr.II and Sh. Nagesh Thakur, JOA(IT) in rendering assistance in the preparation of the manuscript of this publication.

Shimla-171002
April, 2026

State Election Commissioner,
Himachal Pradesh.

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PART-I

SECTION-A

THE CONSTITUTION OF INDIA
(20th April, 1993)

'PART IX'

THE PANCHAYATS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The Legislature of a State may, by law, provide for the representation—

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

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

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

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

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

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

(5) The Chairperson of—

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

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

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

(a) the Scheduled Castes; and
(b) The Scheduled Tribe.

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

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

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

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

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women :

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule;

243H. Powers to impose taxes by, and Funds of, the Panchayats.—The Legislature of a State may, by law,—

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

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

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

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

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

(a) the principles which should govern—

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

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

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

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

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

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

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

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

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

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

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of Office of the State Election Commission shall be such as the Governor may by rule determine:

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

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

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

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

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

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

(2) Nothing in this Part shall apply to—

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

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

(3) Nothing in this Part—

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

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

(4) Notwithstanding anything in this Constitution.—

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

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

243N. Continuance of existing laws and Panchayats.—Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier ;

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

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

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

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

"ELEVENTH SCHEDULE"
(Article 243 G)

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

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THE HIMACHAL PRADESH PANCHAYATI RAJ ACT, 1994

(ACT NO. 4 OF 1994)

CHAPTER-I

PRELIMINARY

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

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

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

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

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

(1) "annual value" means,-

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

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

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

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

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

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

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

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

(6) "case" means 'criminal proceedings' in respect of an offence triable by a Gram Panchayat;

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

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

(8) "complaint" means any allegation made orally or in writing to the Gram Panchayat, with a view to its taking action under Chapter-IV of this Act, that some person, whether known or unknown has committed an offence;

(9) "common land" means the land which is not in the exclusive use of any individual and has, by usage, custom, prescription or by law, been reserved for the common purposes of village community or has been acquired for such purposes;

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

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

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

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

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

(13) "district" means a revenue district;

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

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

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

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

(16) "Gram Sabha" or "Sabha" means a Gram Sabha established under section 4 of this Act and 'Sabha area' means an area declared to be a 'Sabha area' under section 3 of this Act;

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

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

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

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

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

(22) "offence", "bailable offence", "non-bailable offence", "cognizable offence", "Officer-in-charge of a police station" and "police station" shall have the same meanings as are assigned to them in [1]"section 2 of the Bhartiya Nagarik Suraksha Sanhita, 2023" (45 of 2023);

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

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

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

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

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

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

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

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

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

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

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

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

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

(35) "public servant" means a public servant as defined in [2]section 2(28) of the Bhartiya Nyaya Sanhita, 2023" (45 of 2023);

(36) "schedule" means a schedule appended to this Act;

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1 Inserted vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR.
2 Inserted vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR

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

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

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

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

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

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

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

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

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

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

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

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

(48) “Zila Parishad” means a Zila Parishad constituted under section 89 of this Act.

CHAPTER-II

GRAM SABHA

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

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

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

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

(a) increase any Sabha area by including within such Sabha area any village or group of villages; or

(b) diminish any Sabha area by excluding from such Sabha area any village or group of villages; or

(c) alter the headquarter of any Sabha area; or

(d) alter the name of any Sabha area; or

(e) declare that any area shall cease to be a Sabha area:

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

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

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

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

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

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

Provided that no person shall be entitled to be registered in the list of voters for more than one Sabha area:

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

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

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

[4]"(4) If any person makes in connection with,—

(a) the preparation, revision or correction of an electoral roll; or

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punished as per section 155.".

3 See meaning of Ordinary Resident gienv in Section 20 of RPA, 1950 in Part-IV of this book.
4 Inserted vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR

CHAPTER-III

GRAM PANCHAYATS

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

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

(a) with a population not exceeding 1750 .. five

(b) with a population exceeding 1750 but not exceeding 2750 ..seven

(c) with a population exceeding 2750 but not exceeding 3750 .. nine

(d) with a population exceeding 3750 but not exceeding 4750 .. eleven

(e) with a population exceeding 4750 ..thirteen

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

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

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

(a) for the Scheduled Castes, and

(b) for the Scheduled Tribes,

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

[5] "Provided that where there is no eligible candidate belonging to the Scheduled Castes or Scheduled Tribes to be elected as member of the Gram Panchayat, no seat shall be reserved for Scheduled Castes or Scheduled Tribes."

(3) One-half of the total number of seats reserved under sub-section (2) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

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

5Substituted for first, second and third provisos vide H.P. Act No. 15 of 2015, dated 10th May, 2015

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

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

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

CHAPTER-V

PANCHAYAT SAMITI

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Scheduled Castes; and

(b) the Scheduled Tribes;

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

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

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

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

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

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

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

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

CHAPTER-VI

ZILA PARISHAD

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

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

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

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

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

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

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

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

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

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

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

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

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes;

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

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

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

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

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

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

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

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

CHAPTER-VI-A

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

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

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

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

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

(2) Every Gram Sabha shall,-

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

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

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

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

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

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

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

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

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

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

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

(2) The prior recommendation of the Gram Sabha, made in such manner as may be prescribed, shall be taken into consideration for grant of concession for the exploitation of minor minerals by auction.

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

(a) the ownership of minor forest produce;

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

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

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

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

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

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

CHAPTER-VIII

GENERALPROVISIONS RELATING TO INCORPORATION, DURATION, TERRITORIALCONSTITUENCIES OF PANCHAYATS AND QUALIFICATION ETC. OF OFFICE BEARERS

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

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

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

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

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

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

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

6 "(4) If a Panchayat is not constituted due to force-majeure conditions or boycott by general public or due to some other reasons after the issue of election programme by the State Election Commission, the term of such Panchayat constituted later on shall run concurrently with other Panchayats of the State.".

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

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

121-A. 7Account of election expenses and maximum limit thereof.- (1) Every candidate at an election of member of Zila Parishad shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

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

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

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6 Inserted vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR

7Rs. 1.00 lac prescribed under Rule 92 for ZP members.

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

[8]**121-C. Disqualification for failure to lodge account of election expenses**.—If the authorised officer is satisfied that,—

(a) the candidate has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; or

(b) the account lodged by the candidate are not in accordance with prescribed format, and

(c) the candidate has no good reason or justification for the failure mentioned in clause (a) or (b), above,—

he shall, forward the names of such contesting candidates to the District Election Officer, who shall by order published in the Gazette, declare such candidates disqualified for being chosen as, and for being office bearer, of a Panchayat for a period of three years from the date of publication of the order in the Gazette and declare the election of the elected office bearer to be void:

Provided that any such candidate may file an appeal to the Divisional Commissioner within a period of 30 days from the publication of such order and his order shall be final.".

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

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

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

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

(bb) if he has been found to have been guilty of any corrupt practices under section 180 of this Act[9]unless a period of six years has elapsed from the date on which the finding of the authorised officer as to such practice has been given; or

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

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

8Inserted vide Act No. 1 of 2026 dated 09.01.2026 by Deptt. of PR.
9 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR

(d) if he has been convicted of an electoral offence under Chapter X-A of this Act or under any law for the time being in force[10]unless a period of six years has elapsed since his conviction;or

(e) if he has been ordered to give security for good behaviour under [11]section 129 of the Bhartiya Nagrik Suraksha Sanhita, 2023" (46 of 2023); or

(f) if he has been removed from public service or disqualified for appointment in public service, except on medical grounds; or

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

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

(h) if he is registered as a habitual offender under the Himachal Pradesh Habitual Offenders Act, 1969 (8 of 1970); or

(i) if, save as hereinafter provided, he has directly or indirectly any share or interest in any work done by an order of a Panchayat, or in any contract or employment with, or under, or by, or on behalf of, the Panchayat; or

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

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

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

(m) if he is so disqualified by or under any other law made by the State Legislature; and

(n) **XXXXXX** (omitted vide Act No.1 of 2026)

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

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

[12]"(1-A) If an Ex-Office bearer is found guilty for loss, misappropriation, waste, or misapplication of any money or fund or other property of the Panchayat to which he has been a party, or which has been caused by him by misconduct or gross negligence of his duties unless a period of six years has elapsed since his demitting the office, shall be disqualified for being chosen as an office bearer of a Panchayat."; and

10 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR
11 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR
12 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR

(2) The question whether a person is or has become subject to any of the disqualifications under sub- section (1-A), shall after giving an opportunity to the person concerned of being heard, be decided-

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

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

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

(a) a member of Zila Parishad;

(b) a member of Panchayat Samiti;

(c) a Pradhan of Gram Panchayat;

(d) an Up-Pradhan of Gram Panchayat; and

(e) a member of Gram Panchayat.

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

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

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

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

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

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

13See Notification dt. 8.9.2000 authorising RO / ARO to determine the question of disqualification Part-V of this compendium

(2) One-half of offices of Chairpersons reserved in each category, for persons belonging to the Scheduled Castes and Scheduled Tribes and of the non-reserved offices in the Panchayats at every level shall be reserved for women.

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

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

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

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

127. Oath or affirmation of allegiance.- (1) Notwithstanding anything contained in the Oaths Act, 1969 (44 of 1969) no elected office bearer of a Panchayat shall enter upon his office, until he has, in the manner prescribed, taken oath or made affirmation of his allegiance in the form specified in 14Schedule-V.

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

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

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

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

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

129. No confidence motion.- (1) On a motion of no confidence being passed by the Gram Sabha by a resolution passed by a majority of not less than two-thirds of the members present and voting at its general or special meeting and the quorum of which is not less than one-half of the total number of members of the

Gram Sabha, Pradhan or Up-Pradhan against whom such resolution is passed shall cease to hold office forthwith.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Any person aggrieved by the decision of the Deputy Commissioner or the Director, as the case may be, under sub-section (2) may, within a period of 30 days from the date of such decision, appeal to the Director or the State Government respectively, whose orders on such appeal shall be final.

(4) In the event of death, resignation or removal of an office bearer or his ceasing to be an office bearer under sub-section (1) or his becoming a Member of State Legislative Assembly or a Member of either House of Parliament before the expiry of his term, a casual vacancy shall be deemed to have occurred in his office[15][for which a formal order shall be issued accordingly by the District Panchayat Officer] and such vacancy shall be filled as soon as may be by election, in accordance with the provisions of the Act and the rules made there under. A person elected to fill the vacancy shall take office forthwith for the unexpired term of his predecessor.

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

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

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

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

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

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

[15]Amended vide Act No.15 dated 25.05.2015

CHAPTER-IX

OFFICERS AND STAFF OF PANCHAYATS

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

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

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

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

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

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

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

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

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

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

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

144. Power to recover records [and articles].- (1) Where the prescribed authority is of the opinion that any person has retained unauthorisedly in his custody any record or article 2 [xxxxx] belonging to the

Panchayat, he may, by a written order require that the record or article 3 [xxxx] be delivered 4 [xxxxx] forthwith to the Panchayat, in the presence of such officer as may be appointed by the prescribed authority in this behalf.

(2) If any person fails or refuses to deliver the record or article 5 [xxxxx] as directed under sub-section (1), the prescribed authority may report the matter to the Magistrate and on receipt of such report the Magistrate may cause such a person to be apprehended and may send him in a Judicial lock-up for a period not longer than fifteen days.

(3) The Magistrate may

[6] [(a) xxxxxxxxxxxxxxxxxxxxx]

(b) for recovering any such record or articles issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the [16]"Provisions of Chapter VII of the Bhartiya Nagarik Suraksha Sanhita, 2023" (46 of 2023).

(4) No action under sub-sections (1) or (2) or (3) shall be taken unless a reasonable opportunity has been given to the person concerned to show cause why such action should not be taken against him.

(5) A person against whom an action is taken under this section shall be disqualified to be an office bearer of any Panchayat for a period of six years commencing from the initiation of such action. 145. Suspension of office bearers of Panchayat.

145. Suspension of office bearers of Panchayats.- (1) The prescribed authority may suspend from office any office bearer;

17 "(a) who remained in custody for more than fourteen days on a criminal charge or otherwise or against whom charges have been framed in any criminal proceedings under chapter IV, VII, IX, X, XIII, sections 63, 64, 65, 66, 67, 68, 69, 70, 71, 80, 88 to 94, 99 of chapter V, sections 103,104, 107, 108, 109, 141, 146 of chapter VI, sections 310(2) and (3), 311, 312, 316(4) and (5), 318(4), 326 (g), 331(6) and (8) of Chapter XVII and Chapter XVIII of the Bhartiya Nyaya Sanhita, 2023 or sections 39 to 59 of Chapter-VI of the Himachal Pradesh Excise Act, 2011(33 of 2012) or the Protection of Children from Sexual Offences Act, 2012 (32 of 2012) or the Prevention of Corruption Act, 1988 (49 of 1988) or any other law for the time being in force for the prevention of adulteration of food stuff and drugs, suppression of immoral traffic in women and children and protection of civil rights:

Provided that for suspending any office bearer under this clause there shall be no requirement to issue show cause notice alongwith chargesheet and any office bearer, placed under suspension against whom charges have been framed in any criminal proceedings shall remain under suspension, till the final decision of the competent court :

Provided further that the suspension of an office bearer placed under suspension after remaining in custody for more than fourteen days on a criminal charge or otherwise shall be revoked, if chargesheet is not produced by the investigatingagencies in the competent court within six months from the date of custody;"; and

(b) who has been served with a notice alongwith a charge sheet to show cause under this Act, for his removal from the office;

16 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR
17 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR

(c) where on a complaint made against him the preliminary enquiry prima-facie discloses the misappropriation, misutilization or embezzlement of Panchayat funds or he has been found guilty of misconduct in the discharge of his duties:

[18]*"Provided that any office bearer, if placed under suspension against whom charges have been framed in any criminal proceedings under clause (a), shall remain under suspension till the final decision of the competent court."* (**Deleted**)

(2) Where the inspection or an audit report discloses the misappropriation, misutilization or embezzlement of Panchayat funds by an office bearer of a Panchayat and the prescribed authority is satisfied that continuance in office of such a person will prejudice the enquiry under section 146 and apprehends tampering with record and witnesses, may suspend such a persons and in case he is in possession of any record, money or any property of the Panchayat, order him to handover such records, money or property to the Secretary of the Panchayat.

19 "(2-A) No office bearer shall be placed under suspension under clause (c) of subsection (1) or sub-section (2) unless he has been given an opportunity of being heard by issuing a show cause notice alongwith a copy of chargesheet or preliminary inquiry or inspection or audit report, as the case may be.";

(3) The order of suspension under [20]clause (c) of sub-section (1) or sub-section (2) shall be reported, in the case of office bearers of Zila Parishad, to the Divisional Commissioner concerned, and in the case of office bearers of Panchayat Samiti and Gram Panchayat, to the Deputy Commissioner concerned, within a period of ten days from the date of suspension, who shall, thereafter within ten days from the date of receipt of such report, order enquiry under section 146 and shall complete enquiry and action within six months and in case enquiry and action is not completed within stipulated period, the suspension order shall be deemed to have been revoked and formal order shall be issued accordingly.

[21]"(3-A) In cases, where inquiry under section 146 is not completed within six months, the officer holding inquiry shall furnish reasons in writing to concerned authority and further, one time extension for six month may be given.

(3-B) Where the delay is on the part of the elected representative for noncooperation in the inquiry in accordance with law, the suspension order shall not be revoked after expiry of six months and the inquiry officer shall further proceed for ex-parte inquiry within stipulated period.

(3-C) The order of revocation of suspension under sub-section (3) of said section shall not affect the inquiry under section 146 until it is concluded."; and

(4) In the event of both the Pradhan and Up-Pradhan of Gram Panchayat, Chairman or vice-Chairman of Panchayat Samiti or Zila Parishad being suspended under sub-section (1) or sub-section (2) the Gram Panchayat, Panchayat Samiti or Zila Parishad shall elect an office bearer qualified to hold the office of Pradhan or Chairman, as the case may be, such person shall perform all the duties and exercise all the powers of Pradhan or Chairman, as the case may be, during the period for which suspension continues:

[22]"Provided that in case the elected office bearers of a Panchayat are suspended to the extent that the number of remaining elected office bearers do not fulfill the quorum required for convening a meeting of the Panchayat, then the State Government or the authority as may be prescribed, may constitute a committee of persons alongwith head of such committee on the recommendations of

18 Deleted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR
19 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR
20 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR
21 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR
22 Inserted vide Act No.1 of 2026, dated 09.02.2026 by Deptt. of PR

Gram Sabha concerned, to exercise the powers, perform the duties and discharge the functions of the Panchayat until the final decision is pending on such suspended office bearers.".

(5) A person who has been suspended under sub-section (1) or subsection (2) shall also forthwith stand suspended from the office of member or office bearer of any other Panchayat of which he is a member or office bearer. Such person shall also be disqualified for being elected, under the Act during his suspension.

146. Removal of office bearers of Panchayats.- (1) The State government, in the case of office bearers of Panchayats, the Divisional Commissioner having jurisdiction, in the case of office bearers of Zila Parishad and the Deputy Commission having jurisdiction, in the case of office bearers of Panchayat Samiti and Gram Panchayat, as the case may be,] may after such enquiry as it may deem fit to make at any time, remove an office bearers:-

(a) if he has incurred any disqualification under this Act; or
(b) if he has been guilty of misconduct in the discharge of his duties; or
(c) if he refuses to act or becomes incapable of acting or is adjudged an insolvent; or
(d) if he without reasonable cause absents himself from more than half of the meetings convened within a period of six months; or
(e) if his continuance in office is undesirable in the interest of the public:
Provided that no person shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

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

The sovereignty, unity and integrity of India; or

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

The dignity of women;

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

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

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

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

148. Appeal and revision.- An appeal or revision against the orders or proceedings of a Panchayat and other authorities under this Act, shall lie to such authority and in such manner as may be prescribed.

155. Penalty for not giving information or giving false information.-(1) Any person required by this Act or the rules made thereunder or notice or other proceedings issued thereunder to furnish any information, omits to furnish such information or knowingly furnishing wrong information shall, on conviction, be punished with a fine which may extend to one thousand rupees.

(2) If any person makes in connection with, the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punished with fine of Five thousand rupees.

CHAPTER-X-A

ELECTORAL OFFENCES

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

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

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(b) display to the public any election matter by means of cinematograph, television or other similar apparatus; or

(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto;

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of poll for any election in that polling area.

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

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

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

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

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

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

158-D. Restrictions on the printing of pamphlets, posters, etc.- (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless within reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-

(i) where it is printed in the capital of the State, to the State Election Commissioner; and

(ii) in any other case, to the Deputy Commissioner of the district in which it is printed.

(3) For the purposes of this section,-

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

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

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

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

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

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

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

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

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

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

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

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

158-G. Prohibition of canvassing in or near polling stations.- (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling

station or in any public or private place within a distance of one hundred meters of the polling station, namely:-

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

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

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

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

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

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

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

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

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

158-I. Penalty for misconduct at the polling station.- (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorized in this behalf by such presiding officer.

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

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

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

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

158-K. Penalty for illegal hiring or procuring of conveyance at elections.- If any person is guilty of any such corrupt practice as is specified in clause (6) of section 180 of this Act, at or in connection with an election he shall be punishable with imprisonment which may extend to three months, or with fine.

158-L. Breaches of official duty in connection with election.- (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty he shall be punishable with fine which may extend to five hundred rupees.

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

(3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the district election officers, returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

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

158-N. Prohibition of going armed to or near a polling station.- (1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the pooling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959), of any kind within the neighborhood of a polling station.

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

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the license granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

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

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

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

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

(3) Any ballot paper found upon the person arrested on search shall be handed over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

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

158-P. Offence of booth capturing.- Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years, and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years, and with fine.

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

(a) seizure of a polling station or a place fixed for the poll by any person or persons making poling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(c) coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes; and

(e) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

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

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

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

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

158-R. Liquor not to be sold, given or distributed on Polling day[23]and counting day- (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, catering house, tavern, shop or any other place, public or private, within a polling area during the period of forty eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area[24]and on the day of counting.

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

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

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

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces or fraudulently destroys or removes any list, notice or other document affixed by or under the authority of returning officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for purposes of the election; or

(g) fraudulently or without due authority as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall-

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both; and

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

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

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

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23 Inserted vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR.
24 Inserted vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR.

CHAPTER-XI

DISPUTES RELATING TO ELECTION

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

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

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

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

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

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

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

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

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

[25]"Provided that only such person shall be considered for appointment as State Election Commissioner who has worked for twenty years in a Group-A or Class-I post in the Central or State Government with experience of conducting elections and there is no vigilance or departmental case pending against him:

Provided further that the Vigilance Clearance Certificate shall also be obtained before making appointment.".

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

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

(3) The Governor shall, when so requested by the State Election Commissioner make available to him such staff as may be necessary for the discharge of the functions conferred on him under this Act.

160-A. Requisitioning of premises, vehicles, etc., for election purposes.- (1) If it appears to the [26]District Election Officer that in connection with an election to the Panchayat bodies,-

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

25Inserted vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR
26 Amended vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR

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

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

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

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

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub section.

(4) In this section-

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

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

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

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

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

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

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

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

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

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

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

160-C. Release of premises from requisition.- (1) When any premises requisitioned under section 160-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom the possession of any premises requisitioned under section 160-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

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

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

160-E. [27]Deputation of staff and punishment on breach of official duty.- (1) The State Government shall depute staff from Government or Semi Government Organizations of the State Government for the conduct of all elections to the Panchayat bodies, and the officers or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation with the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

27See letter dated 13.12.200 and 13.7.2001 issued by the Commission in Part-V of this book.

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

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

(i) in the case of Gram Panchayats and Panchayat Samitis, by the Sub-Divisional Officer; and

(ii) in the case of members of Zila Parishads, by the Deputy Commissioner; and

(iii) in the case of Chairman and Vice-Chairman of Zila Parishad, by the [28]Divisional Commissioner.

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

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

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

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

(a) when it is delivered to him-

(i) by the person making the petition; or

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

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

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

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

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

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

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

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

28 Amended vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR

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

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

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

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

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

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

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

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

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

(2) The provisions of the [29]"Bhartiya Sakshya Adhiniyam, 2023" (47 of 2023) shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

168. Appearance before the authorised officer.- Any appearance, application or act before the authorized officer may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

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

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

(a) discovery and inspections;

29 Amended vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR

(b) enforcing the attendance of witnesses and requiring the deposit of their expenses;

(c) compelling the production of documents;

(d) examining witnesses on oath;

(e) granting adjournments;

(f) reception of evidence taken on affidavit; and

(g) issuing commissions for the examination of witnesses;

and may summon and examine suo-motu any person whose evidence appears to him to be material and shall be deemed to be a Court within the meaning of [30]"sections 384 and 385 of the Bhartiya Nagarik Suraksha Sanhita, 2023" (46 of 2023).

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

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

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

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

Provided that-

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

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

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any Court and shall be a full and complete defense to or upon any charge under [31]"Chapter IX of the Bhartiya Nyaya Sanhita, 2023" (45 of 2023)arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification, in connection with an election, imposed by this act or any other law.

173. Expenses of witnesses.- The reasonable expenses incurred by any person in attending to give evidence may be allowed by the authorised officer to such person, and shall, unless he otherwise directs, be deemed to be part of the costs.

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

(a) dismissing the election petition; or

30 Amended vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR
31 Amended vide Act No. 1of 2026, dated 09.01.2026 by Deptt. of PR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) by any non-compliance with the provisions of this Act or of any rule made under this Act, the authorized officer shall declare the election of the elected persons to be void.

(2) Subject to the provisions of section 175-A, when an election of an elected person has been declared to be void under sub-section (1), a fresh election shall be held under the provisions of this Act and the rules made there under.

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

(a) that in fact the petitioner or such other candidate received a majority of valid votes; or

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

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

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

(a) any decision made by the returning officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and

(b) in so far as that question is not determined by such a decision, the authorised officer shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

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

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

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

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

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

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

179. Corrupt Practices entailing disqualification ……Deleted

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

(1) Bribery, that is to say-

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

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

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

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

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

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

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

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

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

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

Provided that-

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

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

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

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

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

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national

symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER-XII

RULES AND BYE-LAWS

186. Power to make rules.- (1) The State Govt. may mke rules for carrying out the purpses of this Act.

(2) In particular and withut prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters which under any provisions of this Act, are required to be prescribed or to be provided for by rules.

(3) All rules[32]except the rules framed under section 135(2) shall be subject to the condition of previous publication.

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

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

189. Delegation of powers.- (1) The State Government may, by notification, delegate to or confer on any officer subordinate to it or to any Panchayat all or any of the powers conferred upon it by or under this Act, except the powers relating to framing of rules.

(2) The Director or the Deputy Commissioner, as the case may be, may delegate any of his powers under this Act, other than those delegated to or conferred upon him under sub-section (1), to an officer not below the rank of a Gazetted Officer.

199. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions thereof which appears to it to be necessary or expedient for the purpose of removing the difficulty: Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid on the Table of the Legislative Assembly. 200. Repeal and savings.- (1) On and from the date.

32 Inserted vide Act No. 1 of 2026, dated 09.01.2026 by deptt. of PR

CHAPTER-XIII

MISCELLANEOUS

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

Provided that the repeal shall not affect,-

(a) the previous operation of the repealed Act, or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed Act, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or, remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act has not been enforced:

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

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

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

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

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

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

SCHEDULE-V

(*See* sections 127)

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

(name of office)

As of…….....

(name of Panchayat)

and that I will do right to all manner of people in accordance with the Constitution and the Law without fear of favour, affection or ill-will.

THE HIMACHAL PRADESH PANCHAYATI RAJ (ELECTION) RULES, 1994

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CHAPTER-I

PRELIMINARY

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

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

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

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

(c) [33]"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;

(j) [34]"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.

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

34The Block Dev Officers appointed as Asstt. Eletoral Registration Officer vide Notification dt.10th Oct, 2012 appended in Part-V of this book.

CHAPTER-II

DELIMITATION OF CONSTITUENCIES OF PANCHAYATS

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

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

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

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

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

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

(i) Bounded on the North by …….

(ii) Bounded on the South by ……

(iii) Bounded on the East by ……..……

(iv) Bounded on the West by …….

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

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

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

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

(2) While delimiting the constituencies of a Panchayat Samiti, constituency of the Gram Panchayat shall be a unit. The constituencies shall be delimited from the map of the Panchayat Samiti area starting

from North towards East and ending towards South to West, and every constituency of a Panchayat Samiti shall be assigned a serial number and the name of the Constituency of Panchayat Samiti. The name of constituency of a Panchayat Samiti may be assigned on the name of a Gram Sabha having largest population in that constituency.

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

(i) Bounded on the North by ……

(ii) Bounded on the South by ……

(iii) Bounded on the East by …….

(iv) Bounded on the West by …….

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

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

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

(2) While delimiting the constituencies of Zila Parishad, [35]Panchayat Samiti Area shall be a unit. The Zila Parishad ward(s) shall not transgress the boundries of Panchayat Samiti. 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.

[36]Provided that where substantial variations exist in the population among the territorial constituencies of the Zila Parishad as determined under this sub-rule and published in accordance with sub-rule(4), and where objections or suggestions regarding the draft proposal are received by the Deputy Commissioner, the Deputy Commissioner may, after considering such objections and suggesstions, transgress the boundries of the Panchayat Samities. Such transgressions to adjust the population shall be made with regard to geographical conditions and administrative convenience to address population variations among constituencies, subject to the condition that the total number of territorial constituencies shall not exceed the number determined under section89(2) of the Himachal Pradesh Panchayati Raj Act, 1994.

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

(i) Bounded on the North by ……

(ii) Bounded on the South by ……...

35 Amended vide Notification No. PCH-HA(1)18/2008-Loose-II-1790-1992, dated 11.02.25 issued by Panchayati Raj Department.

36 Inserted vide Notification No. PCH-HA(1)18/2008-III-55264-55456, dated 19.11.2025

(iii) Bounded on the East by ……

(iv) Bounded on the West by ……

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

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

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

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

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

CHAPTER-III

ELECTORAL ROLLS

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

Provided that the State Election Commission may in its own discretion use data base of the Election Commission of India for the preparation of the draft electoral rolls for the elections under these rules.

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

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

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

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

(a) is not a citizen of India; or

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

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

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

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

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

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

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

16. Period for lodging claims and objections.- Every claim for the inclusion of name in the electoral roll and every objection to an entry therein shall be lodged within a period of 10 days from the date

of draft publication of the electoral roll in draft under rule 15, or within such period as may be fixed by the State Election Commission in this behalf.

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

18. Manner of lodging of claims and objections.- (1) A claim or objection shall be addressed to the Revising Authority specified in the notice referred to in rule 15 and shall be presented to him personally or sent by registered post to that authority. Every claim for inclusion of names, objection in relation to the inclusion of the name or objection in relation to the particulars in an entry shall be in Form 2, 3, 4 respectively.

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

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

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

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

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

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

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

20. Disposal of claims and objections.- (1) 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 nine days before the last date fixed for the filing of nomination papers.

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

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

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

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

[37]Provided further that an application under this rule shall not be submitted after the Notification of Election programme under rule 32 of these rules.

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

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

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

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

(a) complete spare copies of the electoral roll ;

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

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

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

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

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

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

37 Substituted vide Notification No. PCH-HA(1)18/2008-Loose-II-1790-1992, dated 11.02.25 issued by Panchayati Raj Department.

CHAPTER-IV

RESERVATION OF SEATS IN PANCHAYATS

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

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

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

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

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

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

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

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

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

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

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

(8-A) [38]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) Second Amendment Rules, 2025 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.

38 Amended vide Notification No. PCH-HA(1)18/2008-III-23660-862, dated 14.08.2025 issued by Panchayati Raj Department

CHAPTER- V

CONDUCT OF ELECTIONS

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

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

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

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

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

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

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

(i) the nomination papers shall be presented;

(ii) the nomination papers shall be scrutinised;

(iii) a candidate may withdraw his candidature;

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

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

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

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

(viii) the result of election shall be declared.

(3) [39]The election programme shall be notified by the State Election Commission seven days before the date of filing of nomination papers:

Provided that District Election Officer (P) shall issue a notice of election under rule 33 on the date as may be specified by the State Election Commission.

(4) The period for filing of nomination papers shall be three days and the date of scrutiny shall be the next day from the last date of filing of nomination papers. The date of withdrawal shall be the third and fourth day from the date of scrutiny. The date for affixing the list of contesting candidates shall be the last date 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 [40]as may be specified by the State Election Commission in the Election Programme 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.

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39 Substituted vide Notification No. PCH-HA(1)18/2008-Loose-II-1790-1992, dated 11.02.25 issued by Panchayati Raj Department.

40 Amended vide Notification No. PCH-HA(1)18/2008-Loose-II-1790-1992, dated 11.02.25 issued by Panchayati Raj Department.

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

Provided that every nomination paper shall be accompanied by No Due Certificate issued by the concerned panchayat in Form-18-A[41]and shall furnish an affidaviat declaring that he/she is not the defaulter of any co-operative society operating in the State of Himachal Pradesh.

(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.

(4) [42]A proposer may propose only one candidate for one post. Proposal once made shall not be withdrawn or cancelled.

(5) [14]In a ward which is reserved for Scheduled Castes/Scheduled Tribes/Other Backward Classes, the nomination paper shall not be treated as valid, unless it contains a declaration by the candidate specifying particular caste or tribe or backward class of which he is a member and the candidate submits a certificate issued by the competent authority authorized by the State Government, certifying that the candidate belongs to such Scheduled Caste or Scheduled Tribe or Other Backward Class, as the case may be.

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;

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41 Amended vide Notification No. PCH-HA(1)-3/2019-L-56244-385, dated 27.08.2022 issued by Panchayati Raj Department.

42 Inserted vide Notification No. PCH-HA(1)18/2008-Loose-II-1790-1992, dated 11.02.25 issued by Panchayati Raj Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40. Withdrawal of candidature. - (1) Any candidate may withdraw his candidature by notice in writing in Form-22 subscribed by him and delivered to the Returning Officer or the Authority determined in this behalf under clause (e) of rule 33, before 3 O'clock of the afternoon on [43]the last 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

43 Amended vide Notification No. PCH-HA(1)18/2008-Loose-II-1790-1992, dated 11.02.25 issued by Panchayati Raj Department.

appointment shall be made by a letter in writing in duplicate in Form-26 signed by the candidate or his election agent, as the case may be.

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

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

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

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

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

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

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

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

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

CHAPTER-V-A

POLL DUTY BALLOT

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

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

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

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

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

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

two large cover addressed to the Returning Officer in Form-28D (one for Gram Panchayat and other for Panchayat Samiti and Zila Parishad); and

(d) instructions for the guidance of the elector in Form 28-E.

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

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

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

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

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

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

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

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

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

49-F. Return of ballot paper.- (1) After an elector has recorded his vote and made his declaration under rule 49-E, he shall return the ballot paper and declaration to the Returning Officer for the Gram Panchayat or such officer as may be notified in this behalf by the State Election Commission within such time as may be fixed and in accordance with the instructions communicated to him in Form-28E.

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

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

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

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

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

CHAPTER- VI

POLL AND VOTING FOR ELECTION

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

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

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

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

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

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

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

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

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

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

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

(a) Polling Officer;
(b) Public servants on duty in connection with the election;
(c) persons authorised by the State Election Commission, District Election Officer (Panchayats) or the Returning Officer as the case may be;
(d) candidates, the election agents and subject to the provisions of these rules one polling agent of each candidate;
(e) a child in arms accompanying a voter;
(f) a person accompanying a blind or infirm voter who cannot move without help; and

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

56. Ballot boxes to be locked and sealed before the commencement of poll.- (1) The Presiding Officer at each polling station shall immediately before the commencement of poll, allow inspection of each ballot box, to be used at the poll by the candidates, their election agents and their polling agents, who are present at such station and demonstrate to them and to all other persons present, that it is empty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

44(3) On receiving the ballot papers, the voter shall forthwith proceed to the compartment and mark the ballot paper by putting the seal provided for the purpose on or before the name and symbol of the candidate of his choice or "none of the above" (NOTA), printed on the ballot paper and shall insert ballot paper in the relevant seal ballot box kept before the Polling Officer".

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

61. Casting of vote by blind or infirm voter.- (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbol on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the

44See Notification dt. 10th November, 2015 issued by the Commisison about the option of NOTA.

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 Presiding Officer and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned-cancelled" by the presiding officer.

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

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

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

(3) The name of the village, the number of the constituency, the name of the voter, his serial number in the electoral roll and the number of the polling station to which the electoral roll relates shall be entered in a list in Form-31 which shall bear the heading "List of tendered vote". The person tendering such ballot paper shall sign his name or affix his thumb impression against entry relating to him in that list.

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

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

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

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

65. Sealing of ballot boxes after poll.- (1) As soon as practicable after the closing of the poll, the Presiding Officer shall in the presence of candidates or their election or polling agents close the slit of the

ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate, election agent or polling agent present to affix his seal, if they so desire.

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

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

66. Account of ballot papers.- (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form-29 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

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

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

(a) the marked copy of the electoral roll;
(b) other copy of electoral roll;
(c) counterfoils of the used and un-used ballot paper(s);
(d) the cancelled ballot papers;
(e) the cover containing the tendered ballot papers and the list of tendered ballot papers;
(f) the list of challenged votes; and
(g) any other papers directed by the Returning Officer to be kept in sealed packet.

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

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

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

(a) the ballot boxes;

(b) the sealed papers account;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper.

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

CHAPTER-VII

COUNTING OF VOTES

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

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

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

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

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

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

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

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

(4) Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer or such other officers authorised by him in this behalf may be removed from the place where the votes are being counted, by the Returning Officer, or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

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

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

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

(4) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form-28D and all such covers in Form-28D shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the constituency, the date of counting and a brief description of its content.

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

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

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

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

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

if no vote is recorded thereon; or
if votes are recorded in favour of more candidates than one; or
if it is a spurious ballot paper; or
if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
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:

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

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

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

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

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

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

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

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

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

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

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

count the ballot papers again in accordance with his decision;

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

announce the amendment so made by him.

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

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

CHAPTER-VIII

ELECTION PAPERS

81. Return or forfeiture of candidates deposits.- (1) The deposit made under rule 37 shall either be returned to the persons making it or his legal representative or be forfeited to the State Government in accordance with the provisions of this rule.

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

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

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

82. Custody of papers relating to election.- The papers relating to election of member of Gram Panchayat, Pradhan. Up-Pradhan and member of Panchayat Samiti shall be kept in the office of Block Development and Panchayat Officer under safe custody and election papers relating to the election of Members of Zila Parishad shall be kept in the Office of District Election Officer (Panchayati) in the safe custody.

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

(a) the packets of unused ballot papers;

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

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

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

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

CHAPTER-IX

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF PANCHAYAT SAMITI

85. Meeting for election.- (1) After the declaration of results of the elected members of the Panchayat Samiti, the Deputy Commissioner concerned or any other officer authorised by him in this behalf except Block Development and Panchayat Officer shall fix a date of meeting under his presidentship (hereinafter referred to as Presiding Officer) for the purposes of oath or the affirmation of allegiance under section 127 of the Act as soon as possible, but not later than one week of the declaration of results as per section 79 of the Act.

(1-A). As soon as possible but not later than seven days after oath or affirmation of allegiance under sub-rule (1) is administered or made, the Deputy Commissioner concerned or any other officer authorized by him in this behalf except Block Development Officer shall call under his 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.]

(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.

(5) No quorum shall be required for the meeting for the purpose of oath or affirmation of allegiance under sub–rule (1). Quorum for the meeting for the purpose of election of Chairman or Vice Chairman or both, as the case may be, shall be two-third of the total elected members. If within two hours after the time

appointed for the meeting, the quorum is not present, the meeting shall be adjourned. In the event of adjournment of the first meeting for want of quorum, the second meeting shall be convened within ten days from the date of first meeting and if the second meeting is also adjourned for want of quorum, the subsequent meetings shall be convened within ten days from the date of the last adjourned meeting and action under clause (b) of sub –section (1) of section 146 of the Act shall be taken against those members who will not attend subsequent meetings for which specific mention shall be made in the notices of such meetings. Quorum for the second and subsequent meetings shall be the simple majority of the total elected members.

(6) Every candidate for the office of Chairman or Vice-Chairman, as the case may be, shall be nominated in writing and the nomination paper in Form-41 shall be signed by two of the members one as proposer and another as a seconder. No member shall be allowed to propose or second more than one candidate for one office. The nomination paper shall be delivered to the Presiding Officer within one hour after the completion of 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.

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

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

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

BALLOT PAPER

……. Panchayat Samiti …….. Name of candidates for

election of …….

1.

2.

3.

4.

and so on.

Dated …….. ……...

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

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

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

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

(ii) A ballot paper shall be invalid:-

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

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

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

(d) if no mark is placed thereon; or

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

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

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

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

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

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

(b) publish on the notice board of the Panchayat Samiti a notice in Form-42 signed by him as a prescribed authority as per provisions of section 126 of the Act stating the names of persons elected and send a copy of such notice to the District Election Officer.

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

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

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

CHAPTER-X

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF ZILA PARISHAD

86. Meeting for election.- (1) After the declaration of result of the elected members of the Zila Parishad, the Deputy Commissioner concerned shall fix a date of meeting for the purpose of oath or the affirmation of allegiance under section 127 of the Act under his 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.

(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

(1-B). As soon as possible but not later than seven days after the declaration of occurrence of the casual vacancy in the office of the Chairman or the Vice-Chairman or both, as the case may be, the Deputy Commissioner concerned or any other officer, except the chief executive officer and the Secretary of the Zila Parishad, authorized by him in this behalf shall call under his 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.

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

not attend subsequent meetings for which specific mention shall be made in the notices of such meetings. Quorum for the second and subsequent meetings shall be the simple majority of the total elected members.; and

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

(6) Every candidate for the Chairman and Vice-Chairman as the case may be shall be nominated in Form-41 signed by two of the elected members one as a proposer and another as a seconder. No member shall be allowed to propose or second more than one candidate. The nomination papers shall be delivered to the Presiding Officer within hour after the completion of quorum]. Any nomination paper subscribed and delivered in contravention of these rules shall be invalid and declared as such by the Presiding Officer.

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

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

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

(b) the names or the candidates duly nominated.

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

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

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

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

BALLOT PAPER

…….....……Zila Parishad …….....

Name of Candidate for election of …….....

1.
2.
3.
etc.

……
Signature of the Presiding Officer
of the meeting with his official Seal.

(13) The ballot papers shall be signed by the Presiding Officer and one paper each shall be handed over to each elected member for each election who shall mark the ballot paper by putting the seal provided

for the purpose against the candidate for whom he wishes to vote. If a member is unable due to illiteracy, blindness or other physical infirmity to record his vote, the Presiding Officer of the meeting shall record the vote on ballot paper in accordance with the wishes of such member. The ballot paper shall not be signed by the member nor be marked in any other way that could reveal his identity. If the paper is so signed or marked or mutilated, the vote shall be void.

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

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

(ii) A ballot paper shall be invalid:-

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

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

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

(d) if no mark is placed thereon; or

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

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

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

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

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

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

(b) publish on the notice board of the Panchayat a notice in Form-42 signed by him as a prescribed authority as per provisions of section 126 of the Act stating the names of persons elected and send a copy of such notice to the District Election Officer.

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

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

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

CHAPTER-XI

RESERVATION FOR CHAIR PERSONS

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

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

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

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

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

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

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

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

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

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

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

(8-A) [45]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) Second Amendment Rules, 2025 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.

(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 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.

45 Amended vide Notification No. PCH-HA(1)18/2008-III-23660-862, dated 14.08.2025 issued by Panchayati Raj Department.

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

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

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

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

(8-A) [46]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) Second Amendment Rules, 2025 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 having the next highest percentage population of Scheduled Castes

46 Amended vide Notification No. PCH-HA(1)18/2008-III-23660-862, dated 14.08.2025 issued by PR

and Scheduled Tribes shall be reserved for the members of Scheduled Castes, Scheduled Tribes, as the case may be, and so on.

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

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

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

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

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

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

(8-A) [47]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) Second Amendment Rules, 2025 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.

47 Amended vide Notification No. PCH-HA(1)18/2008-III-23660-862, dated 14.08.2025 issued by Panchayati Raj Department.

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

[48]Provided that the State Election Commission may appoint observer(s), who shall be an officer of Government to watch the conduct of election or elections in a Development Block or a group of Development Blocks and to perform such other functions as may be entrusted to him by the State Election Commission.

[17]**91-A Duties of the District Election Officers (Panchayat)-** The District Election officer (Panchayat) shall subject to the supervision and control of the State Election Commission do all such acts and things as may be necessary to effectively conduct the elections in the manner provided by these rules or orders made thereunder.

92. Accounts of election expenses and maximum limit thereof.- (1) Every candidate at an election of member of Zila Parishad shall, in accordance with the provisions of sub-section (1) of section 121-A of the Act, maintain a separate and correct account of all expenditure on day-to-day basis in connection with the election in the register in Form-44:

Provided that the maximum limit on expenditure to be incurred by a contesting candidate at an election of member of Zila Parishad shall be One Lac rupees (` 1,00,000 /-).

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

(3) The account of election expenditure shall be submitted to the District Election Officer (Panchayat) in Form-44 alongwith the details of election expenses in Form-45. The account of election expenditure shall be supported by a declaration in Form-46.

(4) The District Election Officer (Panchayat) shall acknowledge the accounts of election expenses in Form-47.

48 Substituted vide Notification No. PCH-HA(1)18/2008-Loose-II-1790-1992, dated 11.02.25 issued by Panchayati Raj Department

CHAPTER-XII

ELECTION DISPUTES AND APPEALS

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

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

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

(3) The affidavit referred to in the proviso to sub-section (i)-of section 164 of the Act shall be in Form-43 and shall be shown before a Magistrate.

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

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

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

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

(4) If the application is granted the Authorised Officer to whom the petition is presented or to whom such petition is transferred as the case may be, shall pass an order with regard to security deposit in accordance with the provisions laid down under section 177 of the Act :

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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प्रेषित :

ग्राम सभा/पंचायत समिति/जिला परिषद्

.....

.....जिला, हिमाचल प्रदेश,

के निर्वाचन क्षेत्र संख्या.....के मतदाता।

एतद्द्वारा सूचना दी जाती है कि निर्वाचक नामावली, हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के अनुसार तैयार की गई है और उसकी प्रति मेरे कार्यालय और ग्राम पंचायतों/पंचायत समितियों/जिला परिषद्ों.....में निरीक्षण के लिए कार्यालय समय में उपलब्ध है।

यदि निर्वाचक नामावली में नाम सम्मिलित किए जाने के लिए कोई दावा हो, या किसी नाम के सम्मिलित किए जाने सम्बन्धी कोई आक्षेप हों या किसी प्रविष्टि में कन्हीं, विशिष्टियों के सम्बन्ध में कोई आक्षेप हों तो उसे जहां तक समुचित हो प्ररूप 2, 3 और 4 में तारीख.....को या उससे पूर्व प्रस्तुत किया जा सकेगा।

प्रत्येक ऐसा दावा या आक्षेप पुनरीक्षण प्राधिकारी (पूरा पता).....को सम्बोधित किया जाना चाहिए और यह या तो व्यक्तिगत रूप में या अभिकर्ता के माध्यम से प्रस्तुत किया जाना चाहिए या रजिस्ट्रीकृत डाक द्वारा भेजा जाना चाहिए ताकि उक्त तारीख के भीतर उसके पास पहुँच जाये।

जिला निर्वाचन अधिकारी (पंचायत)।

स्थान.....

तारीख.....

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प्रेषित :

पुनरीक्षण प्राधिकारी,

ग्राम पंचायत.....

विकास खण्ड.....

जिला.....हिमाचल प्रदेश।

महोदय,

मैं निवेदन करता/करती हूं कि मेरा नाम..... ग्राम पंचायत.....के लिए.....निर्वाचन क्षेत्र की निर्वाचक नामावली में सम्मिलित किया जाए।

मेरा पूरा नाम.....

मेरे पिता/माता/पति का नाम.....

मेरे निवास स्थान का विवरण :–

मकान संख्या.....गली/मुहल्ला/ग्राम.....डाकघर.....

तहसील और जिला.....

मैं एतद्द्वारा अपने पूर्ण ज्ञान तथा विश्वास से घोषणा करता/करती हूँ कि:–

(1) मैं भारत का/की नागरिक हूँ।

(2) राज्य निर्वाचन आयोग द्वारा नियम 14 के अधीन खण्ड (इ) द्वारा अधिसूचित तारीख को मेरी आयु.....वर्ष.....मास थी/होगी।

(3) मैं प्रायः उपर्युक्त पता पर निवास करता/करती हूँ।

(4) मैंने किसी अन्य निर्वाचन क्षेत्र की निर्वाचक नामावली में अपने नाम को सम्मिलित करने के लिए आवेदन नहीं किया है।

(5) मेरा नाम हिमाचल प्रदेश में उक्त या किसी अन्य ग्राम पंचायत या नगरपालिका के किसी निर्वाचन क्षेत्र की नामावली में सम्मिलित नहीं किया गया है।

या

मेरा नाम ग्राम पंचायत.....के वार्ड संख्या.....विकास खण्ड.....जिला.....की निर्वाचक नामावली के क्रमांक.....पर सम्मिलित किया गया है और मैं एतद्द्वारा निवेदन करता/करती हूं कि उसे निर्वाचक नामावली से हटा दिया जाए।

स्थान.....

तारीख.....

दावेदार के हस्ताक्षर/निशान अंगूठा

(पूरा डाक पता):

मैं निर्वाचक नामावली के उसी भाग में सम्मिलित हूं जिसमें दावेदार ने सम्मिलित किए जाने के लिए आवेदन किया है, अर्थात्.....है। सम्बन्धित भाग संख्या.....मेरा उसमें क्रमांक..... है। मैं इस दावे का समर्थन करता/करती हूं और इसे प्रतिहस्ताक्षरित करता/करती हूं।

मतदाता के हस्ताक्षर.....

पूरा नाम और पता.....

?kk"k.kk

मैं एतद्द्वारा घोषणा करता/करती हूं कि मुझे जानकारी है कि मेरे द्वारा ऊपर दी गई सूचना किसी दशा में गलत साबित होती है तो मैं भारतीय न्याय संहिता की विभिन्न धाराओं के अधीन आपराधिक कार्रवाई के लिए जिम्मेदार होऊंगा/होऊंगी।

दावेदार के हस्ताक्षर।

————————————

(जो अनावश्यक हो काट दें।)

fVIi.k-&यदि कोई व्यक्ति जो ऐसा कथन या घोषणा करता है, जो मिथ्या है और जिसे वह या तो जानता है या उसे उसके मिथ्या होने का विश्वास है अथवा उसके सत्य/सही होने का उसे विश्वास नहीं है, तत्समय प्रवृत्त विधि के अनुसार दण्डनीय है।

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प्रेषित :

पुनरीक्षण प्राधिकारी,

निर्वाचन क्षेत्र.....

महोदय,

मैं ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....में निर्वाचन क्षेत्र के.....की निर्वाचक नामावली में क्रम संख्या.....पर श्री.....के नाम को सम्मिलित किए जाने के सम्बन्ध में निम्नलिखित कारणों से आक्षेप करता हूं :–

.....

.....

मैं एतद्द्वारा घोषणा करता हूं कि उपर्युक्त तथ्य मेरे ज्ञान और विश्वास के अनुसार सही है, मेरा नाम इस निर्वाचन क्षेत्र की नामावली में निम्न प्रकार से सम्मिलित किया गया है।

पूरा नाम.....

पिता/पति/माता का नाम.....

क्रम संख्या.....

ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....से सम्बन्धित निर्वाचन क्षेत्र का नाम तथा संख्या.....

आक्षेपकर्ता के हस्ताक्षर/निशान अंगूठा,

(पूरा डाक पता).....

मैं उसी निर्वाचक नामावली में दर्ज निर्वाचक हूं जिसमें आक्षेपित व्यक्ति का नाम है अर्थात्.....ग्राम पंचायत/पंचायत समिति/जिला परिषद् से सम्बन्धित.....निर्वाचन क्षेत्र.....से सम्बन्धित और संख्या.....मेरी उसमें क्रम संख्या.....है। मैं इस आक्षेप का समर्थन करता हूं तथा इसको हस्ताक्षरित करता हूं।

निर्वाचक के हस्ताक्षर/निशान अंगूठा,

(पूरा डाक पता).....

i: i&4
(नियम 18 और नियम 23 देखें)

fdlh Hkh ifof"V e fof'kf"V;k lEcU/kh vk{ki

प्रेषित :

पंचायत निर्वाचन के लिए
पुनरीक्षण अधिकारी,
.....निर्वाचन क्षेत्र।

निवेदन है कि.....के निर्वाचन क्षेत्र.....
की निर्वाचक नामावली में क्रम संख्या.....पर मेरे से सम्बन्धित प्रविष्टि अशुद्ध है। इसे निम्नलिखित रूप में शुद्ध किया जाये:–

.....

.....

स्थान.....

तारीख.....

निर्वाचक के हस्ताक्षर/अंगूठा निशान,

(पूरा डाक पता).....

i: i&5

øfu;e 18¼4½ vkj 20¼1½ n[kÀ

uke lfEefyr dju d nkok dk jftLVj

ग्राम पंचायत/पंचायत समिति/जिलापरिषद्..... निर्वाचन क्षेत्र.....					
क्रम संख्या	नाम, पिता का नाम व पता	दावा प्रस्तुत करने की तारीख	पक्षकारों की उपस्थिति में टिप्पणी सहित विनिश्चय की तारीख	विनिश्चय ——————— स्वीकृत अस्वीकृत	
1	2	3	4	5	6

पुनरीक्षण, प्राधिकारी के हस्ताक्षर	पुनरीक्षण अधिकारी के विनिश्चय की कार्यान्वयन करने वाले पदधारी के हस्ताक्षर और तारीख
7	8

i: i &6
øfu;e 18¼4½ vkj 20¼1½ n[kÀ

uke lfEefyr fd, tkus lEc/kh vk{kiks dk jftLVj

ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....निर्वाचन क्षेत्र.....

क्रम संख्या	वह व्यक्ति जिसके सम्बन्ध में आक्षेप किया गया है	निर्वाचक नामावली में क्रम संख्या	पिता/पति का नाम और पता तथा आक्षेपकर्ता का पता	आक्षेपकर्ता की निर्वाचन नामावली में क्रम संख्या	आक्षेप प्रस्तुत करने की तारीख
1	2	3	4	5	6

पक्षकारों की उपस्थिति की बाबत टिप्पणी सहित विनिश्चय की तारीख	विनिश्चय		पुनरीक्षण प्राधिकारी के हस्ताक्षर	पुनरीक्षण अधिकारी के विनिश्चय को कार्यान्वयन करने वाले पदधारी के *हस्ताक्षर और तारीख*
	स्वीकृत	अस्वीकृत		
7	8	9	10	11

i: i&7
øfu;e 18 ¼4½vkj 20 ¼1½ n[kÀ
ifof"V dh fof'kf"V;k lEcU/kh vk{ki dk jftLVj

ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....निर्वाचन क्षेत्र.....

क्रम संख्या	आक्षेपकर्ता का नाम	आक्षेप प्रस्तुत करने की तारीख	निर्वाचक नमावली में यथा विद्यमान विशिष्टियां	आक्षेपकर्ता द्वारायथा आवेदित शुद्ध विशिष्टियां	विनिश्चय	
					स्वीकृत	अस्वीकृत
1	2	3	4	5	6	7
पुनरीक्षण प्राधिकारी के हस्ताक्षर	पुनरीक्षण अधिकारी के विनिश्चय को कार्यन्वित करने वाले पदधारी के हस्ताक्षरतथा तारीख					
8	9					

i: i&8
[नियम 19 (1) देखें]

nkok dh lph

ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....

निर्वाचन क्षेत्र.....

प्राप्ति की तिथि	क्रम संख्या	दावेदार का नाम	पिता/पति/माता का नाम	पता	सुनवाई की तारीख, समय और स्थान

.....

iujh{k.k ikf/kdkjh dk gLrk{kjA

i: i&9
[नियम 19 (1) देखें]

uke lfEefyr fd, tkus lEcU/kh vk{kiksa dh lwph

ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....

निर्वाचन क्षेत्र.....

प्राप्ति की तारीख	क्रम संख्या	आक्षेपकर्ता का पूरा नाम	आक्षेपित नामकी विशिष्टियां		संक्षिप्त आक्षेप	सुनवाई की तारीख, समय और स्थान
			प्रविष्टि की निर्वाचक नामावली में क्रम सं0	पूरा नाम		
1	2	3	4	5	6	7

.....

iujh{k.k ikf/kdkjh dgLrk{kjA

i: i&10
[नियम 19 (1) देखें]

fuokpd ukekoyh e: fof'kf"V;k lEcU/kh vk{ki lph

प्राप्ति की तारीख	क्रम संख्या	आक्षेप करने वाले निर्वाचक का नाम	निर्वाचक नामावली की प्रविष्टि की क्रम सं0 और भाग संख्या	आक्षेप का स्वरूप	सुनवाई की तारीख, समय औरस्- थान
1	2	3	4	5	6

.....

iujh{k.k ikf/kdkjh d: gLrk{kj

i: i&11
[नियम 19(2) देखें]

nko dh luokbZ dh lpuk

प्रेषित :

(दावेदार का पूरा नाम और पता).....

.....

सन्दर्भ–आक्षेप संख्या.....

निर्वाचक नामावली में नाम सम्मिलित किए जाने के लिए आपके दावे की सुनवाई..... (स्थान में)..... बजे.....(तारीख.....20.....) को की जाएगी। आपको स्वयं या प्राधिकृत अभिकर्ता द्वारा ऐसे साक्ष्यों सहित जो आप प्रस्तुत करना चाहें, सुनवाई के समय उपस्थित होने का निर्देश दिया जाता है।

स्थान.....

तारीख.....

ijh{k.k izkf/kdkjh dk gLrk{kj

.....

fuokpu {k=A

i: i&12
[नियम 19 (2) देखें]

vk{ki dh lwpuk dk fy, lpuk

प्रेषित :

(आक्षेपकर्ता का पूरा नाम व पता).....

सन्दर्भ–आक्षेप संख्या..... *।*

.....*का नाम सम्मिलित किए जाने के सम्बन्ध में आपके आक्षेप पर सुनवाई*.....*(स्थान) में*.....*बजे*.....*दिनांक*.....*20*.....*(तारीख*.....*20*.....*)को की जायेगी।*

आपको निर्देष दिया जाता है कि.....*आप स्वयं या अपने प्राधिकृत अभिकर्ता द्वारा ऐसे साक्ष्यों सहित, जो आप प्रस्तुत करना चाहें, सुनवाई के समय उपस्थित हों।*

स्थान.....

तारीख.....

lwpuh{k.k ikf/kdkjhA

i: i&13
[नियम 19(2) देखें]

fuokpd ukekoyh e fdlh ifofV e ifofV;k lEcU/kh vk{ki dh lpuk

प्रेषित :

आक्षेपकर्ता का पूरा नाम तथा पता.....

सन्दर्भ–आक्षेप संख्या..... ।

आपसे सम्बन्धित प्रविष्टियों के विषय में आपके आक्षेप की सुनवाई.....स्थान में..... बजे .....(तारीख.....20.....) को होगी। आपको निर्देश दिया जाता है कि आप स्वयं या अपने प्राधिकृत अभिकर्ता द्वारा ऐसे साक्ष्य सहित जो आप तुरन्त करना चाहें सुनवाई के समय उपस्थित हों।

स्थान.....

तारीख.....

ipujh{k.k ikf/kdkjh d gLrk{kj

.....fuokpu {k=A

i: i&14

[नियम 19(3) देखें]

vk{ki dh lwpuk

प्रेषित :

(उस व्यक्ति का नाम व पूरा पता जिसके सम्बन्ध में आक्षेप किया गया है).....

सन्दर्भ–आक्षेप संख्या.....

आपके नाम को ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....
की निर्वाचक नामावली में क्रम संख्या.....*पर सम्मिलित किए जाने/हटाए जाने सम्बन्धी*.....
(आक्षेपकर्ता का पूरा नाम व पता) के आक्षेप की सुनवाई.....*स्थान में* .....*बजे*.....
दिनांक.....*20*..... *को की जाएगी।*

आपको निर्देष दिया जाता है कि आप स्वयं या प्राधिकृत अभिकर्ता द्वारा ऐसे साक्ष्यों सहित जो आप प्रस्तुत करना चाहें, सुनवाई के समय उपस्थित हों।

आक्षेप के आधार संक्षिप्त रूप से इस प्रकार हैः–

(क) .....

(ख) .....

(ग) .....

स्थान.....

तारीख.....

पुनरीक्षण प्राधिकारी,

.....fuokpu {k=A

i: i&15
[नियम 21(1) देखें]

fuokpd ukekoyh d vfre idk'ku dh lpuk

सार्वजनिक जानकारी के लिए एतद्द्वारा अधिसूचित किया जाता है कि ग्राम पंचायत/पंचायत समिति/जिला परिषद् ..... के निर्वाचन क्षेत्र संख्या.....(निर्वाचन क्षेत्र) की निर्वाचक नामावली के प्ररूप में पुनरीक्षण प्राधिकारी/अपीलीय प्राधिकारी द्वारा आदेशित परिवर्धन/लोप (हटाया जाना) और शुद्धिकरण को उक्त प्रारूप नामावली में समाविष्ट कर दिया गया है या ऐसे संशोधनों की सूची हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के अनुसार तैयार हो गई है और इस प्रकार शुद्ध (ठीक) की गई निर्वाचक नामावली की एक प्रति संशोधनों सूची सहित अंतिम रूप में प्रकाशित कर दी गई है।

स्थान.....

तारीख.....

fty fuokpu vf/kdkjh ¼ipk;r½A

i:i&16
(नियम 23 देखें)

fuokpd ukekoyh e: ifof"V gVk, tku d: fy, vkonu

सेवा में,

जिला निर्वाचन अधिकारी (पंचायत),

जिला..... (हि0 प्र0)।

महोदय,

मैं यह निवेदन करता हूं कि.....निर्वाचन क्षेत्र की नामावली की क्रम संख्या.....पर की गई प्रविष्टि जो श्री/श्रीमती.....पुत्र/पत्नी/पुत्री.....से सम्बन्धित है, को हटा दिया जाये, क्योंकि वह व्यक्ति निम्नलिखित कारणों से निर्वाचक नामावली में पंजीकृत किये जाने का हकदार नहीं है :–

.....

.....

मैं एतद्द्वारा घोषणा करता हूं कि मैं इस निर्वाचन क्षेत्र का मतदाता हूं तथा मेरा नाम क्रम संख्या.....पर दर्ज है।

स्थान.....

तारीख.....

.....

आवेदक के हस्ताक्षर/अंगूठा का निशान

पूरा पता.....

---

*अनुचित शब्द काट दें।

fVIi.kh&&कोई व्यक्ति, जो ऐसा कथन या घोषणा करता है, जो मिथ्या है, जिसको वह जानता है कि मिथ्या या उसके सत्य होने का विश्वास नहीं करता है, प्रवृत्त विधि के अनुसार दण्डनीय होगा।

i: i&17
½fu;e 33 n:[k½
fuokpd dk;ZØe dk ukfVl

एतद्द्वारा नोटिस दिया जाता है कि.....

(1) ग्राम सभा के प्रधान/उप–प्रधान/ग्राम सभा के प्रत्येक निर्वाचन क्षेत्र से एक सदस्य, पंचायत समिति के प्रत्येक निर्वाचन क्षेत्र से एक सदस्य, जिला परिषद् के प्रत्येक निर्वाचन क्षेत्र से एक सदस्य; निर्वाचित करने के लिए, जैसा, नीचे दी गई सारणी में दर्शाया गया है, निर्वाचन किया जाना है।

(2) अभ्यर्थी या उसके प्रस्थापक द्वारा नामांकन पत्र रिटर्निंग ऑफिसर के रूप मे नियुक्त अधिकारी को नीचे दी गई सारणी में वर्णित स्थान, तारीखऔर समय पर परिदत्त किए जा सकेंगे–

.....जिला की.....(तहसील) में.....(खण्ड)

vf/kdkjh ftldh le{k ukekdu i= iLrqr fd, tk ldsxA

जिला परिषद् का नाम	जिला परिषद् निर्वाचन क्षेत्र की संख्या व नाम	पंचायत समिति का नाम	पंचायत समिति निर्वाचन क्षेत्र की संख्या व नाम	ग्राम सभा का नाम	ग्राम सभा के निर्वाचन क्षेत्र की संख्या व नाम	अधिकारी जिसके समक्ष नामांकन पत्र प्रस्तुत किए जा सकेंगे			स्थान	तारीख और समय
						जिला परिषद् के सदस्यों के लिए	पंचायत समितियों के सदस्यों के लिए	ग्राम पंचायत के प्रधान और उप–प्रधान तथा सदस्यों के लिए		
1	2	3	4	5	6	7	8	9	10	11

(3) नामांकन पत्र के प्ररूप, यथास्थिति,क्रमशः ग्राम पंचायत कार्यालय या स्तम्भ 7, 8, 9 में विनिर्दिष्ट, अधिकारी से और उक्त सारणी के स्तम्भ 10और 11 में विनिर्दिष्ट स्थान और तारीख पर अभिप्राप्त किए जा सकेंगे।

(4) यथास्थिति, स्तम्भ 7, 8, 9 में विनिर्दिष्ट, अधिकारी द्वारा उक्त सारणी के स्तम्भ 10 में विनिर्दिष्ट स्थान पर ..... (समय) .....(तारीख) को नामांकन पत्रों की संवीक्षा की जाएगी।

(5) अभ्यर्थिता वापिस लेने के नोटिस को, यथास्थिति, अभ्यर्थी या इस प्रयोजन के लिए अभ्यर्थी द्वारा लिखित रूप में सम्यक् रूपसे प्राधिकृत प्रस्थापक द्वारा स्तम्भ 7 या स्तम्भ 8 या स्तम्भ 9 में विनिर्दिष्ट स्थान पर.....(तारीख) को..... तक (समय) परिदत किए जा सकेंगे।

(6) अभ्यर्थिता वापिस लेने के लिए नियत समय के अवसान के तुरन्त पश्चात्,यथास्थिति,उक्त स्तम्भ 7 या स्तम्भ 8, स्तम्भ 9 में विनिर्दिष्ट अधिकारी द्वारा निर्वाचन लड़ने वाले अभ्यर्थियों को प्रतीक चिन्ह आबंटित किए जाएंगे और निर्वाचन लड़ने वाले अभ्यर्थियों की सूची अपने कार्यालय के बाहर चिपकायेगा।

(7) निर्वाचन करवाए जाने की दशा में मतदान.....नीचे दी गई सारणी में दी गई तारीख और स्थान पर..... .और.....(समय) के बीच होगा।

(8) मतदान के सम्पूर्ण होने पर मतगणना निम्न सारणी में दिए गए स्थान, तारीख और समय पर आरम्भ की जायेगी और गणना के पश्चात् परिणाम घोषित किया जाएगा।

lkj.kh

जिला परिषद् का नाम	जिला परिषद् के निर्वाचन क्षेत्र की संख्या व नाम	पंचायत समिति का नाम	पंचायत समिति निर्वाचन क्षेत्र की संख्या व नाम	ग्राम सभा का नाम	ग्राम सभा के निर्वाचन क्षेत्र की संख्या व नाम	मतदान की तारीख	मतगणना का स्थान	मतगणना की तारीख और समय	ग्राम पंचायत के प्रधान, उप–प्रधान और सदस्य के परिणाम की घोषणा का स्थान, तारीख और प्राधिकृत अधिकारी का नाम	पंचायत समिति और जिला परिषद् के सदस्यों के परिणाम की घोषणा के लिए स्थान और तारीख और प्राधिकृत अधिकारी
1	2	3	4	5	6	7	8	9	10	11

स्थान.....

तारीख.....

ft0 fu0 v0¼ipk;r½

जो लागू न हो उसे काट दें।

fVIi.kh-& एक ही निर्वाचन या उप–निर्वाचन की स्थिति में उक्त सारणियों के स्तम्भ/स्तम्भों को जो लागू नहीं होते हैं, भरने की आवश्यकता नहीं

i: i&18
(नियम 35 देखें)

Ukkekdu i=

*ग्राम सभा ..... के ..... (निर्वाचन क्षेत्र) से सदस्य का निर्वाचन।

*ग्राम सभा ..... से प्रधान का निर्वाचन।

*ग्राम सभा ..... से उप–प्रधान का निर्वाचन।

*पंचायत समिति ..... के ..... निर्वाचन क्षेत्र के सदस्य का निर्वाचन।

————————————————————————————————————

*जिला परिषद् ..... के ..... निर्वाचन क्षेत्र के सदस्य का निर्वाचन।

मैं, उक्त निर्वाचन के लिए अभ्यर्थी का नामांकन करता हूँ.–

अभ्यर्थी का नाम ..... पिता या पति का नाम .....

डाक पता ..... मोबाइल नम्बर..... उसका नाम ग्राम सभा/पंचायत समिति/जिला परिषद् ..... के ..... निर्वाचन क्षेत्र के लिए निर्वाचन नामावली में क्रम संख्या..... पर दर्ज है।

मेरा नाम ..... ग्राम सभा/पंचायत समिति / जिला परिषद् के निर्वाचन क्षेत्र ..... के लिए निर्वाचन नामावली में क्रम संख्या..... पर दर्ज है।

iLFkkid dk uke vkj gLrk{kjA

तारीख.....

मैं ..... उपर्युक्त, अभ्यर्थी, इस नामांकन से अनुमत हूँ और एतद्द्वारा घोषणा करता हूँ कि:–

(क) मैंने ..... वर्ष की आयु पूर्ण कर ली है;

(ख) मैं घोषणा करता/करती हूँ कि मैंने राज्य सरकार, नगरपालिका, ग्राम पंचायत, पंचायत समिति, जिला परिषद् या सहकारी सोसाईटी से सम्बन्धित या उन द्वारा या उनकी ओर से पट्टे पर ली गई अथवा अधिगृहीत किसी भूमि का अधिक्रमण नहीं किया है, और विधि के अधीन किसी अन्य निरर्हता से भी ग्रस्त नहीं हूँ ;

(ग) मैं आगे घोषणा करता हूँ कि मैं..... जाति/जनजाति का सदस्य हूँ जो अनुसूचित जाति/जनजाति है।

(घ) मैंने हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के नियम 35(2) के अधीन यथा अपेक्षित सक्षम प्राधिकारी द्वारा सम्यक् रूप से जारी किया गया ''प्रमाण–पत्र'' संलग्न कर दिया है।

(ङ) मैंने न तो कभी स्वापक पदार्थ का उपयोग करूंगा/करूंगी और न ही पोस्त, अफीम और गांजे (भांग) की खेती करूंगा/करूंगी तथा अन्यों को स्वापक पदार्थ का उपयोग न करने और पंचायत क्षेत्र में पोस्त, अफीम और गांजे (भांग) की खेती न करने के लिए भी प्रेरित करूंगा/करूंगी।

vH;Fkh dk gLrk{kjA

तारीख.....

(रिटर्निंग ऑफिसर द्वारा भरा जाएगा)

नामांकन पत्र की क्रम संख्या.....यह नामांकन पत्र मुझे..... अभ्यर्थी/प्रस्थापक द्वारा..... (स्थान) पर.....(समय) पर.....(तारीख) को परिदत्त किया गया था।

fjVfuax vkfQlj A

तारीख.....

(नामांकन पत्र को मंजूर या नामंजूर करने का रिटर्निंग ऑफिसर का विनिश्चय)

मैंने विधि के अनुसार नामांकन पत्र की संवीक्षा कर ली है और मेरा विनिश्चय निम्नलिखित है–

.....

.....

.....

.....

fjVfuax vkfQlj A

तारीख.....

उपर्युक्त अभ्यर्थी के नामांकन पत्र को न तो अस्वीकृत किया गया है और न ही उसने अपनी अभ्यर्थिता वापिस ली है और इसलिए उसे .....(प्रतीक का नाम) एतद्द्वारा आबंटित किया जाता है।

fjVfuax vkfQlj A

तारीख.....

नामांकन पत्र के लिए रसीद और संवीक्षा तथा नाम वापस लेने की सूचना (नोटिस)
(इसे नामांकन पत्र प्रस्तुत करने वाले व्यक्ति को सौंपा जाएगा)

नामांकन पत्र की क्रम संख्या...../ग्राम सभा..... के..... निर्वाचन क्षेत्र के सदस्य के निर्वाचन/ग्राम सभा..... से प्रधान/उप–प्रधान के निर्वाचन/पंचायत समिति..... के..... निर्वाचन क्षेत्र से सदस्य के निर्वाचन/जिला परिषद्..... के..... निर्वाचन क्षेत्र से सदस्य के निर्वाचन के लिए अभ्यर्थी के नामांकन पत्र अभ्यर्थी/प्रस्थापक द्वारा मुझे..... (तारीख).....(समय) पर मेरे कार्यालय में परिदत्त किए गए थे। सभी नामांकन पत्रों की .....(स्थान).....(तारीख) .....(समय) पर संवीक्षा की जाएगी।

अभ्यर्थिता.....(तारीख).....(समय) तक वापिस ली जा सकेगी। अभ्यर्थिता वापिस लेने के लिए नियत समय के अवसान के तुरन्त पश्चात् प्रतीक आबंटित किया जा सकेगा।

fjVfuax vkfQlj A

तारीख.....

———————————————

*जो शब्द लागू न हो उसे काट दें।

प्ररूप 18–क

नियम 35(2) देखें,

(अदेय प्रमाण पत्र)

.....ग्राम पंचायत/पंचायत समिति/जिला परिषद् कार्यालय.....

जिला.....

प्रमाणित किया जाता है कि पंचायत अभिलेख के अनुसार, श्री/श्रीमती/कुमारी.....

पुत्र/पुत्री/पत्नी श्री .....निवासी ग्राम पंचायत.....ग्राम.....

डाकघर.....विकास खण्ड.....जिला.....

हिमाचल प्रदेश से, पंचायत द्वारा अधिरोपित कर का कोई बकाया या सभा, समिति या जिला परिषद् को देय किसी प्रकार का बकाया या प्रतिधारित रकम, जो सभा, समिति या जिला परिषद् निधि का भाग है, की कोई रकम देय नहीं है।

सचिव,

जिला परिषद्/पंचायत समिति.....

सचिव/सहायक.....

ग्राम पंचायत.....

विकास खण्ड.....

जिला.....

fVIi.kh&ग्राम पंचायत द्वारा जारी प्रमाण पत्र कार्यकारी अधिकारी पंचायत समिति द्वारा प्रतिहस्ताक्षरित किया जाएगा।

** जो लागू न हो उसे काट दें।

i: i&18 [k
[नियम 35(2) देखें]

शपथ-पत्र/शपथ-पत्र

मैं ..... पुत्र/पुत्री श्री ..... गांव ..... का निवासी सत्यनिष्ठा से प्रतिज्ञान और घोषणा करता/करती हूं कि मैं हिमाचल प्रदेश में संचालित किसी सहकारी सोसाइटी से किसी प्रकार के नकद/ऋण/अग्रिम के बाबत व्यतिक्रमी नहीं हूं; अतः मेरे द्वारा सहकारी सोसाइटी को कुछ भी देय नहीं है।

मैं सत्यनिष्ठा से कथन करता/करती हूं कि इस शपथ–पत्र की विषय वस्तु मेरी जानकारी और विश्वास के अनुसार सत्य है और इसमें कुछ भी छिपाया नहीं गया है तथा इसका कोई भी भाग मिथ्या नहीं है।

uke vkj irk .....

प्ररूप–19

(नियम 36 देखें)

राज्य की ग्राम पंचायत, पंचायत समिति और जिला परिषद् के निर्वाचन के लिए अभ्यर्थी द्वारा ली जाने वाली शपथ या प्रतिज्ञा का प्ररूप

मैं.....ग्राम पंचायत...../पंचायत समिति.....जिला परिषद्.....में भरे जाने वाले स्थानों के लिए नामांकित किया गया अभ्यर्थी परमात्मा के नाम शपथ लेता हूं/सत्यनिष्ठा से प्रतिज्ञान करता हूं कि मैं विधि द्वारा स्थापित भारत के संविधान के प्रति सच्ची श्रद्धा और निष्ठा रखता हूं और मैं भारत की प्रभुता और अखण्डता को अक्षुण रखूंगा।

vH;Fkh dh gLrk{kjA

i: i&20
(नियम 38 देखें)

ukekdu dh lpuk

ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....के लिए निर्वाचन।

एतद्द्वारा सूचना दी जाती है कि उपरोक्त निर्वाचन के लिए निम्नलिखित नामांकन आज.....3 बजे दोपहर तक प्राप्त कर लिए हैंः–

नामांकन पत्र की क्रम संख्या	अभ्यर्थी का नाम	पिता/पति का नाम	अभ्यर्थी की आयु	पता	स्थान/पदजिस के लिए अभ्यर्थी नामांकित है	अनुसूचित जाति/जनजाति के अभ्यर्थी की जाति/जनजाति का विवरण	निर्वाचक नामावली में अभ्यर्थी की क्रम संख्या	प्रस्तावक का नाम	निर्वाचक नामावली में प्रस्तावक की क्रम संख्या
1	2	3	4	5	6	7	8	9	10

स्थान.....

तारीख.....

fjVÙkux vf/kdkjhA

i: i&21
[नियम 39(8) देखें]

fof/kekU; ukekfdr vH;FkZ;ksa dh lwph

ग्राम पंचायत/पंचायत समिति/जिला परिषद ..... के निर्वाचन क्षेत्र .....
से निर्वाचन।

क्रम संख्या	अभ्यर्थी का नाम	पिता/पति का नाम	अभ्यर्थी का पता	स्थान/पद
1	2	3	4	5

स्थान .....

तारीख.....

fjVfuax vf/kdkjhA

i: i&22
[नियम (40) देखें]

vH;FkZrk dh okilh dh lpuk

*जिला परिषद् ..... के ..... निर्वाचन क्षेत्र सं0.....पंचायत समिति ..... के ..... निर्वाचन क्षेत्र संख्या.....ग्राम पंचायत ..... के ..... निर्वाचन क्षेत्र संख्या..... प्रधान/उप–प्रधान का ..... ग्राम सभा से निर्वाचन।

सेवा में,

रिटर्निंग अधिकारी

.....

मैं ..... (नाम तथा पता)

उक्त निर्वाचन के लिए नामांकित अभ्यर्थी एतद्द्वारा/सूचना देता हूं कि मैं अभ्यर्थिता वापिस लेता हूं।

स्थान.....

तारीख.....

विधिमान्य नामांकित अभ्यर्थी के हस्ताक्षर।

यह सूचना मुझे अभ्यर्थी/श्री ..... अभ्यर्थी/अभ्यर्थी के प्रस्तावक/अभ्यर्थी के निर्वाचन अभिकर्ता द्वारा.....(तारीख).....(समय) मेरे कार्यालय में परिदत्त की गई।

तारीख.....

रिटर्निंग अधिकारी।

———————————

*जो लागू न हो काट दें।

.....

नाम के वापिस लेने के लिए रसीद
(नोटिस परिदत्त करने वाले व्यक्ति को सौंपी जानी है)
अभ्यर्थिता वापिस लेने का नोटिस

..... निर्वाचन के लिए अभ्यर्थी ..... (नाम) द्वारा अभ्यर्थिता वापिस लेने का नोटिस/अभ्यर्थी के प्रस्तावक/अभ्यर्थी के निर्वाचन अभिकर्ता द्वारा मुझे.....(तारीख) को..... (समय) पर मेरे कार्यालय पर परिदत्त किया गया था।

तारीख.....

----

fjVÙkuxvf/kdkjhA

.....निर्वाचन।

i: i&23
[नियम 40(3) देखें]

अभ्यर्थिता की वापसी की सूचना

ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....के लिए.....

निर्वाचन क्षेत्र से निर्वाचन।

एतद्द्वारा यह सूचना दी जाती है कि निम्नलिखित अभ्यर्थी/अभ्यर्थियों ने उक्त निर्वाचन से अपनी अभ्यर्थिता/अभ्यर्थिताएं वापिस ली हैं :–

अभ्यर्थी का नाम	अभ्यर्थी का पता	स्थान/पद जिसके लिए अभ्यर्थिता वापिस ली गई है	टिप्पणी
1	2	3	4
इत्यादि			

तारीख.....

समय.....

fjVÉux vf/kdkjhA

i: i&24
[नियम 41(1) देखें]

निर्वाचन लड़ने वाले अभ्यर्थियों की सूची

ग्राम पंचायत/पंचायत समिति/जिला परिषद्.....के लिए.....

निर्वाचन क्षेत्र से निर्वाचन।

क्रम संख्या	अभ्यर्थी का नाम	अभ्यर्थी का पता	आबंटित प्रतीक
1	2	3	4

तारीख.....

स्थान.....

रिटर्निंग अधिकारी के हस्ताक्षर।

i: i&25

[नियम 43 देखें]

निर्वाचन अभिकर्ता की नियुक्ति का प्ररूप

मैं.....ग्राम पंचायत.....खण्ड.....से सदस्य के निर्वाचन के लिए।

ग्राम पंचायत.....खण्ड.....के प्रधान/उप–प्रधान के निर्वाचन के लिए।

पंचायत समिति.....के निर्वाचन क्षेत्र.....से पंचायत समिति के सदस्य के लिए।

जिला परिषद्.....के निर्वाचन क्षेत्र सं0.....में होने वाले उक्त निर्वाचन के लिए।

एतद्द्वारा श्री.....को सं0.....पर.....जो निर्वाचन के लिए स्थान नियत है निर्वाचन अभिकर्ता नियुक्त करता हूं।

स्थान.....

तारीख.....

अभ्यर्थी के हस्ताक्षर।

मैं निर्वाचन अभिकर्ता के रूप में कार्य करने के लिए सहमत हूं।

स्थान.....

तारीख.....

निर्वाचन अभिकर्ता के हस्ताक्षर।

अनुमोदित

स्थान.....

तारीख.....

रिटर्निंग अधिकारी के हस्ताक्षर।

————————————

*जो लागू न हो काट दें।

i:i&26
(नियम 44 देखें)
ernku vfHkdrkZ dh fu;fDr

.....ग्राम पंचायत के.....निर्वाचन क्षेत्र के लिए सदस्य के निर्वाचन।

ग्राम पंचायत के प्रधान/उप–प्रधान.....

जिला परिषद्/पंचायत समिति.....के निर्वाचन क्षेत्र संख्या.....के लिए सदस्य का निर्वाचन।

मैं.....(अभ्यर्थी/निर्वाचन अभिकर्ता) उक्त निर्वाचन के लिए एतद्द्वारा श्री..... को मतदान केन्द्र सं0.....पर जो मतदान के लिए स्थान नियत है, मतदान अभिकर्ता नियुक्त करता हूं।

vH;Fkh@fuokpu vfHkdrkZ dk gLrk{kjA

स्थान.....
तारीख.....

मैं मतदान अभिकर्ता के रूप में कार्य करने के लिए सहमत हूं।

स्थान.....
तारीख.....

ernku vfHkdrkZ dk gLrk{kjA

मतदान अभिकर्ता की घोषणा जो पीठासीन अधिकारी के समक्ष हस्ताक्षरित की जानी है।

मैं एतद्द्वारा घोषणा करता हूं कि उक्त निर्वाचन में, मैं ऐसा कुछ नहीं करूंगा जो हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 और इसके अधीन बनाए गए नियमों द्वारा निषिद्ध है।

मेरे समक्ष हस्ताक्षर किए ।

ernku vfHkdrkZ dk gLrk{kjA

स्थान.....
तारीख.....

ihBklhu vf/kdkjh dk gLrk{kjA

————————————

*जो लागू न हो काट दें।

i: i&27
(नियम 45 देखें)

मतगणना अभिकर्ता की नियुक्ति

ग्राम पंचायत.....के लिए.....निर्वाचन क्षेत्र से निर्वाचन.....

प्रधान ग्राम पंचायत.....के निर्वाचन।

उप–प्रधान ग्राम पंचायत.....के निर्वाचन।

पंचायत समिति की.....के.....निर्वाचन क्षेत्र से सदस्य का निर्वाचन।

जिला परिषद्.....के.....निर्वाचन क्षेत्र से सदस्य का निर्वाचन।

मैं.....(अभ्यर्थी/निर्वाचन अभिकर्ता) उपर्युक्त निर्वाचन क्षेत्र के लिए श्री.....व्यक्तियों को.....(स्थान) पर होने वाली मतगणना के लिए मतगणना के समय उपस्थित रहने के लिए अभिकर्ता के रूप में नियुक्त करता हूं।

स्थान.....
तारीख.....

अभ्यर्थी/निर्वाचन अभिकर्ता के हस्ताक्षर।

मैं मतगणना अभिकर्ता के रूप में कार्य करने के लिए सहमत हूं।

स्थान.....
तारीख.....

अभ्यर्थी अभिकर्ता के हस्ताक्षर।

रिटर्निंग ऑफिसर के समक्ष हस्ताक्षरित की जाने वाली मतगणना अभिकर्ता की घोषणा

मैं एतद्द्वारा घोषणा करता हूं कि मैं उक्त निर्वाचन में, ऐसा कुछ नहीं करूंगा जो हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 और इसके अधीन बनाए गए नियमों द्वारा निषिद्ध है।

मेरे समक्ष हस्ताक्षर किए गए। erx.kuk vfHkdrk d gLrk{kjA

स्थान..... fjVÙkux vf/kdkjh ;k fjVÙkux vkfQlj }kjk
तारीख..... ikf/kdr vf/kdkjh d gLrk{kjA

————————————

*जो लागू न हो काट दें।

i: i&28
(नियम 49 देखें)

fu.kZojk/k@ lfojk/k fuokZpu e: ifj.kke dh ?kks"k.kk

ग्राम सभा ..... के निर्वाचन क्षेत्र के लिए सदस्य का निर्वाचन

ग्राम सभा ..... से प्रधान का निर्वाचन

ग्राम सभा ..... उप–प्रधान का निर्वाचन

पंचायत समिति ..... के ..... निर्वाचन क्षेत्र से सदस्य का निर्वाचन

जिला परिषद् ..... के ..... निर्वाचन क्षेत्र से सदस्य का निर्वाचन

हिमाचल प्रदेश पंचायतीराज (निर्वाचन) नियम,1994 के नियम 49 में अन्तर्विष्ट उपबन्धों के अनुसरण में, मैं घोषणाकर्ता हूं कि :–

श्री ..... पुत्र श्री ..... पता ..... के पद/स्थान हेतु निर्वाचित हुआ है।

स्थान .....

(हस्ताक्षर)

तारीख.....

fjVux vf/kdkjhA

जो असंगत हो उसे काट दें

यहां निम्नलिखित में से एक अनुकल्प अन्तः स्थापित करें जैसा संगत होः–

(1) ग्राम सभा ..... के ..... निर्वाचन क्षेत्र के सदस्य का पद

(2) ग्राम सभा ..... से प्रधान का पद .....

(3) ग्राम सभा ..... के उप–प्रधान का पद .....

(4) पंचायत समिति ..... के ..... निर्वाचन क्षेत्र से सदस्य का पद

(5) जिला परिषद् ..... के ..... निर्वाचन क्षेत्र से सदस्य का पद

i: i&28 d

(नियम 49–ख देखें)

fjVfuax vkfQlj dk lpuk dk i=

सेवा में,

रिटर्निंग ऑफिसर,

पंचायत.....

विकास खण्ड.....

जिला.....

(हिमाचल प्रदेश)

श्रीमान,

मैं उसी खण्ड (ब्लॉक) के भीतर मतदान ड्यूटी पर आरूढ़ एक मतदाता हूं और मेरा नाम ग्राम पंचायत..... पंचायत समिति..... जिला परिषद्..... के वार्ड संख्या.....के लिए निर्वाचिक नामावली के .....क्रम संख्या पर प्रविष्ट (दर्ज) है।

मैं उक्त पंचायतों के आगामी निर्वाचनों (चुनावों) में ग्राम पंचायत..... के वार्ड संख्या.....से अपना मत डालने हेतु आशयित हूं।

स्थान.....

तारीख.....

भवदीय।

प्ररूप–28 ख

[नियम 49–घ (1) (क), 49–ङ (2) और 73–क (3) एवं (6) देखें]

Ekrnkrk }kjk ?kks"k.kk

.....के लिए निर्वाचन

[इस तरफ (स्थान) का प्रयोग केवल तभी किया जाना है जब मतदाता घोषणा पर स्वयं हस्ताक्षर करता है] मैं एतद्द्वारा घोषणा करता हूं कि मैं ही वह मतदाता हूं जिसे उपर्युक्त निर्वाचन में क्रम संख्या.....वाला पोल ड्यूटी मतपत्र जारी किया गया है।

मतदाता के हस्ताक्षर।

तारीख.....

पता.....

हस्ताक्षर का अनुप्रमाणन

.....मतदाता द्वारा उपर्युक्त घोषणा मेरी उपस्थिति में हस्ताक्षरित की गई है जिसे मैं व्यक्तिगत रूप से जानता हूं/जिसकी.....(पहचानकर्ता) जिसे मैं व्यक्तिगत रूप से जानता हूं द्वारा मेरे समाधान हेतु पहचान करवाई गई है।

अनुप्रमाणन अधिकारी के हस्ताक्षर।

पहचानकर्ता के हस्ताक्षर, यदि कोई हो.....

पदनाम.....

पता.....

तारीख.....

i: lk&28 x

¿fu;e 49&?k ¼1½ ¼[k½ vkj 73&d ¼5½ ,o ¼6½ n:[kÀ
¼doy ,d eri= Mky:)

d
x.kuk l: io: fyQkQk [kkyk u tk,

• .....निर्वाचन क्षेत्र से.....का निर्वाचन (पंचायत के पद का नाम जिसके लिए निर्वाचन होना या किया जाना है)

पोल ड्यूटी मतपत्र

मतपत्र की क्रम संख्या.....

i: Ik&28 ?k
¿fu;e 49&³ ¼1½ ¼x½ vkj 73&d ¼5½ n:[kÀ
iky M;:Vh er i=k d: fy, cMk fyQkQk

[k

fuokpu&r;j:r

iky M;:Vh er i=

x.kuk l: i:o: fyQkQk [kkyk u tk,

सेवा में,

रिटर्निंग आफिसर

•.....

.....निर्वाचन क्षेत्र से .....

के लिए (पंचायत के पद का नाम जिसके लिए निर्वाचन किया जाना है) का निर्वाचन।

प्रेषक के हस्ताक्षर .....

i: lk&28 [3]

[नियम 49–ङ (1) (घ) और 49–छ (1) देखें]

Ekrnkrkvk dh tkudkjh d fy, fun'k

¼ ipk;rk d fuokpu e mi;kx fd, tk,½

.....से .....के लिए निर्वाचन।

व्यक्ति, जिनके नाम एतद्द्वारा भेजे गए मतपत्र पर मुद्रित किए गए हैं, उपर्युक्त निर्वाचन में अभ्यर्थी हैं। आप अपना मत, उस अभ्यर्थी, जिसे आप मत देना चाहते हैं, के नाम के विरुद्ध स्पष्टतः एक चिन्ह लगाकर, अभिलिखित (रिकार्ड) करें।

चिन्ह ऐसे लगाया जाना चाहिए ताकि वह व्यक्ति, जिसे आप अपना मत दे रहे हैं स्पष्टतया और संदेह से परे इंगित हो सके। यदि लगाया गया ऐसा चिन्ह संदेहास्पद लगता है कि किस व्यक्ति को आपने अपना मत दिया है तो आपका मत अवैध हो जाएगा।

निर्वाचित किए जाने वाले सदस्यों की संख्या एक है। कृप्या याद रखें कि आपके पास केवल एक मत है। तद्नुसार आपको एक से अधिक अभ्यर्थी के लिए मतदान नहीं करना चाहिए। यदि आप ऐसा करते हैं तो आपका मतपत्र अस्वीकृत कर दिया जाएगा।

मतपत्र पर अपना मत अभिलिखित (रिकार्ड) करने के लिए अपेक्षित चिन्ह के सिवाय, अपने हस्ताक्षर नहीं करें या कोई शब्द न लिखें या कोई चिन्ह चिह्नित न करें अथवा जहां कहीं भी हस्ताक्षर या लेखन न करें।

मतपत्र पर अपना मत रिकार्ड करने के पश्चात्, मतपत्र को एतद्द्वारा भेजे गए 'क' '।' चिन्हित छोटे लिफाफे में रखें। लिफाफा बंद कर दें और इसे मोहर बंद या अन्यथा से सुरक्षित करें।

तब आप प्ररूप–28ख में घोषणा को हस्ताक्षरित करें।

आपकी घोषणा हस्ताक्षरित होने और आपके हस्ताक्षर अनुप्रमाणित हो जाने के पश्चात्, प्ररूप–28घ में दी गई घोषणा और मतपत्र युक्त 'क' चिह्नित छोटे लिफाफे को भी 'ख' चिन्हित बड़े लिफाफे में रखें। बड़े लिफाफे को बंद करने के पश्चात् इसे रिटर्निंग ऑफिसर या राज्य निर्वाचन आयोग द्वारा इस निमित्त व्यक्तिगत तौर पर प्राधिकृत किसी अधिकारी को सौंप दें। 'ख' चिह्नित लिफाफे पर दिए गए स्थान पर आपको अपने पूरे हस्ताक्षर करने होंगे।

- निर्वाचन के समुचित विशिष्टियों को यहां पर अन्तःस्थापित किया जाना है।

आप यह अवश्य सुनिश्चित करें कि लिफाफा,.....को.....से पहले रिटर्निंग ऑफिसर या राज्य निर्वाचन आयोग द्वारा इस निमित्त किसी अधिकारी को दे दिया गया है। कृप्या नोट करें कि–

(i) यदि आप उपर्युक्त इंगित रीति में अपनी घोषणा को अनुप्रमाणित या प्रमाणित करवाने में असफल रहते हैं तो आपका मतपत्र अस्वीकृत कर दिया जाएगा; और

(ii) यदि लिफाफा,.....को.....के पश्चात् रिटर्निंग ऑफिसर या राज्य निर्वाचन आयोग द्वारा इस निमित्त प्राधिकृत किसी अधिकारी के पास पहुंचता है तो आपके मत की गणना नहीं की जाएगी.....
.....

(यहां मतों की गणना के आरम्भ होने के लिए नियत घण्टे और तारीख को विनिर्दिष्ट करें)

i: i&29

[नियम 52(3) और 66 देखें]

er i= y:[kk

ग्राम पंचायत ..... के ..... निर्वाचन क्षेत्र से सदस्य का निर्वाचन

ग्राम पंचायत ..... के प्रधान/उप–प्रधान का निर्वाचन

पंचायत समिति ..... के ..... निर्वाचन क्षेत्र से सदस्यों का निर्वाचन

जिला परिषद् ..... के ..... निर्वाचन क्षेत्र से सदस्य का निर्वाचन

मतदान केन्द्र संख्या.....

		क्रम संख्या	कुल संख्या
1.	मतदान केन्द्र में पीठासीन अधिकारी द्वारा प्राप्त किए गए मतपत्र।	.....	.....
2.	अप्रयुक्त मतपत्रों की संख्या	.....	.....
3.	प्रयुक्त मत पत्र (1–2=3)	.....	.....
4.	प्रयुक्त मत पत्रों की संख्या परन्तु मतपेटी में अन्तस्थापित नहीं।	.....	.....
	(क) रद्द किए मतपत्रों की संख्या	.....	.....
	(ख) निविदत्त मतों के लिए प्रयुक्त मतपत्र	.....	.....
	(ग) मुद्रण/लिखित गलती के लिए रद्द किए मत–पत्रों की संख्या क+ख+ग	.....	.....
5.	मत पेटी में मत पत्रों की संख्या (3–4=5)	.....	.....

स्थान.....

तारीख.....

ihBklhu vf/kdkjh dk gLrk{kjA

i: i&30
(नियम 58 देखें)

vk{kfir erk dh lph

.....निर्वाचन के लिए आक्षेप किए गए मतों का विवरण ग्राम पंचायत ..... के ..... निर्वाचन क्षेत्र के लिए सदस्यों का निर्वाचन ग्राम पंचायत ..... के प्रधान/ उप–प्रधान के लिए निर्वाचन पंचायत समिति ..... के ..... निर्वाचन क्षेत्र से सदस्य का निर्वाचन जिला परिषद् ..... के ..... निर्वाचन क्षेत्र से सदस्यों का निर्वाचन

मतदान केन्द्र संख्या.....स्थान .....

क्रम सं0	आक्षेपकर्ता का नाम	मतदाता का नाम	मतदाता सूची में क्रम संख्या	ग्राम पंचायत का नाम जिससे मतदाता सूची सम्बद्ध है	आक्षेप किए गए व्यक्ति का वर्तमान पता	आक्षेप किए गए व्यक्ति के हस्ताक्षर/ अंगूठा निशान	पहचानकर्ता का नाम यदि कोई है	पीठासीन अधिकारी के आदेश	आक्षेपकर्ता के जमा प्रतिदाय प्राप्त करने पर हस्ताक्षर
1	2	3	4	5	6	7	8	9	10

स्थान .....

तारीख.....

ihBklhu vf/kdkjh dk gLrk{kjA

i: i&31
(नियम 63 देखें)

fufonRr erk dh lph

ग्राम पंचायत ..... के ..... निर्वाचन क्षेत्र से सदस्य का निर्वाचन।

ग्राम पंचायत ..... से प्रधान/उप–प्रधान का निर्वाचन।

पंचायत समिति ..... के ..... निर्वाचन क्षेत्र से सदस्य का निर्वाचन।

जिला परिषद् ..... के ..... निर्वाचन क्षेत्र से सदस्य का निर्वाचन।

मतदान केन्द्र संख्या.....

क्रम संख्या	मतदाता का नाम	निर्वाचन क्षेत्र की मतदाता सूची में क्रम संख्या	ग्राम का नाम जिससे मतदाता सूची संबद्ध है।	निविदत्त मत पत्रों की क्रम संख्या	उस व्यक्ति को जारी किए गए मतपत्र की क्रम सं0 जिसने पहले ही मतदान कर दिया हो	मत निविदत्त करने वाले व्यक्ति के हस्ताक्षर व अंगूठा निशान
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						
5.						
6.						
7.						

स्थान .....

तारीख.....

ihBklhu vf/kdkjh dk gLrk{kjA

i:i&32
(नियम 75 देखें½

lnL; d: fuokpu d: fy, x.kuk dh ifj.kke&'khV ¼fjtYV 'khV½

ग्राम पंचायत.....निर्वाचन क्षेत्र संख्या.....से मतदान केन्द्र संख्या.....

स्थान.....

क्रम संख्या	अभ्यर्थी/अभ्यर्थियों के नाम	अभ्यर्थी के पक्ष में डाले गए विधिमान्य मतों की संख्या
1	2	3
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अस्वीकृत मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए मतों की कुल संख्या (क+ख+ग).....

(ङ) निविदत्त मतों की कुल संख्या.....

(च) टिप्पणियां.....

गणना का स्थान.....

तारीख.....

fjVÉux vkfQlj ¼xke ipk;r½@
fjVÉux vkfQlj ¼xke ipk;r½ }kjk
ikf/kd`r vf/kdkjhA

i:i&33
(नियम 75 देखें)

lnL; d: fuokpu d: fy, foojf.kdk ¼fjVu½ dk i:i

.....ग्राम पंचायत के निर्वाचन क्षेत्र संख्या.....से सदस्य का निर्वाचन

क्रम संख्या	अभ्यर्थी का नाम	अभ्यर्थी के पक्ष में डाले गए विधिमान्य मतों की संख्या
1	2	3

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अवधिमान्य मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए मतों की कुल संख्या.....

मैं घोषणा करता हूं/करती हूं कि (नाम).....पता.....
को सम्यक् रूप से सदस्य निर्वाचित किया गया/की गई है।

तारीख.....20.....

fjVux vkfQlj@fjVux vkfQlj ¼ipk;r½
}kjk ikf/kdr vf/kdkjhA

i: i&34
(नियम 75 देखें)

i/kku@mi&i/kku d erk dh x.kuk dh ifj.kke 'khV ¼fjtYV 'khV½

ग्राम पंचायत.....

सम्मिलित मतदान केन्द्रों की संख्या.....

क्रम संख्या	अभ्यर्थी का नाम	अभ्यर्थी के पक्ष में डाले गए विधिमान्य मतों की संख्या
1	2	3

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अस्वीकृत मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए (क+ख+ग) मतों की कुल संख्या.....

(ङ) निविदत्त मतों का कुल योग.....

गणना का स्थान.....

तारीख.....

fjVÙkux vkfQlj@fjVÙkux vkfQlj ¼ipk;r½
}kjk ikf/kd`r vf/kdkjhA

*स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।

i: i&35
(नियम 75 देखें)

i/kku@mi&i/kku d: fuokpu d: fy, fooj.kh ¼fjVu½ dk i: i

ग्राम पंचायत.....

प्रधान/उप–प्रधान का निर्वाचन.....

क्रम संख्या	अभ्यर्थी का नाम	अभ्यर्थी के पक्ष में डाले गए विधिमान्य मतों की संख्या
1	2	3
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
*		

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अविधिमान्य मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए मतों (क+ख+ग) की कुल संख्या.....

(ङ) निविदत्त मतों की कुल संख्या.....

मैं घोषणा करता हूं/ करती हूं कि.–

नाम.....

पता.....

सम्यक् रूप से निर्वाचित हुआ/हुई है ।

fjVÙkux vkfQlj@fjVÙkux vkfQlj
}kjk izkf/kd`r vf/kdkjh d: gLrk{kjA

स्थान:.....
तारीख:.....

*स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।

i: i&36
(नियम 75 देखें)

पंचायत समिति के निर्वाचन में मतों की गणना की परिणाम शीट (रिजल्ट शीट)

क्रम संख्या	अभ्यर्थी का नाम	अभ्यर्थी के पक्ष में डाले गए विधिमान्य मतों की संख्या
1	2	3
1.		
2.		
3.		
4.		
5.		
6.		

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अस्वीकृत मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए मतों (क+ख+ग) की कुल संख्या.....

(ङ) निविदत्त मतों की कुल संख्या.....

स्थान.....

तारीख.....

fjVÙkux vkfQlj@fjVÙkux vkfQlj ¼ipk;r½
}kjk ikf/kÑr vf/kdkjhA

*स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।

प्ररूप–37

(नियम 75 देखें)

पंचायत समिति के सदस्यों के निर्वाचन के लिए विवरणी (रिटर्न) का प्ररूप

पंचायत समिति ..... के ..... निर्वाचन क्षेत्र संख्या .....से

पंचायत समिति के सदस्य का निर्वाचन।

क्रम संख्या	*अभ्यर्थी का नाम*	*अभ्यर्थी के पक्ष में डाले गए विधिमान्य मतों की संख्या*
1	*2*	*3*

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अविधिमान्य मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए मतों की कुल संख्या.....
मैं घोषणा करता हूं/करती हूं कि.–

नाम .....

पता .....

सम्यक् रूप से निर्वाचित हुआ/हुई है।

तारीख.....

रिटर्निंग ऑफिसर।

*स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।

i: i&38 ¼Hkkx&1½
(नियम 75 देखें)

ftyk ifj"kn~ d: lnL;k d: erk dh x.kuk dh ifj.kke 'khV ¼fjtYV 'khV½

fuokpu {k= l0--------

[k.M Lrj dh erx.kuk

.....खण्ड में स्थित जिला परिषद् निर्वाचन क्षेत्र सं0.....के मतदान केन्द्रों की संख्या .....
.....

क्रम संख्या	अभ्यर्थी का नाम	अभ्यर्थी के पक्ष में डाले गए विधिमान्य मतों की संख्या
1	2	3

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अस्वीकृत मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए मतों की कुल संख्या.....

(ङ) निविदत्त मतों की कुल संख्या.....

मतगणना का स्थान.....

तारीख.....

fjVfux vkfQlj@fjVfux vkfQlj ¼ifj"kn½
}kjk ikf/kdr vf/kdkjh d: gLrk{kjA

* स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।

i: i&38¼Hkkx&2½

¼fu;e 75 n:[k½

ftyk Lrj dh erx.kuk

----------ftyk ifj"kn d: lnL; d: erk dh x.kuk dh ifj.kke 'khV ¼fjtYV 'khV½

fuokpu {k= l:0----------

क्रम संख्या	अभ्यर्थियों के नाम	विभिन्न खण्डों में स्थित कुल मतदान केन्द्रों में अभ्यर्थी द्वारा प्राप्त किए गए मतों की संख्या			
		खण्ड	खण्ड	खण्ड	योग
1	2	3	4	5	6

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अस्वीकृत मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए कुल मतों (क+ख+ग) की संख्या.....

(ङ) निविदत्त मतों की कुल संख्या.....

मतगणना का स्थान.....

तारीख.....

fjVÉux vkfQlj@fjVÉux vkfQlj ¼ifj"kn½
}kjk ikf/kdr vf/kdkjhA

* स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।

i: i&39

¼fu;e 75 n[k½

ftyk ifj"kn d lnL; d fuokpu dh fooj.kh ¼fjVu½ dk i:lk

----------ftyk ifj"kn dh fuokpu {k= l[;k---------- l ftyk ifj"kn d lnL; dk fuokpuA

क्रम संख्या	अभ्यर्थी का नाम	अभ्यर्थी के पक्ष में डाले गए विधिमान्य मतों की संख्या
1	2	3

1.

2.

3.

4.

5.

(क) विधिमान्य मतों की कुल संख्या.....

(ख) अविधिमान्य मतों की कुल संख्या.....

(ग) नोटा के लिए डाले गए मतों की कुल संख्या.....

(घ) डाले गए मतों की कुल संख्या.....

मैं घोषणा करता हूं/करती हूं कि.–

नाम.....

पता.....

सम्यक् रूप से निर्वाचित हुआ है/हुई है।

fjVfux vkfQljA

तारीख.....

---

* स्थान के अभाव की दशा में पृष्ठ के पिछले भाग का प्रयोग किया जा सकेगा।

i: i&40

¼fu;e 85 vkj 86 n[k½

¿ipk;r lfefr@fty ifj"kn d lnL;k d fy, “kiFk ;k fu"Bk ij fd;k

x;k ifrKku ;k ipk;r lfefr@fty ifj"kn d v/;{k@mik/;{k dk fuokpuÀ

सेवा में,

पदाधिकारी,

जिला परिषद् / पंचायत समिति

हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के नियम 85 / 86 के अनुसरण में, मैं.....

(विहित प्राधिकारी) एतद्द्वारा सूचित करता हूं कि जिला परिषद् / पंचायत समिति की बैठक.....(तारीख) को.....

बजे ----------(स्थान) में अधिनियम की धारा 79 / 90 के अधीन जिला परिषद् / पंचायत समिति के अध्यक्ष / उपाध्यक्ष के निर्वाचन या, सदस्यों को शपथ या निष्ठा पर किए गए प्रतिज्ञान की अभिकथन करने के लिए बुलाई गई है।

स्थान.....

तारीख.....

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¼fu;e 85 vkj 86 n[k½

ftyk ifj"kn vkj iapk;r lfefr d v/;{k@mik/;{k d in d fuokpu d fy, ukekdu&i= dk i:i

जिला परिषद् / पंचायत समिति का नाम.....

अभ्यर्थी का पूरा नाम.....

विवरण सहित मतगणना सूची की क्रम संख्या.....

पिता / पति का नाम.....पूरा पता.....

प्रस्तावक का पूरा नाम.....समर्थक का पूरा नाम.....

.

.....

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स्थान.....

तारीख.....

अभ्यर्थी द्वारा घोषणा मैं एतद्द्वारा घोषणा करता हूं कि मैं इस नामांकन से सहमत हूँ और उक्त पद पर कार्य करने के लिए सहमत हूँ।

स्थान.....

तारीख.....

vH;Fkh d gLrk{kjA

i: i&42

¼fu;e 85 vkj 86 n[k½

ftyk ifj"kn@ipk;r lfefr d v/;{k@mik/;{k d ifj.kkeksa dk idk ku

हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 की धारा 126 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं..... .....(विहित प्राधिकारी) जिला.....के जिला परिषद् / पंचायत समिति, के अध्यक्ष / उपाध्यक्ष के निर्वाचन परिणामों को निम्न प्रकार से प्रकाशित करता हूं :–

क्रम संख्या	पिता / पति के नाम सहित नाम और पता	पद का नाम अध्यक्ष / उपाध्यक्ष	निर्वाचित
1	2	3	4

स्थान.....

तारीख.....

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ftyk----------

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ofu;e 94¼3½ n[kÀ

मैं.....इसके साथ निर्वाचन याचिका का याची, श्री/श्रीमती.....उक्त याचिका में प्रत्यार्थी संख्या.....का.....से निर्वाचन को प्रश्नगत करते हुए सत्यनिष्ठा प्रतिज्ञान करते हुए/शपथ लेते हुए कहता हूं कि :–

(क) इसके साथ वाली निर्वाचन याचिका के पैरा.....में भ्रष्ट आचरण''.....किए जाने के बारे में किए गए कथन और इसके साथ उपाबद्ध पुनः सूची के पैरा.....में वर्णित ऐसे भ्रष्ट आचरणकी विशिष्टिया मेरी जानकारी के अनुसार सत्य है;

(ख) उक्त याचिका के पैरा.....में भ्रष्ट आचरण'..... में ऐसे भ्रष्ट आचरण की तथा इसके साथ उपाबन्ध अनुसूची के पैरा.....में दी गई विशिष्टि मेरी जानकारी के अनुसार सत्य हैः

(ग)

(घ)

इत्यादि

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आज.....{तारीख.....200.....} को मेरे समक्ष श्री/श्रीमती.....द्वारा सत्यनिष्ठा प्रतिज्ञान किया गया/शपथ ली गई।

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यहां निम्नलिखित अनुकल्पों में से एक अन्तःस्थापित करें जैसा संगत होः–

1. ग्राम सभा के निर्वाचन क्षेत्र से सदस्य का पद
2. ग्राम सभा से प्रधान का पद।
3. ग्राम सभा से उप–प्रधान का पद। के .....
4. पंचायत समिति.....से निर्वाचन क्षेत्र.....से सदस्य का पद
5. पंचायत समिति/जिला परिषद्.....के अध्यक्ष का पद।
6. पंचायत समिति/जिला परिषद्.....के उपाध्यक्ष का पद।

**यहां पर भ्रष्ट आचरण का नाम विनिर्दिष्ट करें।

ø i : i 44À

ø fu ; e 92¼1½ vkj 92¼3½ n [kÀ

fuokpu [kpk dk fnu ifrfnu dk y[kk cuk, j[kus vkj mldk iLrqr djus fy, i : i

1. पंचायत का नाम.....

2. अभ्यर्थी का नाम.....

3. निर्वाचन क्षेत्र की संख्या और नाम .....

4. नामांकन फाईल करने की तारीख.....

5. परिणाम घोषित करने की तारीख.....

क्रम संख्या	खर्चे की तारीख	खर्चे का स्वरूप	खर्चे की राशि		संदाय की तारीख	पाने वाले का नाम और पता	संदत्त रकम की दशा में बउचरों की संख्या	प्रादेय रकम की दशा में बिलों की संख्या	व्यक्ति जिसे परादेय रकम संदेय है, का नाम और पता	विवरण
			संदत	परादेय						
1	2	3	4	5	6	7	8	9	10	11

प्रमाणित किया जाता है कि यह मेरे/मेरे निर्वाचन अभिकर्ता द्वारा रखे गए लेखे की सही प्रति है।

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øfu ; e 93½3½ n [kÀ
fuokpu [kpk dk C ; kjk

1. पंचायत का नाम.....

2. अभ्यर्थी का नाम.....

3. निर्वाचन क्षेत्र की संख्या और नाम.....

4. नामांकन फाईल करने की तारीख.....

5. परिणाम घोषित करने की तारीख.....

खर्चे का मद	स्रोत जहां से धन प्राप्त कि या गया	खर्चे की रकम	संदाय की तारीख	संदाय की रीति	लेखे के साथ संलग्न संदाय का साक्ष्य	लेखे विवरण के साथ संलग्न संदाय का साक्ष्य
1. प्रतिभूति निक्षेप पर खर्च।						
2. निर्वाचक नामावली की प्रतियां क्रय करने पर खर्च						
3. घोषणा–पत्रों, विज्ञापनों और इश्तहारों को छपवाने पर खर्च।						
4. इश्तहारों को चिपकाने का खर्च						
5. विज्ञापनों को दिवार पर लिखने और प्रकाशन पर खर्च।						
6. सार्वजनिक बैठकों, पंडालों इत्यादि के लिए स्थानों के भाड़ाप्रभार						
7. सार्वजनिक बैठकों के लिए लाऊड स्पीकरों के भाड़ा प्रभार						
8. अभ्यर्थी द्वारा यान पैट्रोल, तेल और ल्यूब्री कैंटस मरम्मत इत्यादि के कारण भाड़ा प्रभार						
9. निर्वाचन अभिकर्ता द्वारा प्रयोग किए यान पर मरम्मत और पैट्रोल, तेल तथा लयूब्रीकैंटस का भाड़ा प्रभार।						
10. उपर्युक्त सूचिबद्ध के अतिरिक्त अन्य विविध खर्चे।						

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?kks"k.kk i:i

.....(पंचायत का नाम) के.....निर्वाचन क्षेत्र के जिला निर्वाचन अधिकारी (पंचायत) के समक्ष श्री/श्री मती/कुमारी.....पुत्र/पत्नी/पुत्री श्री.....की घोषणा।

मैं,.....पुत्र//पत्नी/पुत्री.....आयु.....वर्ष.....निवासी.....
एतद्द्वारा सत्य निष्ठा प्रतिज्ञान करते हुए निम्नलिखित घोषण करता/करती हूं:–

1. यह कि मैं,.....(पंचायत का नाम) निर्वाचन क्षेत्र से साधारण निर्वाचन/उप–निर्वाचन के लिए अभ्यर्थी था/थी, जिसका परिणाम.....को घोषित किया गया था।

2. यह कि मैंने/मेरे निर्वाचन अभिकर्ता ने उक्त निर्वाचन के सम्बन्ध में.....(की तारीख) और.....(उसके परिणाम की घोषणा की तारीख) दोनों तारीखें सम्मिलित करके, के बीच मेरे या मेरे निर्वाचन अभिकर्ता द्वारा उपगत या प्राधिकृत सभी खर्चे का (.....पृष्ठों पर लगातार) पृथक और सही लेखा रखा है।

3. यह कि उक्त लेखा, हिमाचल प्रदेश पंचायती राज (निर्वाचन) नियम, 1994 के नियम 92के अधीन विहित प्ररूप में बनाया गया था और उसकी सही प्रति उक्त लेख में वर्णित समर्थन के रूप में वाऊचरों/बिलों के साथ इसमें उपाबद्ध है।

4. यह कि इसमें उपाबद्ध मेरे निर्वाचन खर्चे के लेखे के अन्तर्गत मेरे निर्वाचन अभिकर्ता द्वारा प्राधिकृत या उपगत किए गए निर्वाचन खर्चे की सभी मदें है और उसमें से कुछ भी छिपाया या विद्यारित किया/दबाया नहीं गया है।

5. यह कि पूर्ववर्ती कथन के पैराग्राफ 1 से 4 में, मेरी व्यक्तिगत जानकारी के अनुसार सब सत्य है और कुछ भी मिथ्या नहीं है और कुछ भी सारवान् तथ्य छिपाया नहीं गया है।

vfHkl{kkA

आज तारीख.....20.....को मेरे.....द्वारा समक्ष सत्यनिष्ठा प्रतिज्ञान किया गया।

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fgekpy izn'kA

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øfu;e 92¼4½ n[kÀ
vfHkLohdfr

श्री.....(निर्वाचन लड़ने वाला अभ्यर्थी).....(निर्वाचन क्षेत्र) से जिसका परिणाम..... (तारीख) घोषित किया गया था, उसके द्वारा फाईल किया निर्वाचन खर्चे का लेखा और समर्थित घोषणा, विहित प्ररूप पर मैंने आज.....(तारीख).....(मास)..... (वर्ष) को प्राप्त कर ली है।

ftyk fuokpu vf/kdkjh ¼ipk;r½

ftyk----------fgekpy inn'kA

[Issued and published in Hindi in R.H.P. Extra., dated 25.11.1997, p. 4435- 4502]

THE HIMACHAL PRADESH PANCHAYATI RAJ (GENERAL) RULES, 1997

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THE HIMACHAL PRADESH PANCHAYATI RAJ (GENERAL) RULES, 1997 GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT OF PANCHAYATI RAJ NOTIFICATION Shimla-171009, the 25th November, 1997. No. PCH-HA(3)-1/94-19181-362.-

In exercise of the powers conferred by section 186 of the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994), the Governor, Himachal Pradesh, for the purposes of the said Act, is pleased to make the following rules, which have already been published on 8th October, 1997 in the Himachal Pradesh Rajpatra (Extra-ordinary):—

CHAPTER-1

PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Himachal Pradesh Panchayati Raj(General)Rules, 1997.) They shall come into force at once.

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

(a) "Act" means Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) (b) "Block Development Officer" means an Officer, by whatever name called, appointed by the Government to perform the functions of the Block Development Officer of a block. 1

[(bb) "bonafide resident" means a person who has a permanent home in Himachal Pradesh includes a person who has been residing in Himachal Pradesh for a period of not less than 25 years or a person who has permanent home in Himachal Pradesh but on account of his occupation he is living outside Himachal Pradesh;]

(c) "District Panchayat Officer" means an officer, by whatever name called, appointed by the Government to perform the functions of the District Panchayat Officer ;

(d) "Form" means a Form appended to these rules ;

(e) "Financial Year" means a year commencing on the first day of April and ending on 31st day of March of succeeding calender year;

(f) "section" means a section of the Act. 1. Clause (bb) subs. vide Not. No. PCH-HA(1) 1/92-II, dated 17.11.2006, published in R.H.P. Extra., dated 18.11.2006, p.7478. 8

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

CHAPTER-II

SABHA AREAS AND ESTABLISHMENT AND CONSTITUTION OF GRAM SABHAS

5. Bifurcation and Re-organisation of Panchayats.- Where a Panchayat is divided and re-organised, its assets and liabilities shall vest in and be transferred to the Panchayats established in its place. The Deputy Commissioner shall divide the assets and liabilities as per sub-section (4) of section 200, in the following manner, namely:-

(a) Sabha fund shall be determined on the date of bifurcation or re-organisation of Panchayats and shall be distributed between the Panchayats in proportion to their population: Provided that the Grant-in-aid sanctioned to the Panchayat by the Government before re-organisation or bifurcation will be divided between the re-organised or bifurcated Gram Sabhas in such a way that the Grant-in-aid for the scheme falling in a Panchayat will be given to that Panchayat.

Explanation.-If some schemes wherein progress in the Panchayat before re-organisation/bifurcation same schemes have fallen in the jurisdiction of the other Panchayat, the whole of grant-in-aid or so much of it which remains to be utilised, will be transferred to the Panchayat in whose jurisdiction the scheme falls. 9

(b) If division of moveable assets is viable, it shall be divided between the re-organised/bifurcated Gram Sabhas on the basis of their percentage of population, and if the division of the movable assets is not viable, in that event the State Government shall give Grant-in-aid to the newly created Gram Sabha, the amount of which will be determined by the Deputy Commissioner.

(c) The immovable property shall remain with the Panchayat in whose jurisdiction it is situated after re-organisation/bifurcation of the Sabha area. But the Gram Panchayat affected thereby shall be compensated by giving share in the movable property commensurate with the value of the immovable property to which it is entitled. In case the affected Panchayat cannot be compensated by the other Panchayat due to non-availability of adequate movable property, in that event, the State Government shall give such amount of compensation to the affected Panchayat which may be determined by the Deputy Commissioner.

(d) Income generating assets shall remain with that Panchayat in which these are situated after re-organisation/bifurcation of Sabha areas, but the net income accrued from such assets shall be divided between the Panchayats in proportion to their population unless one time settlement can take place.

(e) Liabilities of the bifurcated/re-organised Gram Panchayat will be shared in proportion to their population provided that if the liability is due to immovable assets the same shall lie on that Panchayat in whose jurisdiction that immovable property is situated.

6. Appeal.-If the decision of the Deputy Commissioner, under rule 5, is not acceptable to any Panchayat, it may appeal to the Director, Panchayati Raj within thirty days from the date on which assets and liabilities have been apportioned by the Deputy Commissioner and the orders of the Director shall be final.

CHAPTER-V

PANCHAYAT SAMITI

96. Prescribed authority for the purpose of section 78 (I) (d) and for the purpose of proviso to sub-section (3) of section 80 of the Act .- The Sub-Divisional Officer (Civil) of the concerned area shall be the prescribed Authority for the purpose of section 78(d) of the Act. District Panchayat Officer in whose jurisdiction the Panchayat Samiti falls shall be the prescribed authority for allowing relaxation in the time limits specified under sub-section (3) of section 80 for convening ordinary or special meetings, as the case may be, of the Panchayat Samiti.

CHAPTER-VI

ZILA PARISHAD

103. Prescribed Authority for the purpose of proviso to clause(d) of sub-section (I) of section 89 of the Act.-. The Director, shall be the Prescribed Authority for determining the period for which one-fifth of the Chairman of the Panchayat Samitis shall be selected by lot and rotation to Zila Parishad as provided under proviso to clause (d) of sub-section (I) of section 89 of the Act.

104. Prescribed Authority for the purpose of proviso to subsection 91 of the Act.- The Director, shall be the Prescribed Authority for allowing relaxation in the time limits specified under sub-section(3) of section 91 for convening special or ordinary meeting, as the case may be, of the Zila Parishad.

CHAPTER-VII
MISCELLANEOUS

123. Prescribed Authority under section 123.- The Deputy Commissioner of the concerned District shall be the prescribed authority to whom a person, elected to more than one office in a Panchayat, shall within 15 days from the date of declaration of result of election, give in writing about holding one of the offices of his choice.

124. Publication and results.- Immediately after the declaration of result, Deputy Commissioner, shall publish the result of every office bearer of the Panchayat whether or not chosen by direct election, in the Official Gazette and will also display the copy thereof on the notice board of the Panchayat.

125. Prescribed Authority under section 127(2).- The Authority/officer who convenes the meeting for the purpose of oath or affirmation of allegiance of Gram Panchayat, Panchayat Samiti and Zila Parishads, as the case may be, shall be the prescribed authority under section 127(2). 126.

127. No Confidence motion against Pradhan 2 [or Up-Pradhan] [section 129(1)].- A notice signed by at least one-fifth of the members of Gram Sabha for bringing the resolution for removal of Pradhan 3 [or UpPradhan or both], giving reasons for the same, should be delivered in person by at least five members of the Gram Sabha signing the notice to Block Development Officer.

(2) On receipt of the notice of the no-confidence motion to be brought against the Pradhan, the Block Development Officer shall serve him with the copy of the no-confidence motion. The Pradhan shall also be asked to place his/her defence and explanation before the Gram Sabha meeting which shall be convened for the purpose by the Block Development Officer within 30 days from the receipt of the notice. In the requisition for the Gram Sabha meeting the Block Development Officer shall specify the date, time and place of the meeting. Such a meeting shall be presided over by the Block Development Officer himself: Provided that the Gram Sabha meeting shall be convened not before the expiry of 15 days from the date of issue of notice to the Pradhan. 1

[(3) If the no-confidence motion is brought against the Up-Pradhan the Block Development Officer shall send a copy of the no-confidence notice to the Pradhan of the Gram Panchayat with the direction to call a Gram Sabha meeting under his Presidentship. On receipt of such requisition, the Pradhan shall follow the procedure laid down in sub-rule(2).

(4) On the date, time and place of the Gram Sabha meeting, the Block Development Officer 2 [or the Pradhan, as the case may be,] shall ensure the quorum of one-half of the total number of members of the Gram Sabha as required under section 129(1) of the Act, and then read out to the Gram Sabha the text of the notice in the requisition received by him and shall allow the motion to be moved and discussed. Upon conclusion of the discussion and after a reasonable opportunity has been given to the office bearer concerned to show cause against his proposed removal, the motion shall be put to vote.

(5) The Chairman of the meeting shall not speak on the merits of the motion nor shall he be entitled to vote thereon.

(6) The Chairman of the meeting shall declare the result of the voting. The motion shall be deemed to have been carried when it has been passed by a majority of two-thirds of the members of Gram Sabhas present and voting.

(7) The proceeding of the meeting shall be recorded by the Secretary and he shall send a copy of the same together with a copy of the motion and the result of the voting to the Block Development Officer, District Panchayat Officer and to the Deputy Commissioner concerned.

(8) Where the motion has been carried, the office bearer concerned shall stand removed from his office with immediate effect and the Block Development Officer shall cause a notice to this effect to be affixed at the office of the Gram Panchayat and serve a copy of the same to the removed Pradhan 1 [or Up-Pradhan, as the case may be.]

2 [XXXXXXXXXXXXXXXXXXX]

128. No-confidence motion against Chairman and Vice-Chairman of Panchayat Samiti and Zila Parishad(section 129(2).- A notice of intention to move a resolution requiring the Chairman or Vice-Chairman or both of Panchayat Samiti or Zila Parishad as the case may be, to vacate offices shall be given in Form-32. Such notice shall be signed by not less than majority of its total elected members having right to vote of the Panchayat Samiti or Zila Parishad, as the case may be, and shall be addressed to:-

(a) The Chairman, if the resolution is to be moved against the Vice-Chairman;
(b) the Vice-Chairman, if the resolution is to be moved against the Chairman; and
(c) the District Panchayat Officer, if the resolution is to be moved against both the Chairman and the Vice-Chairman of a Panchayat Samiti and to the Deputy Commissioner in case of both the Chairman and the Vice-Chairman of the Zila Parishad.

129. Meeting to be convened within 15 days.- On receipt of notice under rule 128, the Chairman, Vice-Chairman, the District Panchayat Officer or the Deputy Commissioner, as the case may be, to whom the notice has been addressed, shall convene a meeting within a period of fifteen days from the date of receipt of the notice.

130. Failure to convene meeting.- If on receipt of the notice the Chairman fails to call a meeting within the period specified in rule 129, all or any of the members of the Panchayat Samiti or Zila Parishad, as the case may be, who had given notice of the intention to move a resolution under rule 128 may forward to the District Panchayat Officer or Deputy Commissioner, as the case may be, a copy of the notice together with a copy of motion requesting him to convene a meeting of the Panchayat Samiti or Zila Parishad, and the District Panchayat Officer or the Deputy Commissioner, as the case may be, shall, within 15 days of the receipt of such request, convene a meeting of the Panchayat Samiti or Zila Parishad, as the case may be, for the consideration of the motion at such date and time as may be appointed by him.

131. Notice of meeting.- The Chairman or Vice-Chairman or the District Panchayat Officer or the Deputy Commissioner, as the case may be, shall issue not less than seven days before the appointed date of meeting, a notice of such meeting and of the date and time appointed therefor, to every elected member of the Panchayat Samiti or Zila Parishad (including the Chairman and the Vice-Chairman). The notice shall be in Form-33 and shall be served on the members of the Panchayat Samiti or Zila Parishad, as the case may be, in the manner given below:- (a) by giving or tendering such notice to the elected members ; (b) by leaving such notice at his last known place of residence or business or by giving or tendering the same to some adult member or servant of his family, if any member is not found; (c) if any member does not reside in the Panchayat Samiti area or Zila Parishad area and his address elsewhere is known to the Chairman or Vice-Chairman or the District Panchayat Officer or the Deputy Commissioner, by sending the same to him by registered post ; (d) if service is not practicable through any of the means specified in clause (a), (b) and (c), by affixing the same at some conspicuous part of the member's place of residence or business; (e) the copy of the notice of meeting shall be sent to the Deputy Commissioner or Sub-Divisional Officer(Civil) for making arrangement to maintain law and order.

132. Defeat of motion .- If within two hours after the time appointed for the meeting, the quorum is not present, the meeting shall stand dissolved and motion shall be deemed to have been defeated.

133. Matters to be included in the proceedings.- The Chairman or Vice-Chairman or the District Panchayat Officer or the Deputy Commissioner, to whom the notice of intention to move a resolution, requiring the Chairman or Vice-Chairman both of Panchayat Samiti or Zila Parishad to vacate office, was addressed under ruled 128 shall preside over meeting and shall draw up proceedings of the meeting, in the proceeding register maintained by the Panchayat Samiti or Zila Parishad, as the case may be setting-forth therein:- (a) the names of the members present ; (b) the names of the members giving notice ; (c) date on which the notice of intention for bringing no confidence motion was given under rule 128; 50 (d) the date fixed for the meeting and the date on which the notice of the meeting was sent under rule 131; (e) total number of elected members of Panchayat Samiti or Zila Parishad ; (f) the Chairman or Vice-Chairman were present ; (g) the time at which the meeting commenced and the time at which the meeting was dissolved for want of quorum, if the meeting is so dissolved ; (h) the motion in extenso ; (i) the time at which the motion was put to vote ; (j) number of the members having right to vote and who voted for the motion or their names; (k) number of members having right to vote and who voted against the motion or their names; and (l) the result of voting whether the motion was defeated or succeeded.

134. Voting.- (1) Presiding authority shall arrange for the voting and ensure that secrecy of the member casting his vote for or against the motion shall be maintained at all levels.

(2) The presiding authority shall not speak on the merits and demerits of the motion nor shall he be entitled to vote thereon while discussing the motion.

(3) The person against whom the no-confidence motion has been brought, shall be allowed to place his defence and explanation before the Panchayat Samiti or Zila Parishad, as the case may be, if he so desires.

(4) Presiding authority shall declare the result of the voting. The motion shall be deemed to have been carried when it has been passed by a majority of members present and voting.

(5) Where the motion has been carried, the office bearer concerned, shall stand removed from his office with immediate effect and the District Panchayat Officer or the Deputy Commissioner as the case may be, shall cause the notice to this effect to be fixed at the office of Panchayat Samiti or Zila Parishad, as the case may be, and serve a copy of the same on the removed Chairman or Vice-Chairman of Panchayat Samiti or Zila Parishad, as the case may be. If the Chairman is removed in that event Vice-Chairman shall function as Chairman till the election of new Chairman. After the removal of the Chairman or Vice-Chairman or both of Panchayat Samiti or Zila Parishad, as the case may be, the Deputy Commissioner shall convene a special meeting of Panchayat Samiti or Zila Parishad, as the case may be, within a week of passing of no confidence motion to elect the Chairman or 51 Vice-Chairman or both, as the case may be, as per procedure laid down in Chapter IX and X of the HP Panchayati Raj(Election) Rules, 1994.

135. Resignation of Office bearer (section 130 of the Act).- (1) Pradhan or Up-Pradhan or a member of the Gram Panchayat may resign his office by notifying in writing his intention to do so to the concerned District Panchayat Officer: Provided that the resignation shall be forwarded to the District Panchayat Officer through the Block Development Officer concerned. The Block Development Officer shall record his remarks regarding the genuineness of the resignation.

(2) Every resignation under sub-rule (1) shall take effect on the expiry of the 20 days from the date of its receipt by the District Panchayat Officer concerned, unless within the period of 20 days he withdraws such resignation by writing under his hand addressed to the District Panchayat Officer.

(3) An Office bearer of the Panchayat Samiti may resign his office in writing under his hand addressed to the Deputy Commissioner through the Block Development Officer concerned. The Block

Development Officer shall record his remarks regarding the genuineness of the resignation and Deputy Commission shall accept the resignation on the expiry of twenty clear days from the date of receipt of such resignation unless within the said period of 20 days, the office bearer concerned withdraws such resignation by writing under his hand addressed to the Deputy Commissioner.

(4) An Office bearer of the Zila Parishad may resign his membership/ office in writing under his hand addressed to the Director. The Director shall confirm from the office bearer concerned as to its genuineness, where the notice of the resignation is not delivered personally. The resignation shall become effective after the expiry of 30 days from the date of the receipt of such resignation unless within the said period of 30 days, the office bearer concerned withdraws such resignation by writing under his hand addressed to the Chairman of the Zila Parishad.

136. Casual Vacancy.- (1) In the event of casual vacancy of Chairman or Vice-Chairman or both of the Panchayat Samiti or Zila Parishad on account of passing of no-confidence motion, or death, or resignation or his becoming a member of State Legislative Assembly, or member of either house of Parliament or otherwise, the Deputy Commissioner or any other officer authorised by him, shall convene a meeting of the concerned Panchayat Samiti or Zila Parishad within seven days from the date of passing of no confidence motion or receipt of information about the vacancy that has occurred, to elect such Chairman or Vice-Chairman, as the case may be, as per the procedure laid down in section 131 of the Act and rules made thereunder.

(2) In the event of casual vacancy occurring in the office of Pradhan due to resignation or death or otherwise, the Up-Pradhan shall perform all the 52 duties and exercise all the powers of the Pradhan during the period of casual vacancy.

138. Power to suspend execution of order etc. of a Panchayat (Sub-section (1) of section 138 of the Act).- (1) The Sub Divisional Officer(Civil) in whose jurisdiction the Gram Panchayat falls shall be the Prescribed Authority in the matter of suspending the execution of resolution passed, order issued, licence or permission granted or prohibiting performance of any act by a Gram Panchayat, if he is satisfied that such a resolution, order, licence or permission, as the case may be, falls within the ambit of clauses (a), (b)and (c) of Sub section (1) of section 138.

(2) The Deputy Commissioner in whose jurisdiction the Panchayat Samiti falls shall be the Prescribed Authority for suspending execution of resolution passed, order issued, licence of permission granted of prohibiting the performance of any act by a Panchayat Samiti on similar grounds referred to in the Sub-rule(1) above.

(3) The Director, Panchayati Raj shall be the Prescribed Authority in the case of Zila Parishads under sub-section (1) of the section 138 with regard to the suspending of execution resolution passed, order issued, licence or permission granted or prohibiting the performance of any act by a Zila Parishad, if he is satisfied with the facts enumerated in clauses (a) to (c) of aforesaid section.

(4) The Sub-Divisional Officer (Civil) or Deputy Commissioner or the Director of Panchayati Raj as the case may be, shall forthwith send to the State Government for confirmation a copy of the order with a statement of his reasons for making it and with such explanation of the Gram Panchayat or Panchayat Samiti or Zila Parishad as may be given, within 10 days from 54 the date of such order as required under sub-section(2) of section 138 of the Act.

140. Liability of office bearers etc. for loss, misappropriation(section 142 of the Act).- Concerned District Collector in the case of Zila Parishad or Assistant Collector 1st grade authorised by the Collector in case of Panchayat Samiti and Gram Panchayat, shall be the Prescribed Authority for the purpose of section 142.

143. Appeal and Revision(section 148 of the Act).- (1) Aggrieved party or person may file an appeal or revision against the order or proceedings of a Gram Panchayat, Panchayat Samiti, Zila Parishad, and other authorities under section 148 of the Act to the following authorities:-

	Appellate Authority	**Revising Authority**
(a) Against the orders and proceedings of Gram panchayat	Sub-Divisional Officer (Civil) of the concerned Sub-Division	Deputy Commissioner of the concerned District
(b) Against the orders and proceedings of the panchayat samiti	Deputy Commissioner of the concerned District	Divisional Commissioner of the concerned division
(c) Against the orders and proceedings of Zila Parishad	Divisional Commissioner of the concerned Division	Secretary (Panchayati Raj);
(d) Against the orders and proceedings of the District Panchayat Officer	Deputy Commissioner of the concerned District	District Commissioner of the concerned Division
(e) Against the orders and proceedings of the Deputy Commissioner	Divisional Commissioner of the concerned Division	Secretary (Panchayati Raj);
(f) Against the orders and proceedings of the Divisional Commissioner	Secretary (Panchayati Raj)	Financial Commissioner (Appeals); and
(g) Against the orders and proceedings of any other authority	Secretary (Panchayati Raj)	Financial Commissioner (Appeals).

(2) The aggrieved party or person may file an appeal to the appellate authority referred to in sub-rule(1) within thirty days from the date of orders or proceedings whereas the revision may be filed within ninety days from the date of decision of the appellate authority.

PART-II

SECTION-A

THE CONSTITUTION OF INDIA

PART IX-A

THE MUNICIPALITIES

243P. **Definitions**.-In this Part, unless the context otherwise requires:—

a) **"Committee"** means a Committee constituted under article 243S,
b) **"district"** means a district in a State;
c) **"Metropolitan area"** means an area having a population of ten lakhs or more comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;
d) **"Municipals area"** means the territorial area of a Municipality as is notified by the Governor;
e) **"Municipality"** means an institution of self-government constituted under article 243Q.
f) **"Panchayat"** means a Panchayat constituted under articles 243B;
g) **"Population"** means the population as ascertained at the last preceding census of which the relevant figures have been published.

243 Q. Constitution of Municipalities.—(1) There shall be constituted in every State:—

a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;

b) a Municipal Council for a smaller urban area; and

c) a Municipal Corporation for a larger urban area;

in accordance with the provisions of this Part :

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, "a transitional area" a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

243 R.Composition of Municipalities.—(1) Save as provided in clause (2), all the seats in a Municipalities shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide:—

a. for the representation in a Municipality of:—

i. persons having special knowledge or experience in Municipal administration;
ii. the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;
iii. the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;
iv. the Chairpersons of the Committees constituted under clause (5) or article 243 S :

Provided that the persons referred to in paragraph (*i*) shall not have the right to vote in the meetings of the Municipality :

b) the manner of election of the Chairperson of a Municipality.

243S. Constitution and composition of Wards Committees, etc.—(1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) The Legislature of a State may, by law, make provision with respect to :—

(a) the composition and the territorial area of a Wards Committee;

(*b*) the manner in which the seats in a Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Ward Committee shall be a member of that Committee.

(4) Where a Wards Committee consists of :—

(*a*) one ward, the member representing that ward in the Municipality; or
(*b*) two or more wards, one of the members representing such wards in the Municipality elected by the Members of the Wards Committee, shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the wards Committees.

243 T.Reservation of seats.—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

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

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

(4) The office of Chairperson in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

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

(6) Nothing the this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or office of Chairpersons in the Municipalities in favour of backward class of citizens.

243U. Duration of Municipalities, etc.—(1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer :

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

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

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

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

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

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

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

243. V. Disqualification for membership.—(1) A person shall be disqualified for being chosen as, and for being, a member of Municipality—

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

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

(*b*) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State May, by law, provide.

243 W. Powers authority and responsibilities of Municipalities, etc.—Subject to the provisions of this Constitution, the Legislature of State may, by law, endow—

(*a*) The Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self government and such law may contain provision for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—

(*i*) the preparation of plans for economic development and Social justice;

(*ii*) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matter listed in the Twelfth Schedule;

(*b*) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

243 X. Power to impose taxes by, and Funds of, the Municipalities.—The Legislature of a State may, by law—

(*a*) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(*b*) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits:

(*c*) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and

(*d*) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom,as may be specified in the law.

243 Y. Finance Commission.—(1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to—

(*a*) the principles which should govern—

(*i*) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

(*ii*) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;

(*iii*) the grants-in-aid to the Municipalities from the Consolidated Fund of the State:

(*b*) the measures needed to improve the financial position of the Municipalities.

(*c*) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243 Z. Audit accounts of Municipalities.—The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the audit of such accounts.

243 ZA. Elections to the Municipalities.—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.

(2) Subject to the provision of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to or in connection with, elections to the Municipalities.

243 ZB.Application to Union Territories.—The provision of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were reference to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly :

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exception and modifications as he may specify in the notification.

243 ZC. Part not to apply to certain areas.—(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243 ZD. Committees for district Planning.—(1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to.—

(*a*) the composition of the District Planning committees;

(*b*) the manner in which the seats in such Committee shall be filled :

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district:

(*c*) the functions relating to district planning which may be assigned to such Committee;

(*d*) the manner in which the Chairpersons for suchCommittee shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft developmentplan,

(*a*) have regard to .—

(*i*) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation:

(*ii*) the extent and type of available resources whether financial or otherwise :

(*b*) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of very District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243 ZE. Committee for Metropolitan planning.—(1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to—

(*a*) the composition of the Metropolitan Planning Committees;

(*b*) the manner in which the seats in such Committeesshall be filled :

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

(*c*) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out of functions assigned to such Committees;

(*d*) the functions relating to planning and co-ordination for the Metropolitan area which may be assigned to such Committees;

(*e*) the manner in which the Chairpersons of such committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,—

(*a*) have regard to—

(*i*) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;

(*ii*) Matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(*iii*) the overall objectives and priorities set by the Government of India and the Government of the State;

(*iv*) the extent and nature of investments likely to be made in Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(*b*) consult such institutions and organisations at the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZF. Continuance of existing laws and Municipalities.—Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-forth Amendment) Act, 1992, which is inconsistent with the provisions of this

Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243 ZG. Bar to interference by courts in electoral metters.—Notwithstanding anything in this Constitution.—

(*a*) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243 ZA shall not be called in question in any court;

(*b*) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

(*c*) the measures needed to augment the Consolidated Fundof a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State.

TWELTH SCHEDULE

(Article 243 W)

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and sold waste management.
7. Fire services.
8. Urban forestry, protection of the environment andpromotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society,including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
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THE HIMACHAL PRADESH MUNICIPAL ACT, 1994

Act No. 13 of 1994

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AUTHORITATIVE ENGLISH TEXT

Act No. 13 of 1994.

THE HIMACHAL PRADESH MUNICIPAL ACT, 1994

(AS ASSENTED TO BY THE GOVERNOR ON 18TH OCTOBER, 1994)

AN

ACT

to consolidate and amend and replace the law relating to municipalities in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fourty-fifth year of the Republic of India as follows :—

CHAPTER-I

PRELIMINARY

1. (1) **Short title, extent and commencement.**—This Act may be called the Himachal Pradesh Municipal Act, 1994.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall and shall be deemed to have come into force on the 30th day of May, 1994.

2. Definition:-In this Act, unless there is anything repugnant in the subject or context,-
(1) x x x x x x x

(2) **"backward classes"** means such classes of citizens other than scheduled casts and scheduled tribes as may be identified and notified for the purposes of reservation for appointments or posts in the services under the State Government;

(3) **"building"** means any shop, house, hut, out-house, stable, a factory, an industrial shed and a temporary structure erected by means of tents and structures, raised for entertainment purposes whether roofed or not and whether used for the purposes of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever, and includes a wall and a well;

(4) **"building line"** means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;

(5) **"built area"** is that portion of a municipality of which the greater part has been developed as a business or residential area;

(6) **"bye-laws"** mean bye-laws made under this Act;

(6) (A) **Cattle**:-means domestic anuimals and include elephant, camaels, buffolows, cow, oxen, horses,mares, goats

(7) **"committee"** means a committee of a municipality, constituted or deemed to have been constituted by or under this Act;

(8) **"compost manure"** means the produce prepared from dung by subjecting it to theprocess of compost making in the manner prescribed by rules;

(9) **"Deputy Commissioner"** or "Deputy Commissioner of the districts" includesAdditional Deputy Commissioners, or any other officer at any time appointed by the State Government to perform in any district or districts the functions of a Deputy Commissioner under this Act;

(10) **"Director"** means the Director of Urban Local Bodies appointed by the State Government;

(11) **"District"** means a revenue district;

(12) **"District Planning Committee"** means a committee constituted under article 243 ZD of the Constitution of India and under section 185 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) at the district level to consolidate the plans prepare by the Panchayats and the municipalities in the district;

(13) **"dry latrine"** means a latrine from which the excreta is removed manually;

(14) **"dung"** means night soil, sewage, sullage, sludge, refuse, filth or rubbish or animal matter of any kind;

(15) **"election"** means and includes the entire election process commencing on and from the date of notification calling for suchelection of members and ending with the date of declaration and notification of results thereof;

(16) **"erect or re-erect any building"** includes—

(*a*) any material alteration or enlargement of any buildings;

(*b*) the conversion by structural alteration into a place forhuman habitation of any building not originally constructed for human habitation;

(*c*) the conversion into more than one place for human habitation of a building originally constructed at one such place;

(*d*) the conversion of two or more places of human habitation into a greater number of such places;

(*e*) such alteration of a building as effect an alteration of its drainage or sanitary arrangements, or materially affects its security;

(*f*) the additions of any rooms, buildings, out-houses or other structures to any building;

(*g*) the construction in a wall adjoining any street or land not belonging to the owner of the wall of a door opening on to such street or land;

(17) **"Executive Officer"** means a person, by whatever name called, appointed under section 305 of this Act to discharge the functions of the Executive Officer in relation to a Municipal Council and that of Secretary in relation to a Nagar Panchayat;

(18) **"explosive" and "petroleum"** have the meanings assigned to those words in the Indian Explosive Act, 1884, and the Petroleum Act, 1934, (4 to 1884 30 of 1934) respectively;

(19) **"factory"** shall have the meaning assigned to it in the Factory Act, 1948 (63 of 1948);

(19-a) [49]"family" means a joint family of all persons descended from a common ancestor including by adoption, who live, worship and mess together permanently as shown in the Parivar Register of the Municipality;"

(20) **"infections disease"** means cholera, plague, small-pox, tuberculosis or such other dangerous disease as the State Government may notify in this behalf;

(21) **"inhabitant"** includes any person ordinarily residing or carrying on business, or owning or occupying immovable property, in any municipality; or in any local area which the State Government has by notification under this Act, proposed to declare to be a municipality; and in case of any dispute, means any person or persons declared by the Deputy Commissioner to be inhabitant or inhabitants;

(22) **"municipal council"**means the municipal council constituted by or under this Act;

(23) **"municipal area"** means the territorial area of municipality notified by the State Government and includes any territorial area which forms part of a municipality at the commencement of this Act;

(24) **"municipality"** means an institution of Self Government constituted as a Nagar Panchayat or a municipal council under this Act;

(25) **"Nagar Panchayat"** means the Nagar Panchayat constituted under this Act.

(26) **"nuisance"** includes any act, omission, place or thing which causes or is likely to cause injury, langer, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(27) **"occupier"** includes an owner in actual occupation of his own land or building and also any person for the time being paying or liable to pay to the owner he rent or any portion of the rent of the land or building in respect of which the word is used; for the purposes of Chapter VI and X, occupier shall include hotelkeeper, lodging, house-keeper and any owner whose premises are let to more than one tenant;

(28) "**office-bearer"** means in relation to a municipality a member, Vice-President or a President of a municipality and in relation to a Municipal Corporation, a Councilor, Mayor or Deputy Mayer of the Municipal Corporation and in relation to a Panchayat an office bearer of a panchayat as defined in clause (23) of section 2 of Himachal Pradesh Panchayati Raj Act, 1994;

(29) **"owner"** includes the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if the land or building were let to a tenant;

(30) **"Panchayat"** means an institution of self-government (by whatever name called) constituted for rural area under the Himachal Pradesh Panchayati Raj Act. 1994;

(31) **"population"** means the population as ascertained at the last preceding census of which the relevant figures have been published;

(31-a) [50]"prescribed" means prescribed by the rules made under this Act;"; and

(32) **"public place"** means a place which is open to the use of enjoyment of the public whether or not private property and whether or not vested in the municipality;

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49 Inserted vide Act No. 17 of 2022, dated 10.10.2022
50 Inserted vide Act No. 17 of 2022, dated 10.10.2022

(33) **"public street"** shall mean any street

(*i*) herefore leveled, paved, metalloid, channeled, seaward or repaired out of municipal or other public funds unless before such work was carried out there was an agreement with the proprietor that the street should not there by becomes a public street or unless such work was done without the implied or express consent of the proprietor; or

(*ii*) which under the provisions of section 182 is declared by the municipality to be or under any other provision of this Act becomes, a public street;

(34) **"rules"** mean the rules made under this Act;

(35) **"Scheduled castes"** shall have the same meaning as assigned to it in clause (24) of article 366 of the Constitution of India;

(36)**"scheduled tribes"** shall have the same meaning as assigned to it in clause (25) of article 366 of the Constitution of India;

(36-a)[51]"section" means the section of this Act;"

(37) **"State Election Commission"** means the State Election Commission constituted by the State Government underarticle 243 K and 243ZA of the Constitution of India and section 160 of the Himachal Pradesh Panchayati Raj Act, 1994;

(38) **"State Finance Commission"** means the State Finance Commission constituted by the State Government under articles 243-I and 243-Y of the Constitution of India and section 98 of the Himachal Pradesh Panchayati Raj, 1994;

(39) **"street"** shall means any road, footway, square, court, alley or passage, accessible, whether permanently or temporarily to the public, and whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings a but thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid, and shall include also the drains or gutters therein, or on either side and that land, whether covered or not by any payment, verandah or other erection, upto the boundary of any abutting properly not accessible to the public;

(40) **"unbuilt area"** is an area within the municipal limits which is declared to be such at a special meeting of the municipality by a resolution confirmed by the State Government, or which is notified as such by the State Government;

(41) **"vehicle"** includes bicycle, tricycle and automotor car and every wheeled conveyance which is used or capable of being used on a public street.

51 Inserted vide Act No. 17 of 2022, dated 10.10.2022

CHAPTER-II

CLASSIFICATION OF MUNICIPALITIES AND MUNICIPAL AREA

3. Classification of Municipalities.—(1) There shall be constituted three classes of municipalities in accordance with the provisions of this section as specified below :—

(*i*) "Nagar Panchayat" for a transitional area with population exceeding two thousand and generating annual revenue exceeding rupees five lakhs for the local administration;

(*ii*) "Municipal Council" for a smaller urban area with population exceeding five thousand and generating the annual revenue exceeding rupees twenty lakhs for the local administration;

(iii) "Municipal Corporation" for a larger urban area with population exceeding [52]forty thousand and generating annual revenue exceeding rupees two crores for the local administration and which has been declared to be municipal area under section 3 of the Himachal Pradesh Municipal Corporation Act, 1994 (12 of 1994) :

Provided that a municipality under this section may not be constituted in such urban areas or part thereof as the State Government may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as it may deem fit, by notification, specify to be an a industrial township;

Provided further that no cantonment or part of cantonment shall from part of a municipality.

Explanation.—in this sub-section "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the State Government may, having regard to the population of the area, the density of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in nonagricultural activities, the economic importance or such other factors as the State Government may deem fit, specify by notification for the purpose of this section.

(2) The State Government shall, by notification, constitute the municipalities and specify the class to which municipality shall belong in accordance with the provisions of this section after observing the procedure as laid down in section 4 :

Provided that the municipalities existing at the commencement of this Act and listed as Nagar Panchayat or as Municipal Council in the Schedule to this Act, would be deemed to have been constituted and notified as such, under and in accordance with the provisions of this section:

Provided further that the State Government may, after giving a reasonable notice of not less than [53]fourteen days of its intention to do so, amend the schedule, by notification and declare any Nagar Panchayat as a Municipal Council or any Municipal Council as a Nagar Panchayat.

4. Procedure for declaring Municipal area.— (1) The State Government may, by notification, propose any local area to be a municipal area under this Act.

(2) Every such notification under sub-section (1) shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation thereof in such language as the State Government may direct shall be affixed at some conspicuous place in the office of the Deputy

52Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020
53Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020

Commissioner, within whose jurisdiction the local area to which the notification relates lies, and at one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the State Government the date on which the copy and translation were so affixed and the date so certified shall be deemed to be the date of publication of the notification.

(5) If any inhabitant desires to object to a notification issued under sub-section (1), he may, within [54]two weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the State Government and the State Government shall take his objection into consideration.

(6) When [55]two weeks from the date of publication have expired, and the State Government has considered and passed orders on such objections as may have been submitted to it, the State Government may, by notification, declare the local area for the purposes of this Act, to be a municipal area.

(7) The State Government may, by notification, direct that all or any of the rules which are in force in any municipal area shall, with such exceptions and adaptations as may be considered necessary, apply to the local area declared to be Municipal area under this section and such rules shall forthwith apply to such municipal area without further publication.

(8) When a local area, the whole or part of which was a notified area under the Himachal Pradesh Municipal Act, 1968 (19 of 1968) or a Nagar Panchayat under this Act, is declared to be municipal council under this section, the municipal council shall be deemed to be a perpetual successor of such notified area committee or of Nagar Panchayat, as the case may be, and in respect of all its rules, bye-laws, taxes, and all other matters, whatsoever and the Nagar Panchayat shall continue in office and shall notwithstanding anything contained in this Act be deemed to be the municipal council until the appointment and election of members is notified by the State Government under section 27.

(9) A municipality shall come into existence on such day as the State Government may, by notification, appoint in this behalf.

5. Notification of intention to include a local area in a municipal area.- (1) The State Government may, by notification, and in such other manner as it may determine, declare its intention to include within a municipal area any local area in the vicinity of the same and specified in the notification.

(2) Any inhabitant of a municipal area or local area in respect of which a notification has been published under sub-section (1) may, if he objects to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the State Government within [56]two weeks from the publication of the notification; and the State Government shall take such objection into consideration.

(3) When [57]two weeks from the publication of the notification have expired, and the State Government has considered the objections, if any, which have been submitted under sub-section (2) the State Government may, by notification, include the local area in the municipal area.

(4) When any local area has been included in a municipal area under sub-section (3) of this Act, and, except as the State Government may, by notification, direct otherwise, all notifications, rules, bye-laws, orders directions and powers issued, made or conferred under this Act and in force throughout whole of the municipal area at the time shall apply to such area.

54Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020
55Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020
56Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020
57Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020

6. Notification of intention to exclude local area from a municipal area.- The State Government may, by notification and in such other manner as it may deem fit, declare its intention to exclude from a municipal area any local area comprised therein and specified in the notification.

7. Exclusion of local area from a municipal area.- (1) Any inhabitant of a municipal area or local area in respect of which a notification has been published under section 6 may, if he objects to the exclusion proposed, submit his objection in writing through the Deputy Commissioner to the State Government within [58]two weeks from the publication of the notification and the State Government shall take his objection into consideration.

(2) When [59] two weeks from the publication of the notification have expired and the State Government has considered the objections, if any, which have been submitted under sub-section (1), the State Government may, by notification, exclude the local area from the municipal area.

8. Effect of exclusion of local area from municipal area. - When a local area is excluded from a municipal area under section 7-

(a) this Act and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply thereto ; and

(b) the State Government shall after consulting the municipality, frame a scheme determining what portion of the balance of the municipal fund and other property vesting in the municipality shall vest in the State Government and in what manner the liabilities of the municipality shall be apportioned between the municipality and the State Government, and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

9. Power to abolish municipal area.—(1) The State Government may be notification, abolish any municipal area declared under section 4.

(2) When a notification is issued this section in respect of any municipal area, this Act and all notifications, rules, bye-laws, order, directions and powers issued, made or conferred under this Act shall cease to apply to the said municipal area; the balance of the municipal fund and all other property at the time of the issue of the notification vested in the municipality shall vest in the State Government and the liabilities of the municipality shall be transferred to the State Government.

(3) Where any municipal area is abolished under sub-section (1) and subsequently the area comprising the municipal area so abolished is declared to be a Sabha area under sub-section (1) of section 3 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) the assets and liabilities referred to in sub-section (2) shall west in the Gram Panchayat of the Sabha area from the date of its establishment under section 4 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994).

Explanation.—For the purpose of this sub-section, the assets shall include all arrears of tax, tolls, cesses, rates, dues and fees imposed under this Act or rule of any bye-law which fell due to the municipality of the area immediately before the date of its abolition and the same shall be recoverable by the Gram Panchayat as if these were arrears due to the Gram Panchayat.

58Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020
59Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020

CHAPTER-III

MUNICIPALITIES

10. Composition of Municipalities.—(1) The municipalities constituted under section 3 shall consist of such number of elected members not less than seven as may be determined by the State Government, by adopting the criterion that in municipal area having population of :—

(*i*)	**not exceeding 6150**	**7 *Members***
(*ii*)	**exceeding 6150 but not exceeding 12300**	**9 *Members***
(*iii*)	**exceeding 12300 but not exceeding 24,600**	**11 *Members***
(*iv*)	**exceeding 24,600 but not exceeding 36,900**	**13 *Members***
(*v*)	**exceeding 36,900 but not exceeding 49200**	**15 *Members***
(*vi*)	**exceeding 49,200 but not exceeding 61500**	**17 *Members***
(*vii*)	**exceeding 61500**	**19 *Member*:**

Provided that the determination of the number of members as aforesaid shall not effect the composition of the municipality until the expiry of the term of office of the elected members then in office.

Provided further that in case of increase or decrease in the number of wards(seats) in a Municipality due to higher or lesser population growth rate of that the average population growth rate of that municipality than the aaverage population growth rate of that municipality than the average population growth rate of wards(seats) of that municipality shall be maintained.

(2) Save as provided in sub-section (3), all seats in that municipality shall be filled in by persons chosen by direct election and for the purpose of election, the Deputy Commissioner shall, in accordance with such rules as may be prescribed by the State Government :—

(*a*) divide the municipal area into wards in such a manner that :—

(*i*) one member shall be elected from each ward; and

(*ii*) as far as possible the population in each ward shall be equally distributed

(*b*) determine the territorial extent of each ward; and

(*c*) determine the ward or wards in which seats are reserved under section 11.

(3) In a municipality, in addition to persons chosen by direct election under this section, the members of the State Legislative Assembly, representing constituencies which comprise wholly or partly in municipal area, shall also be the members with voting right.

(4) The State Government may, by notification, nominate as members not more than [60]three in Nagar Panchayat and not more than four in Municipal Council as the case may be persons having special knowledge or experience of municipal administration :

Provided that a person who contested and lost the immediately preceding election of a municipality shall not be nominated by the State Government as a member of that municipality or any other municipality during its existing term;

Provided further that a member nominated under this sub-section whether before or after the commencement of the Himachal Pradesh Municipal (Amendment) Act, 2003 shall hold office during the pleasure of the State Government, but not beyond the term of municipality as provided for in sub-section (1) of section 14 of this Act.

(5) The nominated members referred to in sub-section (4) and the Executive Officer in case of Municipal Council and Secretary in case of Nagar Panchayat, shall have the right to attend all the meetings of the municipality and to take part in the discussion therein but shall not have any right to vote.

60Substituted vide H.P. Act No. 12 of 2016.

11. Reservation of seats.—(1) Seats shall be reserved in a municipality—

(*a*) for the Scheduled castes ; and

(*b*) for the scheduled tribes;

and the number of seats so reserved shall bear as nearly as may be the same proportion to the total number of seats to be filled by direct election in the municipality as the population of the scheduled castes and the scheduled tribes in the municipal area bears to the total population of that municipal area:

Provided that in case no reservation of seats is possible as aforesaid due to small population of the scheduled castes and the population of scheduled castes of the municipal areas ia at least five percent of the total population of the municipal area, one seat shall be reserved for the scheduled castes in such a municipality.

Provided further that where there is no eligible candidate belonging to the scheduled castes to be elected as a member of the municipality, no seat shall be reserved for scheduled castes :

Provided further that in non-tribal areas where there is scheduled tribes population in a municipal area, seats shall be reserved for such members of the scheduled tribes within the reseration provided for the members of the scheduled castes and the determination of seats to be reserved amongst the scheduled castes and scheduled tribes shall be in proportion to their population in that municipal area.

Explanation.—The expression "non-tribal area" for the purpose of this proviso shall mean the areas other than the Scheduled Areas specified in relation to the State of Himachal Pradesh.

(2) One-half of seats, reserved under sub-section (1), shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes.

(3) One-half (including the number of seats reserved for women belonging to the scheduled castes and the scheduled tribes) of the total number of seats to be filled by direct election shall be reserved for women.

(4) The State Government may, by general or special order, reserve such number of seats for persons belonging to backward classes in a municipality, not exceeding the proportion to the total number of seats to be filled by direct election in the municipality as the population of the persons belonging to backward classes in that municipal area bears to the total population of that area and may further reserve one-half of the total seats reserved under this sub-section for women belonging to backward classes.

(5) The seats reserved under sub-section (1), (3) and (4) shall be allotted by rotation to different wards in the municipal area in such manner as may be prescribed.

(6) The reservation of seats under this section shall be given effect through notification issued at the time of each election, by the State Government.

12. Reservation of Offices of Chairpersons.—(1) There shall be reserved by the Government in the prescribed manner such number of offices of Chairpersons in the municipalities in the State for the persons belonging to the scheduled castes and scheduled tribes and the number of such offices, bearing as may be the same proportion to the total number of offices in the State of the scheduled tribes, in the State bears to the total urban population of the State.

(2) One-half of the total number of offices of Chairpersons reserved under sub-section (1), shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes.

(3) One-half (including the number of offices reserved for women belonging to the scheduled castes and the scheduled tribes) of the total numbers of offices of Chairpersons of municipalities in the State shall be reserved for women.

(4) The State Government may, by general or special order, reserve such number of offices of Chairperson for persons belonging to backward classes in municipalities not exceeding the proportion to the total number of offices to be filled by direct election in the municipalities as the urban population of the persons belonging to backward classes in the State bears to the total urban population of the State and may further reserve one-half of the total seats reserved under this sub-section for women belonging to backward classes.

(5) The offices of Chairpersons reserved under sub-sections(1), (3) and (4) shall be allotted by rotation to different municipalities in the State in such manner as may be prescribed.

Explanation.—For the removal of doubts it is hereby declared that for the purpose of this section the expression "urban population" shall mean the population of municipal areas of the State, except that of the municipal area declared to be a municipal area for the purposes of the Himachal Pradesh Municipal Corporation Act, 1994.

13. Term of office of members.—(1) The term of office of elected members shall be five years from the date appointed for the first meeting of the municipality.

(2) deleted vide Act No. 10 of 2003 dated 24.05.2003.

(3) When as a result of an enquiry held under Chapter XVII, an order declaring the election of any member void has been made such members shall forthwith cease to be the member of the municipality.

(4) The members shall be entitled to receive allowances for attendance at meetings of the municipality and of its committees at such rates as may be prescribed by the State Government from time to time.

14. Duration of Municipality.—(1) Every municipality unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer :

Provided that a municipality shall be given a reasonable opportunity of being heard before its dissolution :

Provided further that all municipalities existing immediately before the commencement of this Acts shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the State Legislature.

(2) An election to constitute a municipality shall be completed.—

(*a*) before the expiry of its duration specified in sub-section (1);

(*b*) before the expiration of a period of six months from the date of its dissolution :

Provided that when the remainder of the period for which the dissolved municipality would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the municipality for such period:

[61]"Provided further that if the elections to a Municipality could not be conducted by the State Election Commission during the duration of the Municipality due to reasons beyond its control, all powers and duties conferred and imposed upon the Municipality by or under this Act or any other law shall be exercised and performed by such officer or authority as the Government may appoint in that behalf, in the manner as provided in section 271 from the date of expiry of the term of the Municipality till a new body has been duly constituted after completion of the election process:"

[62]Provided further that the first election to a municipality may be held within a period of two years of its being notified as a municipality.

(3) A municipality constituted upon the dissolution of a municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved municipality would have continued under sub-section (1) had it not been so dissolved.

15. Resignation of member of municipality.—(1) The member of a municipality may resign by tendering his resignation in writing to the President who shall place the same before the municipality for its acceptance, unless withdrawn within fifteen days from the date of tendering the resignation.

(2) On the acceptance of the resignation under sub-section (1) the seat of the member shall be deemed to have become vacant and the same be filled up under section 19 of this Act.

61 Substituted vide Act No. 17 of 2022, dated 10.10.2022
62 Substituted vide Act No. 44 of 2025, dated 13.11.2025

16. Disqualifications.—(1) A person shall be disqualified for being chosen as and for being an office bearer of a municipality,—

(*a*) if he is so disqualified by or under any law for the time being in force for the purposes of the election to the State Legislature : (Disqualification for State Legislature in Part-IV):

Provided that no person shall be disqualified on the ground that he is less than 25 years if he has attained the age of 21 years.

(*b*) If he has been convicted of any offence involving moral turpitude, unless a period of six years has elapsed since his conviction; or

(*c*) if he has encroached upon, or is a beneficiary of the encroachment upon, any land belonging to, or taken on lease or requisitioned by or on behalf of the State Government, a Municipality, a Panchayat or a Co-operative Society unless a period of six years has elapsed since the date on which he is ejected therefrom or he ceases to be the encroacher;

Explanation.—For the purposes of this clause, the expression"beneficiary" shall include the spouse and legal heirs of the encroacher; or

(*d*) if he has been convicted of an electoral offence under chapter XVII-A of these Act or under any law for the time in force;

(*dd*) if he has incurred more expenditure than prescribed under section 17-A or has failed to lodge account under section 17-B within thirty days of the declaration of the result of the election; or

(*e*) if he has been ordered to give security for good behavior under section 110 of Code of Criminal Procedure, 1973 (2 of 1974); or

(*f*) if he has been[63]removed from public service or disqualified for appointment in public service, except on medical ground; or

(*g*) if he is in the employment or service under any municipality or of any other local authority or co-operative Society or the State Government or Central Government or the public Sector Undertaking under the control of the Central or the State Government.

Explanation.—For the purposes of this clause the expressions "service" or "employment" shall include persons appointed, engaged or employed on whole time, part time, casual, daily or contract basis, or

(*h*) if he is registered as habitual offender under the Himachal Pradesh Habitual Offenders Act, 1969 (8 of 1970); or

(*i*) if, save as hereinafter provided, he has directly or indirectly any share or interest in any work done by an order of a municipality, or in any contract or employment with, or under or by, or on behalf of the municipality; or

(*j*) if he has not paid the arrears of any tax imposed by a municipality or had not paid the arrears of any kind due from him to the municipal fund; or has retained any amount which forms part of the municipal fund;

(*k*) if, he is tenant or leasee holding a tenancy or lease under a municipality is in arrears or rent of lease or tenancy held under the municipality;

(*l*) if he has been convicted of an offence punishable under the Protection of Civil Rights Act, 1955, unless a period of six years has elapsed since his conviction; and

(*m*) if he is so disqualified by or under any other law made by State Legislature.

(*n*) if he has made any false declaration as required under this Act or the rules made thereunder; and

63Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020

(2) The question whether a person is or has become subject to any of the disqualifications under sub-section (1), shall after giving an opportunity to the person concerned of being heard, be decided,—

(*i*) if such question arises during the process of an election by an officer who may be authorised in this behalf by the State Government, in consultation with the State Election Commission; and

(*ii*) if such question arises after the election process is over, by the Director.

17. Bar to hold more than one office.—If a person who is chosen as a member of a municipality becomes a Member of the House of the People, the Council of State, the State Legislative Assembly or the Councillor of the Municipal Corporation or is or becomes an office-bearer of a Panchayat then at the expiration of a period of fifteen days from the date of publication of the election result of, as the case may be, within fifteen days from the date of the commencement of term of office of a member of the House of People, the Council of State or the State Legislative Assembly or the Councillor of a Municipal Corporation or the office-bearer of a panchayat his seat in a municipality shall become vacant unless he has previously resigned his seat in the House of People, the Council of States, the State Legislative Assembly, the Municipal Corporation or the panchyat, as the case may be.

17A. [64]Account of election expenses and maximum limit thereof.—

1) Every candidate at an election shall, either by himself or by his election agent, or by any other person with his authority, consent or knowledge, keep a separate and correct account of all expenditure in connection with this election incurred or authorised by him or by his election agent, or by any other person with his authority, consent or knowledge, between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

2) The account shall contain such particulars, as may be prescribed by the State Government in consultation with the State Election Commission.

3) The total of the said expenditure shall not exceed such amount as may be prescribed by the State Government in consultation with the State Election Commission.

17 B. [65]Lodging of account.—Every contesting candidate at an election shall within thirty days from the date of election of the returned candidate or, if there are more than one returned candidates at the election and the date of their election are different, the later of those two dates, lodge with the officer as may be appointed by the State Election Commission, account of his election expenses which shall be a true copy the account kept by him or his election agent or by any other person with his authority consent or knowledge, under section 17A.

18. Power of State Government as to removal of members.—The State Government may, in consultation with the State Election Commission and by notification, remove any member of a municipality:—

a) if he refuses to act, or becomes, in the opinion of the State Government, incapable of acting, or has been declared a bankrupt or an insolvent by a competent court or has been convicted of any such offence or subjected by a criminal court to any such order as implies in the opinion of the State Government, a defect of character which renders him unfit to be a member ;

b) if he has been declared by notification to be disqualified for employment in or has been dismissed from the public service and the reason for the disqualification or dismissal is such as implies in the opinion of the State Government, a defect of character which renders him unfit to be a member;

c) if he has without reasonable cause in the opinion of the State Government absented himself for more than three consecutive months from the meeting of the municipality;

d) if he fails to pay any amount due from him to the municipality within three months of the service of notice making the claim. It shall be the duty of the Executive Officer, to serve such a notice at the earliest possible date after the amount has become due;

64Limis of expenses prescribed under Rule 48

65See Rules dt. 17.7.2001 notified by by the Commission for disqualification in Part-V of this book.

e) if in the opinion of the State Government he has flagrantly abused his position as a member of the municipality or has through his negligence or misconduct been responsible for the loss, or misapplication of any money or property of the municipality;

f) if he has, since his election or nomination, become subject to any disqualification which, if it had existed at the time of his election or nomination, would have rendered him ineligible under any law for the time being in force for election or nomination, or if it appears that he was, at the time of his election or nomination subject to any such disqualification; and

g) if, being a legal practitioner, he acts or appears in any legal proceeding on behalf of any person against the municipality or on behalf of or against the State Government where in the opinion of the State Government such action or appearance is contrary to the interest of the municipality:

h) if, he has without reasonable cause in the opinion of the State Govt. fails to convene more than three consecutive meeings of the ward committee".

Provided that no removal of a member shall be notified unless the matter has been enquired into by an officer, not below the rank of an Additional Deputy Commissioner, appointed by the State Government and the member concerned has been given a reasonable opportunity of being heard.

(2) A person removed under this section or whose election has been declared void, for corrupt practices or intimidation, under the provisions of section 295 shall be disqualified for election for a period not exceeding six years.

19. Filling of casual vacancies.—(1) Whenever a vacancy occurs by the death, resignation or, removal or by the vacation of seat under the provisions of sub-section (2) of section 13, of any office bearers, the vacancy shall be filled within six months of the occurrence of such vacancy in accordance with the provisions of this Act and the rules made thereunder:

Provided that where the reminder of the term is less than six months, it shall not be necessary to hold any bye-election to fill-up such casual vacancy.

(2) Every person elected or nominated, to fill a casual vacancy, shall be elected or nominated to serve for the remainder of his predecessor's term of office.

20. Incorporation of Municipality.- Every municipality shall be a body corporate to be known as by the name of Municipal Council or the Nagar Panchayat of its municipal area and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and subject to the provisions of this Act or the rules made thereunder, to transfer any property held by it, to contract and to do all other things necessary for the purpose of its constitution; and may sue and be sued in its corporate name.

21. Members and employees to be Public servants.—Every office bearer of the municipality and every person employed by the municipality whether for the whole or part of his time, shall be deemed be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

22. Election of President and Vice-President.—Every Municipal Council or Nagar Panchayat shall elect one of its elected members to be the President and another to be the Vice-President, and the members so elected shall become President or the Vice-President, as the case may be, of the Municipal Council or Nagar Panchayat :

Provided that the officer of the President in Municipal Councils and Nagar Panchayat shall be reserved for scheduled castes, scheduled tribes and women in accordance with the provisions made in section 12 :

Provided further that if the office of the President or Vice-President is vacated during his tenure on account of death, resignation, resignation, removal or no confidence motion, a fresh election for the remainder of the period shall be held from the same category.

23. Terms of office of and honorarium to President and Vice-President- (1) The terms of office of President or Vice-President shall be five year or the residue of the term of his office as a member whichever is less.

(2) An outgoing President and Vice-President shall if of herwise qualified, be eligible for re-election.

(3) The President and Vice-President shall be in titled to the payment of such honorarium and allowances for attendance at meeting of the municipality and its committees at such rate as may be prescribed by the State Government from time to time.

24. Resignation of President or Vice-President.—(1) The President may, by writing under his hand addressed to the Vice-President, resign his office.

Provided that if the office of the Vice lPresident is vacant, then the President may submit his resignation to the Deputy Commissioner of the Distt.

(2) The Vice-President may, by writing under his hand addressed to the President, resign his office.

Provided that if the office of the President is vacant, then the Vice President submit his resignation to the D.C. to the district.

(3) The resignation under sub-section (1) or (2) shall take effect from the date of its acceptance by the Vice-President or the President, or the Deputy Commissioner as the case may be.

25. Motion of no-confidence against President or Vice-President.– (1) A motion of no-confidence against the President or the VicePresident may be made in accordance with the procedure as may be prescribed.

(2) Where a notice of intention to move a resolution requiring the President or the Vice-President of the municipality to vacate his office, signed by not less than majority of its total elected members is given and if a motion of no-confidence is carried by a resolution passed by a majority of elected members present and voting at its general or special meeting, the quorum of which is not less than one-half of its total elected members, the President or the Vice-President against whom such resolution is passed shall cease to hold office forthwith.

(3) Notwithstanding anything contained in this Act or the rules made there under, the President or the Vice-President of the municipality shall not preside over a meeting in which a motion of noconfidence is to be discussed against him. Such meeting shall be presided over by such person, and convened in such manner, as may be prescribed and the person against whom a motion of no-confidence is moved, shall have a right to vote and to take part in the proceedings of such meeting.

(4) Motion of no-confidence under this section shall not be maintainable within one year of the date of his election to such office and any subsequent motion of no-confidence shall not be maintainable within the interval of one year of the last motion of no-confidence.‖.

26. Removal of President of Vice-President.—The State Government may, at any time, by notification, remove a President or Vice-President from his office on the ground of abuse of his powers or of habitual failure to perform his duties.

Provided that no removal of the President or Vice-President shall be notified unless the matter has been enquired into by an office, not below the rank of the Sub-Divisional Officer (Civil) appointed by the State Government and the President or Vice-President, as the case may be, has been given a reasonable opportunity of being heard.

27. Notification of election and nomination.—(1) Every election or nomination of member and election of a President and Vice-President of a Nagar Panchayat or Municipal Council shall be notified in the Official Gazette and no office bearer shall enter upon his duties until his election or nomination has been so notified and until, he has made or subscribed at a meeting of the Nagar Panchayat or Municipal Council, an oath of affirmation of his allegiance to the constitution of India in the following from, namely :—

> "I, AB, having been elected (or nominated) member/President/Vice-President of a Nagar Panchayat or Municipal Council of.....do swear in the name of God/sole mnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and I will faithfully, discharge the duties upon which I am about to enter".

(2) Every election of a [66] member, shall be published in the Official Gazette by the State Election Commission within thirty days from the date of declaration of the result of such election.

(3) If any such person omits or refuses to take or make the oath or affirmation as required by sub-section (1) within thirty days of the date of notification of his election or nomination, as the case may by, his election or nomination shall be deemed to be invalid, and his seat shall become vacant.

28. Time for holding meetings.- (1) Every municipality shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws. (2) The President or, in his absence or during his incapability to attend to his duties or during the vacancy of his office, the Vice-President may, whenever he thinks fit and shall, within a period of ten days from the date of receipt of a requisition signed by not less than one-half of the total number of members of the municipality, convene either an ordinary or a special meeting at any other time: Provided that the requisition shall specify the purpose for which the meeting is to be held. (3) If the President or the Vice-President fails to convene a meeting of the municipality within a period of ten days from the date of receipt of such requisition, the members who signed the requisition may request the SubDivisional Officer (Civil) to convene the meeting. (4) The Sub-Divisional Officer (Civil) on receipt of request under sub-section (3) shall within a period of ten days of such request, convene the meeting.

29. Ordinary and special meetings.- (1) Every meeting of municipality shall be either ordinary or special. (2) All business may be transacted at an ordinary meeting unless required by this Act or the rules framed thereunder, to be transacted at a special meeting.

30. Quorum.- (1) The quorum necessary for the transaction of business at a special meeting of a municipality shall be one-half of the number of sitting members of the municipality.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipality shall be such number or proportion of the members of the municipality as may, from time to time, be fixed by the byelaws, but shall not be less than three :

Provided that, if at any ordinary or special meeting of a municipality a quorum is not present, the Chairman shall adjourn the meeting to such other day, as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at the adjourned meeting.

271. Power of State Government to dissolve municipality for default, abuse of powers, etc. - (1) If at any time, it appears to the State Government or the prescribed authority that a municipality is persistently making the default in the performance of the duties imposed on it by or under this Act or under any other law for the time being in force, or exceeds or abuses its powers or fails to carry out any order of the State Government or the competent authority, the State Government or the prescribed authority, may, after such enquiry as it may deem fit, by an order dissolve such municipality and may order a fresh constitution thereof.

(2) No order under sub-section (1) shall be passed unless reasonable opportunity has been given to the municipality for furnishing its explanation. The notice calling explanation shall be addressed to the President of the municipality and shall be served in the manner prescribed. The reply of the municipality to the notice shall be supported by the resolution of the municipality.

(3) On dissolution of municipality under sub-section (1), the following consequences shall ensure, namely:-

(a) all the members, President and Vice-President shall vacate their offices with effect from the date of such order ;

(b) all powers and duties of the municipality shall, until the municipality is re-constituted, be exercised and performed by such person or committee of persons as the State Government or the prescribed authority may appoint in this behalf and where a committee of persons is so appointed, the State Government or the prescribed authority shall also appoint a head of such committee; and

66Ameded vide Act No. 7 of 2020 Notification dated 22.09.2020

(c) where a committee is appointed under clause (b), any member of such committee duly authorised by it may issue or institute or defend any action at law on behalf of or against the municipality.

(4) Any person appointed to exercise and perform the powers and duties of municipality during the period of dissolution may receive from the fund of the municipality concerned such payment for his service as the State Government may, by order, determine.

(5) A municipality dissolved under sub-section (1) shall be reconstituted in accordance with the provisions of this Act within six months of its dissolution. Such re-constituted municipality shall function for the remaining term of the municipality: Provided that if the unexpired period is less than six months, the municipality shall not be reconstituted for this period.

272. Suspension of office bearers of municipalities. - (1) The prescribed authority may suspend from office any office bearer-

(a) against whom charges have been framed in any criminal proceeding under Chapters V-A, VI, IX-A, X, XII, sections 302, 303, 304-B, 305, 306, 312 to 318, 336-A, 336-B, 373 to 377 of Chapter XVI, sections, 395 to 398, 408, 409, 458 to 460 of Chapter XVII and Chapter XVIII of the Indian Penal Code, 1860 (45 of 1860) or under any law for the time being in force for prevention of adulteration of food stuff and drugs, suppression of immoral traffic in women and children and protection of civil rights ; or (b) who has been served with a notice alongwith a charge sheet to show cause under this Act for his removal from the office.

(2) Where the inspection or an audit report discloses the misappropriation, mis-utilization or embezzlement of municipal funds by an office bearer of a municipality and the prescribed authority is satisfied that continuance in office of such a person will prejudice the enquiry under section 273 and apprehends tempering with record and witnesses may suspend such a person and in case he is in possession of any record, money or any property of the municipality, order him to hand-over such records, money or property to the Executive Officer/ Secretary of the municipality.

(3) The order of suspension under sub-section (1) or (2) shall be reported to the State Government within a period of ten days and shall be subject to such orders as the State Government may deem fit to pass. If the order of suspension is not confirmed by the State Government within ninety days from the date of receipt of such report it shall be deemed to have been revoked.

[67](4) In the event of both the President and Vice-President of a municipality being suspended under sub-section (1) or sub-section (2), the municipality shall nominate one of the elected members of the municipality who is the senior most in age, to hold the office of President or Vice-President as the case may be, and such shall perform all the duties and exercise all the powers of President or Vice-President, as the case may be, during the period for which suspension continues.

(5) A person who has been suspended under sub-section (1) or subsection (2) shall also forthwith stand suspended from the office of member or office bearer of any other municipality or standing committee or District Planning Committee or any other Committee of which he is a member or office bearer. Such person shall also be disqualified for being elected, under the Act during his suspension.

273. Removal of office bearers of municipality. (1) The State Government or the prescribed authority may after such enquiry as it may deem fit to make at any time, remove an office bearer –

(a) if he has incurred any disqualification under this Act ;

(b) if he has been guilty of mis-conduct in the discharge of his duties; or

(c) if he refuses to act or becomes incapable of acting or is adjudged as insolvent ;

(d) if he without reasonable cause absents himself from more than three successive consecutive meetings of the municipality or its committees ;

(e) if his continuance in office is undesirable in the interest of the public:

67 Sub-section (4) substituted vide Act No.12 of 2010

Provided that no person shall be removed unless he has been given an opportunity to show cause why he should not be removed from his office.

Explanation.- For the purposes of this sub-section "misconduct" shall include –

(a) any action which adversely affects -

(i) the sovereignty, unity and integrity of India ; or

(ii) the harmony and the spirit of common brotherhood amongst all the people of State transcending religious, linguistic, regional, caste or sectional diversity ; or

(iii) the dignity of women ; or

(b) gross negligence in the discharge of the duties under this Act; and

(c) the failure of the President to convene the meeting of the municipality, at regular intervals as specified under this Act.

(2) A person who has been removed under sub-section (1) shall forthwith cease to be a member of other municipality or Standing Committee or District Planning Committee or any other committee of which he is a member, such person shall also be disqualified for a period of six years to be elected as office bearer of a municipality under this act.

279. Power of State Government to frame forms and make rules.- (1) The State Government may frame forms for any proceeding of a municipality and may make any rules consistent with this Act to carry out the purposes thereof and in particular and without prejudice to the generally of the foregoing power make rules-

(a) with respect to the powers and duties of municipalities;

(b) as to the division of municipal area into wards, or of the inhabitants into classes, or both ;

(c) as to the number of representatives proper for each ward and class;

(d) as to the priority to be given to the several duties to the municipality ;

(e) as to the authority on which money may be paid from the municipal fund;

(f) as to the formation and working of municipal fire brigades and the provisions of implements, machinery or means of communicating intelligence for the efficient discharge of their duties by such brigades ;

(g) as to the conditions on which property may be acquired by the municipality or on which property vested in the municipality may be transferred by sale, mortgage, lease, exchange or otherwise ;

(h) as to the intermediate office or offices, if any, through which correspondence, between municipality or members of municipality and the State Government or officers of that Government shall pass;

(i) for the preparation of plans and estimates for works partly or wholly to be constructed at the expenses of municipalities, and for the preparation and periodical revision of maps and registers made under section 58 and for the authorities by which and the conditions, subject to which such plans, estimates, maps and registers are to be prepared and sanctioned ;

(j) for the regulation of contracts with electric supply companies for the supply of electric energy ;

(k) for the assessment and collection of, and for the compounding for, refunding or limiting refunds of taxes imposed under this Act, and for preventing evasion of the same; and for fixing the fees payable for notices of demand ;

(l) as to the conditions on which a municipality may receive animals or articles into a bounded ware-house and as to the agreements to be signed by traders or others wishing to deposit animals or articles therein ;

(m) as to the accounts to be kept by municipalities as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the powers of the auditors in respect of dis-allowance and surcharge ;

(n) as to the preparation of estimates of income and expenditure of municipalities, and as to the persons by whom, and the conditions subject to which, such estimates may be sanctioned ;

(o) as to returns, statements and reports to be submitted by municipalities ;

(p) as to the powers to be exercised by Deputy Commissioners under section 269 and the powers to be exercised by such Local Self Government Directorate as the State Government may establish ;

(q) as to the language in which business shall be transacted, proceedings, recorded and notices issue;

(r) as to the publication of notices ;

(s) to regulate the proceedings of persons empowered to accept composition under section 248 for alleged offence ;

(t) mode of assessment, apportionment of compensation under section 156 amongst, and payment to, the persons entitled thereto ;

(u) mode of communication of the order under section 156 to the persons affected thereby ;

(v) the manner in which the compost is to be made ;

(w) as to the establishment of training institutions for employees of municipalities and course of training for different classes of employees ;

(x) as to the imposition of fine where owners do not take advantage of any amenities provided by the municipalities, such as electricity, tap water supply, sewerage etc. ;

(y) as to regulate the charges to be paid to the safai mazdoors engaged in house scavenging ;

(z) to regulate the re-erection and setting up of substantial boundary marks, defining the limits or altered limits of the area subject to its authority ;

(za) as to the penalty for cutting streets or removal of obstruction or encumbrances obstructing streets or drains ;

(zb) as to the exemption to a municipality from liability to any forfeiture, penalty or damages for cutting of the supply of water or not supplying water in cases of draught or other unavoidable cause or accident, etc.;

(zc) as to regulate the licencing of markets, forming of markets, collection of rents and fees and removal of such persons who occupy stalls or space in an unauthorised manner;

(zd) as to the constitution of committees consisting of official and non-official members at Divisional and District headquarters, to examine and discuss the annual accounts and the reports of the municipalities and to suggest remedial measures thereto ;

(ze) as to the manner in which the seats in the District Planning Committee shall be filled in ;

(zf) as to the manner in which the chairpersons of the District Planning Committee shall be chosen;

(zg) as to the functions relating to the District Planning Committees ;

(zh) generally for carrying out the purposes of this Act.

(2) The rules under sub-section (1) may among other matters provide,

(i) for reservation of seats in "municipalities" ;

(ii) for determination of number of elected members in municipalities.

(3) The Municipal Account Code at present in operation in the municipalities in the State of Himachal Pradesh shall be deemed to have been made in pursuance of the powers conferred upon the State Government by sub-section (1) of this section.

(4) In making rules under clauses (f) and (k) of sub-section (1), the State Government may direct that a breach of any provision thereof shall be punished with a fine which shall not be less than fifty rupees and more than five hundred rupees.

(5) All rules made under this Act shall be subject to previous publication.

(6) A rule under this section may be general for all municipal areas or may be special for the whole or any part of any one or more municipalities as the State Government directs

CHAPTER-XVII

DISPUTES RELATING TO ELECTION

280. Definition.—In this Chapter, unless the context otherwise requires,—

a) **"agent"** means any person appointed in writing by a candidate at an election to be his agent for the purpose of his election with the written consent of such person;

b) **"Authorised officer"** means the officer authorised under section 282 to have election petitions;

c) **"Candidate"** means a person who has been, or claims to have been duly, nominated as candidate at an election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a proposective candidate;

d) **"corrupt practice"** means any of the practices specified in section 301;

e) **"costs"** means all costs, charges and expenses of, or incidental to, a trial of an election Petition;

f) **"electoral"** means an election to fill an office under the provisions of this Act;

g) **"electoral right"** means the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain voting at an election.

281. State Election commission.—(1) The superintendence, direction and control of the preparation of electoral rolls, delimitation of wards, reservation and allotment of seats by rotation for, and the conduct of, all elections to the municipalities shall be vested in the State Election Commission constituted under articles 243-K and 243-ZA of the Constitution of India and section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 in the manner, as may be prescribed by rules.

(2) The Commission shall frame its own rules and lay its own procedure.

(3) The Governor shall, when so requested by the State Election Commissioner, make available to him such staff as may be necessary for the discharge of the functions conferred on him under this Act.

*(4) The officers or staff so employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of election shall be deemed to be on deputation with the State Election Commission for the period during which they are so employed.

281-A. Requisitioning of premises, vehicles etc., for election purpose.—

(1) If it appears to the State Government that in relation to the municipalities,—

(*a*) any premises are needed or are likely to the needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has beentaken, or

(*b*) anyvehicle,vesseloranimalisneededorislikelytobeneededforthepurpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election,ortransportofanyofficer or other person for performance of any duties in connection with such election, the State Government, may by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section untill the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(*a*) **"premises"** means any land, building or part of building and includes a hut, shed or other structure or any part thereof.; and

(*b*) **"vehicle"** means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

282. Officers authorised to hear election petitions.—The election petitions under this act shall be heard by the Sub-Divisional Officer (Civil) having jurisdiction over the municipal area.

283. Election petitions.—No election under this Act shall be called in question except by an election petition presented in accordance with the provisions of this Chapter.

284. Presentation of petitions.—(1) Any elector of a municipality may, on furnishing the prescribed security in the prescribed manner, present within thirty days of the publication of the result, on one or more of the grounds specified in sub-section (1) of section 296 to the authorised officer an election petition in writing against the election of any person under this Act.

(2) The election petition shall be deemed to have been presented to the authorised officer.—

(*a*) When it is delivered to him—

(*i*) by the person making the petition; or
(*ii*) by a person authorised in writing in this behalf by the person making petition; or

(*b*) when it is sent by registered post and is delivered to the authorised officer or any other person empowered to receive it.

284-A. Parties to the petition.— A petitioner shall join as respondent to his petition,—

(*a*) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(*b*) any other candidate against whom allegations of any corrupt practice are made in the petition.

285. Contents of petition.—(1) An election petition :—

(*a*) shall contain concise statement of the material facts on which the petitioner relies;

(*b*) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the Commission of each such practice; and

(*c*) shall by signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleading :

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed from in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

286. Procedure on receiving election petition.—If the election petition is not furnished in the prescribed manner or the petition is not presented within the period specified in section 284, the authorised officer shall dismiss the petition :

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

287. Withdrawal and transfer of petitions.—The Director may, at any stage, after notice to parties and for reasons to be recorded withdraw any election petition pending before an authorised officer and transfer it for hearing to another authorised officer in the State and upon such transfer, that authorised officer shall proceed with the petition from the stage at which it was withdrawn :

Provided that such authorised officer may, if it thinks fit recall and re-examine any of the witnesses already examined.

288. Procedure before that authorised officers.—(1) Subject to he provisions of this Act and of any rules made thereunder every election petition shall be heard by the authorised officer in accordance with the procedure applicable under the code of Civil Procedure 1908 (5 of 1908) [part IV at page 325 to the trial of suites; and decide within a period of six months from the date of presentation under section 284 :

Provided that the authorised officer shall have the discretion to refuse for reasons to be recorded in writing to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the India Evidence Act, 1872 (1 of 1872), shall subject to the provision of this Act, be deemed to apply in all respects to the trial of an election petition.

289. Appearance before the authorised officer.—Any appearance, application or act before the authorised officer may be made or done by the party in person or by a pleader duly appointed to act on his behalf :

Provided that it shall be open to the authorised officer to direct any party to appear in person whenever the authorised officer considers it necessary.

290. Power of the authorised officer.—The authorised officer shall have the powers which are vested in court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters :—

(*a*) discovery and inspection;

(*b*) enforcing the attendance of witnesses and requiring thedeposit of their expenses;

(*c*) compelling the production of documents ;

(*d*) examining witnesses on oath;

(*e*) granting adjournments;

(*f*) reception of evidence taken on affidavit; and

(*g*) issuing commissions for the examination of witnesses;

and may summon and examine *suo-moto* and person whose evidence appears to him to be material and shall be deemed to be a Court within the meaning of section 345 and 346 of the Code of Criminal Procedure, 1973.

Explanation.—For the purpose of enforcing the attendance of witnesses the local limit of the jurisdiction of the authorised officer shall be the limits of the State of Himachal Pradesh.

291. Documentary evidence.—In relation to the production of unstamped or unregistered documents at the hearing of an election petition, the provision of section 93 of the Representation of Peoples Act, 1951 shall apply.

292. Secrecy of Voting.—(1) no witness or other person shall be required to state for whom he has voted at an election.

(2) Every Officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(3) Any person who willfully act in contravention of the provisions of this section shall e punished with imprisonment of either description for a term not exeeding three months, or with fine, or with both.

293. Answering of incriminating questions and certificate of indemnity.—(1) No witnesses shall be excused from answering any question to any matter relevant to a matter in issue in the hearing of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose of may tend to expose him to any penalty or forfeiture :

Provided that :—

(a) witness who answers truly all question which he is required to answer shall be entitled to receive a certificate of indemnity from the authorised officer; and

(*b*) an answer given by a witness to a question put by or before the authorised officer shall not, except in the case of any criminal proceedings for perjury in respect of the evidence be admissible in evidence against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any Court and shall be a full and completed defense to or upon any charge under chapter IX-A of the Indian Penal Code, 1860, arising out of the matter to which such certificate related put it shall not be deemed to relive him from any disqualification, in connection with an election, imposed by this Act or any other law.

294. Expenses of witnesses.—The reasonable expenses incurred by any person in attending to give evidence may be allowed by the authorised officer to such person, and shall unless he otherwise direct, be deemed to be part of the costs.

295. Decision of the authorised officer.— (1) Where an election petition has not been dismissed under section 286, the authorised office shall inquire into the election petition and at the conclusion of the inquiry shall make an order:—

(*a*) dismissing the election petition; or

(*b*) setting aide the election.

(2) At the time of making an order under sub-section (1) the authorised officer shall also make an order,—

(*a*) Where any charge is made in the petition of any corrupt practice having been committed at the election, recording—

(*i*) a finding whether any corrupt practice has or has not been provided to have been committed at the election and the nature of that corrupt practice; and

(*ii*) the name of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice; and

(*b*) fixing the total amount to costs, payable, and specifying the persons by and to whom costs shall be paid :

Provided that a person who is not a partly to the petition shall not be named in the order under sub-clause (*ii*) of clause (*a*) unless—

(*i*) he has been given notice to appear before the authorised officer and to show cause why he should not be so named; and

(*ii*) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness, who has already been examined by the authorised officer and has given evidence against him, of calling evidence in his defence and of being heard.

296. Grounds for setting aside election.—(1) If the authorised officer is of the opinion :—

(*a*) that on the date of his election the elected person was not qualified, or was disqualified to be elected under this Act; or

(*b*) that any corrupt practice has been committed by the elected person or his agent or by any other person with the consent of the elected person or his agent ; or

(*c*) that any nomination has been improperly rejected ; or

(*d*) that the result of the election in so far as it concerns the elected person, has been materially affected —

(*i*) by the improper acceptance of any nomination : or

(*ii*) by improper reception, refusal or rejection of any vote or the reception which any vote is void; or

(*iii*) by any non-compliance with the provision of this Act or of any rule made under this Act;

the authorised officer shall set aside the election of the elected person.

(2) When an election has been set aside under sub-section (1), a fresh election shall be held.

297. Abatement of election petition.—An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

298. Costs and payment thereof out of security deposits and return of such deposits.—

(1) Costs including pleader's fees shall be in the discretion of the authorised officer.

(2) If any order as the costs under the provision of this Chapter, there is a direction for payment of costs by any party to any person, such costs shall, it they have not been already paid, be paid in full or so far as possible, out of the security depost made by such party under this chapter, on an application made in writing in that behalf, within a period of one year from the date of such order, to the Collector by the person in whose favour the costs have been awarded.

(3) It there is any balance left of the security deposit under this chapter after payment under sub-section (1) of the costs referred to in that sub-section, such balance or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposit may, on an application made in that behalf in writing to the Collector by the person by whom the security has been deposited or if such person dies after making such deposit, by the legal representative of such person, be returned to the said person or to his legal representative, as the case may be.

299. Execution of orders as to costs.—Any order as to cost under the provisions of this Chapter may be produced before the principal Civil Court within the local limits of jurisdiction any person directed by such order to pay any sums of money has a place of residence or business and such Court shall execute the order or cause the same to be executed in the same manner, and by the same procedure as if it were a decree for the payment of money made by itself in a suit :

Provided that where any such costs or any portion thereof, may be recovered by an application made under sub-section (2) of section 298, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-section owing to insufficiency of the amount of the security deposit to in that sub-section.

300. Corrupt practice entailing disqualification.—The corrupt practice specified in section 301 shall entail disqualification for membership of a municipality for a period of six years counting from the date on which the finding of the authorised officer as to such practice has been given :

Provided that the Government may, for reasons to be recorded, remove disqualification or reduce the period thereof.

301. Corrupt practices.—(1) The following shall be deemed to be corrupt practices for the purposes of this Chapter :—

(1) Bribery, that is to say :—

(*A*) any gift, offer or promise by candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification, to any person, whomsoever, with the object, directly or indirectly of inducing :—

(*a*) a person to stand or not to stand as, or to withdraw from being a candidate at an election; or

(*b*) an elector of the municipal area to vote or refrain from voting at an election; or as a reward to—

(*i*) a person for having so stood or not stood, or for having withdrawn his candidature; or

(*ii*) an elector of the municipal area for having voted or refrained from voting;

(*B*) the receipt of or agreement to receive any gratification, whether as a motive or a reward:—

(*a*) by a person for standing or not standing as, or for withdrawing from being a candidate; or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce an elector of the municipal area to vote or refrain from voting, or any candidate to withdraw his candidature.

Explanation.—For the purpose of this clause, the term "gratifications" is not restricted to pecuniary gratification or gratifications estimable in money and it includes of all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of any election.

(2) Undue influence, that is to say any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or a of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right :

Provided that—

(*a*) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(*i*) threatens any candidate or any person in whom a candidate is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community ; or

(*ii*) induces or attempts to induce a candidate of an elector of the municipal area to believe that he, or any person in whom he is interested, will become or will be rendered an object or divine displeasure or spiritual censure :

shall be deemed to interfere with the free exercise of the electoral right of such candidate or an elector of the municipal area within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference with the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizen of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false and which he either believe to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the

candidature or, withdrawal, of any candidate being a statement, reasonably calculated to prejudice the prospects of the candidates election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle by a candidate or his agent or by any other person with the consent of a candidate or his agent, for the conveyance of an elector of the municipal area other than the candidate himself the members of his family or his agent to or from any polling station or a place fixed for the poll.

Explanation.—In this clause, the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6A) The incurring or authorising of expenditure in contravention of section 17A.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of the candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government, the Government of India or the Government of any other State or a local authority.

302. Appeals.—Notwithstanding anything contained in this Act, any person aggrieved by an order made by the authorised officer under this Chapter, may, within the prescribed time and in the prescribed manner, appeal to the Director having jurisdiction over the municipal area and who shall dispose of the appeal within a period of ninety days and his decision on such appeal shall be final.

303. Bar to interference by Court in electoral matters.—Notwithstanding anythingcontained in this Act:—

(*a*) the validity of any law relating to the delimitation of constituencies, or the allotment of seats in constituencies made or purporting to be made under this Act, shall not be called in question in any court;

(*b*) no election to any municipality shall be called in question except by an election petition presented to the authorised officer and in such manner as may be prescribed by rules.

304. Power to make rules for conduct of elections.—The State Government may, by notification in the Official Gazette and in consultation with the State Election Commission, make rules for the composition of municipalities, conducting the election, allotment of symbols and all matters relating to or in connection with the conduct of elections to the municipalities.

CHAPTER XVII-A

ELECTORAL OFFENCES

304-A. Promoting enmity between classes in connection with the election.—Any person who is connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

304-B. Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.—(1) No person shall:—

(*a*) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(*b*) display to the public any election matter by means of cinematography, television or other similar apparatus; or

(*c*) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto; in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of poll for any election in that polling area.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Explanation.—In this section, the expression 'election matter" means any matter intended or calculated to influence or affect the result of an election.

304-C. Disturbances at election meetings.—(1) Any person who at a public meeting to which this section applies acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon constituency to elect a member or members and the date on which election in held.

(4) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuse or fails to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

304-D. Restrictions on the printing of pamphlets, posters etc.—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster :—

(*a*) unless a declaration as to the identity of the publisher thereof, signed by him a and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(*b*) unless within reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document:—

(i) where it is printed in the Capital of the State, to the State Election Commissioner; and

(*ii*) in any other case, to the District Magistrate of the district it is printed.

(3) For the purposes of this section :—

(*a*) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression "printer" shall be construed accordingly; and

(*b*) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placed or poster having reference to an election, but does not include any hand-bill, placed or poster having reference to an election, but does not include any and bill, placard or porter merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

304-E. Maintenance of secrecy of voting.—(1) Every Officer, Clerk, Agent or other person who performs, any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

304.F. Officers etc. at elections not to act for candidates or to influence voting.—(1) No person, who is district election officer or a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election, shall in the conduct or the management of the election to any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour:—

(*a*) to pursuaed any person to give his vote at an election; or

(*b*) to dissuade any person from giving his vote in an election; or

(*c*) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

304-G.Prohibition of canvassing in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely:—

a) canvassing for votes; or
b) soliciting the vote of any elector; or
c) persuading any elector not to vote for any particular candidate; or
d) persuading any elector not to vote at the election; or
e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

304-H. Penalty for disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station:—

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker, or

(*b*) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aid or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

304-I. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconduct, himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

304-J. Penalty for failure to observe procedure for voting.— If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot papers issued to him shall be liable for cancellation.

304-K. Penalty for illegal hiring or procuring of conveyance at elections.—If any person is guilty of any such corrupt practices as specified in sub-section (6) of section 301 of this Act, at or in connection with an election, he shall be punishable with imprisonment which may extend to three months, or with fine.

304.L. Breaches of official duty in connection with election.—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty he shall be punishable with fine which may extend to five hundred rupees.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the district election officers, returning officers, assistant returning officers, presiding officers, polling officers, and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature or the recording of counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

304-M. Penalty for Government servants for acting as election agent, polling agent or counting agent.—If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

304-N. Prohibition of going armed to or near a polling station.—(1)No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959, where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the license granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

304-O Removal of ballot papers from polling station to be an offence.—(1) Any person who at any election un-authorisdly takes, or attempts to take, ballot paper out of a polling station, or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by the police officer :

Provided that when it is necessary to cause woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be handed over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

304-P. Offence of booth capturing.—Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years, and with fine, and where such offence is committed by a person in the service of the Government, he shall by punishable with imprisonment for a term of which shall not be less than three years but which may extend to five years, and with fine.

Explanation.—For the purposes of this section "booth capturing" includes among other things, all or any of the following activities, namely:—

(*a*) seizure of a polling station or a place fixed for the poll by a person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of election;

(*b*) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(*c*) coercing or intimidating or threatening directly or indirectly any elector an preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(*d*) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes; and

(*e*) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at any such activity in the furtherance of the prospects of the election of a candidate.

304-Q.Grant of paid holiday to employees on the day of poll.—(1) Every person employed in any business, trade, industrial undertaking of any other establishment and entitled to vote at election to the Municipalities shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If any employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

304-R. Liquor not to be sold, given or distributed on Polling day.—(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, catering house, tavern, shop or any other place, public or private, within a polling area during the period of

forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed off in such manner as may be prescribed.

304-S. Other offences and penalties therefore.—(1) A person shall be guilty of an electoral offence if at any election he:—

a) fraudulently deface or fraudulently destroys any nomination paper; or
b) fraudulently defaces or fraudulently destroys or removes any list, notice or other document affixed by or under the authority of returning officer; or
c) fraudulently defaces or fraudulently destroys any ballot paper or the official markon any ballot paper of any declaration of identity or official envelop used in connection with voting by postal ballot; or
d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot papers; or
e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for purposes of the election; or
g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall:—

a) if he is a returning officer of an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both; and
b) if there is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both; and

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

309. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions thereof which appears to it to be necessary or expedient for the purpose of removing the difficulty : 164

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid on the Table of the Legislative Assembly.

311. Repeal of H.P. Ordinance No. 2 of 1994.—(1) The Himachal Pradesh Municipal Ordinance 1994 is hereby repealed.

(2) Notwithstanding the repeal of the Himachal Pradesh Municipal Ordinance, 1994 anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE-I
[*Section* 3(2)]

MUNICIPAL COUNCILS

Part-1

Sr. No.	Municipal Councils
1	Municipal Council, Bilaspur.
2	Municipal Council, Shri Naina Devi Ji
3	Municipal Council, Ghumarwin
4	Municipal Council, Chamba
5	Municipal Council, Dalhousie
6	Municipal Council,Sujanpur-Tihra
7	Municipal Council, Nadaun.
8	Municipal Council, Kangra.
9	Municipal Council, Nurpur
10	Municipal Council, Nagrota-Bagwan
11	Municipal Council, Dehra
12	Municipal Council, Jawali
13	Municipal Council, Jawalamukhi
14	Municipal Council, Baijnath-Paprola
15	Municipal Council, Kullu
16	Municipal Council, Manali
17	Municipal Council, Sundernagar
18	Municipal Council, Sarkaghat
19	MunicipalCouncil, Jogindernagar
20	Municipal Council, Nerchowk
21	Municipal Council, Rohroo
22	Municipal Council, Rampur
23	Municipal Council, Theog
24	Municipal Council, Nahan
25	Municipal Council, Paonta-Sahib
26	Municipal Council, Nalagarh
27	Municipal Council, Parwanoo
28	Municipal Council, Santokhgarh
29	Municipal Council, Mehatpur-Basdehra

Part-II
NAGAR PANCHAYATS

Sr. No.	Nagar Panchayats
1	Nagar Panchayat, Talai
2	Nagar Panchayat, Jhandutta

Sr. No.	Nagar Panchayats
3	Nagar Panchayat, Swarghat
4	Nagar Panchayat, Chowari
5	Nagar Panchayat, Banikhet
6	Nagar Panchayat, Bhotta
7	Nagar Panchayat, Barsar
8	Nagar Panchayat, Bhoranj
9	Nagar Panchayat, Shahpur
10	Nagar Panchahayt, Nagrota-Surian
11	Nagar Panchayat, Kotla
12	Nagar Panchayat, Khundiyan
13	Nagar Panchayat, Bhuntar
14	Nagar Panchayat, Banjar
15	Nagar Panchayat, Nirmand
16	Nagar Panchayat, Rewalsar
17	Nagar Panchayat, Karsog
18	Nagar Panchayat, Dharampur
19	Nagar Panchayat, Sandhole
20	Nagar Panchayat, Baldwara
21	Nagar Panchayat, Sunni
22	Nagar Panchayat, Narkanda
23	Nagar Panchayat, Chopal
24	Nagar Panchayat, Kotkhai
25	Nagar Panchayat, Jubbal
26	Nagar Panchayat, Chirgaon
27	Nagar Panchayat, Nerwa
28	Nagar Panchayat, Rajgarh
29	Nagar Panchayat, Sangrah
30	Nagar Panchayat, Shillai
31	Nagar Panchayat, Kandaghat
32	Nagar Panchayat, Arki
33	Nagar Panchayat, Kunihar
34	Nagar Panchayat, Dalautpur-Chowk
35	Nagar Panchayat, Gagret
36	Nagar Panchayat, Amb
37	Nagar Panchayat, Tahliwal
38	Nagar Panchayat, Bangana

List of Municipalities in the State as on 30.06.2025

Sr. No.	Name of District	Municipality	Remarks, if any
1.	Bilaspur	1. MC Bilaspur	
		2. MC Ghumarwin	
		3. MC Shri NainaDevi Ji	
		4. Nagar Panchayat Talai	
		5. Nagar Panchayat, Jhandutta *(Newly Created)*	Constituted on 20.12.2024

Sr. No.	Name of District	Municipality	Remarks, if any
		6. Nagar Panchayat, Swarghat *(Newly Created)*	Constituted on 20.12.2024
2.	Chamba	1. MC Chamba	
		2. MC Dalhousie	
		3. Nagar Panchayat Chowari	
		4. Nagar Panchayat, Banikhet *(Newly Created)*	Constituted on 23.12.2024
3.	Hamirpur	1. MC Hamirpur	Up-graded as Municipal Corporation on 23.12.2024
		2. MC Nadaun	Up-graded as Municipal Council on 20.12.2024
		3. MC Sujanpur-Tihra	
		4. NP Bhota	
		5. NP Barsar *(Newly Created)*	Constituted on 20.12.2024
		6. NP Boranj *(Newly Created)*	Constituted on 20.12.2024
4.	Kangra	1. MC Dharamshala	Up-graded on 2015
		2. MC Palampur	Up-graded as Municipal Corporation on 28.10.2020
		3. MC Kangra	
		4. MC Nurpur	
		5. MC Nagrota-Bangwan	
		6. MC Dehra	
		7. MC Jawalamukhi	
		8. MC Baijnath Paprola	Up-graded as Municipal Council on30.12.2024
		9. MC Jawali	
		10. NP Shahpur	Constituted on 20.08.2020
		11.NP Nagrota-Suriyan *(Newly Created)*	Constituted on 20.12.2024
		12. NP Kotla *(Newly Created)*	Constituted on 20.12.2024
		13. NP Khundiyan *(Newly Created)*	Constituted on 20.12.2024
5.	Kullu	1. MC Kullu	
		2. MC Manali	
		3. NP Bhuntar	
		4. NP Nirmand	Constituted on 28.10.2020
		5. NP Banjar	
6.	Mandi	1. MC Mandi	Constituted on 28.10.2020
		2. MC Sarkaghat	Up-graded as MC in 2020
		3. MC Sunder Nagar	
		4. MC Ner Chowk	
		5. MC Jogindernagar	
		6. NP Dharampur *(Newly Created)*	Constituted on 20.12.2024
		7. NP Rewalsar	
		8. NP Karsog	Constituted on 31.03.2012
		9. NP Sandhole *(Newly Created)*	Constituted on 20.12.2024
		10. NP Baldwara *(Newly Created)*	Constituted on 20.12.2024

Sr. No.	Name of District	Municipality	Remarks, if any
7.	Shimla	1. MC Shimla	
		2. MC Rampur	
		3. MC Theog	
		4. MC Rohroo	
		5. NP Narkanda	
		6. NP Sunni	
		7. NP Chopal	
		8. NP Kotkhai	
		9.NP Jubbal	
		10. NP Chirgaon	Constituted on 28.10.2020
		11.NP Nerwa	Constituted on 28.10.2020
8.	Solan	1.MC Solan	Constituted on 28.10.2020
		2. MC Baddi	Up-Graded as Municipal Corporation on 23.12.2024
		3. MC Parwanoo	
		4. MC Nalagarh	
		5. NP Arki	
		6. NP Kandaghat	Constituted on 28.10.2020
		7. NP Kunihar *(Newly Created)*	Constituted on 23.12.2024
9.	Sirmour	1.MC Nahan	
		2.MC Paonta-Sahib	
		3.NP Rajgarh	
		4. NP Shillai *(Newly Created)*	Constituted on 30.12.2024
		5. NP Sangrah *(Newly Created)*	Constituted 23.12.2025
10.	Una	1. MC Una	Up-Graded as Municipal Corporation on 23.12.2024
		2. MC Santokhgarh	
		3. MC Mehatpur-Basdehra	
		4. NP Gagret	
		5.NP Daulatpur Chowk	
		6. NP Bangana *(Newly Created)*	Constituted on 23.12.2024
		7.NP Tahliwal	
		8. NP Amb	Constituted on 28.10.2020

Municipal Councils : 29
Nagar Panchayats : 38
Municipal Corporations :8
Total Municipalities : 75

HIMACHAL PRADESH MUNICIPAL ELECTION RULES, 2015

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[*Authoritative English Text of this Department Notification No. UD-A (3)-7/2011-I dated 2.9.2015 as required under clause (3) of Article 348 of the Constitution of India]*.

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF URBAN DEVELOPMENT

NOTIFICATION.

Shimla-2, the 02.09.2015

No. UD-A (3)-7/2011-I.—Whereas, the draft Himachal Pradesh Municipal Election Rules, 2015 were published in the Rajpatra, Himachal Pradesh dated 29th July, 2015 for inviting objection(s) and suggestion(s) from the general public, vide this Department notification of even number dated 27th July, 2015 as required under the provisions of section 279 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994);

And whereas, no objection(s) or suggestion(s) has been received in this behalf during the stipulated period;

Now, therefore, in exercise of the powers conferred by sections 279 and 304 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994), the Governor of Himachal Pradesh in consultation with the State Election Commission is pleased to make the following rules for carrying out the purposes of the Act, namely:-

CHAPTER-I

PRELIMINARY

1. Short title. -These rules may be called the Himachal Pradesh Municipal Election Rules, 2015.

2. Definitions.–(1) In these rules, unless there is anything repugnant in the subject or the context,-

(a) "Act" means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994);

(b) "agent" means any person appointed in writing by a candidate at an election to be agent for the purpose of these rules;

(c) "ballot box" means any box, bag or other receptacle used for the insertion of ballot paper by electors and shall include the electronic voting machine;

(d) "Chairperson" means any member of the municipality elected as President by the elected members to hold office and to perform the functions of the President;

(e) "Commission" means the State Election Commission defined under clause (37) of section 2 of the Act;

(f) "delimitation" means the delimitation of wards made under these rules;

(g) "District Election Officer (municipalities)" means the Officer appointed by the State Election Commission for the conduct of elections to municipalities under rule 32;

(h) "political party" means an association or body of individual citizens of India registered with the Election Commission of India, as a political party under the Representation of People Act, 1951;

(i) "Divisional Commissioner" means the Commissioner of the Division concerned;

(j) “elector” means any person entitled to vote at an election of member or office bearer of the municipality;

(k) "electoral roll" means the electoral roll of persons of a ward entitled to vote at an election under these rules;

(l) “Electoral Registration Officer (Municipal Council/Nagar Panchayat)” means an officer appointed by the Commission for the purpose of preparation of electoral rolls in accordance with these rules;

(m) "form" means a form appended to these rules;

(n) "oath or affirmation" means the oath or affirmation of allegiance specified under sub-section (1) of section 27 of the Act;

(o) “polling station” means the place fixed by the Returning Officer for the conduct of election to the municipality;

(p) “Returning Officer” means an officer appointed by the Commission under rule 32 and includes Assistant Returning Officer;

(q) ”revising authority” means a Gazetted Officer or an Executive Magistrate who may be appointed by the Electoral Registration Officer (Municipal Council/Nagar Panchayat) as the revising authority in respect of electoral roll of a ward or a part thereof ;

(r) State means the State of Himachal Pradesh;

(s) “State Government” means the Government of Himachal Pradesh;

(t) "symbol" means a symbol which may be allotted to a candidate for contesting election under these rules;

(u) "treasury" means a treasury or sub-treasury of the State Government and includes a bank through which the business of such treasury or sub-treasury has been made over; and

(v) "ward" means a ward for the representation of which an office bearer is to be or has been elected under these rules.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are respectively assigned to them in the Act.

CHAPTER-II

DELIMITATION AND RESERVATION OF WARDS

3. Municipality to be divided into wards.-For holding election to a municipality, whole of the municipal area shall be divided into wards.

4. Limit of wards.- (1) As far as practicable each ward shall have equal population, throughout the municipal area and each ward shall be geographically compact and contiguous in areas, and shall have recognizable boundaries, such as roads, paths, lanes, streets, stream, canals, drains, Bridges, Railway lines or such other marks or boundaries which can be easily distinguished.

(2) Each ward shall be described and notified invariably in such a manner that its boundaries are clearly recognizable on ground.

5. Name and number of the wards.--Each ward shall be known by the number given serially and a name shall also be given to it.

6. Delimitation of wards.- (1) When a direction is given by the State Election Commission under section 281 of the Act, the Deputy Commissioner shall make a proposal for delimitation of wards by dividing the municipal area into wards as per provisions of section 10 of the Act and shall also define the limits of each such ward and keep the same open for inspection in his office and in office of the municipality and issue a notice inviting public objection(s) or suggestion(s) from the residents in relation to such proposal in form-1 by affixing a copy of such notice in his office and in the office of the municipality.

(2) While issuing notice, the Deputy Commissioner shall call for objection(s) or suggestion(s) to the draft delimitation proposal from the residents of the municipal area within a period of [68]seven days to be made to him in writing by any resident of the ward in form-2.

7. Disposal of objections.- The Deputy Commissioner on receipt of objection(s) or suggestion(s), if any, under rule 6, shall inquire into the same and shall decide them within a period of [69] seven days, after giving an opportunity of being heard to the person filing such objection(s) or suggestion(s).

8. Appeal- Any person aggrieved by the orders of the Deputy Commissioner may file an appeal to the Divisional Commissioner within a period of[70] seven days of the passing of the order who after giving an opportunity of being heard to the applicant shall decide the same within a periodof [71]five days and communicate the order to the Deputy Commissioner. The order passed by the Divisional Commissioner shall be final .

9. Final publication.- (1) After the objection(s) or suggestion(s) have been heard and finally decided, the delimitation so made shall be finalized within a period of [72]30 days from the date of initial publication of the proposal for delimitation by affixing a copy of the same[73]in Form 2A in the office of the Deputy Commissioner, the municipality and at such other places as the Deputy Commissioner may decide and a copy of the same shall be sent to the Government .

(2) On receipt of final delimitation order from the Deputy Commissioner, the State Election Commission shall notify the delimitation of wards of the municipality in the Official Gazette.

(3) The copies of these finalized delimitation order shall be available for inspection on official Website and in the office of the Deputy Commissioner and the municipality. Any voter may obtain a copy of

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68Amended vide Notification No. UD-A(3)//2020 dated 12.10.2020
69Amended vide Notification No. UD-A(3)//2020 dated 12.10.2020
70Amended vide Notification No. UD-A(3)//2020 dated 12.10.2020
71Amended vide Notification No. UD-A(3)//2020 dated 12.10.2020
72Amended vide Notification No. UD-A(3)//2020 dated 12.10.2020
73 Amended vide Notification No. UD-A(3)-15/2024-Rules, dated 22.11.2025

delimitation order by making payment of Rs. 50/- against proper receipt to the Deputy Commissioner or the municipality and the same shall be made available to him immediately.

10. Reservation and rotation of seats of members.- (1) The process for reservation and rotation of seats for the members shall be undertaken in accordance with the time schedule to be prescribed in this behalf by the State Election Commission under section 281 of the Act.

(2) The seats shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population. The ward having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and the ward having the highest population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(3) If the number of seats to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the ward having the next highest percentage of Scheduled Castes and Scheduled Tribes shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes and Scheduled Tribes in the Municipal area is less than 5% of the total population, then no seat shall be reserved for them.

(4) Out of the seats reserved for Scheduled Castes and Scheduled Tribes, one – half of the seats shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes, as the case may be. The reservation of seats for Scheduled Castes, Scheduled Tribe and women, as the case may be, shall be made by draw of lots:

Provided that if the number of seats reserved is not more than one, then there shall be reservation for men and women belonging to Scheduled Castes and Scheduled Tribes, as the case may be , alternatively, after every five years:

Provided further that if the number of seats reserved for the members of Scheduled Castes and Scheduled Tribes, as the case may be, are two, then atleast one ward shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes, as the case may be.

(5) In the municipality out of the total wards formed under rule 3, one –half of the seats shall be reserved for women including reservation made under sub-rule(4) and in computing these seats if the remainder after dividing is one, then in the first election the seats reserved for women shall be increased by one and in the next election it shall not be added and so on.

(6) The wards reserved for Scheduled Castes, Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes on the basis of percentage of population shall be changed in the immediate next election and at the time of such next elections, the ward / wards, having next highest percentage of population shall be reserved for Scheduled Castes, Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and the ward earlier reserved shall be kept open to the *general category and so on for subsequent elections.

Explanation.- General category for the purpose of these rules shall mean men or women or both belonging to this category.

(7) The reservation of seats for women shall be made by draw of lots after excluding the seats which have been reserved for Scheduled Castes and Scheduled Tribes candidates including women belonging to Scheduled Castes and Scheduled Tribes, as the case may be.

(8) The Deputy Commissioner shall issue a three days clear notice specifying therein the date, place and time of the draw of lots and such notice shall be affixed on the notice board of his office and that of the municipality and he shall also proclaim it by beat of drums within the municipal area. The draw shall take

place on the specified date, place and time specified in the presence of atleast three prominent persons of the municipal area and three gazetted officers of the State Government.

(9) No ward shall be reserved for Scheduled Castes and Scheduled Tribes Candidates in two consecutive elections.

(10) Notwithstanding anything contained in these rules, the roster of reservation of seats shall operate from the initial stage for the elections to be held after the commencement of these rules as if said elections are being conducted for the first time and thereafter, the reservation of seats shall be rotated to different wards of municipality under this rule.

(11) The reservation made by the Deputy Commissioner shall be given wide publicity by him by affixing a copy of the order of such reservation on the notice board of his office and that of the municipality and it shall also be sent to the State Government.

11. Report to Commission.-The Government shall provide a copy of final reservation order made by it immediately to the Commission.

CHAPTER-III

RESERVATION AND ROTATION OF OFFICES OF CHAIR PERSONS IN THE MUNICIPALITIES

12. Reservation and rotation of the offices of Chairpersons in the municipalities.- (1) Before every election to a municipality, the State Government or any other officer authorized by it in this behalf, shall, in accordance with the provisions of section 12 of the Act, determine the number of the office of Chairpersons of municipalities to be reserved for Scheduled Castes, Scheduled Tribes and women in the State.

(2) The population of general category, Scheduled Castes, Scheduled Tribes and women shall be worked out for the purpose of reservation of the offices of the Chairpersons.

(3) In the State , the offices of the Chairpersons in the municipalities shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population in the State. The municipality having highest percentage of population of Scheduled Castes shall be reserved for the Scheduled Castes and the municipality having the highest percentage of population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(4) If the number of offices to be reserved for Scheduled Castes and Scheduled Tribes is more than one, then the municipality having the next highest percentage of population of Scheduled Castes and Scheduled Tribes shall be reserved for Scheduled Castes and Scheduled Tribes, as the case may be, and so on.

(5) Out of the offices reserved for Scheduled Castes and Scheduled Tribes, one half of the offices shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes, as the case may be, and the municipality having the highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, in the State shall be reserved for such women.

(6) If the number of offices to be reserved for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, is more than one then the municipality having the next highest percentage of population of women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, shall be reserved for such women, and so on.

(7) Out of total offices excluding the offices reserved for Scheduled Castes and Scheduled Tribes (including women belonging to Scheduled Castes and Scheduled Tribes), one half of the offices shall be reserved for women and the municipality having the next highest women population percentage shall be reserved for women belonging to general category and so on.

(8) The offices reserved for Scheduled Castes and Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category on the basis of percentage of population shall be rotated after every five years from the date of first election. At the time of immediate next election, the municipality having the next highest percentage of population shall be reserved for member of Scheduled Castes and Scheduled Tribes including women belonging to Scheduled Castes and Scheduled Tribes and women belonging to general category (and the office earlier reserved shall be kept open to the members of the general category) and so on, for subsequent election:

Provided that the reservation of any office for a particular category shall not be repeated unless all other offices are covered by rotation.

(9) Where the offices of the Chairpersons in municipalities are reserved for the person belonging to backward classes or for the women belonging to backward classes under sub-section (4) of section 12 of the Act, the provisions of foregoing sub-rule of this rule, so far these are not inconsistent with the provisions of said sub-section (4) of section 12, shall apply mutatis-mutandis as these apply in relation to the reservation and rotation of offices, for Scheduled Castes, Scheduled Tribes and women.

(10) The reservation made under this rule shall be finalized by the State Government or by any other officer authorized by it in this behalf and shall be given wide publicity by affixing a copy of order of such reservation on the notice board of his office and that of the municipality, District and Tehsil.

(11) Where the order of the reservation has not been issued by the State Government, the officer who has issued the order shall send a copy of the same to the State Government. The State Government, whether order is made by it or on receipt of the copy of the order issued by such officer, shall publish the order of reservation in the Official Gazette and the notification so issued shall be the conclusive proof of reservation of offices of Chairpersons in the State.

13. Report to Commission.- The State Government shall provide a copy of the order regarding final reservation and rotation of office of Chairperson made by it immediately to the Commission.

CHAPTER-IV

ELECTORAL ROLLS

14. [74]Electoral roll for every ward. – (1) For each ward or polling station of a municipality, there shall be a electoral roll which shall be prepared in the manner specified under rules 15 to 28 by the Electoral Registration Officer under the superintendence, direction and control of the Commission:

Provided that nothing in this rule shall prevent the use of the relevant part of the current electoral rolls of the Assembly constituency for the preparation of draft rolls for the elections under these rules:

Provided further that the State Election Commission may in its own discretion, use data base of the Election Commission of India for the preparation of the draft electoral rolls for the elections under these rules.

(2) The electoral rolls shall be prepared in hindi devnagari script in such form and through such process as may be directed by the Commission.

15. Preparation of electoral roll.- When a direction is given under rule 14 by the Commission, the Electoral Registration Officer shall prepare electoral roll, for each ward or part thereof of the municipality, in accordance with these rules.

16. Disqualification for registration in electoral rolls.- (1) A person shall be disqualified for registration in an electoral roll, if he is, –

(a) not a citizen of India; or
(b) of unsound mind and stands so declared by a competent court; or
(c) for the time being disqualified from voting under the laws relating to corrupt practices and other offences in connection with elections to municipalities or Assembly or Parliament; or
(d) already registered as elector in any other municipality or Gram Sabha, as the case may be.

17. Condition of registration.- Every person who is,-

(a) not less than eighteen years of age on the qualifying date, and
(b) ordinarily resident in a ward,

shall be entitled to be registered in the electoral roll for that ward:

Provided that a person shall be entitled to be registered in the electoral rolls for only one ward of the municipality.

Explanation.- For the purpose of this rule,-

(i) a person shall not be deemed to be "ordinarily resident" in a ward on the ground only that he owns, or is in possession of dwelling house therein; and
(ii) a person absenting himself temporarily from his place of ordinary residence shall not, by reason thereof, cease to be ordinarily resident therein.

18. Making of false declaration.-If any person makes false declaration in connection with,-
(a) the preparation, revision or correction of an electoral rolls, or
(b) the inclusion or exclusion of any entry in or from an electoral rolls; or
(c) a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

74 See Norificationdt.9.11.2015 of the Commission appointing Deputy Commisisoners as Electoral Registration Officers in Part-V of this book.

19. Publication of Electoral roll in draft.- (1) Once the draft electoral roll of a ward is ready, the Electoral Registration Officer shall publish it according to programme issued by the Commission together with a notice in form-3 and make available copies thereof for inspection at official website of his office, and in the offices of the municipality and Tehsil concerned.

(2) The notice under sub-rule (1) shall also be given wide publicity through official website news-papers having wide circulation in the area, All India Radio, by beat of drum in the town and by affixing copies of such notice in his office and office of the municipality and the Tehsil concerned and at such other conspicuous place where the public has free access. The notice shall contain the date by which objections or claims may be filed and the authority or authorities to whom they may be presented.

20. Period for lodging claims and objections.- Every claim for the inclusion of name in the electoral roll and every objection to an entry therein shall be lodged within a period of ten days from the date of publication of draft electoral roll under rule 19, or within such period as may be fixed by the Commission in this behalf.

21. Appointment of revising authorities.- The Electoral Registration Officer may appoint one or more revising authority for the purpose of hearing claims and objection(s) relating to electoral roll of a ward or wards. These appointments as and when made shall be given wide publicity and shall be uploaded on the official website.

22. Manner of lodging of claims and objections.- (1) A claim or objection shall be addressed to the revising authority specified in the notice referred to in rule 21 and shall be presented to it personally or sent by registered post. Every claim for inclusion of name, objection to the inclusion of the name or objection to the particulars in any entry in the electoral roll shall be in forms 4,5 or 6, as the case may be.

(2) A claim shall be signed by the person desiring his name to be included in the electoral roll and countersigned by another person whose name is already included in the electoral roll in which the claimant desires his name to be included and shall, unless sent by post, be presented by claimant himself or by a person authorized by him in writing in this behalf.

(3) No person shall prefer an objection to the inclusion of any name in the Electoral roll, unless his name is already included in that electoral roll of the municipality.

(4) The revising authority shall maintain a register of claims, in form-7, a register of objections to the inclusion of names in form-8, and a register of objections to the particulars in any entry in form-9, and shall enter therein the time of receipt, particulars of every claim or objection, as the case may be.

(5) Any claim or objection, which is not lodged within the specified period or in the manner herein specified, shall be rejected and the decision shall be recorded in the register prepared in forms 7,8 and 9, as the case may be.

23. Notice of claims and objections.- (1) Where a claim or objection is not rejected under sub-rule (5) of rule 22, the revising authority shall, after the expiry of the period specified for the presentation of claims and making objection(s), exhibit on the notice board of his office, a list of all claims or objections in forms 10,11 and 12, as the case may be.

(2) Every claimant and objector shall be given a notice regarding place, date and time of hearing of such claim or objection and shall further be asked to adduce such evidence, as he may like to adduce in forms 13,14 and 16, as the case my be.

(3) A person against whom objection has been received by the revising authority for the inclusion or deletion of his name in or from the electoral roll shall also be given a notice in form-15 of the place, date and time fixed for hearing of objection, at his last known place of residence and be asked to put-forth such evidence as he may like to adduce for his defense.

24. Disposal of claims and objections.- (1) On the date, time and place fixed under the provisions of rule 22, the revising authority shall hear and decide within ten days the claims and objections under the provisions of these rules, and shall record his decision in the registers in forms 7,8 and 9, as the case may be.

(2) Copy of the order relating to the objection shall be given on payment of Rs. 25/- to the claimant against proper receipt.

(3) Any person aggrieved by an order passed under the provisions of sub-rule (1), may, within seven days from the date of order, file an appeal to Electoral Registration Officer, who shall decide the same within seven days.

(4) If it appears to the Electoral Registration Officer that due to inadvertence or error during the preparation of draft electoral rolls, names of electors have been left-out of the electoral roll or the names of dead persons or persons who ceased to be or are not ordinarily resident in the ward or part thereof have been included in the electoral roll or certain voters have been shown in the wrong ward or polling station and that remedial action is required to be taken under this sub-rule, shall, [75]till the last date fixed for the filing of objections from the date of publication of draft electoral roll, -

(a) [76]prepare a list of the names and other perticulars of electors;

(b)[77]*{*after getting permission from the Commission}, exhibit on the notice board of his office a copy of the list together with a notice as to the date(s) and place (s) at which the matter of inclusion of the names in electoral roll or deletion of the names from the electoral roll shall be considered; and

(c) after considering any verbal or written objection that may be preferred, decide whether all or any of the names may be included in or deleted from the electoral roll.

25. Final publication of electoral roll.- (1) The revising authority shall, immediately after disposal of all the claims or objections presented by it, forward the same alongwith the register of such claims or objections and the orders passed by it thereon to the Electoral Registration Officer , who shall correct the electoral roll in accordance with such orders or the orders passed on appeal by him under sub-rule (3) of rule 24 and corrections consequential to sub-rule(4) of rule 24, as the case may be, and shall publish the final electoral roll, on a date fixed by the Commission by making a complete copy thereof available for inspection and display a notice thereof in form- I7 in his office and also in the offices of the municipality and the Tehsil concerned. The finally published electoral roll shall be uploaded on the official website.

(2) On such publication, the amended electoral roll shall be the electoral roll of the ward or part thereof and shall come into force from the date of its publication under this rule.

(3) The Electoral Registration Officer shall thereafter subject to such general or special directions as may be given by the Commission, supply, free of cost, one copy of the roll, as finally published, to every political party for which a symbol has been exclusively reserved by the Election Commission of India.

75Amended vide Notification No. UD-A(3)//2020 dated 12.10.2020
76Amended vide Notification No. UD-A(3)//2020 dated 12.10.2020
77Words shown in brackets deleted vide Notification No. UD-A(3)//2020 dated 12.10.2020

26. Special Revision of electoral rolls.-Notwithstanding anything contained in rule 25, the Commission may at any time, for the reasons to be recorded in writing, direct a special revision for any municipality in such a manner as it may deem fit :

Provided that, subject to, other provisions of these rules, the electoral rolls for the municipality as in force at the time of the issue of any such directions shall continue to be in force until the completion of the special revision, so directed.

27. Correction of entries in electoral rolls.- (1) If at any stage it appears or brought to the notice of the Commission on an application in form-18 that due to inadvertence or error during the preparation of electoral rolls, names of eligible persons have been left-out of the electoral roll or the names of dead persons or persons who ceased to be or are not ordinarily resident in the ward or part thereof have been included in the electoral roll or certain voters have been shown in the wrong ward or polling station and that remedial action is required to be taken under this sub-rule, shall direct the Electoral Registration Officer to.-

(a) prepare a list of the name and other particulars of such electors;

(b) exhibit on the notice board and official website of his office a copy of the list together with a notice as to the date (s) and place (s) at which the matter of inclusion of the names in electoral roll or deletion of the names from the electoral roll shall be considered; and

(c) after considering any verbal or written objection that may be preferred, decide whether all or any of the names may be included in or deleted from the electoral roll :

[78]Provided that an application under this rule shall not be submitted after the Notification of Election Programme under rule 35 of these rules.

(2) No amendment, transposition or deletion of any entry shall be made on or after the last date for making nomination till the election process is over.

28. Inclusion of names in electoral roll, finally published.- (1) Any person, whose name is not included in the electoral roll, shall make an application in form-4 (in duplicate) to the Electoral Registration Officer for inclusion of his name in that electoral roll, and such application shall be accompanied by a fee of Rs. 50/-to be paid in cash against proper receipt:

[79]Provided that an application under this rule shall not be submitted after the notification of Election programme under rule 35 of these rules.

(2) The Electoral Registration Officer shall immediately on receipt of application under sub-rule (1) affix one copy thereof in some conspicuous place at his office and invite objections thereof to be filed within a period of four days from the date of such affixation.

(3) The Electoral Registration Officer shall, as soon as may be, after the expiry of the period as specified in the notice under sub-rule (2), consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct such name to be included therein accordingly :

Provided that if the applicant whose name is ordered to be included, is already registered in the electoral roll of any other ward or part thereof of any other municipality or Gram Sabha such name shall be deleted from that electoral roll.

78 Inserted vide Notification No. UD-A(3)-15/2024-Rules, dated 22.11.2025
79 Inserted vide Notification No. UD-A(3)-15/2024-Rules, dated 22.11.2025

(4) Where an application made under sub-rule (1) is rejected, the person aggrieved may file an appeal, within a period of ten days from the date of rejection of the application for the inclusion of name or deletion of name, to the Divisional Commissioner and the appeal shall be accompanied by a fee of Rs.50/- to be paid in cash against proper receipt. The Divisional Commissioner shall decide the appeal within seven days after giving opportunity of being heard and the order passed on such appeal shall be final.

(5) No amendment, transposition or deletion of any entry shall be made on or after the last date for making nomination till the election process is over.

29. Custody and preservation of electoral roll and connected papers.- (1) After the electoral roll for a ward has been finally published, the following papers shall be kept in the office of the Electoral Registration Officer or at such other place as the Commission may by order specify until the expiration of one year after the final publication of next revision of the electoral Rolls:-

(a) complete spare copies of the electoral roll;

(b) papers relating to claims and objections and orders under rule 24;

(c) applications under rules 27 and 28 and decisions thereon;

(d) papers relating to appeals under sub-rule (4) of rule 28; and

(e) manuscript and other papers if any prepared by enumerating agencies and used for compiling the electoral roll.

(2) One complete copy of the electoral roll for each ward duly authenticated by the Electoral Registration Officer shall also be kept in safe custody of the Deputy Commissioner of the District till the new electoral roll is finally published.

30. Inspection of electoral rolls and connected papers.- Every person shall have the right to inspect the electoral rolls under rule 29 and get a copy thereof on payment of Rs. 10/-per page or part thereof to be paid in cash against proper receipt.

31. Disposal of electoral rolls and connected papers.- The papers under rule 29 shall, on the expiry of the period specified therein, be disposed of in such manner as the Commission may direct.

CHAPTER-V

OFFICERS AND THEIR DUTIES

32. [80]**Officers and their Duties.-** (1) The Commission shall appoint the Deputy Commissioner of the District or such other officer, as it may deem fit to be the District Election Officer (municipalities) .

(2) The Commission shall appoint Returning Officer in respect of elections for the municipalities:

Provided that the Commission may appoint as many Assistant Returning Officers as may be necessary to perform all or any of the duties of the Returning Officer in respect of each municipality.

(3) It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for effectively conducting the election in the manner provided by these rules or orders made thereunder.

(4) The Returning Officer shall fix such number of polling stations for every ward as he may deem necessary and shall publish on the date specified by the Commission under clause(v) of sub-rule(2) of rule 35 in this behalf, by affixing a list thereof at his office and at the office of the municipality showing therein clearly the polling area:

Provided that no polling station shall be located in a police station, hospital or a place having sectarian or religious significance:

Provided further that as far as possible the polling station shall be located in a Government, Semi Government or Municipal buildings, and in case no such building is available, the polling station shall be located in a temporary structure :

33. Appointment of polling personnel.- (1) The Returning Officer shall appoint Presiding Officers and such number of Polling Officers, as he considers necessary, in respect of each polling station:

Provided that if the Polling Officer is absent from the polling station, the Presiding Officer may - appoint any Government or Semi-Government or municipality servant, who is present at the polling station, as a polling officer during the absence of the former polling officer and inform the Returning Officer accordingly.

(2) If the Presiding Officer, owing to illness or any other unavoidable cause is absent from the polling station, his functions shall be performed by such polling officer, as has been authorized by the Returning Officer to perform the functions during any such absence.

34. Duties of the Deputy Commissioner and other officers/staff.–(1) The Deputy Commissioner/District Magistrate and other officers/staff shall, subject to the supervision and control of the Commission, do all such acts and things as may be necessary for effectively conducting the elections in the manner provided by these rules or orders made thereunder.

(2) The District Election Officer (municipalities) Returning Officers and the officers or staff employed in connection with the preparation, revision and correction of the electoral rolls for and the conduct of elections shall be deemed to be on deputation with the Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Commission.

80See Notification dt.30.9.2015 of the Commision in Part-V of this book.

(3) The Commission may nominate an observer who shall be an officer of Government to watch the conduct of election in a municipality or a group of municipalities and to perform such other functions as may be entrusted to him by the State Election Commission.

(4) The observer nominated under sub-rule (3) shall have the power to direct the Returning Officer for municipality or a group of municipalities for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the observer booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained:

Provided that where an observer has directed the Returning Officer under this sub-rule to stop counting of votes or not to declare the result, the observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate direction.

CHAPTER-VI

CONDUCT OF ELECTIONS

35. Election Programme.-(1) The Commissioner shall frame a programme of general elections of the municipality or a programme to fill up any casual vacancy in a municipality or hold election to a municipality which has been dissolved (hereinafter referred to as "election programme").

(2) The election programme shall specify the date or dates on, by, or within which -

(i) the nomination papers shall be presented;

(ii) the nomination papers shall be scrutinized;

(iii) a candidate may withdraw his candidature;

(iv) the list of contesting candidates shall be affixed:

(v) the list of polling stations shall be pasted;

(vi) the poll, if necessary shall be held on …… from…….AM to…….PM. (the hours of poll shall not be less than six hours.) ;

(vii) the counting in the event of poll, shall be done at…….…… (Specify place, date and time thereof); and

(viii) the result of the election shall be declared.

(3) The election programme shall be published seven days before the date of filing of nomination papers by affixing a copy at the office of the Deputy Commissioner, Tehsil and municipality and at such other conspicuous places in the municipality as may be determined by the Deputy Commissioner in this behalf.

(4) The period for filing of nomination papers shall be three working days and the date of scrutiny shall be the next working day from the last date of filing of nomination papers. The date of withdrawal shall be the third working day from the date of scrutiny. The date for affixing the list of contesting candidates shall be the same as fixed for withdrawal of candidature. The list of polling stations shall be published on a date as may be specified by the Commission. The gap between the date of withdrawal and the date of poll shall atleast be ten days and the day of poll shall preferably be a Sunday or any gazetted holiday.

(5) The Commission may by an order rescindor modify the election programme :

Provided that unless the Commission otherwise directs, no such order shall be deemed to invalidate any proceedings taken before the date of the order.

36. Notice of election.- (1) The Returning Officer shall on the date on which the election programme is issued by the Commission under rule 35, shall affix a notice in form-19 at his office, and at the office of the Sub-Divisional Officer (Civil), the Tehsil and the municipality, and such other places as the Returning Officer may determine to -

(a) invite nomination papers of candidates for election ;

(b) fix the time and place for submitting the nomination papers;

(c) specify the authority to whom nomination shall be submitted;

(d) fix time and place for the scrutiny of nomination papers ;

(e) fix the time and place and authority for the receipt of notice of withdrawals;

(f) fix the date, time and place for the allotment of symbols; and

(g) fix the time of poll , if necessary :

Provided that the dates fixed under clauses (b), (d), (e) and (g) shall be the same as specified under rule 35 in this behalf.

(2) For the purpose of election, the Commission, or Returning Officer may on payment of compensation to the owner or the person in possession or having control over it, requisition any premises, vehicle, vessel or animal and may, after the election, release it from the requisition;

Explanation:-Vehicle in this rule means any vehicle used or capable of being used for the purpose of road or aerial transport, whether propelled by mechanical power or otherwise.

37. Notification of symbol.-The Commission shall, by notification published in the Official Gazette, specify the symbols that may be allotted to the candidates at an election to the municipality and may amend or vary the list of symbols from time to time.

38. Nomination of candidates for election.- (1) Any person registered as a voter within the municipality, may be nominated as a candidate for the office of Member of a ward by another person, who is registered voter in the electoral roll of that ward of the municipality.

[81](1A) A proposer shall propose only one candidate for one post. Proposal once madeshall not be withdrawn or cancelled:

"Provided that every candidate filing his nomination papers shall take an oath of affirmationand allegiance to the Constitution of India in writing in Form-20A 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."

(2) The nomination paper in form-20 duly filled in and signed by the proposer and candidate shall be delivered to the authority specified under clause (c) of sub-rule(1) of rule 36 by each candidate either in person or by his proposer between 11 A.M. and 3.00 P.M. on the date specified for the filing of nomination papers.

(3) In any ward which is reserved for Scheduled Castes or Scheduled Tribes, the nomination paper shall not be treated as valid, unless it contains a declaration by the candidate specifying particular caste or tribe of which he is a member and the candidate submits a certificate issued by the competent authority authorized by the State Government, certifying that the candidate belongs to such Scheduled Caste or Scheduled Tribe, as the case may be.

81incerted vide Notification No. UD-A(3)-2/2020 dated 12.10.2020

(4) On the presentation of nomination papers, the Returning Officer shall satisfy himself about the name and the serial number of the candidate and his proposer, as entered in the nomination paper are the same as those entered in the electoral roll :

Provided that not more than three nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same ward:

Provided further that the Returning Officer shall permit any clerical or technical error in the nomination papers or to the said nomination papers in regard to the said names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral roll and where necessary may direct that any clerical or printing error in the said entries be ignored.

39. Security deposits.- (1) A candidate shall not deemed to have been nominated as member for election to a ward unless he has deposited a sum of Rupees 2500/- (Rupees two thousand five hundred only) as security with the Returning Officer in cash against a proper receipt and in case of a candidate belonging to Scheduled Castes or Scheduled Tribes, the security shall be a sum of Rupees. 1250/-(Rupees one thousand two hundred and fifty only.) :

Provided that where a candidate has been nominated by more than one nomination paper for election in the same ward, separate security amount shall not be deposited for every set of nomination.

(2) If a candidate by whom or on whose behalf the security has been deposited, withdraws his candidature within the time specified in rule 35 and 36 or if the nomination of any candidate is rejected the security deposit shall be refunded to the person by whom it was made or if such person is dead, to his legal representatives, after the date of declaration of result of election.

(3) If the contesting candidate is not elected and the number of valid votes polled in his favour are less than one sixth of the total number of valid votes polled, the security so deposited shall be forfeited to the State Government.

(4) If the security so deposited is not forfeited under sub-rule (3), the same shall be refunded to the candidate by whom it was made or if he is dead, to his legal representatives, after the notification of the result of election is issued and published in the Official Gazette.

40. Notice of nominations.- The Returning Officer shall, on receiving the nomination papers under sub-rule(2) of rule 38, enter on the nomination papers it's serial number and shall sign thereon a certificate stating the date on which and the hour at which, the nomination paper has been delivered to him. A notice of nominations in form-21 containing description similar to those contained in the nomination papers both of the candidate and his proposer shall be affixed in some conspicuous place in his office.

41. Scrutiny of nomination papers.- (1) On the date fixed for the scrutiny of nomination papers under rule 36 the candidate or his proposer, and one other person duly authorized in writing by each candidate, may attend process of scrutiny and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all the candidates which have been received by him within the time and in the manner laid down in rule 38.

(2) The Returning Officer shall examine the nomination papers and decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely :-

(a) that on the date fixed for the scrutiny of nomination, the candidate either is not qualified or is disqualified for being chosen to fill the office under the provisions of these rules or the Act or any other law for the time being in force; or
(b) that there has been a failure to comply with any of the provisions of rule 38 or rule 39 or
(c) that the signatures of the candidate or the proposer on the nomination paper are not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorize the rejection of other nomination of the same candidate where such rejection is not warranted.

(4) The Returning Officer shall hold the scrutiny on the date and time appointed in this behalf under clause (d) of sub-rule (1) of rule 36. The process of scrutiny once started shall not be adjourned, except, when such proceedings are interrupted or obstructed by riots, open violence or by causes beyond the control of the Returning Officer :

Provided that in case an objection is raised by the Returning Officer or is made by the candidate or the person duly authorized in writing by the candidate, the candidate concerned may be allowed time to rebut it not later than the day next to the day of scrutiny and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(5) The Returning Officer shall record on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

(6) For the purpose of this rule, an entry in the electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is a voter for that ward

(7) Immediately after all the nomination papers have been scrutinized and the decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare in form -22 a list of validly nominated candidates that is to say, candidates whose nomination have been found valid and affix on the notice board at the office of the Returning Officer.

42. Withdrawal of candidature.- (1) Any candidate may withdraw his candidature by notice in - writing in form-23 subscribed by him and delivered to the Returning Officer or the authority specified in this behalf under clause (e) of sub-rule (1) of rule 36, before 3 P.M. on the date specified in the said rule, and no person who has thus withdrawn his candidature shall be allowed to cancel the notice of such withdrawal.

(2) Upon receiving a notice of withdrawal of candidature, the Returning Officer or the specified authority shall cause a notice in form-24 to this effect to be affixed in some conspicuous place in his office.

43. List of contesting candidates.- (1) On completion of the scrutiny of the nomination papers and after the expiry of the period within which candidature may be withdrawn under rule 42, the Returning Officer shall forthwith prepare a list of contesting candidates in hindi in form-25 and cause it to be affixed on the notice board of his office and shall also supply a copy thereof, to each of the contesting candidates and on demand to his election agent.

(2) The said list shall contain in hindi in devnagari script the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.

44. Allotment of symbols to candidates.-(1) After the list of contesting candidates is prepared and if the number of candidates is more than one, the Returning Officer shall allot symbol to each contesting candidate according to the serial number in the list of contesting candidates and of the approved symbols in accordance with the serial number of the symbols specified in the notification under rule 37 :

Provided that there shall not be any choice of symbol for a candidate.

(2) In every case where an election symbol has been assigned to a candidate under sub-rule (1) such candidate shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Returning Officer. In that event the list of contesting candidates shall also contain symbol allotted to each candidate.

45. Appointment of Election Agent.- If a candidate desires to appoint an election agent, such appointment shall be made in form-26 either at the time of delivering the nomination paper or at any time before election.

46. Appointment of polling agent.-(1) The number of polling agents, that may be appointed by a candidate shall be one for each polling station.

(2) Every such appointment shall be made in form-27 and the same shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the documents of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein before the Presiding Officer.

47. Non-attendance of agent.- Where any act or thing is required or authorized by these rules to be done in the presence of agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, invalidate the act or thing done.

48. Maximum election expenses and account thereof.-(1) The maximum limit of election expenditure to be incurred by a contesting candidate or/and through his authorized agents shall not exceed.-

(a) for member of Municipal Council : Rs. 75,000/-; and

(b) for member of Nagar Panchayat : Rs. 50,000/- ;

Provided that the State Government may notify enhanced limit of maximum election expenditure to be incurred by a contesting candidate or and his authorized agents in consultation with the Commission.

(2) Every candidate contesting election from a ward shall keep an account of election expenditure in a register to be called the register of election expenditure in form-28.

(3) The account under sub-rule (2) shall be maintained as per provision of section17-A of the Act.

(4) The account shall be correctly and truly maintained in respect of each item of expenditure on day-to-day basis from the date of filing of nomination papers up-to the date a day after the declaration of result.

(5) All expenditure by the candidate or his authorized election agent on all the items of expenditure maintained in form-29 shall be included in the account as kept under sub- rule (2) of election expenditure.

(6) All documents such as vouchers, receipts, acknowledgements etc. in support of expenditure incurred and recorded in the register shall be maintained correctly.

(7) The day-to-day account maintained shall be made available for inspection at any time during the process of election to the Returning Officer or any other officer authorized by him or the Commission.

(8) Failure to submit the account of election expenses within the time and in the manner required by the Act and these rules or, to produce a true copy of the accounts of election expenditure on demand by an officer authorized to do so, shall be deemed to be a corrupt practice under section 301 of the Act.

(9) A statement of account of the total election expenditure maintained shall be submitted as directed by the Commission under section 17-B of the Act to the Returning Officer or any other officer authorised by the Commission or both within thirty days of declaration of the result.

(10) The statement of account shall be submitted in forms 29 and 30 alongwith an affidavit of the candidate in form-31.

(11) On receipt of the statement of accounts, the Returning Officer shall issue an acknowledgement in form-32.

CHAPTER-VII

GENERAL PROCEDURE OF ELECTION

49. Death of candidate before poll.-If a candidate whose nomination has been found valid on scrutiny and who has not withdrawn his candidature, dies and a report of his death is received before the commencement of the poll and the number of remaining contesting candidates is more than one, the election shall not be countermanded but in case there remains only one candidate in the field, the election shall take place de-novo as per the directions of the Commission:

Provided that no fresh nomination shall be necessary for candidate who was a contesting candidate at the time of countermanding of the election.

50. Contested and un-contested elections.-(1) Subject to the provisions of rule 49, if there is only one contesting candidate in the field, the Returning Officer shall forthwith declare such candidate duly elected to fill the office and issue a declaration in form-33. If there is no contesting candidate in the field, the Returning Officer shall report the matter to the Commission with a view to take further action accordingly.

(2) If the number of contesting candidate in the field is more than one, a poll shall be taken on the date specified under rule 35.

51. Adjournment of poll in emergencies.- (1) If at an election the proceedings at any polling station are interrupted or obstructed, by riot or open violence, or if it is not possible to take the poll at that polling station on account of any natural calamity or any other sufficient cause, the Presiding Officer of such polling station, shall announce an adjournment of the poll for a date to be notified later and the Commission shall forthwith inform the Returning Officer.

(2) Where a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commission and to the State Government and shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station at which and the hours during which, the polling shall take place. The votes cast at such election shall not be counted until such adjourned poll is completed and the ballot box used at such polling station shall be sealed and kept in safe custody till the commencement of the counting.

(3) In all the cases under this rule, the Returning Officer shall affix a notice specifying the date, place and hours of polling fixed under sub-rule (2) at his office and in the office of the municipality and the Tehsil concerned.

52. Fresh poll in the case of destruction etc. of the ballot box.- (1) If at any election any ballot box is unlawfully taken out of the custody of the Presiding Officer or is in any way tampered with, or is either accidentally or intentionally destroyed, lost or damaged, the polling at the polling station to which such ballot box relates shall be liable to be declared as void.

Explanation.-Damage to a ballot box also includes damage or destruction of ballot papers done at the time of counting of votes but before the completion of counting and declaration of result.

(2) Whenever the polling at any polling station becomes liable to be declared as void under sub-rule (1), the Presiding Officer shall, as soon as practicable after the act or event causing such damage or destruction, report the matter to the Returning Officer who will report the matter immediately to the Commission and the Commission in the event of being satisfied that in consequence thereof the result of the poll of that polling station can not be ascertained, declare the polling void and shall appoint a day taking the poll afresh at such polling station, and fix the hours during which the poll shall be taken and shall not count the votes cast at other polling stations of the ward until such fresh poll has been completed.

53. Restriction on contesting of election for more than one municipality and ward.- No candidate shall contest election for more than one municipality and within the municipality from more than one ward at the same time.

54. Method of voting.-(1) At every election where a poll is to be taken, votes shall be cast in person and given by ballot or electronic voting machine at the polling station fixed under rule 32 and no votes shall be cast by proxy :

Provided that the giving and receiving of votes by electronic voting machine, in such manner as may be specified under the rules or the directions issued in this behalf, by the Commission , may be adopted in a ward or wards of a municipality as the Commission may specify.

(2) No voter shall vote in the election of the municipality more than once notwithstanding that his name may have been registered in the electoral roll for that municipality more than once.

55. Procedure on adjournment of poll.-(1) If the poll at any polling station is adjourned under rule 49 the provisions of these rules with regard to poll shall apply to every such fresh poll as they apply to the original poll.

(2) When an adjourned poll is once recommenced under sub-rule (2) of rule 51, the voter who has already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is to be held with the sealed packets containing the marked copy of the electoral roll and required number of ballot papers and a new ballot box electronic voting machine.

(4) The Presiding Officer shall open the sealed packet in the presence of such candidates or their agents as may be present and use the same for the conduct of adjourned poll.

56. Ballot box and paper seal.- (1) Every ballot box and paper seal to be used at an election shall be of such design as may be used at any election to the Legislative Assembly of Himachal Pradesh or as may be approved by the Commission.

(2) A paper seal shall be used for securing a ballot box and the Presiding Officer shall affix his signatures and obtain thereon the signatures of the candidates or of such of the polling agents as are present and desirous of affixing the same. The paper seal shall be of such design as may be specified by the Commission and proper record of paper seal used or unused shall be maintained in form-34.

(3) The Presiding Officer shall, thereafter, fix the paper seal in the space meant therefore in the ballot box and shall then secure and seal the box in such a manner that the slit for insertion of ballot paper therein remains open.

(4) Every ballot box used at a polling station shall bear labels, both inside and outside and marked with -

(a) the serial number and the name of the ward;

(b) the serial number and the name of polling station;.

(c) the serial number of the ballot box (to be filled in at the end of the label on the outside of the ballot box only); and

(d) the date of poll.

(5) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidates and polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (4).

(6) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer, the candidates and the polling agents.

57. Facilities for women voters in the elections.- (1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted in the polling station alternatively.

(2) The Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women voters and the Presiding Officer in taking the poll and in particular to help in searching the name of any woman voter in case it becomes necessary.

58. Formof ballot papers.- (1) Every ballot paper alongwith its counterfoil shall be in form-35 and the particulars therein shall be in hindi in devnagri script.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates prepared under rule 43. The-ballot papers shall be printed in the design and colour as specified by the Commission:

Provided that after the name and symbol of last candidate, there shall be a column with the words "None of the above" written therein. The size of the column shall be same as used for other candidates.

59. Arrangement at polling station.-(1) Outside each polling station there shall be displayed prominently—

(a) a notice specifying the polling area the voters of which are entitled to vote at the polling station or where polling station has more than one polling booths, at each one of such booths or the description of the voter allotted to any such booth; and

(b) another notice in hindi in devnagri script containing the list of contesting candidates prepared under rule 43, alongwith the symbols allotted under rule 44.

(2) At each polling station there shall be set up one or more compartments in which voters can record their votes in secrecy.

(3) The Returning Officer shall provide at each polling station required number of ballot boxes, copies of the relevant part of electoral roll, the ballot papers, and other articles necessary for the conduct of poll.

60. Commencement of poll.- The Presiding Officer shall start the poll exact at the time mentioned in notice of election and before commencement of the poll, he shall bring to the notice of all, who are present, the provisions of section 292 of the Act which reads as under:-

"292. Secrecy of voting.- (1) No witness or other person shall be required to state for whom he has voted at an election.

(2) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(3) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months, or with fine, or with both.".

61. Admission to polling station. - The Presiding Officer shall regulate the number of voters to be admitted, at anyone time inside the polling station and shall exclude therefrom all persons other than -

(a) Polling Officer;

(b) candidates and their agents;

(c) Returning Officer or such other persons as may be authorized by him;

(d) public servants appointed on duty in connection with the election by the election authorities ;

(e) a child in arms accompanying a woman voter and a companion accompanying blind or infirm voter who cannot move without help;

(f) such other person as the Presiding Officer may employ under sub-rule (2) of rule 57 and sub-rule (1)of rule 62; and

(g) State Election Commissioner or such other persons as may be authorized by him.

62. Identification of voters.- (1) Each voter when enters the polling station, the Presiding Officer, or the Polling Officer authorized by him in this behalf shall check the voter's name and the other particulars with the relevant entries in the electoral roll and then call out the serial number, name and other particulars of the voter.

(2) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall ignore merely clerical or printing errors in an entry in the Electoral roll, if he is satisfied that such person is identical with the voter to whom such entry relates.

63. Persons entitled to vote by post.- Subject to their fulfilling the requirements herein after specified, the persons who are voters and are on election duty shall be entitled to vote by post at an election in a ward of the municipality.

64. Intimation by voters on election duty .- (1) A voter on election duty who wishes to vote by post at an election shall send an application in form-36 to the Returning Officer so as to reach him atleast seven days or such shorter period as the Returning Officer may allow before the date of the poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him for the election of Member or Election Duty Certificate (EDC) in form-38.

(2) Where a person being a Polling Officer, Presiding Officer or other public servant on poll duty in the ward of which he is an elector, wishes to vote in person at an election in a Municipality/ward and not by post, he shall send an application in form 37 to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is a public servant and voter on poll duty in the ward, he shall issue to the applicant a election duty certificate in form -38.

(3) Where Election Duty Certificate has been issued to an elector under sub-rules (1) and (2), the Returning Officer shall mark "EDC" against his name in the marked copy of the electoral roll to indicate that an Election Duty Certificate has been issued to him and shall ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

65. Facilities for persons on election duty - (1) The provisions of rule 62 shall not apply to any person who produces at the polling station, an Election Duty Certificate in form-38 and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate the Presiding Officer shall -

(a) obtain thereon the signatures of the person producing it;

(b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of marked copy of the electoral roll; and

(c) issue to him a ballot paper, and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

66. Procedure for preventing impersonation of voters.- (1) Subject to the other provisions of this rule every voter (to whom a ballot paper has to be supplied for the purpose of voting at a polling station shall before receiving such ballot paper) allow -

(a) the inspection of his left forefinger to the Presiding Officer and any Polling Officer; and

(b) an indelible ink mark to be put on his left forefinger.

(2) If any person refuses to allow such inspection of his left forefinger; or persists in doing any act with a view to removing such mark after it has been put, he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) No person, who already has a mark on his forefinger, shall be supplied with any ballot paper and if any such person still persists for the supply of a ballot paper he shall be liable to be arrested and prosecuted for impersonation.

(4) Any reference in this rule to the left forefinger of voter shall, where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all the fingers of his both hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

67. Voting Procedure.-(1) The voter on entering the polling station shall first allow his left forefinger to be inspected by a Polling Officer for the purpose of ascertaining if he has any mark of indelible ink on that finger, if there is no such mark, the Polling Officer-in-charge of the poll, shall ascertain the voter's name and address and such other particulars as appear on the electoral roll and after having satisfied himself about the identity of the voter, the Presiding Officer or the Polling Officer, as the case may be, shall put indelible ink mark to his left forefinger and then he shall be supplied with a ballot paper. The Presiding Officer or the Polling Officers, as the case may be, shall before the delivery of the ballot paper to the voter enter the serial number of the voter from the marked copy of the electoral roll in the counterfoil of the ballot paper and obtain his signatures.

(2) Every ballot paper shall, before issue to voter, be stamped with such distinguishing mark on its back as the Commission may direct.

(3) Save as provided in sub-rule (1) no person in the polling station shall be allowed to note down the serial number of the ballot paper(s) issued to particular voter.

(4) At any time before a ballot paper is delivered to a voter, the Presiding Officer or a Polling Officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at the

polling station or be so required by a candidate or his polling agent, put to the voter the following question, namely :—

(a) Are you the person enrolled as follows (reading the whole entry relating to the voter from the electoral roll)?

(b) Have you already voted at the present election?

(c) Such other questions as he may deem fit or necessary and the voter shall not be supplied with a ballot paper unless he answers the first question in the affirmative and the second question in the negative or he refuses to answer any other question put to him in pursuance of this rule.

(5) The voter on receiving the ballot paper shall forthwith-

(a) proceed to the voting compartment;
(b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
(c) fold the ballot paper so as to conceal his vote;
(d) if so required, show to the Presiding Officer the distinguishing mark on the ballot paper;
(e) insert the folded ballot paper into the ballot box; and
(f) quit the polling station.

(6) Every voter shall vote without undue delay.

(7) No voter shall be allowed to enter a compartment when another voter is inside it.

68. Recording of votes of blind or infirm voters.-(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, voter is unable to recognize the symbols on the ballot paper or to make mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as a companion of more than one voter at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of voter on any day under this rule, the person shall be required to declare in form-39 that he shall keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep in form-40 record of all cases under this rule.

69. Spoilt and returned Ballot papers.- (1) A voter who has inadvertently dealt with his ballot paper in such a manner that it can not be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying himself of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked by the Presiding Officer as "cancelled being Spoilt".

(2) All ballot papers cancelled under sub-rule (1) shall be kept in a separate packet.

70. Tendered votes.- (1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask be entitled subject to the following provisions of this rule to mark a ballot paper (hereinafter in these rules referred to as "Tendered Ballot Papers") in the same manner as any other voter.

(2) Every such person shall before being supplied with a Tendered Ballot Paper, put his signature against the entry relating to him in the list in form-41.

(3) A Tendered Ballot Paper shall be the same as other ballot papers used at the polling, except that it shall be –

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with words "Tendered Ballot Papers" by the Presiding Officer at his own and signed by him.

(4) The voter, after marking Tendered Ballot Paper in the voting compartment and folding it, shall, instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

71. Challenged votes.-(1) If a candidate or his agent declares and undertakes to prove that any person,by applying for ballot paper has committed the offence of impersonation, the Presiding Officer, may require such person to state his name and address and shall then enter such name and address in the list of Challenged Votes in Form-42, and shall require such person to sign such entry or, if he is unable to write, to affix, his thumb impression thereto and the Presiding Officer shall sign his name across such impression and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of Rs.20/- has been deposited in cash against proper receipt with the Presiding Officer by the candidate or such agent for each challenge he makes.

(2) If the person, so challenged, refuses to comply with such requisition he shall not be permitted to vote but if such person complies with the same and on being questioned in the manner provided in rule 67 answers the first question in affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification, he produces evidence, which the Presiding Officer considers satisfactory, shall be allowed to vote after he has been informed of the penalty for impersonation.

(3) If the Presiding Officer after such inquiry on the spot as he thinks necessary, is satisfied that the challenge made by the candidate or his polling agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to the State Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote make a note of the circumstances in the list of challenged votes in form-42

72. Closing of poll.- (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf and shall not admit there-to any voter after that hour :

Provided that all the voters present within the polling station before it is closed shall be entitled to cast votes.

(2) Any question that may arise as to whether voter shall for the purpose of the provision of sub--rule (1), be allowed to be present within the polling station before it is closed, shall be decided by the Presiding Officer, whose decision shall be final.

73. Sealing of ballot box after poll.- (1) As soon as practicable after the closing of the poll the Presiding Officer shall close the slit of the ballot box, seal it and allow any desirous polling agent to affix his own seal. The ballot box shall thereafter be sealed and secured properly.

(2) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) before another ballot box is put into use.

74. Account of ballot papers.- The Presiding Officer shall at the close of the poll prepare a ballot paper account in form-43 and put it in a separate cover with the words "Ballot Papers Account" subscribed thereon.

75. Sealing of other packets.- (1) The Presiding Officer shall then put into the separate packets-

(a) the counterfoils of used ballot papers;

(b) the marked copy of the electoral roll;

(*c)* the un-used ballot papers;

(d) the cancelled ballot papers;

(e) the cover containing the Tendered Ballot Papers and the list in form-41;

(f) the list of challenged votes in form-42;

(g) paper seal account in form-34; and

(h) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet prepared under sub-rule (1) shall be sealed with the seal of the Presiding Officer and those agents present who may desire to affix their seal thereon.

76. Transmission of ballot boxes etc. to the Returning Officer.- (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct –

(a) the ballot boxes as referred to in rule 73;

(b) the ballot paper account as referred to in rule 74;

(c) the sealed packets as referred to in rule 75; and

(d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for their safe custody until the commencement of the counting of votes.

CHAPTER-VIII

COUNTING OF VOTES AND DECLARATION OF RESULTS

77. Admission to the place of counting.-(1) The Returning Officer shall exclude from the place fixed for the counting of votes under rule 35 a person, except -

(a) such Government servants as he may appoint to assist him in the counting;
(b) every candidate and his counting agents;
(c) public servants on duty; and
(d) the State Election Commissioner or any other person authorized by the Commission.

(2) Any person, who during the counting of votes mis-conducts or fails to obey the lawful directions of the Returning Officer may be removed from that place where the votes are being counted.

(3) The number of counting agents of candidates shall not exceed the number of counting tables, fixed for the counting of votes of the ward plus one more for the table of the Returning Officer.

(4) Every appointment of counting agent(s) shall be made in form-45 in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer at the time of counting.

78. Scrutiny and opening of ballot boxes.- (1) The Returning Officer shall on the date and at the time and place fixed under rule 35 before commencement of the counting, read out the provisions of section 292 of the Act to such persons as may be present.

(2) He shall then deal with the ballot boxes in the following manner, namely :-

(a) all the ballot boxes used at a polling station shall be opened at the same time;

(b) before any box is opened at the counting table the candidates or their agents shall be allowed to inspect the paper seal or other seals, as have been fixed thereon and to satisfy themselves that the same are intact;

(c) the Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with; and

(d) if the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers of that box and shall follow the procedure laid down in rule 52 in respect of that polling station.

79. Scrutiny and rejection of ballot paper.- (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer shall reject a ballot paper if-

(a) votes are given on it in favour of more than one candidate; or

(b) it bears any mark or writing by which the voter can be identified; or

(c) no vote is recorded thereon; or

(d) the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate, the vote has been given; or

(e) it is spurious ballot paper; or

(f) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) it bears a different serial number, or is different from design of the ballot paper authorized for use at the polling station; or

(h) it does not bear the mark which it should have born under the provisions of sub-rule (2) of rule 67:

Provided that where the Returning Officer is satisfied that any such defect as is monitored in clauses *(g)* and *(h)* has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is distinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot papers.

(4) The Returning Officer shall record on every ballot paper which he rejects, the letter 'R' and the ground of rejection either in his own hand or by means of rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

80. Counting of votes and declaration of results- (1) Every ballot paper, which is not rejected under rule 79 shall be deemed to be valid and shall be counted after being sorted out candidate-wise:

Provided that no packet containing tendered ballot paper shall be opened out and no such paper shall be counted.

(2) The Returning Officer shall as far as practicable, proceed continuously with the counting and shall, during any interval when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents or the counting agents who may be desire to affix their seals and shall take sufficient precautions for their safe custody during such intervals.

(3) The ballot papers taken out of each box shall be mixed-up with other ballot papers taken out of other ballot boxes concerning the same office and after that it shall be sorted out separately for each office. The ballot papers for the member of Municipal Council/Nagar Panchayat shall be retained on the same table. The result of member of Municipal Council/Nagar Panchayat shall be declared on form 46 after preparing the result sheet on form 47 :

Provided that before declaring the result on forms 46 and after the counting of all valid votes of polling station has been completed, the Returning Officer who have made the entries on a result sheet in forms 47 and announce the particulars. After such announcement has been made, a candidate or, in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount. On such an application being made the Returning Officer shall decide the matter and may allow the application ;in whole or in part or may reject it if it appears to him to be frivolous or unreasonable. Every decision of the Retuning Officer on such application shall be in writing and contain the reasons therefore.

(4) Immediately after declaration of result the Returning Officer shall affix a copy of Return of election in a conspicuous place at his office and send the same to the Commission and the Secretary (Urban Development) to the Government of Himachal Pradesh, as the case may be, for publication in the Official Gazette of the State Government as required under section 27 of the Act.

(5) All valid ballot papers shall thereafter be bundled candidate-wise together and kept alongwith the bundle of rejected ballot papers in a separate packet, which shall be sealed and on which shall be recorded the following particulars, namely :-

(a) the name of the ward/ Municipal Council/Nagar Panchayat

(b) the particulars of the polling station where the ballot papers have been used ; and

(c) the date of counting.

(6) When counting of votes have been completed and the result has been declared the Returning Officer shall prepare a return in form 43 Part-II and forthwith affix a copy of the same in a conspicuous place in his office. The Returning Officer, after the date of election shall notify the names of elected candidates together with the name of candidate, if any, deemed to have been elected under the provisions or rule 50 and send a copy of the same to the Commission for publication in the Official Gazette of the State Government and one copy of the return prepared in form 44 shall be sent to the Commission, immediately, after declaration of the result.

81. Commencement of counting after fresh poll.- (1) If a fresh poll is held under rule 52, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and time and place which has been fixed by the Commission in that behalf and of which notice, has previously been given to the candidates and their agents.

(2) The provisions of rules 78, 79 and 80 shall apply to such further counting.

82. Procedure in case of tie.- If after the counting of votes, tie is found to exist between any two candidates, and the addition of one vote entitles any of those candidates to be declared elected that shall forthwith be decided between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

83. Custody of papers relating to elections.- The Returning Officer shall retain the packets of the counter foils of used ballot papers, the packets of unused ballot papers, the packets of used ballot papers valid, tendered or rejected and all other papers relating to the elections in safe custody either in his own office or at such other place as he may specify in writing until the expiry of 90 days from the date of publication of the result of election.

84. Production and inspection of election papers :- (1) While the -

(a) packets of counterfoils of used ballot papers;
(b) packets of unused ballot papers;
(c) packets of used ballot papers; and

(d) packets of marked copies of the electoral roll, are in the custody of Returning Officer, shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the orders of the competent court or of the officer authorized under section 282 of the Act.

(2) All other papers relating to the election shall be open to public inspection and any person may apply for such an inspection or supply of certified copies thereof on payment of a fee at the same rate as is

charged in Himachal Pradesh for the inspection of documents forming part of a record dealt with by a Revenue Officer, or for supply of a copy of an order by Revenue Officer, as the case be, and such copies shall be supplied in accordance with the procedure to be followed for a similar application in respect of case dealt with by a Revenue Officer.

85. Disposal of election papers.- Subject to any direction to the contrary given by the State Government or by the Commission or by a competent court or by an authorized officer under section 282 of the Act, the packets and other papers referred to in rules 83 and 84 shall be retained for a period of 90 days from the date of publication of results in the Official Gazette and shall thereafter be destroyed :

Provided that if an election petition is pending, the packets and other papers referred to in this rule shall not be disposed of unless the petition is finally decided.

86. Casual vacancies in the municipality.-When a vacancy occurs in the municipality by death, resignation or removal of any office bearer, a new office bearer shall be elected in his place in accordance with the provisions of sub-sections (1) and (2) of section 19 of the Act, and such election shall be conducted in the manner as specified in these rules and the programme of election shall be framed as soon as may be convenient after occurrence of the vacancy.

87. Interpretation of Rules.- If any question arises regarding the interpretation of these rules, otherwise than in connection with an election petition, which has actually been presented, shall be referred to the Commission, whose decision thereon shall be final.

88. Administration of oath to the elected[82] or nominated member.-(1) After the results of elections of members have been declared under rule 80, the Deputy Commissioner or any other officer authorized by him, not below the rank of Sub Divisional Officer (Civil) shall fix a date and time for making an oath or subscribing an allegiance to the Constitution of India to the elected members of the municipality under section 27 of the Act by issuing notice in writing to the newly elected members giving seven days time for the first meeting, provided that such notice shall be delivered to the elected members atleast 48 clear hours before such meeting. This meeting shall be held at the headquarters of the Municipal Council or Nagar Panchayat, as the case may be.

[83]Provided that if nomination of a member is notified in the Rajpatra (e-Gazette), Himachal Pradesh he shall be subscribed an oath or affirmation of his allegiance to the Constitution of India in accordance with procedure prescribed under sub-rule(1) as the case may be.

(2) On the date and time fixed under sub-rule (1), the Deputy Commissioner or any other officer authorized by him not below the rank of Sub-Divisional Officer (Civil) shall call each elected member to make an oath or subscribe an affirmation of allegiance to the Constitution of India.

82 Amended vide Notification No. UD-A(3)-15/2024-Rules, dated 22.11.2025
83 Inserted vide Notification No. UD-A(3)-15/2024-Rules, dated 22.11.2025

CHAPTER-IX

ELECTION OF PRESIDENT AND VICE-PRESIDENT

89. Election of President.- (1) Immediately after an oath is made or an allegiance is subscribed to the elected members under rule 88, the Deputy Commissioner or any other officer authorized by him not below the rank of Sub-Divisional Officer (Civil) shall preside over the meeting for the conduct of elections to the officer of President.

(2) Immediately after administering the oath of office in accordance with rule 88, the Presiding Officer shall give time up to one hour to the elected members to nominate candidates for the office of President.

(3) An elected member may be proposed for the office of President by another elected member and seconded by one more elected member in form-50.

(4) An elected member who has been proposed as candidate under sub-rule (3) shall accept the nomination for becoming a candidate for the office of the President.

(5) After the expiry of the time given for filing the nomination, the Presiding Officer shall undertake scrutiny of the nominations and accept the candidature of such candidates who are validly nominated after rejecting invalid nominations.

(6) After the acceptance of the nominations, the Presiding Officer shall give 30 minutes time for withdrawal of candidature.

(7) Quorum for the meeting for the election of President shall be three forth of the total elected members. In case the quorum is not complete, the Deputy Commissioner or the officer presiding over the meeting shall postpone the meeting to a later date not being more than three days from the day of its first meeting, for the postponed meeting, no quorum shall be required.

(8) If only one candidate for the office is left after the time allowed for the Presiding Officer shall declare such a candidate as duly elected;

(9) If more than one candidates are left after the time allowed for withdrawal of candidature is over, poll shall be held; and

(10) Ballot papers to be used at the election of the President shall be in form-48 and the particulars therein shall be in hindi in devnagri script.

90. Method of voting at the election of President.-(1) The procedure of voting at the election of President shall be as under :-

(a) before issuing the ballot papers to the members, the Presiding Officer shall put his signatures on the back of each ballot paper in token of distinguishing mark;

(b) the member on receipt of the ballot paper shall make a cross mark (x) against the name of the candidate for whom he intends to vote;

(c) after marking cross(x), the member shall fold the ballot paper so as to conceal his vote; and,

(d) the member shall insert the folded ballot paper into the ballot box kept for the purpose in front of the Presiding Officer.

(2) after polling is over, the Presiding Officer shall open the ballot box and shall, in the presence of the members, count the votes.

Explanation.- For determining whether a vote polled is valid or invalid the provisions of rule 79 shall apply.

(3) A candidate obtaining largest number of valid votes shall be declared to be elected to fill the office:

Provided that if, after the counting of votes tie is found to exist between any candidate, the addition of one vote will entitle any of these candidate to be declared elected, that shall forthwith be decided between

these candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

(4) All ballot papers used for such voting, shall be put in a stout envelope and sealed by the Presiding Officer in full view of the members present there at and the description of the election to which the ballot papers relate shall be inscribed thereon. The Deputy Commissioner shall preserve the envelope, intact either in his office or at such other place as he may specify in writing until the expiry of one year from the date of election subject to any direction to the contrary given by the competent court or Commission or an officer authorized/appointed to hold an enquiry into an election petition under Chapter XVII of the Act.

(5) The Deputy Commissioner shall prepare and forward the return of election in form-49 to the State Government as well as to the Commission for information and record.

(6) The State Government on receipt of the election return under sub-rule (5) shall notify the election of the President as required under sub-section (1) of section 27 of the Act and forward a copy of the same to the Commission.

91. Election of the Vice-President.- After the election of the President, the Deputy Commissioner or any other officer authorized by him, not below the rank of Sub-Divisional Officer (Civil) shall hold the election to the office of the Vice-President in the same manner as provided for the election of President under rules 89 and 90.

92. No confidence motion against the President and Vice-President.- (1) A motion of no confidence against the President or Vice-President of a municipality may be made through a requisition given in writing addressed to the Deputy Commissioner signed by not less than majority of its total elected members:

Provided that the members who have made such a motion may withdraw the same before the meeting is convened for the purpose:

Provided further that motion of no confidence under this rule shall not be maintainable within one year of the date of his election to such office and any subsequent motion of no-confidence shall not be maintainable within the interval of one year of the last motion of no-confidence.

(2) The Deputy Commissioner or such other officer not below the rank of Sub-Divisional Officer (Civil) authorized by the Deputy Commissioner shall circulate to each member a copy of the requisition for the use of the members.

(3) The Deputy Commissioner or such other officer not below the rank of Sub-Divisional Officer (Civil) authorized by the Deputy Commissioner shall convene a special meeting by giving a notice of not less than fifteen days for the consideration of the motion referred to in sub-rule (1) and shall preside over at such meeting.

(4) If the no-confidence motion is carried out with the support of majority of elected members present and voting at such special meeting, the quorum of which is not less than one half of its total elected members, the President or Vice-President, as the case may be, shall be deemed to have vacated his office.

93. Fresh election- If the office of the President or Vice-President is vacated during his tenure on account of no-confidence motion, a fresh election for the remainder of the period shall be held in the manner prescribed in these rules for the election of President or the Vice-President, as the case may be, within a period of one month from the date of vacancy.

CHAPTER-X

ELECTION PETITIONS AND APPEALS

94. Presentation of petition.- (1) The election petition under section 284 shall be presented to the authorised officer, under whose territorial jurisdiction of the Municipality is situated.

(2) The petitioner shall attach with the petition equal number of copies of the petition and its enclosures to that of the number of respondents.

(3) The affidavit referred to in the proviso to sub-section (1) of section 285 shaIl be in form-51 and shall be sworn in before a Magistrate.

95. Security deposit to be made with the petition.- At the time of presentation of an election petition, the petitioner shall deposit a sum of Rs. 2000/- (Rupees two thousand only) as security money in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of Authorized Officer to whom the petition is presented.

96. Withdrawal of petitions.- (1) An election petition may be withdrawn by the petitioner only after the permission of the authorized officer to whom the petition is presented.

(2) When an application for withdrawal is made, a notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

(3) No application for withdrawal shall be allowed, if, in the opinion of the authorised officer to whom the petition is presented or to whom such petition is transferred, as the case may be, such an application has been induced by bargain or consideration which ought not to be allowed.

(4) If the application for withdrawal is allowed, the authorised officer to whom the petition is presented shall pass an order.:

Provided that where the application of withdrawal is allowed by the authorised officer, a copy of the order shall be sent to the Director, Urban Development, Himachal Pradesh.

97. Place and procedure of enquiry.- (1) The place of enquiry shall be headquarters of the authorised officer concerned to whom the petition is made or transferred:

Provided that the authorised officer to whom the petition is made or transferred, as the case may be, may, on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, fix some other convenient place for this purpose.

(2) The public shall have free access to the place where enquiry into the election petition may be held.

(3) Notice of the time and place of enquiry shall be given to the parties not less than seven days before the first date of hearing.

98. Communication of orders on petition.- The authorised officer to whom the election petition is made or transferred, as the case may be, shall, after conclusion of the election petition, send a copy of the order to the Commission and to the Director, Urban Development, Himachal Pradesh as soon as possible.

99. Procedure in presentation of appeal.-(1) Any person aggrieved by an order passed by the authorised officer under section 295 or section 296 of the Act, may, within a period of thirty days, file an appeal to the Director, Urban Development Department:

Provided that the Director, Urban Development may entertain the appeal after the expiry of said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) In computing the period of limitation for filing of appeal under the Act, the period spent in obtaining a copy of the order shall be excluded.

(3) Every appeal preferred, under sub-rule (1), shall be presented in the form of a memorandum by the appellant or his duly authorized agent and shall be accompanied by a Treasury Challan evidencing the deposit of a sum of Rs.2500/- (Repees two thousand five hundred only) as fee in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of the Director, Urban Development to whom the appeal is presented. The memorandum shall set-forth concisely the grounds of objections to the order appealed from and shall be accompanied by a copy of such order.

(4) On receipt of an appeal under sub-rule (1) the Director, Urban Development may, after calling for record from the authorised officer, against whose decision the appeal has been preferred and giving opportunity, to the parties of being heard and after making such further enquiry, if any, as may be necessary, pass such orders as he thinks fit which shall be final.

(5) A copy of the order passed in appeal shall be sent to the Commission and to the State Government.

100. Abatement of appeal.-If during pendency of appeal, the appellant or respondent dies, the appeal shall abate and the Director, Urban Development shall cause notice of such event sent to the Slate Government.

CHAPTER-XI

MISCELLANEOUS

101. Penalties .-If any person, who is on deputation with the Commission or any public servant put on duty in connection with delimitation of wards, preparation of electoral rolls or conduct of elections under the Act, disobeys any orders issued by an officer appointed under the Act or contravenes the provisions of these rules, shall be punishable under the Central Civil Services (Conduct Rules), 1964 as adopted by the State Government or in accordance with the relevant law and practice for time being inforce for such purpose.

102. Repeal and savings-(1) The Himachal Pradesh Municipal Elections Rules, 1994, the Himachal Pradesh Municipal (Delimitation and Reservation of wards) Rules, 1994 and the Himachal Pradesh Municipal (Reservation and Elections to the office of the President and Vice-President) Rules,1995, are hereby repealed,

provided that.-

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder; and

(b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person, to whom these rules apply, of any right of appeal which has accrued to him under the rules so repealed under sub-rule (1) in respect of any order passed before the commencement of these rules.

(3) A petition pending at or preferred after the commencement of these rules against an order made before such a commencement shall be considered and order thereon shall be passed in accordance with these rules.

FORM-1

[see rule 6 (1)]

Notice of publication of the proposals for dividing the municipality into wards and defining the limits of each ward.

Notice is hereby given that the proposals for dividing _____ municipality into wards and defining the limits of each such ward shall be available for inspection in the office of the undersigned and the office of the municipality _____ during the office hours for the next [84]7 days.

If any resident has any objection(s) or suggestion(s) to make with regard to aforesaid proposal against anything contained in it, he may send the same to the undersigned in form-2 within [85]seven days from the date of publication of this notice and objection(s) or suggestion(s), if any, received within the stipulated period shall be considered before finalizing the proposal.

Deputy Commissioner

Place_____

Date_____

84 Amended vide Notification NO. UD-A(3)2/2020 dated 12.10.2020
85 Amended vide Notification NO. UD-A(3)2/2020 dated 12.10.2020

FORM-2

[see rule 6(2)]

To

The Deputy Commissioner

_____

Subject:- Objection(s) or suggestion(s) to the draft delimitation of wards.

Sir,

Please refer to the draft delimitation proposals of wards published on_____ in respect of _____ Municipal area.

That I am a resident of ward No._____ of _____Municipal area.

That I have the following objection(s) or suggestion(s) to the draft proposals:-

(1)

(2)

(3)

(4)

Yours faithfully,

Signature,

full name & address.

Place:-

Date:-

FORM-2A

[see rule 9(1)]

NOTICE OF FINAL PUBLICATION OF WARDS

It is hereby notified for the information of general public that the order passed on the objections and appeals to the draft proposal published on dated ……. for dividing Municipal Council/ Nagar Panchayat…….. into wards has been incorporated in the proposal in accordance with HP Municipal Election Rules, 2015 and wards of Municipal Council /Nagar Panchayat……. defining the limit of each constituency is hereby published finally.

Deputy Commissioner

District……..

(Name & Seal)

Place…….

Date……

FORM-3
(see rule 19)

NOTICE OF PUBLICATION OF ELECTORAL ROLL

To

The voters of ward No._____ of Municipality of _____District, Himachal; Pradesh.

Notice is hereby given that the electoral roll has been prepared in accordance with the Himachal Pradesh Municipal Election Rules, 2015 and copy thereof is available during office hours for inspection at my office and in the office of the Municipality and in the office of the Tehsildar.

If there be any claim for the inclusion of a name in the electoral roll or any objection(s) to the inclusion of a name or any objection(s) to particulars in any entry, it shall be lodged on or before ……..(date) in forms 4,5, and 6 as may be appropriate.

Every such claim or objection(s) shall be addressed to _____ (full address) Revising Authority and should either be presented in person or through agent or sent by the registered post so as to reach him not later than the aforesaid date.

Electoral Registration Officer,
Electoral Registration Officer
(Municipal Council/Nagar Panchayat).

Place:

Date:

FORM-4
[see rule 22 (1) and 28]

CLAIM APPLICATION FOR INCLUSION OF NAME

To

The Revising Authority/Electoral Registration Officer,
(Municipal Council/Nagar Panchayat).

Sir,

I request that my name be included in the electoral roll for the _____ ward relating to _____Municipality.

Name (in full)_____

Father's/ Mother's/ Husband's Name_____

Particulars of place of residence are:

House No._____Street/Mohalla Village_____ Post office_____ Tehsil…..….District…….....

I hereby declare that to the best of my knowledge and belief that—

(i) I am a citizen of India.
(ii) My age on i.e. date notified by the State Election Commission under clause (a) of rule 17 was _____ years_____ months.
(iii) I am an ordinary resident at the address given above.
(iv) I have not applied for the inclusion of my name in the electoral roll for any other ward of the municipality.
(v) My name has not been included in the electoral roll for any ward of the above mentioned municipality or any other municipality or Gram Sabha constituted under the Himachal Pradesh Panchayati Raj Act,1994, as the case may be. OR

That my name has been included in the electoral roll for the _____ ward under the address mentioned below and I request that the same may be excluded from the electoral roll.

Signature/thumb-impression of claimant.

(full postal address).

I further declare that the facts submitted by me herein above are true and I also know that any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

Signature / thumb-impression of claimant.

Place:……..

Date:……

I am a voter included in the electoral roll of the same part in which the claimant has applied for inclusion viz. part No……..; relating to……. my serial No. therein is …….. I support this claim and countersign it.

Signature/thumb-impression of elector supporting claim.
(full postal address).

FORM-5

[see rule 22(1)]

OBEJECTION TO INCLUSION OF NAME

To

The Revising Authority,

_____ward.

Sir,

I object the inclusion of the name of …….....at serial No. …….…..... in the electoral roll ……....……ward relating to…….…. Municipality for the following reasons:

…….

…….

……

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief and that my name is included in the electoral roll for this ward as follows:-

Name……..(in full)

Father's/Mother's/Husband's name…….

Serial No……

No. and name of the ward…….....…….relating to…….....…….Municipality.

Signature/thumb-impression of objector.

(full postal address)…….……..……..……..……..……..…

I am a voter included in the same electoral roll in which the name objected appears, viz. No. and name of the ward relating to …….. Municipality. My Sr. No. therein is ……. I support this objection and countersign it.

Counter Signature/thumb-impression of the elector supporting objection.

(full postal address).

Note:- Any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true shall be punishable in accordance with the law in force.

FORM-6
[see rule 22 (1)]

OBEJECTION TO PARTICULARS IN ANY ENTRY

To

The Revising Authority/Electoral Registration Officer,
_____ward.
Municipal Council/Nagar Panchayat_____.

Sir,

I submit that the entry relating to myself which appears at Sr. No. …….. in the roll ward relating to ……municipality ……. is incorrect which may be corrected as follows:-

…….

……..

Signature/thumb-impression of claimant.

(full postal address).

Place:

Date:

FORM-7
[see rule 22 (4),(5) and rule 24]
REGISTER OF CLAIM FOR INCLUSION OF NAME

……Municipality..……..ward

S. No.	Name of claiment	Father's name and address	Date of presentation of claim	Date of decision with note in the presence of the parties	Decision		Signature of revising authority	Signature of official by whom effect was given to the revising authority and date
					Admitted	Rejected		
1	2	3	4	5	6	7	8	9

FORM-8
[see rule 22 (4), (5) and rule 24]

REGISTER OF OBJECTION TO INCLUSION OF NAMES

……Municipality……..ward

Sr. No.	Person objection to		Father's/husband's name and address of the objector	Sr. No. of the objector in the roll	Date of presentation of objection
	Under name of	With Sr. No. in the roll			
1	2	3	4	5	6

Date of decision with note as to presence of parties	Decision		Signature of Revising Authority	Signature of official by whom effect was given to the decision of revising authority and date
	Admitted	Rejected		
7	8	9	10	11

FORM-9

[see rule 22 (4), (5) and rule 24]

REGISTER OF OBJECTION TO THE PARTICULARS IN AN ENTRY

……Municipality……..ward

Sr. No.	Name of the objector	Date of presentation of objection	Particular as existed in the roll	Correct particulars as requested by objector
1	2	3	4	5

Decision		Signature of the revising authority	Signature of official by whom effect was given to the decision of revising authority and date
Admitted	Rejected		
6	7	8	9

FORM-10

[see rule- 23 (1)]

LIST OF CLAIMS

……Municipality…….....……..Ward

Date of receipt	Sr. No.	Name of claimant	Name of Father/husband/mother	Address	Date, time & place of hearing
1	2	3	4	5	6

Signature of Revising Authority.

FORM-11

[see rule 23 (1)]

LIST OF OBJECTIONS TO INCLUSION OF NAMES

……Municipality……..ward

Date of receipt	Sr. No.	Full name of objector	Particulars of name objected to		Objection in brief	Date, time and place of hearing
			Sr. No. of entry	Name in full		
1	2	3	4	5	6	7

Signature of Revising Authority.

FORM-12

[(see rule 23 (1)]

LIST OF OBJECTION TO PARTICULARS IN ENTRIES

……Municipality……..Ward

Date of receipt	Sr. No.	Full name of objector	Part No. and Sr. No. of entry	Nature of objection	Date, time and place of hearing
1	2	3	4	5	6

Signature of Revising Authority.

FORM-13.

[see rule 23(2)]

NOTICE OF HEARING OF CLAIM

To

……..
…….
……..

(Full name and address of claimant)

Reference No……..

Your claim for the inclusion of your name in the electoral roll will be heard at……(Place)at……O'clock on the……day of……..202 .

You are requested to present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:
Date:

Signature of Revising Authority

Ward ----------

FORM-14
[see rule 23(2)]

NOTICE OF HEARING OF OBJECTION

To

……..
…….
…….
(Full name and address of /objector)

Reference/objection No…….

Your objection to the inclusion of the name of……..will be heard at……(Place)at……O'clock…… on the……day of……..202 .

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:

Date:

Signature of Revising Authority
Ward.……

FORM-15

[see rule 23(3)]

NOTICE OF HEARING OF OBJECTION

To

……..
…….
…….

(Full name and address of person against whom objection is received)

Reference/objection No……..

The objection against inclusion of your name at Serial No……..in the Electoral roll for ……Ward relating to…….Municipality filed by…….(Full name and address of objector)will be heard at……(Place) at…….of…….day of……20

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

The grounds of objection (in brief) are:-

(a)

(b)

(c)

Place:

Date:

Signature of Revising Authority
Ward..……

FORM-16
[see rule 23(2)]

NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS IN THE ELECTORAL ROLL

To

……..
…….
…….
(Full name and address of objector)

Reference/objection No…….

Your objection to certain particulars in the entry relating to you will be heard at…….(Place) at……..O'clock on the ……day of……20 .

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:

Date:

Signature of Revising Authority
Ward……..

FORM-17
[see rule 25(1)]

NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public information that electoral roll for ward No. …….(Ward) of Municipality……has been prepared in accordance with the Himachal Pradesh Municipal Election Rules, 2015 and a copy of the said electoral roll is hereby published finally.

Date:

Place:

Electoral Registration Officer
(Municipal Council/Nagar Panchayat)

FORM-18
(see rule 27)

APPLICATION FOR INCLUSION OR DELETION OF ENTRY IN ELECTORAL ROLL

To

The Electoral Registration Officer,
……..

Sir,

I submit that the entry at Serial No…….....……in the Electoral roll for……..ward/ Polling Station relating to Shri./Smt…… son/daughter of Shri/Smt……..requires to be included/deleted as the said person is not entitled/entitled to be registered in the Electoral roll for the following reasons:-

……
……

I hereby declare that the facts submitted by me hereinabove are true to the best of my knowledge and belief and I also know that any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

I declare that I am a voter of this ward being enrolled at Serial No……..

Place:

Date:

Signature/thumb impression of applicant
(Full postal address).

FORM-19
(see rule 36)

NOTICE OF ELECTION PROGRAMME

Notice is hereby given that –

1. An election is to be held for electing a—
   *Member from……ward(S) of Municipal Council/Nagar Panchayat.
2. Nomination paper may be delivered by a candidate or his proposer to the ……..(Authority) at ……. between 11 A.M. and 3 P.M. from……to……..(dates).

3. Forms of nomination papers may be obtained at the place and time aforesaid.
4. The nomination papers will be taken up for scrutiny on……..
5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to the authority specified in paragraph 2 above at his office before 3. P.M. on the……
6. The symbols to the contesting candidates shall be allotted on……(dated) after the time of withdrawal is over and list of contesting candidates shall be prepared in form-25……..at…….P.M.
7. In the event of the election being contested the poll will be held on…… between the hours of……..and …….

Signature of Returning Officer with seal.

FORM-20
[see rule 38(2)]

NOMINATION PAPER.

Election to the Member from ward No. and Name…..…… of Municipal Council/Nagar Panchayat.....……

I hereby nominate Sh./Smt…….....

……(Candidate's/father Name with complete address) as a candidate for above election. His name is entered at the serial No…….of electoral roll of polling station No……..of ward No……of Municipal Council/Nagar Panchayat……

My name is entered at Serial No…….of electoral roll of polling station…....of ward No…… of Municipal Council/Nagar Panchayat……..

Date:

Signature of proposer.
full name & address of proposer

(to be filled by the candidate)

I…….the above mentioned candidate assent to this nomination and hereby declare:-

(a) that I have completed…….years of age;

(b) that I have not been disqualified for contesting of election(s) under any law in force; and

(c) that I belong to ……..caste/tribe/other Backward classes as declared Scheduled Caste, Scheduled Tribe or Other Backward Classes in Himachal Pradesh.

Dated:

Signature of candidate.

Note:- A copy of the certificate, issued by the competent authority of the State Government of Himachal Pradesh, is hereby appended in support of claim of belonging to Scheduled Caste/ Scheduled Tribe /Other Backward Classes.

Dated……..

Signature of candidate.

Verification by Executive Magistrate.

The above declaration is solemnly affirmed before me by…….who is personally known to me/who has been identified to my satisfaction by……..

Date:
Place:

Signature with seal.

(Decision of Returning Officer regarding accepting or rejection the nomination paper).

(To be filled by the Returning Officer).

I have examined this nomination paper in accordance with rule 41 of the Himachal Pradesh Municipal Election Rules, 2015 and decided as follow:-

Date: **Returning Officer.**
Place

The symbol assigned to the candidate is…….

Date: **Returning Officer.**
Place

Receipt of Nomination Paper.

(To be filled in by the Returning Officer or specified authority).

Serial No. of nomination paper……..

This nomination paper was delivered to me at my office on……. (date)……..at…….(hours)……..and shall be taken up for scrutiny on at……..(place)…….of……(hours)…….

Place:
Date: **Returning Officer/Specified Authority.**

Important Note:- (i) Returning Officer will examine that alongwith Form_20 (nomination paper), each candidate is supplied with a copy of Annexure-I prescribed by the State Election Commission under the HP Panchayat and Municipalities Elections (Disclosure) Specified Information by the Candidates) Regulation, 2004.

(ii) It is compulsory for every contesting candidate to submit alongwith nomination papers, the aforesaid Annexure-I in affidavit form duly attested by a Magistrate or a Notary Public or an Oath Commissioner.

(iii) The candidate will also add to extra attested photocopy of the said Annexure alongwith original Affidavit to Returning Officer.

[86]FORM-20A

[See Rule 38 (1A)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION TO THE NAGAR PANCHAYAT/ MUNICIPAL COUNCILS

" I, ……..……. having been nominated as a candidate to fill aseat in the Nagar Panchayat..... /Municipal Council…… ofdistrict..……....…… 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".

Signature of the Candidate

86 Inserted vide Notification No. UD-A(3)2/2020 dated 12.10.2020

FORM-21
(see rule 40)

NOTICE OF NOMINATION

Election to:-

Member from ward No…….. of Municipal Council/Nagar Panchayat…….

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today……

S.No. of Nomin-ation paper.	Name of Candid-ate.	Name of father/ husband.	Age.of candidate	Address	Particulars of caste/tribe/OBC of candidate belonging to Sch. Caste/Tribe/ OBC	Sr..No.of candidate in the electoral roll.	Name of proposer.	Sr..No. of proposer in the electoral roll.
1	2	3	4	5	6	7	8	9

Place:
Date:

Returning Officer or Specified Authority.

FORM-22
[see rule 41 (7)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to:-

Member from ward No…….. of Municipal Council/Nagar Panchayat……

Sl. No.	Name of candidate	Name of father/husband	Address of candidate
1	2	3	4

Place:

Date:

Returning Officer

Form 23
[see rule 42(1)]

NOTICE OF WITHDRAWAL

Election to:

Member from……..ward of Municipal Council/Nagar Panchayat……...

To

The Returning Officer,

…….

……

I,…….a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

Place:

Date:

Signature of candidate.

This notice was delivered to me at my office at…….....… (hours)…….....…… on……..(date) by…….....(Name).

Returning Officer or Specified Authority.

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the notice).

The notice of withdrawal of candidature by……a candidate at the election to-

Member from ward No…… of Municipal Council/Nagar Panchayat……..

Candidate…….at…....…….my office at…….....……..(hours) on……..(date).

Returning Officer or

Date…….....

FORM 24
[see rule 42(2)]

NOTICE OF WITHDRAWAL.

Election to-

Member from ward No…… ……of Municipal Council/Nagar Panchayat……..

Notice is hereby given that the following candidate(s) at the above election withdrawn his/their candidature(s) today:-

Sr. No.	Name of candidate	Address of candidate	Remarks
1	2	3	4
1.			
2.			
3.			
4.			
5. etc.			

Place:

Returning Officer or Specified authority.

FORM-25
(see rule 43)

LIST OF CONTESTING CANDIDATES

Election to-

Member from ward No….....… of Municipal Council/Nagar Panchayat…….....

Sr. No.	Name of candidate	Photograph of the candidate	Address of candidate	Symbol Allotted
1	2	3	4	5

Date:

Place:

Returning Officer.

FORM 26
(see rule 45)

FORM OF APPOINTMENT OF ELECTION AGENT

I……a candidate for election of-

Member from ward No…… of Municipal Council/Nagar Panchayat…….. to be held on…….hereby appoint Shri/Smt…….S/D/O……R/O..……as my election agent from this date upto the conclusion of the above election.

Date: **Signature of Candidate.**

Place:

I accept the above appointment.

Signature of Election Agent.

I hereby declare that at the above election I will not do any thing forbidden by the Himachal Pradesh Municipal Act, 1994 and the rules made thereunder, which I have read/has been read over to me.

Dated:

Place: **Signature of Election Agent Approved.**

Dated: **Signature of Returning Officer.**

Place:

FORM 27
[see rule 46(2)]

APPOINTMENT OF POLLING AGENT

Member from ward No……..... of Municipal Council/Nagar Panchayat…….....

I …….a candidate at the above election do hereby appoint Sh.……S/o Sh/D/o/R/o…….as polling agent to attend polling station No……..Place fixed for the Poll……at…….

Place: **Signature of Candidate.**

Date:

I agree to act as such polling agent.

Signature of Polling Agent.

(Declaration of polling agent to be signed before Presiding Officer)

I hereby declare that at the above election I will not do any thing forbidden by the Himachal Pradesh Municipal Act, 1994 or Rules made thereunder which I have read/has been read over to me.

Place: **Signature of Polling Agent.**

Date:

Signed before me.

Presiding Officer.

Place:

Date:

FORM-28.

[see rule 48(2)]

REGISTER FOR MAINTENANCE OF DAY-TO-DAY ACCOUNT OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION TO WARD

1. Name of candidate ....
2. *Ward from which contested……....
3. Seat for which contested…….....
4. Date of filing nomination…….…….....
5. Date of declaration of result…….....…….

Date of Expdt.	Nature of Expdt.	Amount of Expdt..		Date of payment	Name and address of payee	No of Vouchers in case of amount paid	No. of bills in case of amount outstanding .	Name and address of the person to whom the amount outstanding is payable	Remarks
		paid	Out-standing						
1	2	3	4	5	6	7	8	9	10

Certified that this is true copy of the account kept by me/my election agent.

Signature of contesting candidate.

FORM -29

[see rule 48(5) and (10)]

DETAIL OF ELECTION EXPENSES BY CONTESTING CANDIATES FOR ELECTION TO WARD ----------

Name of contesting candidate…….....…

Name of ward/ Municipal Council/Nagar Panchayat…….....

Item of Expenditure	Sources from where money procured	Amount of Expenditure	Date(s) of payment	Mode of payment	Evidence of payment enclosed with the account	Remarks
1	2	3	4	5	6	7

1. Expenditure on security deposit.
2. Expenditure on purchase of copies of electoral rolls
3. Expenditure on printing of manifesto, and expenditure on printing of posters and hand bills etc.
4. Expenditure on pasting of posters.
5. Expenditure on writing of wall writing and on publication of advertisements.
6. Hiring charges of places for public meeting and hiring charges of pandals etc. for public meetings.
7. Hiring charges of loudspeakers for public meeting.
8. Hiring charges on vehicle and Petrol, Oil and Lubrication (POL) used by the candidate.
9. Hiring charges and Petrol, Oil and Lubrication (POL) on vehicle used by election agent/polling agent.
10. Misc. Expenditure(other than those listed above).

Signature of contesting candidate.

FORM-30.
[see rule 48(10)]

PROFORMA FOR THE SUBMISSION OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION TO WARD

1. Name of candidate…….
2. *Ward ……
3. Seat for which contesting ……
4. Date of filing nomination……
5. Date of declaration of result……..

Date of Expdt	Nature of Expdt.	Amount of Expdt.		Date of payment	Name and address of payee	No of Vouchers in case of amount paid	No. of bills in case of amount outstan-ding	Name and address of the person to whom the amount outstanding is payable	Remarks
		Paid	Outstanding						
1	2	3	4	5	6	7	8	9	10

Certified that this is true copy of the account kept by me/my election agent.

Signature of contesting candidate

FORM-31
[See rule 48(10)]

AFFIDAVIT

I……...son/wife/daughter of ……. aged …….. years …… resident of …… do hereby solemnly affirm and declare as under:-

1. That I was contesting candidate at the general election/bye-election to the ward No……../Municipal Council/Nagar Panchayat …….the result of which was declared on…….....

2. That 1/my election agent kept a correct account of all expenditure in connection with the above election incurred by me or by my election agent between……..(the date on which I was nominated) and upto the date a day after the declaration of the result thereof, both day inclusive.

3. That the said account was maintained in forms 28 to 30 appended to the Himachal Pradesh Municipal Election Rules, 2015 and a true copy thereof is annexed hereto with the supporting vouchers/bills mentioned in the said account.

4. That the accounts of my election expenditure as annexed hereto included all items of election expenditure incurred or authorized by me or by my election agent and nothing has been concealed or withheld/suppressed therefrom.

5. That the statements in the foregoing paragraphs 1 to 4 are true to my personal knowledge, that nothing is false and nothing material has been concealed therefrom.

Deponent,
Solemnly affirmed/sworn
by…….at……this day of 20……before me.

FORM-32
[see rule 48(11)]

ACKNOWLEDGEMENT

The detailed account of the election expenses on prescribed proforma in respect of Shri……(Candidate) from…….ward result of which was declared on……..(Date) filed by him on……..(Dated) has been received by me today the ……(Date) of ……..(Month)…….(Year).

Returning Officer

FORM-33

[see rule 50(1)]

FOR USE IN ELECTION WHEN SEAT IS UNCONTESTED

Election to:

Member from ward No….....… of Municipal Council/Nagar Panchayat…….....

In pursuance of the provision contained in rule 50 of the Himachal Pradesh Municipal Election Rules, 2015, I declare that -

Name……..

Address……

Has been duly elected as Member from the above ward.

Signature of Returning Officer.

Place:

Date:

FORM 34
[see rule 56(2) and rule 75(1) (g)]

PART-I

RECORD OF PAPER SEAL USED

Election to Municipal Council/Nagar Panchayat…….....……from…….……ward.

Number and name of polling station…….....……

Serial No. of ballot box used	Serial No. of paper seals used	Remarks
1	2	3

Signature of polling agent.

PART-II
ACCOUNT OF PAPER SEAL

1. Serial No. of Paper seal supplied to…….total…….. 1 ……
2. No. of Paper seal used 2 .....
3. No. of unused paper seals…… to……..total.…… 3.....
4. Serial No. of damaged seals, if any…… to……total…… 4. .....

Signature of Presiding Officer.

Place:

Date:

FORM 35
[see rule 58(1)]

BALLOT PAPER

Election of Member from ward No…… of Municipal Council/Nagar Panchayat…….....

*Ward …….....…….

Serial Number of Voter…….....

Number…….....

Signature/thumb impression.

No. and Name of *Ward……..

Name of Candidate	Photograph of the candidate	Symbol
1.		
2.		
3.		
4.		
5.		
None of the above		

FORM 36
[see rule 64(1)]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To

The Returning Officer for…….

Ward No……Municipal Council/Nagar Panchayat……

Sir,

I intend to cast my vote in the ensuing election to Member from Ward No……..of Municipal Council/Nagar Panchayat……

I have been posted on election duty within the ward …….. at ……(no & name of polling station)…….but my name is entered at Serial No……. ……of the Electoral roll for polling station No……of Ward comprised within Municipality.

I request that an Election Duty Certificate (Form -38) may be issued to enable me to vote at the polling station where I may be on duty on the polling day.

It may be sent to me at the following address:-

Name……

Address……..

…….....

Yours faithfully,
( ).

Date:

Place:

FORM-37
[see rule 64(2)]

LETTER OF INTIMATION TO RETURNING OFFICER

To

The Returning Officer
Ward No (with name) ….....Municipal Council/Nagar Panchayat…….....

Sir

I intend to cast my vote at the ensuing election to;-

Member from….. (Ward) of Municipal Council/Nagar Panchayat……..

My name is entered at Sr. No……..of polling station (No. and name) of the Electoral Roll for Ward No……Municipal Council/Nagar Panchayat……..

I may be issued a postal Ballat Paper for the election of Member at the following address:-

Name…….....

Address…….....

…….....

Yours faithfully,

( ).

Date:

Place:

FORM 38
[see rules 64 and 65(1)]

ELECTION DUTY CERTIFICATE

Certified that……..is an elector in ward No……. of Municipal Council/Nagar Panchayat……His Electoral roll number being……for polling station (No. and name) by reason of his being on election duty, he is unable to vote at the polling station in person where as he is entitled to vote and therefore, hereby he is authorized to vote at polling station (No. and name)of the ward where he is on duty on the day of poll.

Signature of Returning Officer.

Place:

Date:

SEAL

FORM-39
[see rule 68(1)]

DECLATATION BY THE COMPANION OF BLIND OR INFIRM VOTER

* Election of Member from ward No…… of Municipal Council/Nagar Panchayat……..

I ….....……(No. and name of Polling Station…….....…….....) son of…….aged……..resident of (Full Address) …… hereby declare that -

(a) I have not acted as companion of any other voter at this or any other polling station today, the……day of 20……; and

(b) I shall not disclose the secrecy of the vote recorded by me on behalf of…….

Name of voter and his serial,
No. in the Electoral roll to be given

Place:

Date: **Signature of companion.**

FORM 40
[see rule 68(2)]

LIST OF BLIND AND INFIRM VOTERS

* Election of Member from ward No…… of Municipal Council/Nagar Panchayat……..

Number and name of polling station……..

Sr. No of Voter	Full Name of Voter	Full Name of companion	Address of companion	Signature of companion
1	2	3	4	5

Place: **Signature of Presiding Officer.**

Date:

FORM 41
[see rule 70(2) and 75(e)]

LIST OF TENDERED VOTERS

*Election of Member from ward No…… of Municipal Council/Nagar Panchayat……..

No. and name of Polling station……

S.No.	Name of Voter	Address of Voter	S.No of tendered Ballot Paper	S.No. of Ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5	6

Place:
Dated:

Signature of Presiding Officer.

FORM 42
[see rule 71 and 75(f)]

LIST OF CHALLENGED VOTES

*Election of Member from ward No…… of Municipal Council/Nagar Panchayat……..

No. and name of Polling station……

S.No. of voter	Name and address	Signature or thumb impression of voter	Name of identifier, if any	Order of Presiding Officer in each case
1	2	3	4	5

Signature of Presiding Officer.

Place:

Dated:

FORM -43
[see rule 74 and 80(6)]

BALLOT PAPER ACCOUNT

Election of Member from ward No…… of Municipal Council/Nagar Panchayat……..

Number and name of polling station…….

PART-I

		Serial No.	Total No.
(i)	Ballot papers received		
(ii)	Ballot papers not used		
(iii)	Ballot papers issued to voters		
(iv)	Ballot papers cancelled		
(v)	Ballot papers used for tendered votes		

Dated: **Signature of Presiding Officer.**

Place:

PART-II
RETURN OF COUNTING
[see rule 80(6)]

Sr. No.	Name Candidate	No. of valid votes polled
1.		
2.		
3.		
4.		
etc.		
	Total number valid votes polled	
	Rejected Ballot Paper	
Total No. of ballot papers in the ballot box(s)		
Difference, if any		

Signature of Counting Supervisor
Signature of Returning Officer.

Date:

FORM-44
[see rule 80(6)]

RETURN OF ELECTION

Election to the Municipal Council/Nagar Panchayat…….....fro Ward No.....

Sr. No.	Name of Candidate	No. of valid votes polled
1		
2		
3		
4		
5		

Total number of votes polled ----------

Total number of valid votes polled ----------

Total number of rejected votes. ----------

I declare that ……..(name & address)…… has been duly elected to fill the seat in Municipal Council/Nagar Panchayat…….. Ward No…….

Place:

Date: **Signature of Returning Officer.**

FORM 45.
[see rule 77(4)]

PART-I
APPOINTMENT OF COUNTING AGENTS.

Election of Member from ward No…..... of Municipal Council/Nagar Panchayat…….....

I, ……a candidate/of Shri/Smt……who is a candidate at the above election do hereby appoints Shri/Smt……address…….as a counting agent to attend the counting of votes at……

Date:
Place: **Signature of Candidate.**

I agree to act as such counting agent.

Signature of counting agent.

Date:
Place:

PART-II

DECLARATION OF COUNTING AGENT TO BE SIGNED BEFORE THE RETURNING OFFICER

I hereby declare that at the above Municipal Council/Nagar Panchayat election I shall not do anything forbidden by section 292 and any other relevant sections of the Himachal Pradesh Municipal Act, 1994 and rules made thereunder, which I have read/has been read over to me.

Place: **Signature of Counting Agent.**

Date:

Signed before me.

Place: **Returning Officer.**

Date:

FORM- 46
[see rule 80(3)]

RESULT OF ELECTED MEMBER

Election of Member from ward No…… of Municipal Council/Nagar Panchayat……..

S.No.	Name of Candidate	No. of valid votes polled
1.		
2.		
3.		
4.		
5.		
etc.		
NOTA		

(a) Total of valid votes polled……..
(b) Total No. of rejected votes…….
(c) Total No. of votes polled…….

I, declare that—

Name…….....…….

Address…….....…….

…….....……

has been duly elected as Member from the above ward No…….of Municipal Council/Nagar Panchayat……..

Place: **Signature of Returning Officer.**

Date:

FORM-47
[see rule-80(3)]

RESULT SHEET OF THE ELECTION OF MEMBERS

Election of Member from ward No…… of Municipal Council/Nagar Panchayat……..

S.No.	Name of Candidate	No. of valid votes polled
1.		
2.		
3.		
4.		
5.		
etc.		
NOTA		

(a) Total No. of valid votes polled……..

(b) Total No. of rejected votes…….

(c) Total No. of votes polled (a+b)…….

(d) Total No. of tendered votes……

(e) Remarks…….

Place of Counting……

I declare that :-

Name…….

Address…….

……

has been duly elected as Member from the above ward.

Place: **Signature of Returning Officer.**

Date:

FORM-48

[see rule 89(10)]

BALLOT PAPER FOR THE ELECTION OF PRESIDENT/VICE PRESIDENT

Name of Municipality.....

Sl. No.	Name of candidate	Space for marking
1	2	3
1		
2		
3		
4		

FORM-49
[see rule-90(5)]

Return of Election of President/Vice-President……
Municipal Council/Nagar Panchayat

1. Serial number……
2. Name of candidate……
3. Total number of votes polled……
4. Total number of valid votes polled……
5. Total number of rejected votes……

I declare that…… (name)…… (address) .... has been duly elected as President/Vice-President to above Municipal Council/Nagar Panchayat.

Place…… **Deputy Commissioner.**

Date……

FORM-50
[see rule-89(3)]

NOMINATION PAPER

Election to the office of the President/Vice-President…….. Municipal Council/Nagar Panchayat.

I,…… an elected member from ward No…….……of…….....……..

Municipal Council/ Nagar Panchayat hereby propose candidature of Shri/Smt…….an elected member from ward No…… Municipal Council/Nagar Panchayat for the election to the office of President/Vice-President..

Place: **Signature of the Proposer**

Dated:

I,…….an elected member from ward No…….of……..

Municipal Council/Nagar Panchayat hereby second the candidature of Shri/Smt…….for the election to the office of President/Vice-President of ……..Municipal Council/Nagar Panchayat.

Signature of Seconder.

Place:

Dated:

(To be filled by the candidate)

I, the above mentioned candidate hereby declare that I agree to the nomination and I am willing to serve.

Place:
Dated: **Signature of Candidate.**

(Decision of Presiding Officer accepting or rejecting the nomination paper)

I have examined this nomination paper in accordance with rules and the provisions of the Act and decide as follows:-

Accepted/Rejected.

Presiding Officer.

Place……..

Dated……..

FORM- 51

[See rule 94(3)]

I…….the petitioner in the accompanying election petition calling in question the election of Shri/Smt……..from……respondent No……in the said petition make solemn affirmation/oath and states,-

(a) that the statement made in paragraphs……of the accompanying election petition about the commission of corrupt practices of the ……..and the particulars of such corrupt practices given in paragraph ……of the Schedule annexed thereto are true to my knowledge.

(b) that the statement made in paragraph……of the said petition about the commission of the corrupt practices of ……..and the particulars of such corrupt practices given in paragraphs……..of the said petition and in paragraphs……..of the schedule annexed thereto are true to my knowledge;

(c)

(d)

Etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Smt….....at this……. day of……20……. before me.

Executive Magistrate.

THE HIMACHAL PRADESH MUNICIPAL CORPORATION ACT, 1994

ARRANGEMENT OF SECTIONS

Sections-C

CHAPTER-I **312-317**

PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.
3. Declaration of municipal area as Corporation

CHAPTER – II **318-340**

CONSTITUTION OF CORPORATION

4. Incorporation and constitution of Corporation.
5. Duration of Corporation.
6. Delimitation of wards.
7. Qualification for Councillors.
8. Disqualifications of Councillors.
9. Election to the Corporation.
10. Reservation of seats of Councillors.
11. Right to vote.
12. Filling of casual vacancies.
13. Publication of results of elections.

13-A Account of election expenses and maximum thereof.

13-B. Lodging of accounts.

14. Election petitions.
15. Relief that may be claimed by the petitioner.
16. Grounds for declaring election to be void.
17. Procedure to be followed by the prescribed authority.
18. Decision of prescribed authority.
19. Procedure in case of equality of votes.
20. Finality of decision.
21. Corrupt practice.
22. Maintenance of secrecy of voting.
23. Officers etc. at elections not to act for candidates or to influence voting.
24. Prohibition of canvassing in or near polling station and of public meeting on election day.
25. Penalty for disorderly conduct in or near polling station.
26. Penalty for misconduct at the polling station.
27. Breaches of official duly in connection with election.
28. Removal of ballot papers from polling station to be an offence.
29. Offence of booth capturing.
30. Other offences and penalties.
31. Power to make rules regulating the election Councillors.
32. Bar to interference by Courts in electoral matters.
33. Oath or affirmation by Councillor.
34. Removal of and resignation by Councillors.

35. Payment of allowances to Councillors.
36. Annual election of Mayor, Deputy Mayor and their term of office.
37. Motion of no confidence against Mayor or Deputy Mayor.
38. Discharge of functions of the Mayor or Deputy Mayor.
39. Resignation of Mayor and Deputy Mayor.

CHAPTER-V

MUNICIPAL AUTHORITIES UNDER THE CORPORATION **340**

54. First meeting of the Corporation after general electionsfor election of Mayor.
61. Right to attend meetings of Corporation and its committees etc.and right of Councillor to askquestions in relation to the administration of municipal area.

CHAPTER-XXIII **340**

CONTROL

404. Dissolution of Corporation.

THE HIMACHAL PRADESH MUNICIPAL CORPORATION ACT, 1994

(ACT NO. 13 OF 1994)[87]

(Received the assent of Governor of Himachal Pradesh on the 18th October, 1994 and was published in Hindi and English in R.H.P. Extra., dated the 18th October, 1994 at pages 3479-3672 and 3673-3845).

Amended, repealed or otherwise affected-

1. H.P. Act No. 12 of 1995[88] published in R.H.P Extra., dated 22.11.1995. P. 4643-4646.effected w.e.f. 1.8.1995.
2. H.P. Act No. 7 of 1997[89] published in R.H.P Extra., dated 19.4.1997. p. 1369-1372. effective w.e.f. 10.1.1997.
3. H.P. Act No. 3 of 1998[90] published in R.H.P Extra., dated 10.02.1998. P. 627 - 628.
4. H.P. Act No. 2 of 2002[91] published in R.H.P Extra., dated 11.02.2002. P. 4107-4108 effective w.e.f. 14th day of December, 2001.
5. H.P. Act No. 5 of 2002[92] published in R.H.P Extra., dated 11.02.2002. P. 4121-4140.
6. H.P. Act No. 6 of 2003[93] published in R.H.P Extra., dated 02.08.2003. P. 1087-1090.
7. H.P. Ordinance No. 3 of 2004 replaced by H.P. Act No.4 of 2005[94] published in R.H.P Extra., dated 24.01.2005. P. 3559-3562.
8. H.P. Act No. 29 of 2005[95] published in R.H.P Extra., dated 30.09.2005. P. 3311-3312.
9. H.P. Act No. 3 of 2007[96] published in R.H.P Extra., dated 13.02.2007. P. 11363-11364.
10. H.P. Act No. 19 of 2007[97] published in R.H.P Extra., dated 29.09.2007. P. 6173-6176.
11. H.P. Act No. 9 of 2008[98] published in R.H.P Extra., dated 22.5.2008. P. 1095-1096.

An Act to consolidate, amend and replace the law relating to the establishment of Municipal Corporations for certain Municipal areas in the State of Himachal Pradesh.

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87. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 19-9-1994, p. 2931 and 3106.
88. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 27-9-1995, p. 3899 and 3902.
89. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 25-3-1997, p. 983 and 986.
90. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12-12-1997, p. 4702 and 4704.
91. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 21-12-2001, p. 3652 & 3654.
92. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 20-12-2001, p. 3635 & 3647.
93. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 18-07-2003, p. 779 & 783.
94. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 22-12-2004, p. 2867
95. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 9-8-2005, p. 2234-2237.
96. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 27.12 2006, p. 9191&9194.
97. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 07.09 2007, p.4994&5003.
98. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 11.4.2008, p. 247&250.

BE it enacted by the Legislative Assembly of Himachal Pradesh in Forty-fifth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement. - (1) This Act may be called the Himachal Pradesh Municipal Corporation Act, 1994.

(2) It extends to the whole of the State of Himachal Pradesh excluding the cantonment areas therein.

(3) It shall and shall be deemed to have come into force on the 30th day of May, 1994.

2. Definitions. - In this Act, unless the context otherwise requires,-

(1) "backward classes" means such classes of citizens other than scheduled castes and scheduled tribes, as may be identified and notified for the purpose of reservation for appointments or posts in the services under the State Government ;

(2) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder ;

(3) "building" means a shop, house, out-house, stable, latrine, urinal, shed, hut, wall or any other structure, whether of masonry, bricks, wood, mud, metal or other material and includes a well but does not include any portable shelter;

(4) "bye-law" means a bye-law made under this Act, by notification in the Official Gazette;

(5) "Commissioner" means the Commissioner of the Corporation, appointed by the State Government;

(6) "Corporation" means the Municipal Corporation declared and constituted under sections 3 and 4 of this Act;

(7) "corrupt practice" means any of the practices specified in section 21 ;

(8) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a Councillor or in any other elective office ;

(9) "dangerous disease" means-

(a) cholera, plague, chicken-pox, small-pox, tuberculosis, leprosy, enteric fever, cerebrospinal meningitis and diphtheria; and

(b) any other epidemic, endemic or infectious disease which the Commissioner may, by notification, in the Official Gazette, declare to be dangerous disease for the purposes of this Act;

(10) "Director" means the Director of Urban Local Bodies appointed by the Government;

(11) "district" means a district in the State;

(12) "District Judge" means the District Judge having jurisdiction over the municipal area;

(13) "District Planning Committee" means a committee constituted under section 185 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994), at the district level to consolidate the plans prepared by the panchayats and the municipalities in the district and to prepare a draft development plan for the district as a whole;

[99][(14) "Divisional Commissioner" means the Commissioner of the Division in which the Corporation is situated and includes any other Officer appointed by the Government to perform all or any of the functions of the Divisional Commissioner under this Act;"].

(15) "drain" includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sewage, offensive matter, polluted water, waste water, rain water or subsoil water ;

(16) "dry latrine" means a latrine or privy from where night soil is removed through manual scavenging ;

(17) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are ordinarily admitted on payment;

(18) "factory" means a factory as defined in the Factories Act, 1948 (63 of 1948);

[100](18-a) "family" means a joint family of all persons descended from a common ancestor including by adoption, who live, worship and mess together permanently as shown in the Parivar Register of the Municipal Corporation".

(19) "filth" includes offensive matter and sewage ;

(20) "Finance Commission" means the Finance Commission constituted by the State Government under section 98 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994), and under articles 243-I and 243-Y of the Constitution of India;

(21) "goods" includes animals ;

(22) "Government" means the Government of the State of Himachal Pradesh;

(23) "house gully" or "service passage" means a passage or strip of land constructed, set apart or utilised for the purpose of service as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by Corporation employees or other persons employed in the cleaning thereof or in the removal of such matter therefrom;

(24) "hut" means any building which is constructed principally of wood, bamboo, mud, leaves, grass, cloth or thatch and includes any structure of whatever material made which the Corporation may declare to be a hut for the purposes of this Act ;

(25) "land" includes benefits that arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street ;

(26) "licensed architect", "licensed draftsman", "licensed engineer", "licensed plumber", "licensed surveyor" and "licensed town planner" means respectively a person licensed under the provision of this Act as an architect, draftsman, engineer, plumber, surveyor and town planner ;

(27) "member" in relation to the Corporation means a Councillor thereof :

(28) "municipal area" means the territorial area of the Corporation declared under section 3 of this Act ;

(29) "municipal drain" means a drain vested in the Corporation ;

(30) "municipal market" means a market vested in or managed by the Corporation

(31) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;

(32) "municipal water works" means water works vested in the Corporation ;

99.Sub-section (14) subs. vide Act No. 5 of 2002.
100 Inserted vide Act No. 18 of 2022, dated 10.10.2022

(33) "municipality" means an institution of self-Government constituted under section 3 of the Himachal Pradesh Municipal Act, 1994 (12 of 1994), which may be a Nagar Panchayat or a Municipal Council or a Municipal Corporation ;

(34) "nuisance" includes any act, omission, place, animal or a thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property ;

(35) "occupier" includes-

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable:

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for use and occupation of any land or building;

(36) "offensive matter" includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances, other than sewage;

(37) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

101"(37-A) "political party" means an association or body of individual citizens of India registered with the Election Commission of India, as a political party under section 29A of the Representation of people Act, 1951 (43 of 1951);".

(38) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(39) "premises" means any land or building or part of a building and includes,-

(a) the garden, ground and out-houses, if any, appertaining to a building or part of a building ; and

(b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;

(40) "prescribed" means prescribed by rules made under this Act ;

(41) "private street" means any street, which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners ;

(42) "private market" means a market which is not a municipal market";

(43) "private slaughter house" means a slaughter house which is not a municipal slaughter house ;

(44) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not ;

(45) "public securities" means any securities of the Central Government or a State Government or any securities guaranteed by the Central Government or a State Government or any securities issued under this Act ;

101Inserted vide Act No. 1 of 2021 dated 10.03.2021.

(46) "public street" means any street which vests in the Corporation or which under the provisions of this Act becomes, or is declared to be a public street ;

(47) "railway administration" would have the same meaning as assigned to it in the Indian Railway Act, 1890 (9 of 1890);

(48) "rateable value" means the value of any land or building fixed in accordance with the provisions of this Act and the bye-laws made thereunder for the purpose of assessment to property taxes;

(49) "regulation" means a regulation made by the Corporation under this Act, by notification, in the Official Gazette ;

(50) "reside"-

(a) a person shall be deemed to "reside" in any dwelling house which or some portion of which he sometimes, although not uninterruptedly uses as a sleeping apartment ; and

(b) a person shall not be deemed to cease to "reside" in any such dwelling house merely because he is absent from it or has elsewhere another dwelling house in which he resides, if there is, liberty of returning to it at any time, and no abandonment of the intention of returning to it ;

(51) "rubbish" includes ashes, broken bricks, broken glass, dust, malba, mortar and refuse of any kind which is not filth ;

(52) "rural areas" means the part of the municipal area which immediately before their inclusion within the limits of the municipal areas were situated within the local limits of a Gram Panchayat but shall not include such portion thereof as may, by virtue of a notification under section 417 cease to be included in the rural areas as herein defined ;

(53) "Scheduled Castes" shall have the same meaning as assigned to it in clause (24) of article 366 of the Constitution of India;

(54)"Scheduled Tribes" shall have the same meaning as assigned to it in clause (25) of article 366 of the Constitution of India;

[102](54-a) “section” means the section of this Act;

(55) "sewage" means night-soil and other contents of latrines, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufacturies0 of all kinds ;

(56) "shed" means a slight or temporary structure for shade or shelter;

(57) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(58) "State Election Commission" means the State Election Commission constituted by the State Government under section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) and under articles 243-K and 243-ZA of the Constitution of India ;

(59) "street" shall mean any road, footway, square, court, alley, gully or passage, accessible whether permanently or temporarily to the public and whether a thoroughfare or not, and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall include any part of such space which the occupier of any such building has right at all hours to prevent all other persons from using as aforesaid and shall include also the drains or gutters

102 Inserted vide Act No. 18 of 2022, dated 10.10.2022

therein, or on either side of the land, whether covered or not by any pavement, verandah or other erection, up-to the boundary of any abutting property, not accessible to the public;

(60) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(61) "trade premises" means any premises used or intended to be used for carrying on any trade or industry ;

(62) "trade refuse" mean the refuse of any trade or industry ;

(63) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-rickshaw, auto-rickshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street ;

(64) "ward" means a municipal ward of the Corporation made under sub-section (2) of section 4 of this Act for the purpose of election of a member ;

(65) "water course" includes any river, stream or channel whether natural or artificial ;

(66) "water seal latrine" means a latrine with a minimum water-seal of 20 mm. in which excreta is pushed in or flushed by water and is not required to be removed by human agency ;

(67) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, main pipes, culverts, hydrants, stand-pipes and conduits and all lands, buildings, machinery, bridges and things used for, or intended for the purpose of supplying water;

(68) "workshop" means any premises (including the precincts thereof) other than a factory, wherein any industrial process is carried on ; and

(69) "year" means a year commencing on the 1st day of April.

CHAPTER - II

CONSTITUTION OF CORPORATION

3. Declaration of municipal area as Corporation.- (1) For the purposes of this Act, the area comprised within the limits of the Shimla Municipal Corporation constituted under the Himachal Pradesh Municipal Corporation Act, 1979 (9 of 1980) shall be the Municipal Corporation of Shimla.

(2) The Government may, from time to time, by a notification in the Official Gazette, declare any municipality to be a Corporation Known as "the Municipal Corporation of ..... (Name of Corporation)":

Provided that no municipality or group of municipalities shall be so declared to be a Corporation unless:-

(i) the population thereof exceeds [103]forty thousand; and

(ii) the total income of the municipality or group of municipalities immediately preceding the date of issue of the notification, exceeds two corers rupees per annum.

(3) The Government may, from time to time, after consultation with the Corporation, by notification in the Official Gazette, alter the limits of the municipal area of the Corporation declared under sub-sections (1) and (2) so as to include therein or exclude therefrom such areas as may be specified in the notification.

(4) When the limits of the municipal area are altered, so as to include therein any area, except as the Government may otherwise by notification direct, all rules, regulations, notifications, bye-laws, orders, directions and powers issued or conferred and all taxes imposed under this Act and in force in the municipal area, shall apply to such area.

(5) When a local area is excluded from the Corporation under sub-section (3),-

(a) this Act, and all notifications, rules, bye-laws, orders directions and powers issued, made or conferred under this Act, shall cease to apply thereto ; and

(b) the Government shall after consulting the Corporation, frame a scheme determining what portion of the balance of the Corporation fund and other property vesting in the Municipal Corporation shall vest in the Government and in what manner the liabilities of the Corporation shall be apportioned between the Corporation and the Government, and, on the scheme, being notified, the property and liabilities shall vest and be apportioned accordingly.

4. Incorporation and constitution of Corporation. - (1) The Corporation shall be a body corporate having perpetual succession and a common seal with power subject to the Provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

(2) Save as provided in sub-section(3), all seats in the Corporation shall be filled by persons chosen by direct election from the territorial constituencies in the municipal area and for this purpose the municipal area shall, by a notification issued in this behalf, be divided into territorial constituencies to be known as wards.

[104][(3) In the Corporation, in addition to persons chosen by direct election under this section, the Members of the State Legislative Assembly, representing constituencies which comprise wholly or partly in municipal area, shall also be the Councillors[.][105]

103Ameded vide Act NO. 6 of 2020 Dated 24.09.2020

104.Sub-section (3) subs. vide Act No. 7 of 1997w.e.f. 10-1-1997.

105. Subs. for the words "and the State Government may, by notification, also nominate as Councillors, not more than three persons having special knowledge or experience of Municipal administration" vide Act No. 6 of 2003.

[106][xxxxxxxxxxxx]

[107][(3-A). The State Government may, by notification, nominate as councillors not more than [108]five persons having special knowledge or experience of municipal administration:

Provided that a person who contested and lost the immediately preceding election of any Corporation shall not be nominated by the State Government as a Councillor of that Corporation or any other Corporation during its existing term:

Provided further that a Councillor nominated under sub-section whether before or after the commencement of the Himachal Pradesh Municipal Corporation (Amendment) Act, 2003 shall hold office during the pleasure of the State Government, but not beyond the term of Corporation as provided for in sub-section (1) of section 5 of this Act.

(3-B). The nominated Councillors referred to in sub-section (3-A) and the Commissioner shall have the right to attend all the meetings of the Corporation and to take part in the discussion therein but shall not have any right to vote.].

(4) Where after the commencement of this Act, any municipal area is declared to be a Corporation under sub-section (2) of section 3, all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law, shall be exercised and performed by the commissioner for a period not exceeding [109]two years or till a Corporation is constituted under the provisions of this Act, which ever is earlier.

5. Duration of Corporation.- (1) The Corporation, unless sooner dissolved under section 404 of this Act, shall continue for five years from the date appointed for its first meeting.

(2) An election to constitute the Corporation shall be completed -

(a) before the expiry of its duration specified in sub-section(1);

(b) before the expiration of a period of six months from the date of its dissolution :

Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the Corporation for such period:

[110]"Provided further that if the elections to a Corporation could not be conducted by the State Election Commission during the duration of the Corporation due to the reasons beyond its control, all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law shall be exercised and performed by such officer or authority, as the Government may appoint in that behalf, in the manner as provided in section 404, from the date of expiry of the term of the Corporation till a new body is duly constituted after completion of the election process.":

[111]"Provided also that the first election to a Municipal Corporation, may be held within a period of two years of its being notified as a Corporation".

(3) A Corporation constituted upon its dissolution before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Corporation would have continued under sub-section (1) had it not been so dissolved.

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106. Provison deleted vide Act No. 6 of 2003.
107. Sub-sections (3-A) and (3-B) added vide Act No. 6 of 2003.
108 Substituted for the words "three" vide H.P. Act No. 13 of 2016
109 Amended vide Act No. 42 of 2025, dated 03.11.2025
110 Inserted vide Act No. 18 of 2022, dated 10.10.2022
111 Inserted vide Act No. 42 of 2025, dated 03.11.2025

6. Delimitation of wards.- For the purposes of election of Councillors the Deputy Commissioner shall, in accordance with such rules as may be prescribed by the State Government,-

(a) divide the municipal area into wards in such a manner that,-

(i) one Councillor shall be elected from each ward ; and

(ii) as far as possible the population in each ward shall be equally distributed :

Provided that the population in each ward shall not be less than[112][2500] and the number of total seats to be filled by direct election shall not exceed[113]Thirty Four;

(b) determine the territorial extent of each ward ; and

(c) determine the ward or wards in which seats are reserved under this Act.

7. Qualification for Councillors.- A person shall not be qualified to be chosen as a Councillor, unless-

(a) he has attained twenty-one years of age ; and

(b) his name is registered as an elector in the electoral roll of any ward in the municipal area.

8. Disqualifications of Councillors. - (1) A person shall be disqualified for being chosen as, and for being, a Councillor of the Corporation-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of election to the Legislature of the State:

Provided that no person shall be disqualified on the ground that he is less than 25 years, if he has attained the age of 21 years; and

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) A person shall also be disqualified for being chosen as, and for being, a Councillor-

(a) if he is of unsound mind and stands so declared by a competent court ;

(b) if he is an undischarged insolvent ;

(c) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(d) if he has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty of-

(i) any corrupt practice under section 21 of this Act;

(ii) any offence punishable under sections 171-E or 171-F of the Indian Penal Code, 1860 (45 of 1860) or any offence punishable under section 29 or clause (a) of sub-section (2) of section 30 of this Act ; unless a period of six years has elapsed since the date of the finding ;

[114][(dd) if he has incurred more expenditure than prescribed under section 13-A or has failed to lodge account under section 13-B within 30 days of the declaration of the result of the election;].

(e) if he has been [115][xxxxx] convicted by a criminal court to imprisonment for an offence involving moral turpitude, unless a period of six years has elapsed since his conviction ;

[116][***Explanation***.-"moral turpitude" shall mean the cases where a charge framed by a competent court involves an offence for which the maximum sentence is death or life imprisonment or 10 years or more;]

112Ameded vide Act No. 6 of 2020 Dated 24.09.2020
113 Amended from 41 to 34 vide ordinance 24.01.2023
114. Clause (dd) added vide Act No. 5 of 2002.
115. The words “Sentenced or” deleted vide Act No. 5 of 2002.
116 . Explanations added vide Act No. 5 of 2002.

(f) if he holds any office of profit under the Corporation ;

(g) if he is a licensed architect, draftsman, engineer, plumber, surveyor or town planner or is a partner of a firm of which any such licensed person is also a partner;

(h) if he holds any office of profit under the Government or the Municipal Corporation ;

(i) if he is interested in any subsisting contract made with, or any work being done for the Corporation except as a share holder (other than a director) in an incorporated company or as a member of a co-operative society ;

(j) if he is retained or employed in any professional capacity either personally or in the name of a firm of which he is a partner or with which he is engaged in a professional capacity, in connection with any cause or proceeding in which the Corporation or any of municipal authorities is interested or concerned ;

(k) if he, having held any office under the Government, the Corporation or any other local authority, any Government company or any corporate body owned or controlled by the Government [117][,] has been dismissed from service ;

(l) if he has encroached upon or is a beneficiary of the encroachment upon any land belonging to, or taken on lease or requisitioned by or on behalf of, the State Government, a municipality, a panchayat, a co-operative society or any other local authority, unless a period of six years has elapsed since the date on which he is ejected therefrom or he ceases to be the encroacher;

Explanation.-For the purposes of this clause the expression "beneficiaries" shall include the spouse and legal heirs of the encroacher; or

(m) if he is registered as a habitual offender under the Himachal Pradesh Habitual Offenders Act, 1969 (8 of 1974);

(n) if he has been ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1973 (2 of 1974);

(o) if he fails to pay any arrears of any kind due to him, otherwise than as an agent, receiver, trustee or an executor to the Corporation within three months after a notice in this behalf has been served upon him ;

[118](o-a) if he is a defaulter of any co-operative society.

(p) if he is in the employment or service under any panchayat or of any other local authority or co-operative society or the State Government or Central Government or any public sector undertaking under the control of the Central or the State Government.

[119][(q) XXXXXXX :XXXXXXX

117. Subs. words “or” vide act No. 5 of 2002.
118 . Inserted vide Act No. 1 of 2021 dated 10.03.2021.
119. Clauses (q) and (r) added vide Act No. 5 of 2002.

(r) if he has made any false statement or declaration in writing under this Act or the rules made thereunder.].

Explanation.- For the purposes of this clause the expression "service" or "employment" shall include persons appointed, engaged or employed on whole time, part time, casual, daily or contract basis.

(3) Notwithstanding anything contained in sub-sections (1) and (2) above -

(a) a disqualification under clause (e) of sub-section (2) shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence until that appeal or petition is disposed of ;

(b) a person shall not be deemed to have incurred any disqualification under clause (f), or clause (g) of sub-section (2) by reason only of his receiving -

(i) any pension ; or

(ii) any allowance or facility for serving as a Mayor or Deputy Mayor or as a Councillor; or

(iii) any fee for attendance at a meeting of any committee of the Corporation ;

(c) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of sub-section (2) by reason only of his having a share or interest in -

(i) any lease, sale, exchange or purchase of immovable property or any agreement for the same ; or

(ii) any agreement for the loan of money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted ; or

(iv) the sale to the Corporation or to any other municipal authority or any officer or other employee of the Corporation on behalf of the Corporation of any article in which he regularly trades or the purchase from the Corporation or from any such authority, officer or other employee on behalf of the Corporation of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work; or

(v) the letting out on hire to the Corporation or the hiring from the Corporation of any article not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work ; and

(vi) any agreement or contract with the Corporation or any other municipal authority for taking water or any other thing which the Corporation may generally supply.

(4) If a person sits or votes as a Councillor of the Corporation when he is not qualified or that he is disqualified for such Councillorship, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as an arrear of tax under this Act.

(5) If any question arises as to whether a Councillor of the Corporation has become subject to any of the disqualifications mentioned in sub-sections (1) and (2), the question shall be referred for the decision of such authority and in such manner as the Government may by notification provide.

(6) If a person who is chosen as a Councillor of the Corporation, becomes a Member of the House of the People, the Council of States, the State Legislative Assembly, or is or becomes member of a municipality, or an office bearer of a panchayat, then at the expiration of a period of fifteen days from the

date of publication of the election result, as the case may be, within fifteen days from the date of the commencement of term of office of a Member of the House of People, the Council of State, the State Legislative Assembly or member of the municipality, or an office bearer of a panchayat, his seat in a Corporation shall become vacant, unless he has previously resigned his seat in the House of People, the Council of States, the State Legislative Assembly, the panchayat or the municipality, as the case may be.

Explanation.- For the purposes of sub-section (6), the expression "office bearer of the panchayat" shall have the same meaning as is assigned to it under clause (23) of section 2 of the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994).

[120]"8A. Disqualification on the ground of defection.—(1) The election to the Corporation shall be held on the basis of party symbols of political parties and free symbols in the manner as may be prescribed.

(2) A person shall be disqualified for being a Councillor of the Corporation,—

(a) if he has voluntarily given up his membership of such political party; or (b) if he votes or abstains from voting in such meeting of the Corporation contrary to any direction issued by the political party to which he belongs or by an authorised person of such political party in this behalf, without obtaining, in either case, the prior permission of such political party,

or authorised person and such voting or abstention has not been condoned by such political party or authorised person of such political party within fifteen days from the date of such voting or abstention.

Explanation.—For the purposes of this section a Councillor of a Corporation shall deemed to belong to the political party, if he was set up as a contesting candidate for election by such political party.

(3) A Councillor of a Corporation who has been elected on a free symbol as such shall be disqualified for being a member of the Corporation if he joins any political party after such election.

8B. Disqualification on ground of defection not to apply in case of merger.—(1) A Councillor of a Corporation shall not be disqualified under section 8A, where his original political party merges with another political party and he claims that he and any other members of his original political party,—

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group; and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of section 8A and to be his original political party for the purposes of this sub-section.

(2) For the purposes of sub-section (1), the merger of the original political party of a Councillor of a Corporation shall be deemed to have taken place if, and only if, not less than two-third of the members of the original party concerned in the Corporation have agreed to such merger.

8C. Decision on questions as to disqualification on ground of defection.— If any question arises as to whether a Councillor of a Corporation has become subject to disqualification under section 8A, the question shall be referred to the Government by the Commissioner of the Corporation through Director Urban Development Department. The Government may authorise an officer not below the rank of Deputy Commissioner to decide the question of disqualification on the ground of defection for the purpose of section 8A. The decision of such authorised officer shall be final.".

120 Inserted vide Act No.1 of 2021 dated 10.03.2021

9. Election to the Corporation.- (1) The superintendence, direction and control of the preparation of electoral rolls, delimitation of wards, reservation and allotment of seats by rotation for, and the conduct of all elections of the Corporation, shall be vested in the State Election Commission.

(2) The Government as well as the Corporation shall, when so requested by the State Election Commission, make available to the Commission such staff [121][material and monetary resources] as may be necessary for the discharge of the functions conferred on the State Election Commission by sub-section (1).

(3) The Commission shall frame its own rules and lay down its own procedure.

[122][**9-A. Requisitioning of premises, vehicles etc. for election purposes.-** (1) If it appears to the State Government that in relation to the Municipal Corporation,-

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government, may by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section,-

(a) "premises" means any land, building or part of building and includes a hut, shed or other structure or any part thereof ; and

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

9-B. Payment of compensation.- (1) Whenever in pursuance of section 9-A. the State Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality ;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

121. Ins. Vide Act No. 5 of 2002.
122. Sections 9-A to 9-E ins. vide Act No. 5 of 2002.

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Government for referring the matter to an arbitrator, the amount of compensation, to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination, and shall be determined in accordance with the decision of such arbitrator.

***Explanation*.-** In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 9-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 9-A, the State Government requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined make an application within the prescribed time to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

9-C. Release of premises from requisition.- (1) When any premises requisitioned under section 9-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom the possession of any premises requisitioned under section 9-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof ; and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

9-D. Delegation of functions of the State Government with regard to requisitioning.- The State Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on it by any of the provisions of sections 9-A to 9-C shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

9-E. Deputation of staff and punishment on breach of official duty.-(1) The State Government shall depute staff from Government or Semi Government Organisations of the State Government for the conduct of all elections to the Municipal Corporation and the officers or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation with the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(2) If any person deputed on election duty under sub-section (1) disobeys any orders issued by an officer appointed to conduct the election under this Act regarding the performance of an election duty or deliberately abstains himself from duty or contravenes any provision of this Act and the rules made thereunder, he shall be punishable with fine which may extend to five hundred rupees.]

10. Reservation of seats of Councillors.- (1) Seats shall be reserved in the Corporation,-

(a) for the Scheduled Castes ; and

(b) for the Scheduled Tribes ;

and the number of seats so reserved shall bear as nearly as may be same proportion to the total number of seats to be filled by direct election in the Corporation as the population of the Scheduled Castes and the Scheduled Tribes in the municipal area bears to the total population of the municipal area:

Provided that in case no reservation of seats is possible as aforesaid due to small population of the Scheduled Castes or the Scheduled Tribes and the population of Scheduled Castes or of the Scheduled Tribes in the municipal area is at least five per cent of the total population of the municipal area, one seat shall be reserved for the Scheduled Castes, or the Scheduled Tribes, as the case may be, in such a Corporation:

Provided further that where there is no eligible candidate belonging to the Scheduled Castes, or the Scheduled Tribes, as the case may be, to be elected as a member of the Corporation, no seat shall be reserved for Scheduled Castes, or Scheduled Tribes, as the case may be:

Provided further that in non-tribal areas where there is Scheduled Tribes population in a municipal area, seats shall be reserved for such members of the Scheduled Tribes within the reservation provided for the members of the Scheduled Castes and the determination of seats to be reserved amongst the Scheduled Castes and Scheduled Tribes shall be in proportion to their population in that municipal area.

Explanation.- The expression "non-tribal area" for the purpose of this proviso shall mean the areas other than the Scheduled Areas specified in relation to the State of Himachal Pradesh.

(2) One-half out of the total number of seats, reserved under sub-section (1), shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) One-half (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election shall be reserved for women.

(4) The State Government may, by general or special order, reserve such number of seats for persons belonging to Backward Classes in a Corporation, not exceeding the proportion to the total number of seats to be filled by direct election in the Corporation as the population of the persons belonging to Backward Classes in that municipal area bears to the total population of that area and may further reserve not less than onehalf of the total seats reserved under this sub-section for women belonging to Backward Classes.

(5) The seats reserved under sub-sections (1), (2), (3) and (4) shall be allotted by rotation to different constituencies in the municipal area in such manner as may be prescribed.

(6) The reservation of seats under sub-section (1), shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

(7) The reservation of seats under sub-sections (1) and (4) shall be reviewed after every decennial census.

(8) The reservation of seats under this section shall be given effect to through a notification issued, at the time of each election, by the State Government.

11. Right to vote.- (1) For every municipal area there shall be a list of voters which shall be prepared in accordance with the provisions of this Act and the rules made thereunder.

(2) Every person who is qualified to be registered in Legislative Assembly roll relatable to the municipal area or whose name is entered therein and ordinarily resident within the municipal area shall be entitled to be registered in the list of voters of that municipal area:

Provided that no person shall be entitled to be registered in the list of voters for more than one ward of the municipal area.

***Explanation*-I.-** The expression "ordinarily resident" shall have the meaning assigned to it in section 20 of the Representation of the People Act, 1950 (43 of 1951) subject to the modification, that reference to "constituency" therein will be construed as reference to "municipal area".

***Explanation*-II.-** A person shall be disqualified for registration in the list of voters of the municipal area if he is disqualified for the registration in the Legislative Assembly roll.

12. Filling of casual vacancies.- (1) Whenever a vacancy occurring by death, resignation or removal, or by vacation of a seat for any other reason, the vacancy shall be filled within six months of the occurrence of such vacancy :

Provided that no election shall be held to fill a casual vacancy occurring within six months prior to the holding of a general election.

(2) Every person elected or nominated to fill a casual vacancy shall be elected or nominated to serve for the remainder of his predecessor's term of office.

(3) If the vacancy be a vacancy reserved for any category, the vacancy will be filled from the same category.

13. Publication of results of elections.- The names of all persons elected as Councillors shall, as soon as may be after such election be published by the State Election Commission in the Official Gazette :

Provided that the names of all the Councillors elected at a general election shall be so published as far as possible simultaneously.

[123][13-A. Account of election expenses and maximum [124][limit] thereof.- (1) Every candidate at an election shall, either himself or by his election agent, [125][or by any other person with his authority, consent or knowledge] keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent [126][or by any other person with his authority, consent or knowledge] between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be prescribed by the State Government in consultation with the State Election Commission.

123.Sections 13-A and 13-B inserted by Act No. 12 of 1995 w.e.f. 1-8-1995.

124. Ins. Vide Act No. 5 of 2002.

125 .Ins. Vide Act No. 5 of 2002.

126. Ins. Vide Act No. 5 of 2002.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed by the State Government in consultation with the State Election Commission.

13-B. Lodging of account .- Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidates at the election and the dates of their election are different, the later of those of those two dates lodge with the officer, as may be appointed by the State Election Commission, an account of his election expenses which shall be a true copy of the account kept by him or by his election agent [127][or by any other person with his authority, consent or knowledge] under section 13-A.]

14. Election petitions.- (1) No election of a Councillor shall be called in question except by an election petition presented to the [Divisional Commissioner], having jurisdiction over that municipal area hereinafter in this Chapter referred to as the prescribed authority within thirty days from the date of the publication of the result of the election under section 13.

(2) An election petition calling in question any such election may be presented on one or more of the grounds specified in section 16, by any candidate at such election or by any elector of the ward concerned.

(3) petitioner shall join as respondents to his petition all the candidates at his election.

(4) An election petition-

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question ; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings.

[128][**14-A. Parties to the petition.-** A petitioner shall join as respondents to his petition,-

(a) where the petitioner, in addition to claiming declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates ; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.].

15. Relief that may be claimed by the petitioner.- A petitioner may claim-

(a) a declaration that the election of all or any of the returned candidates is void ; and

(b) in addition thereto, a further declaration that he himself or any other candidate has been duly elected.

Explanation.- The expression "returned candidate" means a candidate whose name has been published in the Official Gazette, under section 13.

16. Grounds for declaring election to be void.- (1) Subject to the provisions of sub-section (2), if the prescribed authority is of the opinion -

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a Councillor; or

127. Ins. Vide Act No. 5 of 2002.
128. Section 14-A Ins. Vide Act No. 5 of 2002.

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent ; or

(c) that any nomination paper has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent ; or

(d) that the result of the election in so far as it concerns, a returned candidate has been materially affected -

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interest of the returned candidate by a person other than the candidate or his agent or a person acting with the consent of such candidate or agent ; or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void ; or

(iv) by the non-compliance with the provisions of this Act or any rules or orders made thereunder,

prescribed authority shall declare the election of the returned candidate to be void.

(2) If in the opinion of the prescribed authority, a returned candidate or any of his agents, has been alleged to be guilty of any corrupt practice, but the prescribed authority is satisfied -

(a) that no such corrupt practice was committed at the election by the candidate, or such corrupt practice was committed contrary to the orders, and without the consent of the candidate ;

(b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

the prescribed authority may decide that the election of the returned candidate is not void.

17. Procedure to be followed by the prescribed authority.- The procedure provided in the Code of Civil Procedure, 1908 (5 of 1908), in regard to suits shall be followed by the prescribed authority in the trial and disposal of an election petition under this Act.

18. Decision of prescribed authority.- Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be decided by the prescribed authority within a period of six months from the date of its presentation under section 14, and at the conclusion of the hearing of an election petition, the prescribed authority shall make an order -

(a) dismissing the election petition ; or

(b) declaring the election of all or any of the returned candidates to be void ; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner and any other candidate to have been duly elected.

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed declaration that he himself or any other candidate has been duly elected and the prescribed authority is of opinion -

(a) that in fact the petitioner or such other candidate received a majority of the valid votes ; or

(b) that but for the vote obtained by the returned candidate, the petitioner or such other candidate would have obtained a majority of the valid votes,

the prescribed authority shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

19. Procedure in case of equality of votes. - If during the hearing of an election petition it appears that there is an equality of votes between any candidate at the election and that the addition of a vote would entitle any of those candidate to be declared elected, then the prescribed authority shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

20. Finality of decision.- (1) Save as otherwise provided, an order of the prescribed authority on an election petition shall be final.

(2) An election of a Councillor not called in question in accordance with the foregoing provisions shall be deemed to be a good and valid election.

(3) Any person aggrieved by the order of the prescribed authority may file an appeal to the [129][Financial Commissioner (Appeal) to the Government of Himachal Pradesh or such other officers, as may be authorised, by notification, by the State Government in consultation with the State Election Commission], within a period of thirty days from the date of the order and he shall hear and dispose of the appeal within a period of ninety days.

21. Corrupt practices. - The following shall be deemed to be corrupt practices, namely:-

(1) Bribery as defined in sub-section (1) of section 123 of the Representation of the People Act, 1951 (43 of 1951);

(2) Undue influence as defined in sub-section (2) of the said section;

(3) An appeal by a candidate or his agent or by any other person with the consent of the candidate or his election agent to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to, religious symbols or, the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election;

(4) The publication by a candidate or his agent or by any other person with the consent of the candidate or his election agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election;

[130][(4-A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of citizen of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.]; and

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of the candidate or his election agent for conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

[131][(5-A) the incurring, or authorising, of expenditure in contravention of section 13-A.]

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a

129. Subs. for the word "Director" vide Act No. 5 of 2002.
130. Subs. Section (4-A) ins. Vide Act No. 5 of 2002.
131.Subs. Section (5-A) added vide Act No. 12 of 1995 w.e.f. 1-8-1995.

corrupt practice under this clause, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical powers:

Provided further that the use of any public transport vehicle or vessel or any railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this sub-section ;

Explanation.- In this sub-section the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof.

[132][(7-A) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of the candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government of India or any State or a local authority.].

(8) Any other practice which the Government may by rules specify to be corrupt practice.

22. Maintenance of secrecy of voting.- (1) Every officer, or official, agent or other person who performs any duty in connection with the recording or counting of votes at an election, shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three months or with fine, or with both.

23. Officers etc. at elections not to act for candidates or to influence voting.- (1) No person who is a returning officer, or an assistant returning officer or a presiding officer or polling officer at an election or an officer or official appointed by the returning officer or the presiding officer to perform any duty in connection with an election or a member of a police force, shall, in the conduct or management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid shall endeavour-

(a) to persuade any person to give his vote at an election ; or

(b) to dissuade any person for giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

[133][(4) An offence punishable under sub-section (3) shall be cognizable.].

24. Prohibition of canvassing in or near polling station and of public meeting on election day.- (1) No person shall, on the date or dates on which the poll is taken at any polling station, commit any of the following acts within the polling station, or in any public or private place within a distance of one hundred metres of the polling station, namely :-

(a) canvassing for votes ; or

132. Sub- section (7-A) ins. Vide Act No. 5 of 2002.
133. Sub-section (4) added vide Act No. 5 of 2002.

(b) soliciting the votes of any elector; or

(c) persuading any elector not to vote for any particular candidate ; or

(d) persuading any elector not to vote at the election ; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

[134][(2) No person shall,-

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election ; or

(b) display to the public any election matter by means of cinematography, television or other similar apparatus ; or

(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto ;

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of poll for any election in that polling area.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to two years, or with fine not exceeding rupees ten thousand, or with both.

***Explanation*.-** In this section the expression "election matter" means any matter intended or calculated to influence or affect the result of an election.]

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to two hundred and fifty rupees.

(4) An offence committed under sub-section (1) or sub-section (2) shall be cognizable.

25. Penalty for disorderly conduct in or near polling station.- (1) No person shall, on the date or dates on which a poll is taken at any polling station,-

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker ; or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof ,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

134. Sub- sections (2) and (3) Subs. vide Act No. 5 of 2002.

26. Penalty for misconduct at the polling station.- (1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The power conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

27. Breaches of official duty in connection with election.- (1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees. An offence punishable under this section shall be cognizable.

(2) No suit or other legal proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly.

28. Removal of ballot papers from polling station to be an offence.- (1) Any person who at an election fraudulently takes or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

29. Offence of booth capturing.- Whoever commits an offence of booth capturing, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine.

Explanation.- For the purposes of this section, "booth capturing" includes, among other things, all or any of the following activities, namely :-

(a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct or elections ;

(b) taking possession of a polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting ;

(c) threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote ;

(d) seizure of a place for counting of votes by any person or persons making the counting authorities surrender the ballot papers or voting machine and the doing of anything which affects the orderly counting of votes ;

(e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

30. Other offences and penalties.- (1) A person shall be guilty of an electoral offence, if at any election he-

(a) fraudulently defaces, destroys any nomination paper ; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the returning officer ; or

(c) fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper or any declaration of identify or official envelope used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper ; or

(e) fraudulently puts into any ballot-box anything other than the ballot paper which he is authorised by law to put in ; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purpose of the election ; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

[135][(h) violates the Model Code of Conduct issued by the State Election Commission.].

(2) Any person guilty of an offence under this section shall-

(a) if he is a returning officer or an assistant returning officer or a presiding officer or a polling officer or any other officer or official employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both ;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of any election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election.

(4) An offence punishable under sub-section (2) shall be cognizable.

135. Clause (h) added vide Act No. 5 of 2002.

(5) No court shall take cognizance of any offence under section 24, or under section 28, or under clause (a) of sub-section (2) of this section unless there is a complaint made by order of, or under authority from, the State Election Commissioner.

[136]**[30-A. Promoting enmity between classes of citizen in connection with the election**.- Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizen of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

30-B. Disturbances at election meetings.-(1) Any person who at a public meeting to which this section applies acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon constituency to elect a member or members and the date on which election is held.

(4) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting require that person to declare to him immediately his name and address and, if the persons refuses or fails to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

30-C. Restrictions on the printing of pamphlets, posters etc.- (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless within reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-

(i) where it is printed in the Capital of the State, to the State Election Commission; and

(ii) in any other case, to the District Magistrate of the district, it is printed.

(3) For the purposes of this section,-

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

136. Sections 30-A to 30-I ins. vide Act No. 5 of 2002.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

30-D. Penalty for failure to observe procedure for voting.- If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

30-E. Penalty for illegal hiring or procuring of conveyance at elections.- If any person is guilty of any such corrupt practices as specified in sub-section (5) of section 21 of this Act, at or in connection with an election, he shall be punishable with imprisonment which may extend to three months, or with fine.

30-F. Penalty for Government servants for acting as election agent, polling agent or counting agent.-If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

30-G. Prohibition of going armed to or near a polling station.- (1) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959 (54 of 1959), of any kind within the neighbourhood of polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) Notwithstanding anything contained in the Arms Act, 1959 (54 of 1959), where a person is convicted of an offence under this section, the arms as defined in the said Act found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.

30-H. Grant of paid holiday to employees on the day of poll.- (1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the Municipal Corporation shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

30-I. Liquor not to be sold, given or distributed on polling day.- (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, catering house, tavern, shop or any other place , public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed off in such manner as may be prescribed.]

31. Power to make rules regulating the election of Councillors.- (1) The Government may in consultation with State Election Commission make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of Councillors under this Act, namely:-

(a) qualifications of elector and the preparation, publication, correction and revision of electoral rolls ;

(b) the appointment of returning officers, assistant returning officers presiding officers and polling officers for the conduct of election;

(c) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations and allotment of symbols to candidates ;

(d) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the Corporation;

(e) the withdrawal of candidature ;

(f) the appointment of agents of candidates ;

(g) the procedure in contested and uncontested elections ;

(h) the date, time and place for poll and other matters relating to the conduct of elections including-

(i) the appointment of polling stations for each ward ;

(ii) the hours during which the polling station shall be kept open for the casting of votes ;

(iii) the printing and issue of ballot papers ;

(iv) the checking of voters by reference to electoral roll;

(v) the making with indelible ink of the left fore-finger or any other finger or limb of the voter and prohibition of the delivery of the ballot paper to any person if at the time such person applies for such person applies for such paper he has already such mark, so as to prevent personation of voters ;

(vi) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability ;

(vii) the procedure to be followed in respect of challenged votes and tendered votes ;

(viii) the scrutiny of votes, counting of votes, the declaration of the results and the procedure in case of equality of votes or in the event of a Councillor being elected to represent more than one ward;

(ix) the custody and disposal of papers relating to elections ;

(x) the suspension of polls in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll ;

(xi) the holding of a fresh poll in the case of destruction of or tampering with the ballot boxes before the count ;

(xii) the countermanding of the poll in the case of the death of a candidate before the poll ;

(i) the requisitioning of premises, vehicles, vessels or animals, payment of compensation in connection with such requisitioning, eviction from requisitioned premises and release of premises from requisition ;

(j) the fee to be paid on an election petition ;

(k) any other matter relating to elections or election disputes which is to be prescribed or in respect of which the Government deems it necessary to make rules under this section or in respect of which this Act makes no provisions or makes insufficient provision and provision is, in the opinion of the Government, necessary.

(2) Any person who contravenes the provisions of any rule framed under this section shall be punishable with fine which may extend to one thousand rupees.

32. Bar to interference by Courts in electoral matters.- Notwithstanding anything in this Act, the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243-ZA of the Constitution of India shall not be called in question in any Court.

33. Oath or affirmation by Councillor.- (1) Every Councillor shall, before taking his seat, make and subscribe at a meeting of the Corporation an oath or affirmation according to the following form, namely:-

"I A.B. having been elected/nominated as Councillor of the Municipal Corporation of ..... do swear in the name of God/solemnly affirm that I will bear true and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

(2) If a person sits or votes as a Councillor before he has complied with the requirements of sub-section (1), he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as an arrear of tax under this Act, and his vote will be considered invalid.

34. Removal of and resignation by Councillors.- (1) The Government may, by notification, remove any Councillor, if in its opinion -

(a) he becomes subject to any of the disqualifications mentioned in section 8 ; or

(b) he has flagrantly abused his position as a Councillor or has through negligence or misconduct been responsible for the loss or misapplication of any money or property of the Corporation;

(c) he has become physically or mentally incapacitated for performing his duties as a Councillor ; or

(d) he absents himself during three successive months from the meetings of the Corporation ; or

(e) he acts in contravention of the provisions of section 61 :

Provided that before making an order under this section, reasonable opportunity shall be given to the Councillor to be heard and to show cause against such an order.

(2) If a Councillor resigns his seat by writing under his hand addressed to the Commissioner, he shall cease to be a Councillor on the date of acceptance of his resignation and his office shall thereupon fall vacant.

35. Payment of allowances to Councillors.- The Councillors shall be entitled to receive allowances for attendance at meetings of the Corporation and of its committees at such rates as may be prescribed subject to the limits as may be imposed by the Government.

36. Election of Mayor, Deputy Mayor and their term of office.- (1)"[137]The Corporation shall at its first meeting elect one of its Councillors to be the Chairperson to be known as the Mayor and another Councillor to be the Deputy Mayor of the Corporation :

[138]"Provided that the office of the Mayor shall be reserved for the Scheduled Castes, Scheduled Tribes, Women and Other Backward Classes by rotation or by lots in the manner as may be prescribed":

Provided further that where the population of any class of persons referred to in the foregoing proviso is less than fifteen per cent of the total population of the municipal area, the office of the Mayor shall not be reserved for that class". and

(2) [139]"The term of office of the Mayor and the Deputy Mayor of the Corporation shall befive years from the date of his election, as such, unless in the mean time he resigns his office as Mayor or Deputy Mayor or unless in the case of Deputy Mayor is elected as the Mayor and he shall cease to hold his office on the expiry of his term of office:

Provided that if the office of the Mayor or Deputy Mayor is vacated or falls vacant during the tenure on account of death, resignation or no-confidence motion, a fresh election within a period of one month of the vacancy shall be held from the same category, for the remainder period :

Provided further that the election of the new Mayor or the Deputy Mayor, as the case may be, at the end of every term, shall be held before the expiry of the term specified in this sub-section.

(3) The Mayor and Deputy Mayor shall be entitled to the payment of such honorarium and may be given such facilities in respect of residential accommodation, telephone, conveyance and the like as may be prescribed by bye-laws.

(4) The Mayor of the Corporation shall have access to the record of the Corporation and issue directions to the Commissioner or other functionaries of the Corporation or call for reports from them with a view to ensuring proper implementation of the decisions of the Corporation.

(5) The Mayor shall have such powers as may be necessary to carry out the purposes of this Act and to implement the decisions of the Corporation.

37. Motion of no confidence against Mayor or Deputy Mayor.- (1) A Motion of no confidence against the Mayor or Deputy Mayor may be made in accordance with the procedure as may be prescribed.

(2) Where a notice of intention to move a resolution requiring the Mayor or Deputy Mayor of the Corporation to vacate his office, signed by not less than [140]two thirdof its total elected Councillors is given and if a motion of no confidence is carried by a resolution passed by a majority of elected Councillors present and voting at its general or special meeting, the quorum of which is not less than [141]three-fourth of its total elected members, the Mayor or the Deputy Mayor against whom such resolution is passed shall cease to hold office forthwith

(3) Notwithstanding anything contained in this Act or the rules made thereunder, the Mayor or Deputy Mayor of the Corporation shall not preside over a meeting in which a motion of no confidence is discussed against him. Such meeting shall be presided over by such a person, and convened in such manner, as may be prescribed and the person against whom a motion of no confidence is moved, shall have a right to vote to take part in the proceedings of such a meeting.

(4) Motion of no confidence under this section shall not be maintainable within six months of the date of his election to such office and any subsequent motion of no confidence shall not be maintainable with the interval of six months of the last motion of no confidence.

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137 Amended vide Ordinace No. 4 of 2025, dated 28.10.2025
138 Substituted vide Act No1 of 2021 dated 10.03.2021.
139 Amended vide Ordinace No. 4 of 2025, dated 28.10.2025
140 Substituted vide Act No. 1 of 2021 dated 10.03.2021.
141 Substituted vide Act No. 1 of 2021 dated 10.03.2021.

38. Discharge of functions of the May by Deputy Mayor.- (1) When the office of the Mayor is vacant, the Deputy Mayor shall act as Mayor until a new Mayor is elected.

(2) When the Mayor is absent from duty on account of illness or any other cause, the Deputy Mayor, shall act, as Mayor during his absence.

39. Resignation of Mayor and Deputy Mayor.- (1) The Mayor may, by writing under his hand addressed to the Deputy Mayor, resign his office.

Provided that if the office of the Deputy Mayor is vacant, then the Mayor may submit his resignation to the Deputy Commissio of the district;

(2) The Deputy Mayor may, by writing under his hand addressed to the Mayor, resign his office.

Provided that if the office of the Mayor is vacant, then the Deputy Mayor may submit his resignation to the Deputy Commissioner of the district;

(3) A resignation under sub-section (1) or sub-section (2) shall take effect from the date of its acceptance by the Mayor or Deputy Mayor or the Deputy Commissioner, as the case may be.

CHAPTER-V—MUNICIPAL AUTHORITIES UNDER THE CORPORATION

54. First meeting of the Corporation after general elections for election of Mayor.- (1) The first meeting of the Corporation after general elections shall be held as early as possible but not later than thirty days after the publication of the results of the election of the Councillors under section 13 and shall be convened by the Director.

(2) Notwithstanding anything contained in section 57, for election of the Mayor, the Director shall nominate a Councillor who is not a candidate for such election to preside over the meeting.

(3) If during the election of Mayor it appears that there is an equality of votes between the candidates at such election and that the addition of a vote would entitled any of these candidates to be elected as Mayor, then, the person presiding over the meeting shall decide between them by lot to be drawn in the presence of the candidates and in such manner as he may determine and the candidate on whom the lot falls shall be deemed to have received an additional vote.

CHAPTER-XXIII —CONTROL

404. Dissolution of Corporation.- (1) If, in the opinion of the Government, the Corporation is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or any other law or exceeds or abuses its powers the Government may by an order published, together with a statement of the reasons therefor, in the Official Gazette, declare the Corporation to be incompetent or in default or to have exceeded or abused its powers, as the case may be and dissolve the Corporation:

Provided that before making an order of dissolution as aforesaid, reasonable opportunity shall be given to the Corporation to be heard and to show cause why such order of dissolution should not be made.

(2) When the Corporation is dissolved by an order under sub-section (1),-

(a) all Councillors shall on such date as may be specified in the order vacate their offices without prejudice to their eligibility for election under clause (d) ;

(b) on the dissolution of the Corporation, all powers and duties conferred and imposed upon the Corporation by or under this Act or any other law shall be exercised and performed by such officer or authority as the Government may appoint in that behalf ;

(c) all property vested in the Corporation shall until it is reconstituted, vest in the Government ; and

(d) election shall be held for the purpose of reconstituting the Corporation within a period of six months.

(English Text of the Department's Notification No. UD-A(3)-7/2011 Dated 23.03.2012 as required under Article 348(3) of the Constitution of India).

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GOVERNMENT OF HIMACHAL PRADESH

DEPARTMENT OF URBAN DEVELOPMENT

NOTIFICATION

Shimla-2, the 23rd March, 2012

No. UD-A(3)-7/2011.—In Exercise of the powers conferred by sections 6,31 and 36 of the Himachal Pradesh Municipal Corporation Act, 1994, the Governor, Himachal Pradesh is pleased to the following rules for carrying out purposes of the Act ibid after the draft of which had been previously published in the Rajpatra, Himachal Pradesh dated 16.3.2012 vide this Department's notification of even number dated 14.3.2012, namely:-

CHAPTER-I

PRELIMINARY

1. Short title.-These rules may be called the Himachal Pradesh Municipal Corporation Election Rules, 2012.

2. Definition.-(1) In these rules, unless there is anything repugnant in the subject or the context,-

(i) "Act" means the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994);

(ii) "Agent" means any person appointed in writing by a candidate at an election to be agent for the purpose of these rules;

(iii) "Ballot Box" means any box, bag or other receptacle used for the insertion of ballot paper by electors and shall also include the Electronic Voting Machine in case the votes are recorded through it;

"Commission" means the State Election Commission defined under clause (58) of section 2.

(iv) "Delimitation" means the delimitation of wards made under these rules;

(v) "Deputy Commissioner" means the Deputy Commissioner of the District and includes such other officer as may be appointed on the recommendation of the Commission by the State Government to perform the functions of the Deputy Commissioner for the purposes of these rules;

(vi) "Divisional Commissioner" means the Commissioner of the Division concerned;

(vii) "election" means an election of the Councilors, Mayor and Deputy Mayor of the Corporation;

(viii) "Elector" means any person entitled to vote at an election of Councilors [142]of the Corporation;

(ix) "Electoral roll" means the electoral roll of persons of a ward entitled to vote at an election under these rules;

(x) "Electoral Registration Officer (Municipal Corporation)" means an officer appointed by the Commission for the purpose of preparation of electoral rolls in

142deleted vide notification dated 11-02-16

accordance with these rules[143]and it also includes Assistant Electoral Registration Officer.

(xi) "Form" means a form appended to these rules;

(xii) “Government” means the Government of Himachal Pradesh;

(xiii) "Oath or affirmation" means the oath or affirmation of allegiance specified under sub-section (1) of section 33;

(xiv) “Office Bearer” means a person elected as [144]Councilor, as the case may be by the voters of the Corporation;

(xv) “Polling Station” means the place fixed by the Returning Officer for the conduct of election to the Corporation;

(xvi) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;

(xvii) ”Revising Authority” means a Gazetted Officer or an Executive Magistrate who may be appointed by the Electoral Registration Officer (Municipal Corporation) as the revising authority in respect of electoral roll of a ward or a part thereof ;

(xviii) “section” means section of the Act;

(xix) "Symbol" means a symbol which may be allotted to a candidate for contesting election under these rules;

(xx) "Treasury" means a treasury or sub treasury of the State Government and includes a bank through which the business of such treasury or sub-treasury has been made over: and

(xxi) "ward" means a ward for the representation of which an office bearer is to be or has been elected under these rules,

(2) Words and expressions used but not defined in these rules shall have the same meanings as are respectively assigned to them in the Act.

143 Amended vide notification no.UD-A(3)-14/2024-Rules, dated 31.05.2025
144deleted vide notification dated 11-02-16

CHAPTER-II

DELIMITATION AND RESERVATION OF WARD

3. Corporation to be divided into wards- (1) For holding of election to a Corporation it shall be divided into wards.

(2) The number of wards under sub-rule (1) in a Corporation shall be determined in accordance with the provisions of section 6.

4. Limit of wards- (1) As far as practicable each ward shall have equal population, through out the municipal area and each ward shall be geographically compact and contiguous in areas, and shall have recognizable boundaries, such as roads, paths, lanes, streets, stream, canals, drains, Bridges, Railway lines or such other marks or boundaries which can be easily distinguished.

(2) One councilor shall be elected from each ward.

(3) Each ward shall be described and notified invariably in such a manner that its boundaries are clearly recognizable on ground

5. Name and number of the wards-Each ward shall be known by the number given serially and a name shall also be given to it.

6. Delimitation of wards.- (1) When a direction is given under section 9 by the Commission, the Deputy Commissioner shall make a proposal for delimitation of wards by dividing the municipal area into wards as per provisions of section 6 and shall also define the limits of each such ward and keep the same open for inspection in his office and in office of the Corporation and issue a notice inviting public objections from the residents in relation to such proposal in Form-I by affixing a copy of such notice in his office and in the office of the Corporation.

(2) While issuing notice, the Deputy Commissioner shall call for objection(s) to the draft delimitation proposal from the residents of the Municipal area within a period of [145]seven days to be made to him in writing by any resident of the ward in Form-II.

7. Disposal of objections - The Deputy Commissioner on receipt of objection(s), if any, under rule 6, shall inquire into the same and shall decide them within a period of [146]seven days, after giving an opportunity of being heard to the person filing such objections.

8. Appeal- Any person aggrieved by the orders of the Deputy Commissioner may file an appeal to the Divisional Commissioner within a period of [147] seven days who after giving an opportunity of being heard to the applicant shall decide the same within a period of [148] five days and communicate the order to the Deputy Commissioner. The order passed by the Divisional Commissioner shall be final .

9. Final publication.- (1) After all the objections have been heard and finally decided, the delimitation so made shall be finalized within a period of [149]30 days from the date of initial publication of the proposal for delimitation by affixing a copy of the same[150]in Form-2A in the office of the Deputy Commissioner, the Corporation and at such other places as the Deputy Commissioner may decide and a copy of the same shall be sent to the Government .

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145 Amended vide Notification NoUD -A(3)-2/2020 dated 29.09.2020
146Amended vide Notification No. UD -A(3)-2/2020 dated 29.09.2020
147Amended vide Notification No. UD -A(3)-2/2020 dated 29.09.2020
148Amended vide Notification No. UD -A(3)-2/2020 dated 29.09.2020
149Amended vide Notification No. UD -A(3)-2/2020 dated 29.09.2020
150 Amended vide notification no.UD-A(3)-14/2024-Rules, dated 31.05.2025

(2) On receipt of final delimitation order from the Deputy Commissioner the State Election Commission shall notify the delimitation of wards of the Corporation in the Official Gazette.

(3) The copies of these finalized delimitated wards shall be available for inspection in the office of the Deputy Commissioner and the Corporation. Any voter can have a copy of delimitation order by making payment of Rs. 50/- against receipt to the Deputy Commissioner and the same shall be made available to him immediately.

10. Reservation and Rotation of Seats of Councillors- (1) The seats shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population. The seat in ward having highest percentage of population of Scheduled Castes shall be reserved for the members of the Scheduled Castes and seat in the ward having the highest population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(2) If the number of seats to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the seat in ward having the next highest percentage of Scheduled Castes and Scheduled Tribes shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes and Scheduled Tribes in the Corporation area is less than 5% of the total population, then no seat shall be reserved for them.

(3) [151]Subject to the provisions of sub-rule (5), out of the seats resereved for member of Schedule Castes and Schdule Tribes,one-half of the seats shall be reseved for women members belonging to Schedule Castes and Schdule Tribes having [152]Highest percentage of women in the ward in relation to total population of that ward.

Provided that if the number of seats reserved is not more than one, then there shall be reservation for men and women belonging to Scheduled Castes and Scheduled Tribes, as the case may be , alternatively, after every five years;

Provided further that if the number of seats reserved for the members of Scheduled castes and Scheduled Tribes, as the case may be, are two then atleast one ward shall be reserved for the women member belonging to Scheduled Castes and Scheduled Tribes, as the case may be.

(4) In the corporation out of the total wards formed under rule 9, one –half of the seats shall be reserved for women including the reservation made under sub-rule(4) and in computing these seats if the remainder after dividing is one, then in the first election the seats reserved for women shall be increased by one and in the next election it shall not be added and so on.

(5) The seats reserved for Scheduled Castes and Scheduled Tribes and Women belonging to Scheduled Castes and Scheduled Tribes on the basis of percentage of population shall be changed in the next election and at the time of following elections, the seats of the ward / wards, containing the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes and [153]the seat of ward earlier reserved shall be kept open to the members of the general category and so on for subsequent elections and the seats reserved for women belonging to Scheduled Castes or Scheduled Tribes Category shall be rotated from higest to next higest on the basis of percentage of population and seat reserved for women belonging to general category shall be rotated from lowest to next higher percentage of population.

[154]Provided that if the total population of the Scheduled Castes or Scheduled Tribes in a ward of the Corporation area is less than 25% of the total population of the ward, then that ward shall not be reserved for such category.

151sustituted vide notification dated 11-02-2016
152 Amended vide notification dated 25.03.2023
153 Amended vide notification dated 31.03.2023
154 Amended vide notification dated 31.03.2026

Explanation:-General category includes men or women or both belonging to this category.

(6) [155]The reservation of seats for women shall be made having [156]lowest percentage of population of women in the ward in relation to total population of that ward after excluding the seats which have been reserved for the Scheduled Castes and Scheduled Tribes candidates including women belonging to the Scheduled Castes and Scheduled Tribes, as the case may be.

(7) [157]XXXXXX

(8) No ward shall be reserved for Scheduled Casts and Scheduled Tribes Candidates in two consecutive elections.

(9) Notwithstanding anything contained in these rules, the roster of reservation of seats shall operate from the initial stage for the elections to be held after the commencement of the above rules [158]or constitution of a new Municipal corporation or the de-limitation of wards [159]or change in number of wards in a Municipal Corporation, whichever is later, as if said are being conducted for the first time and thereafter, the reservation of seats shall be rotated to different wards of Corporation under this rule:

(10) The reservation made by the Deputy Commissioner shall be given wide publicity by him by affixing a copy of the order of such reservation on the notice board of his office and that of the Corporation and be shall also sent a copy of the same to the Government.

[160]"**10-A. Reservation and rotation of seats of Councillors for other Backward Classes.—** (1) The seats shall be reserved for Other Backward Classes in proportion of their populations. The seat in ward having highest percentage of population shall be reserved for the said category:

Provided that if the total population of Other Backward Classes in the concerned Corporation area is less than 5 percent of the total population, then no seat shall be reserved for them: Provided further that the seats allotted to the Other Backward Classes shall be changed in the next election and at the time of following elections, the wards having the next higher percentage of population shall be reserved for that category:

(2) Out of the seats reserved for Other Backward Classes, one-half of the seats shall be reserved for Women belonging to the said category: Provided that if the number of seats reserved is not more than one, then there shall be reservation for Women and Men belonging to Other Backward Classes, as the case may be, alternatively after every five years.

(3) The seats allotted to the women belonging to Other Backward Classes shall be taken into consideration while reserving the seats for Women under sub-rule (6) of rule 10. Explanation.—In order to provide reservation to the other Backward Classes the latest available population figures as determined and notified by the Himachal Pradesh State Commission for Backward Classes shall be considered.

11. Report to Commission.-The Government shall cause to be delivered a copy of final reservation order made by it immediately to the Commission.

155sustituted vide notification dated 10-04-2017
156 Amended vide notification dated 25.03.2023
157Deleted vide Notification No. UD-A(3)-2/2020 dated 29.09.2020
158 Amended vide notification dated 09.03.2022
159 Amended vide notification dated 25.03.2023
160 Inserted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021.

CHAPTER-III

RESERVATION AND ROTATION OF OFFICE OF MAYOR

12.[161]**Reservation and rotation of the office of Mayor**.- (1) The reservation for the office of Mayor shall be as under:-

(i) During the first two and half years	SC
(ii) During the second two and half years	ST
(iii) During the next two and half years	General
(iv) During the next two and half years	Women
[162]"(v) During the next two and half years	Other Backward Classes"

Provided that where the population of any class of persons referred to above is less than fifteen per cent of the total population of the Corporation area, the office of Mayor shall not be reserved for that class and same shall be thrown open to all the categories.

(2) [163]"(2) The roster of reservation as specified in sub-rule (1) shall be repeated after completion of one cycle

13. Report to Commission.-The Government shall cause to be delivered a copy of the order regarding final reservation and rotation of office of Mayor made by it immediately to the Commission.

161sustituted vide notification dated 11-02-2016
162 Inserted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021.
163 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021.

CHAPTER-IV

ELECTORAL ROLLS

14. Electoral roll for every ward. – (1) For each ward or polling station of a Corporation, there shall be a electoral roll which shall be prepared in the manner specified in rules 15 to 29 by the Electoral Registration Officer under the superintendence, direction and control of the Commission:

[164]Provided that nothing in this rule shall prevent the use of the relevant part of the current electoral rolls of the Assembly constituency for the preparation of draft rolls for the elections under these rules.

[165]Provided further that the State Election Commission may use data base of the Election Commission of India for the preparation of the draft electoral rolls for the elections under these rules.

(2) The electoral rolls shall be prepared in Hindi Devnagari Script in such form as may be directed by the State Election Commission.

15. Preparation of Electoral roll.- When a direction is given under rule 14 by the Commission, the Electoral Registration Officer shall cause to be prepared electoral roll, for each ward or part there of the Corporation, in accordance with these rules.

16.[166]**Disqualification for registration in Electoral rolls**.- (1) A person shall be disqualified for registration in an electoral roll, if he, –

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified for voting under the laws relating to corrupt practices and other offences in connection with elections to municipalities or Assembly or Parliament; or

(d) is not ordinarily resident of the ward; or

(e) is less than 18 years of age on or before 1st January or the date as may be notified by the Commission for the preparation or revisions of electoral rolls as the case may be; or

(2) A person shall be entitled to be registered in the electoral rolls for only one ward of the Corporation.

(3) A person shall not be deemed to be ordinarily resident in a ward on the ground only that he owns, or is in possession of dwelling house therein. A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

16-A [167]**Making of false declaration**.-If any person makes false declaration in connection with .-

(a) the preparation, revision or correction of an electoral rolls or

(b) the inclusion or exclusion of any entry in or from the electoral rolls, or

(c) a statement or declaration in writing which is false and which he either knows or believes to be false, shall be punishable with imprisionment for a term which may extend to one year or withfine or with both.

17. Publication of Electoral roll in draft.- (1) Once the draft Electoral roll of a ward is ready, the

164 Amended vide notification dated 14.03.2023
165inserted vide notification dated 11-02-2016
166 Clause (f) deleted vide notification dated 14.03.2023
167incerted vide notification dated 11-02-2016

Electoral Registration Officer shall publish it in draft according to programme issued by the Commission together with a notice in Form-3 and make available copies thereof for inspection at his office, and in the offices of the Corporation and Tehsil concerned.

(2) The notice under sub-rule (1) shall also be given publicity through news-papers having large circulation in the area, All India Radio, by beat of drum in the town and by affixing copies of such notice in his office and office of the Corporation and the Tehsil concerned and at such other conspicuous place where the public has free access. The notice shall contain the date by which objections or claims may be filed and the authority or authorities to whom they may be presented.

18. Period for lodging claims and objections.- Every claim for the inclusion of name in the Electoral roll and every objection to an entry therein shall be lodged within a period of 10 days from the date of publication of draft Electoral roll under rule 17, or within such shorter period as may be fixed by the Commission in this behalf.

19. Appointment of Revising Authorities.- The Electoral Registration Officer may appoint one or more Revising Authority(ies) for the purpose of hearing claims and objections relating to Electoral roll of a ward or wards. These appointments as and when made shall be given wide publicity.

20. Manner of lodging of claims and objections.- (1) A claim or objection shall be addressed to the Revising Authority specified in the notice referred to in rule 19 and shall be presented to it personally or sent by registered post. Every claim for inclusion of name, objection to the inclusion of the name or objection to the particulars in any entry in the electoral roll shall be in Forms 4,5 or 6, as the case may be.

(2) A claim shall be signed by the person desiring his name to be included in the Electoral roll and countersigned by another person whose name is already included in the Electoral roll in which the claimant desires his name to be included and shall, unless sent by post, be presented by claimant himself or by a person authorized by him in writing in this behalf.

(3) No person shall prefer an objection to the inclusion of any name in the Electoral roll, unless his name is already included in that Electoral roll of the Corporation.

(4) The Revising Authority shall maintain a register of claims, in Form-7, a register of objections to the inclusion of names in Form-8, and a register of objections to the particulars in any entry in Form-9, and cause to be entered therein the time of their receipt, particulars of every claim or objection, as the case may be.

(5) Any claim or objection, which is not lodged within the specified period or in the manner herein specified, shall be rejected and the decision shall be recorded in the register prepared in Forms 7,8 and 9, as the case may be.

21. Notice of claims and objections.- (1) Where a claim or objection is not rejected under sub-rule (5) of rule 20, the Revising Authority shall after the period specified for the presentation of claims and objections has expired, exhibit on the notice board of his office, a list of all claims or objections in Forms 10,11 and 12, as the case may be.

(2) Every claimant and objector shall be given a notice regarding place, date and time of hearing of such claim or objection and shall further be asked to adduce such evidence, as he may like to adduce in Forms 13,14 and 16, as the case my be.

(3) A person against whom objection has been received by the Revising Authority for the inclusion or deletion of his name in or from the electoral roll shall also be given a notice in Form 15 of the place, date and time fixed for hearing of objection, at his last known place of residence and be asked to adduce such evidence as he may like to adduce for his defense.

22. Disposal of claims and objections.- (1) On the date, time and place fixed under the provisions of rule 20, the Revising Authority shall hear and decide within 10 days or such shorter period as may be specified by the Commission the claims and objections under the provisions of these rules, and shall record

his decision in the registers in Forms 7,8 and 9, as the case may be.

(2) Copy of the order relating to the objection shall be given on payment of Rs. 15/- to the claimant against receipt and objector immediately, if he is present. Otherwise he can get the copy of the same on payment of Rs. 25/- in cash against receipt.

(3) Any person aggrieved by an order passed under the provisions of sub-rule (1), may, within 3 days from the date of the order, file an appeal to Electoral Registration Officer, who shall as far as practicable, within a week, decide the same.

(4) If it appears to the Electoral Registration Officer that due to inadvertence or error during the preparation of draft Electoral rolls, names of electors have been left-out of the Electoral roll or the names of dead persons or persons who ceased to be or are not ordinarily resident in the ward or part thereof have been included in the Electoral roll or certain voters have been shown in the wrong ward or polling station and that remedial action is required to be taken under this sub-rule, shall within seven days from the date of publication of draft Electoral roll-

(a) prepare a list of the name and other particulars of such electors;

(b) exhibit on the notice board of his office a copy of the list together with a notice as to the date(s) and place (s) at which the matter of inclusion of the names in Electoral roll or deletion of the names from the Electoral roll shall be considered; and

(c) after considering any verbal or written objection that may be preferred, decide whether all or any of the names may be included in or deleted from the Electoral roll.

23. Final publication of Electoral roll.- (1) The Revising Authority as soon as it has disposed of all the claims or objections presented to it, shall forward the same along with the register of such claims or objections and the orders passed by it thereon to the Electoral Registration Officer , who shall cause the Electoral roll to be corrected in accordance with such orders or the orders passed on appeal by him under sub-rule (3) of rule 22 and corrections consequential to sub-rule(4) of rule 22, as the case may be, and shall publish the final Electoral roll, on a date fixed by the Commission by making a complete copy thereof available for inspection and display a notice thereof in Form- I7 in his office and also in the offices of the Corporation and the Tehsil concerned.

(2) On such publication, the Electoral roll with or without amendments shall be the electoral roll of the ward or part thereof and shall come into force from the date of its publication under this rule.

24. Special Revision of Electoral rolls.- Notwithstanding anything contained in rule 23, the Commission may at any time, for the reasons to be recorded, direct a special revision for any ward or part thereof in such a manner as it may think fit :

Provided that, subject to, other provisions of these rules, the Electoral rolls for the wards or part thereof as in force at the time of the issue of any such directions shall continue to be in force until the completion of the special revision, so directed.

25. Correction of entries in Electoral rolls.- If the Electoral Registration Officer on an application in Form-6 or in Form-18 made to him, or on his own motion, is, satisfied, after such inquiry as he thinks fit, that any entry in the Electoral roll -

(a) is erroneous or defective in any particular;

(b) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident or is otherwise not entitled to be registered in that Electoral roll, he shall amend or delete the entry:

Provided that before taking any action on any ground under clause *(a)* or clause (*b),*the Electoral Registration Officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him:

Provided further that an application under this rule at any time after the publication of the election programme under rule 33 shall be made to the Electoral Registration Officer not later than 8 days before the last date fixed for the filing of nomination papers.

26. Inclusion of names in Electoral roll, finally published.- (1) Any person, whose name is not included in the Electoral roll, shall make an application in Form-4 (in duplicate) to the Electoral Registration Officer for inclusion of his name in that Electoral roll, and such application shall be accompanied by a fee of Rs. 50/- to be paid in cash against receipt:

[168]Provided further that an application under this rule shall not be submitted after the Notification of Election programme under Rule 33 of these rules.

(2) The Electoral Registration Officer shall immediately on receipt of application under sub-rule (1) paste one copy thereof in some conspicuous place at his office and invite objections thereto to be filed within a period of 4 days from the date of such pasting.

(3) The Electoral Registration Officer shall, as soon as may be, after the expiry of the period as specified in the notice under sub-rule (2), consider the objections, if any received by him and shall, if satisfied that the applicant is entitled to be registered in the Electoral roll, direct such name to be included therein accordingly:

[169]Provided that if the applicant whose name is ordered to be included, is already registered in the electoral roll of any other ward or part thereof such name shall be deleted from that Electoral roll.

(4) Where an application made under sub-rule (1) is rejected, an appeal shall lie, within a period of ten days from the date of rejection of the application for the inclusion of name or deletion of name to the Divisional Commissioner and the appeal shall be accompanied by a fee of Rs. 50/- to be paid in cash against receipt. The Divisional Commissioner shall decide the appeal within 7 days after giving opportunity to the party concerned of being heard and the order passed on such appeal shall be final.

(5) No amendment, transposition or deletion of any entry shall be made on or after the last date for making nomination till the election process is over.

27. Custody and preservation of Electoral roll and connected papers.- (1) After the Electoral roll for a ward has been finally published, the following papers shall be kept in the office of the Electoral Registration Officer or at such other place as the Commission may by order specify until the said Electoral roll remains in force:-

(a) complete spare copies of the Electoral roll;
(b) papers relating to claims and objections and orders under rule 22;
(c) applications under rules 25 and 26 and decisions thereon;
(d) papers relating to appeals under sub-rule (4) of rule 26; and
(e) manuscript and other papers if any prepared by enumerating agencies and used for compiling the Electoral roll.

(2) One complete copy of the Electoral roll for each ward duly authenticated by the Electoral Registration Officer shall also be kept at such places as the Commission may specify till the new Electoral roll is finally published.

28. Inspection of electoral rolls and connected papers. - Every person shall have the right to inspect the Electoral rolls under rule 27 and get a copy thereof on payment of Rs. 10/-per page or part thereof to be paid in cash against receipt.

29. Disposal of Electoral rolls and connected papers.- The papers under rule 27 shall, on the

168 Amended vide notification no.UD-A(3)-14/2024-Rules, dated 31.05.2025
169 Amended vide notification dated 14.03.2023

expiry of the period specified therein, be disposed of in such manner as the Commission may direct.

CHAPTER-V

OFFICERS AND THEIR DUTIES

30. Returning Officers and their duties.-(1) The Commission shall appoint the Deputy Commissioner of the District or such other officer, as it may deem fit to be the Returning Officer in respect of elections for the Corporation .

(2) The Returning Officer shall appoint as many Assistant Returning Officers as may be necessary to perform all or any of his duties.

(3) It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for effectively conducting the election in the manner provided by these rules or orders made there-under.

(4) The Returning Officer shall fix such number of polling stations for every ward as he may deem necessary and shall publish on the date specified by the Commission in this behalf, by pasting a list thereof at his office and at the office of the Corporation showing therein clearly the polling area:

Provided that no polling station shall be located in a police station, hospital or a place having sectarian or religious significance:

Provided further that as far as possible the polling station shall be located in a Government, Semi Government or Municipal buildings, and in case no such building is available, the polling station shall be located in a temporary structure.

31. Appointment of polling personnel.- (1) The Returning Officer shall appoint Presiding Officers and such number of Polling Officers, as he thinks necessary, in respect of each polling station:

Provided that if the Polling Officer is absent from the polling station, the Presiding Officer may - appoint any Government or Semi-Government or Corporation servant, who is present at the polling station, as a polling officer during the absence of the former officer and inform the Returning Officer accordingly.

(2) If the Presiding Officer, owing to illness or any other unavoidable cause is absent from the polling station, his functions shall be performed by such polling officer, as has been previously authorized by the Returning Officer to perform such functions during any such absence.

32. Duties of the Deputy Commissioner and other officers/staff.-(1) The Deputy Commissioner / District Magistrate and other officers/staff shall subject to the supervision and control of the Commission do all such acts and things as may be necessary for effectively conducting the elections in the manner provided by these rules or orders made there-under.

(2) The officers or staff employed in connection with the preparation, revision and correction of the Electoral rolls for and the conduct of elections shall be deemed to be on deputation with the Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Commission.

(3) [170]The Commission may nominate observer who shall be the officers of the State Government to watch the conduct of election in a Corporation or a group of Corporation and to perform such other functions as may be entrusted to them by the State Election Commission.

(4) The observer (s) nominated under sub-rule (3) shall have the power to direct the Returning Officer for Corporation for which they have been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result, if in the opinion of the observers, booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the Returning Officer or are accidentlly or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at the polling station or place cannot be ascertained:

Provided that where an observer (s) have directed the Returning Officer under this sub-rule to stop counting of votes or not to declare the result, the observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate direction.

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170 incerted vide notification dated 11-02-2016

CHAPTER-VI

CONDUCT OF ELECTIONS

33. Election Programme.-(1) The State Election Commissioner shall frame a programme of general elections of the Corporation or a programme to fill up any casual vacancy in a Corporation or hold election to a Corporation which has been dissolved (hereinafter referred to as "election programme").

(2) The election programme shall specify the date or dates on, by,or within which -

(i) the nomination papers shall be presented;

(ii) the nomination papers shall be scrutinized;

(iii) a candidate may withdraw his candidature;

(iv) the list of contesting candidates shall be affixed:

(v) the list of polling stations shall be pasted;

(vi) Thepoll, if necessary shall be held on…..…….…… from……A.M. to…… P.M. (the hours of poll shall not be less than six hours).

(vii) the counting in the event of poll, shall be done…….…… (here time and, place fixed for the purpose shall also be specified) ; and

(viii) the result of the election shall be declared.

(3) The election programme shall be published seven days before the date of filing of nomination papers by pasting a copy at the office of the Deputy Commissioner, Tehsil and Corporation and at such other conspicuous places in the Corporation as may be determined by the Deputy Commissioner in this behalf.

(4) The period for filing of nomination papers shall be three working days and the date of scrutiny shall be the next working day from the last date of filing of nomination papers. The date of withdrawal shall be the third working day from the date of scrutiny. The date for affixing the list of contesting candidates shall be the same as fixed for withdrawal of candidature. The list of polling stations shall be published approximately one month before the date of poll or on a date as may be specified by the Commission. The gap between the date of withdrawal and the date of poll shall atleast be[171]Ten days and the day of poll shall preferably be a Sunday or any gazetted holiday.

(5) The Commission may by an order amend, vary or modify the election programme:

Provided that unless the Commission otherwise directs, no such order shall be deemed to invalidate any proceedings taken before the date of the order.

34. Notice of election.- (1) The Returning Officer shall on the date on which the election programme is issued by the Commission under rule 33, shall affix a notice in Form-19 at his office, and at the office of the Tehsil and the Corporation, and such other places as the Returning Officer may determine to -

(a) invite nomination papers of candidates for election ;

171 substitute vide notification dated 01.05.2017

(b) fix the date, time and place for submitting the nomination papers;

(c) specify the authority to whom nomination shall be submitted;

(d) fix the date, time and place for the scrutiny of nomination papers :

(e) fix the date, time and place and authority for the receipt of notice of withdrawals;

(f) fix the date, time and place for the allotment of symbols; and

(g) fix the date and time of poll , if necessary.

Explanation.- The dates fixed under clauses (b), (d), (e) and (g) shall be the same as specified under rule 33 in this behalf.

(2) For the purpose of election, the Commission, or Returning Officer may on payment of compensation to the owner or the person in possession or having control over it, requisition any premises, vehicle, vessel or animal and may, after the election, release it from the requisition;

Provided that where any premises, vehicle, vessel or animal, belonging to or owned by the State Government or its instrumentalities, is requisitioned the compensation payable there-for shall not exceed the amount as may be determined by the State Government from time to time.

35. **Notification of symbol**.- The Commission shall,by notification published in the Official Gazette, specify the symbols that may be allotted to the candidates at an election to the Corporation and may amend or vary the list of symbols from time to time.

36. **Classification of symbols**-[172]

[173]"36.Classification of symbols.—(1) For the purpose of these rules symbols will be either reserved or free.

(2) A reserved symbol will be a symbol which is reserved for a recognized political party for exclusive allotment to contesting candidates set up by that party.

(3) A free symbol shall be other than a reserved symbol."

37. **Nomination of candidates for election**.- (1)[174] Any person registered as voter within the Corporation, may be nominated as a candidate for the office of Councilor of a ward by another person, who is registered voter in the electoral roll of that ward of the Corporation.

[175]Provided that aproposer can propose only one candidate. Proposal once made cannot be withdrawn or cancelled.

Provided further that no candidate shall contest election for more than one municipality and within municipality for more than one ward.

(2) The nomination paper in Form-20 duly filled up and signed by the proposer and candidate shall be delivered to the authority specified under clause (c) of sub-rule(1) of rule 34 by each candidate either in person or by his proposer between 11 A.M. and 3.00 P.M. on the date specified for the filing of nomination papers.

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172 deleted vide notification dated 11-02-2016
173 Inserted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
174substituted vide notification dated 11-02-2016
175 Amended vide notification no.UD-A(3)-14/2024-Rules, dated 31.05.2025

(3) In any ward/Corporation which is reserved for the members of Scheduled Castes and Scheduled Tribes, the nomination paper shall not be treated as valid, unless it contains a declaration by the candidate specifying particular caste or tribe of which he is a member and the candidate submits a certificate issued by the competent authority authorized by the State Government, certifying that the candidate belongs to such Scheduled caste or Scheduled tribe, as the case may be.

(4) On the presentation of the nomination papers, the Returning Officer shall satisfy himself about the name and the serial number of the candidate and his proposer, as entered in the nomination paper are the same as those entered in the Electoral roll :

Provided that not more than three nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same ward/Corporation:

Provided further that the Returning Officer shall permit any clerical or technical error in the nomination papers or to the said nomination papers in regard to the said names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the Electoral roll and where necessary may direct that any clerical or printing error in the said entries be ignored.

38. Security deposits.- (1) A candidate shall not deemed to have been nominated for election to a ward/Corporation unless he has deposited or cause to be deposited as security with the Returning Officer in cash against receipt the following sum of money:-

(a) [176] Deleted

(b) in case of Councillor a sum of *Rs. 3000/- but in case where a candidate is woman or a member of Scheduled castes or Scheduled Tribes, a sum of Rs. 2000/- :

Provided that where a candidate has been nominated by more than one nomination paper for election in the same ward/Corporation, not more than one deposit shall be required under this rule.

(2) If a candidate by whom or on whose behalf the security has been deposited, withdraws his candidature within the time specified in rule 34 or if the nomination of any candidate is rejected the security deposit shall be refunded to the person by whom it was made or if such person is dead, to his legal representatives, after the date of declaration of result of election.

(3) If the contesting candidate is not elected and the number of valid votes polled in his favour are less than one sixth of the total number of valid votes polled, the security deposited shall be forfeited to the State Government.

(4) If the security deposited is not forfeited under sub-rule (3), the same shall be refunded to the candidate by whom it was made or if he is dead, to his legal representatives, after the notification of the result of election is issued and published in the Official Gazette.

39. Notice of Nominations - The Returning Officer shall on receiving the nomination papers under sub-rule(2) of rule 37 enter on the nomination papers it's serial number and shall sign thereon a certificate stating the date on which and the hour at which, the nomination paper has been delivered to him. A notice of nominations in Form-21 containing description similar to those contained in the nomination papers both of the candidate and his proposer shall be affixed in some conspicuous place in his office,

176deleted vide notification dated 11-02-2016

40. **Scrutiny of nomination papers**.- (1) On the date fixed for the scrutiny of nomination papers under rule 34 the candidate and one other person duly authorized in writing by each candidate, may attend process of scrutiny and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all the candidates which have been received by him within the time and in the manner laid down in rule 37.

(2) The Returning Officer shall examine the nomination papers and decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely:-

(a) that on the date fixed for the scrutiny of nomination, the candidate either is not qualified or is disqualified for being chosen to fill tha office under the provisions of these rules or the Act or any other law for the time being in force;or

(b) that there has been a failure to comply with any of the provisions of rule 37 or rule 38; or

(c) that the signatures of the candidate or the proposer on the nomination paper are not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorize the rejection of other nomination of the same candidate where such rejection is not warranted.

(4) The Returning Officer shall hold the scrutiny on the date and time appointed in this behalf under clause (d) sub-rule (1) of rule 34. The process of scrutiny once started shall not be adjourned, except, when such proceedings are interrupted or obstructed by riots, open violence or by causes beyond the control of the Returning Officer:

Provided that in case an objection is raised by the Returning Officer or is made by the candidate or the person duly authorized in writing by the candidate, the candidate concerned may be allowed time to defer it not later than the day next to the day of scrutiny and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(5) The Returning Officer shall record on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

(6) For the purpose of this rule, an entry in the Electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is a voter for that ward

(7) Immediately after all the nomination papers have been scrutinized and the decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare in Form 22 a list of validly nominated candidates that is to say, candidates whose nomination have been found valid and affix on the notice board at the office of the Returning Officer.

41. Withdrawal of candidature.- (1) Any candidate may withdraw his candidature by notice in - writing in Form-23 subscribed by him and delivered to the Returning Officer or the Authority specified in this behalf under clause (e) of sub-rule (1) of rule 34, before 3 P.M. on the date specified in the said rule, and no person who has thus withdrawn his candidature shall be allowed to cancel the notice of such withdrawal.

(2) Upon receiving a notice of withdrawal of candidature, the Returning Officer or the specified authority shall cause a notice in Form-24 to this effect to be affixed in some conspicuous place in his office.

42. List of contesting candidates.- (1) On completion of the scrutiny of the nomination papers

and after the expiry of the period within which candidature may be withdrawn under rule 41, the Returning Officer shall forthwith prepare a list of contesting candidates in Hindi in Form-25 and cause it to be affixed on the notice board of his office and shall also supply a copy thereof, to each of the contesting candidates and on demand to his election agent.

(2) The said list shall contain in Hindi in Devnagari script the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.

[177]"**43.Allotment of symbols to candidates**.—(1) After the list of contesting candidates is prepared, if the number of candidates is more than one, the Returning Officer shall, to every contesting candidates—

(a) where such a candidate is set up by a political party at any election in Ward/Municipal Corporation, allot the election symbol reserved for that party by the Election Commission of India; and

(b) where such a candidate is not set up by a political party, allot the free symbol according to the serial number in the list of contesting candidates, and out of the approved free symbols, in accordance with the serial number of the free election symbols specified in notification under rule 35.

(2) In every case where an election symbol has been assigned to a candidate under subrule (1) such candidate shall forthwith be informed of the election symbol so assigned and be supplied with a specimen thereof by the Returning Officer. In that event the list of contesting candidates shall also contain election symbol allotted to each candidate."

[178]**44."When a candidate shall be deemed to be set up by a political party**.—For the purpose of these rules, a candidate shall be deemed to be set up by a political party if, and only if—

(a) the candidate has made a declaration to that effect in his nomination paper; and
(b) a notice in writing to that effect has not later than 3.00 A.M. on the last day of withdrawal of candidature been delivered to the Returning Officer and the said notice is signed by the State President or the State Secretary or any other office bearer of the party; provided the President or Secretary or such other office bearer has been authorized by the party to send such a notice and the name and specimen signatures of such authorized office bearer are communicated to the Returning Officer and to the Secretary of Commission not later than 3.00 P.M. on the last date for the withdrawal of candidature."

45. Appointment of Election Agent.- If a candidate desires to appoint an election agent, such appointment shall be made in Form-26 either at the time of delivering the nomination paper or at any time before election.

46. Appointment of polling agent.-(1) The number of polling agents that may be appointed by a candidate shall be one for each polling station.

(2) Every such appointment shall be made in Form-27 and the same shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the documents of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein before the Presiding Officer.

47. Non-attendance of agent. - Where any act or thing is required or authorized by these rules to

177 Substituted vide Act No. 1 of 2021 dated 10.03.2021.
178 Inserted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021

be done in the presence of agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, invalidate the act or thing done.

48. Maximum election expenses and account thereof. -[179](1)The maximum limit of election expenditure to be incurred by a contesting candidate or his authorized agent shall not exceed one lac rupees:

Provided that the State Government may enhance limit of maximum election expenditure to be incurred by a contesting candidate or his authorized agents in consultation with the Commission.

(2) Every candidate contesting election from a ward Corporation shall keep an account of election expenditure in a register to be called the register of election expenditure in Form-28.

(3) The account under sub-rule (2) shall be maintained as per provision of section 13 A.

(4) The account shall be correctly and truly maintained in respect of each item of expenditure on day to day basis from the date of filing of nomination papers up-to the date a day after the declaration of result.

(5) All expenditure by the candidate or his authorized election agent on all the items of expenditure maintained in Form-29 shall be included in the account as kept under sub- rule (2) of election expenditure.

(6) All documents such as vouchers, receipts, acknowledgements etc. in support of expenditure incurred and recorded in the register shall be maintained correctly.

(7) The day-to-day account maintained shall be made available for inspection at any time during the process of election to the Returning Officer or any other officer authorized by him or the Commission.

(8) Failure to submit the account of election expenses within the time and in the manner required by the Act and these rules or, to produce a true copy of the accounts of election expenditure on demand by an officer authorized to do so, shall be deemed to be a corrupt practice under section 21.

(9) A statement of account of the total election expenditure maintained shall be submitted to the Returning Officer within [180]**Thirty** days of declaration of the result

(10) The statement of account shall be submitted in Forms 29 and 30 alongwith an affidavit of the candidate in Form- 31

(11) On receipt of the statement of accounts, the Returning Officer shall issue an acknowledgement in Form- 32.

179 substituted vide notification dated 11-02-2016
180Substitued vide Notification No. UD-A(3)-1/2021 dated 10.03.2021

CHAPTER-VII
GENERAL PROCEDURE OF ELECTION

[181]**49.**"**Death of candidate before poll**.—The poll shall be countermanded for the ward of the Corporation, if any of its validly nominated and contesting candidate set up by a recognised political party demises and a report of his death is received before the commencement of the Poll. On such an occurrence, the Returning Officer shall, upon being satisfied of the fact of the death shall send a report to the Commission and proceedings with reference to the election shall be commenced afresh in all respects as if for a new election in accordance with these rules:

Provided that no further nomination shall be necessary in the case of a person who was already a validly nominated candidate or a contesting candidate, as the case may be, at the time of the countermanding of the poll."

50. Contested and un-contested elections.- (1) Subject to the provisions of rule 49, if there is only one contesting candidate in the field, the Returning Officer shall forthwith declare such candidate duly elected to fill the office and issue a declaration in Form-33. If there is no contesting candidate in the field, the Returning Officer shall report the matter to the Commission with a view to take further action accordingly.

(2) If the number of contesting candidate in the field is more than one, a poll shall be taken on the date specified under rule 34.

51. Adjournment of poll in emergencies.- (1) If at an election the proceedings at any polling station are interrupted or obstructed, by riot or open violence, or if it is not possible to take the poll at that polling station on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station, shall announce an adjournment of the poll for a date to be notified later and shall forthwith inform the Returning Officer.

(2) Where a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commission and to the Government and shall, as soon as may be , appoint the day on which the poll shall recommence and fix the polling station at which and the hours during which, the polling shall take place. The votes cast at such election shall not be counted until such adjourned poll is completed and the ballot box used at such polling station shall be sealed and kept in safe custody till the commencement of the counting.

(3) In all the cases under this rule, the Returning Officer shall affix a notice specifying the date, place and hours of polling fixed under sub-rule (2) at his office and in the office of the Corporation and the Tehsil concerned.

52. Fresh poll in the case of destruction etc. of the ballot box.- (1) If at any election any ballot box is unlawfully taken out of the custody of the Presiding Officer or is in any way tampered with, or is either accidentally or intentionally destroyed, lost or damaged, the polling at the polling station to which such ballot box relates shall be liable to be declared as void.

Explanation.- Damage to a ballot box also includes damage or destruction of ballot papers done at the time of counting of votes but before the completion of counting and declaration of result.

(2) Whenever the polling at any polling station becomes liable to be declared as void under sub-rule (1), the Presiding Officer shall, as soon as practicable after the act or event causing such damage or

181Substitued vide Notification No. UD-A(3)-1/2021 dated 10.03.2021

destruction, report the matter to the Returning Officer who in the event of his being so satisfied that in consequence thereof the result of the poll of that polling station can not be ascertained, declare the polling void and shall appoint a day taking the poll afresh at such polling station, and fix the hours during which the poll shall be taken and shall not count the votes cast at other polling stations of the ward until such fresh poll has been completed.

[182]**53**. Omitted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021

54. Method of voting.-(1) At every election where a poll is to be taken votes shall be cast in person and given by ballot or electronic voting machine at the polling station fixed under rule 30 and no votes shall be cast by proxy :

Provided that the giving and receiving of votes by electronic voting machine, in such manner as may be prescribed under the rules or the directions issued in this behalf, by the Commission , may be adopted in a ward or wards of a Corporation as the Commission may specify.

(2) No voter shall vote in the election of the Corporation more than once for each office notwithstanding that his name may have been erroneously registered in the Electoral roll more than once.

55. **Procedure on adjournment of poll**.-(1) If the poll at any polling station is adjourned under rule 51 the provisions of these rules with regard to poll shall apply to every such fresh poll as they apply to the original poll.

(2) When an adjourned poll is recommend under sub-rule (2) of rule 51, the voter who has already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is to be held with the sealed packets containing the marked copy of the Electoral roll and required number of ballot papers and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of such candidates or their agents as may be present and use the same for the conduct of adjourned poll.

56. **Ballot box and paper seal**.- (1) Every ballot box and paper seal to be used at an election shall be of such design as may be used at any election to the Legislative Assembly of Himachal Pradesh or as may be approved by the Commission.

(2) A paper seal shall be used for securing a ballot box and the Presiding Officer shall affix his own signature and obtain thereon the signatures of the candidates or of such of the polling agents as are present and desirous of affixing the same. The paper seal shall be of such design as may be specified by the Commission and proper record of paper seal used or unused shall be maintained in Form-34.

(3) The Presiding Officer shall thereafter fix the paper seal in the space meant therefor in the ballot box and shall then secure and seal the box in such a manner that the slit for insertion of ballot paper therein remains open.

(4) Every ballot box used at a polling station shall bear labels, both inside and outside and marked with -

(a) the serial number and the name of the ward;

182 Omitted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021

(b) the serial number and the name of polling station;.

(c) the serial number of the ballot box (to be filled in at the end of the label on the outside of the ballot box only); and

(d) the date of poll.

(5) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidates and polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (4).

(6) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer, the candidates and the polling agents.

57. **Facilities for women voters in the elections**.- (1) Where a Polling Station is for both men and women voters, the Presiding Officer may direct that they shall be admitted in the polling station alternatively.

(2) The Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women voters and the Presiding Officer in taking the poll and in particular to help in searching the name of any woman voter in case it becomes necessary.

58. Form of ballot papers.- (1) Every ballot paper alongwith its counterfoil shall be in Form-35 and the particulars therein shall be in Hindi in Devnagri script.

(2) [183] Provided that after the name and symbol of last candidate, there shall be a column with the words "None of the above" written therein. The size of the column shall be same as used for other candidates.

59. **Arrangement at Polling Station**.-(1) Outside each polling station there shall be displayed prominently -

(a) a notice specifying the polling area the voters of which are entitled to vote at the polling station or where polling station has more than one polling booths, at each one of such booths or the description of the voter allotted to any such booth; and

(b) another notice in Hindi in Devnagri script containing the list of contesting candidates prepared under rule 42, alongwith the symbols allotted under rule 43.

(2) At each polling station there shall be set up one or more compartments in which voters can record their votes in secrecy.

(3) The Returning Officer shall provide at each polling station required number of ballot boxes, copies of title relevant part of electoral roll, the ballot papers, and other articles necessary for the conduct of poll.

60. **Commencement of poll**.- The Presiding Officer shall start the poll exact at the time mentioned in notice of election and before commencement of the poll, he shall bring to the notice of all, who are present, the provisions of section 22 the provisions of this section are as under:-

"**22 Maintenance of secrecy of voting :-** (1) Every Officer or Official,agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid

183incertedvide notification dated 11-02-2016

in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.".

61. Admission to polling station. - The Presiding Officer shall regulate the number of voters to be admitted, at anyone time inside the polling station and shall exclude therefrom all persons other than -

(a) Polling Officer;

(b) Candidates and their agents;

(c) Returning Officer or such other persons as may be authorized by him;

(d) Public servants appointed on duty in connection with the election by the election authority;

(e) A child in arms accompanying a woman voter and a companion accompanying blind or infirm voter who cannot move without help;

(f) Such other person as the Presiding Officer may employ under sub-rule (2) of rule 57, sub-rule (1)of rule 62; and

(g) State Election Commissioner or such other persons as may be authorized by him.

62. Identification of voters.- (1) The Presiding Officer may employ at the polling station such number of persons as he thinks fit to help him in the identification of voters and to assist him in taking the poll.

(2) As each voter enters the polling station, the Presiding Officer, or the Polling Officer authorized by him in this behalf shall check the voter's name and the other particulars with the relevant entries in the Electoral roll and then call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall over look merely clerical or printing errors in an entry in the Electoral roll, if he is satisfied that such person is identical with the voter to whom such entry relates.

63. Persons entitled to vote by post.- Subject to their fulfilling the requirements herein after specified, the persons who are voters and are on election duty shall be entitled to vote by post at an election in a ward of the Corporation..

64. Intimation by voters on election duty.-(1) A voter on election duty who wishes to vote by post at an election shall send an application in Form-36 to the Returning Officer so as to reach him atleast seven days or such shorter period as the Returning Officer may allow before the date of the poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him for the election of Councillor are Election Duty Certificate (EDC) for the election of Mayor/Deputy Mayor in Form-38.

(2) Where a person being a Polling Officer, Presiding Officer or other public servant on poll duty in the ward of which he is an elector, wishes to vote in person at an election in a Corporation/ward and not by post, he shall send an application in Form 37 to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning

Officer is satisfied that the applicant is a public servant and voter on poll duty in the ward, he shall issue to the applicant a election duty certificate in Form -38.

(a) Where Election Duty Certificate has been issued to an elector under sub-rule(1) and (2) the Returning Officer shall mark "EDC" against his name in the marked copy of the Electoral roll to indicate that an election duty certificate has been issued to him; and

(c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

65. **Facilities for persons on election duty**.- (1) The provisions of rule 62 shall not apply to any person who produces at the polling station, an election duty certificate in Form-38 and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate the Presiding Officer shall -

(a) obtain thereon the signatures of the person producing it;

(b) have the person's name and Electoral roll number as mentioned in the certificate entered at the end of marked copy of the Electoral roll; and

(c) issue to him a ballot paper, and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

66. Procedure for preventing impersonation of voters.- (1) Subject to the other provisions of this rule every voter to whom a ballot paper has to be supplied for the purpose of voting at a polling station shall before receiving such ballot paper, allow -

(a) the inspection of his left forefinger to the Presiding Officer and any Polling Officer; and

(b) an indelible ink mark to be put on his left forefinger.

(2) If any person refuses to allow such inspection of his left forefinger; or persists in doing any act with a view to removing such mark after it has been put, he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) No person, who already has a mark on his forefinger, shall be supplied with any ballot paper and if any such person still persists for the supply of a ballot paper he shall be liable to be arrested and prosecuted for impersonation.

(4) Any reference in this rule to the left forefinger of voter shall, where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all the fingers of his both hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

67. Voting Procedure.- (1) The voter on entering the polling station shall first allow his left forefinger to be inspected by a Polling Officer for the purpose of ascertaining if he has any mark of indelible ink on that finger, if there is no such mark, the Polling Officer-in-charge of the poll, shall ascertain the voter's name and address and such other particulars as appear on the Electoral roll and after having satisfied himself about the identity of the voter, the Presiding Officer or the Polling Officer, as the case may be, shall put indelible ink mark to his left forefinger and then he shall be supplied with a ballot paper. The Presiding Officer or the Polling Officers, as the case may be, shall before the delivery of the ballot paper to the voter

enter the serial number of the voter from the marked copy of the Electoral roll in the counterfoil of the ballot paper and obtain his signatures.

(2) Every ballot paper shall, before issue to voter, be stamped with such distinguishing mark on its back as the Commission may direct.

(3) Save as provided in sub-rule (1) no person in the polling station shall note down the serial number of the ballot paper(s) issued to particular voter.

(4) At any time before a ballot paper is delivered to a voter, the Presiding Officer or a Polling Officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at the polling station or be so required by a candidate or his polling agent, put to the voter the following question, namely :-

(a) Are you the person enrolled as follows (reading the whole entry relating to the voter from the Electoral roll)?
(b) Have you already voted at the present election?
(c) Such other questions as he may deem fit or necessary and the voter shall not be supplied with a ballot paper unless he answers the first question in the affirmative and the second question in the negative or he refuses to answer any other question put to him in pursuance of this rule.

(5) The voter on receiving the ballot paper shall forthwith-

(a) proceed to the voting compartment;
(b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
(c) fold the ballot paper so as to conceal his vote;
(d) if so required, show to the Presiding Officer the distinguishing mark on the ballot paper;
(e) insert the folded ballot paper into the ballot box; and
(f) quit the polling station.

(6) Every voter shall vote without undue delay.

(7) No voter shall be allowed to enter a compartment when another voter is inside it.

68. Recording of votes of blind or infirm voters.- (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, voter is unable to recognize the symbols on the ballot paper or to make mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as a companion of more than one voter at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of voter on any day under this rule, the person shall be required to declare in Form-39 that he shall keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep in Form-40 record of all cases under this rule

69. **Spoilt and returned Ballot papers**.- (1) A voter who has inadvertently dealt with his ballot paper in such a manner that it can not be conveniently used as a ballot paper, may, on returning it to the

Presiding Officer and on satisfying himself of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked by the Presiding Officer as "cancelled being Spoilt".

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as "Returned Cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

70. Tendered votes.- (1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask be entitled subject to the following provisions of this rule to mark a ballot paper (hereinafter in these rules referred to as "Tendered Ballot Papers") in the same manner as any other voter.

(2) Every such person shall before being supplied with a Tendered Ballot Paper, put his signature against the entry relating to him in the list in Form-41.

(3) A Tendered Ballot Paper shall be the same as other ballot papers used at the polling, except that it shall be –

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with words "Tendered Ballot Papers" by the Presiding Officer at his own and signed by him.

(4) The voter, after marking Tendered Ballot Paper in the voting compartment and folding it, shall, instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

71. **Challenged votes**.-(1) If a candidate or his agent declares and undertakes to prove that any person,by applying for ballot paper has committed the offence of impersonation, the Presiding Officer, may require such person to state his name and address and shall then enter such name and address in the list of Challenged Votes in Form-42, and shall require such person to sign such entry or, if he is unable to write, to affix, his thumb impression thereto and the Presiding Officer shall sign his name across such impression and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of Rs.20/- has been deposited in cash with the Presiding Officer by the candidate or such agent for each challenge he makes.

(2) If the person, so challenged, refuses to comply with such requisition he shall not be permitted to vote but if such person complies with the same and on being questioned in the manner provided in rule 67 answers the first question in affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification, he produces evidence, which the Presiding Officer considers satisfactory, shall be allowed to vote after he has been informed of the penalty for impersonation.

(3) If the Presiding Officer after such inquiry on the spot as he thinks necessary, is satisfied that the challenge made by the candidate or his polling agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to the Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote make a note of the circumstances in the list of challenged votes in Form-42

72. Closing of Poll.- (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf and shall not admit there-to any voter after that hour :

Provided that all the voters present within the polling station before it is closed shall be entitled to cast votes.

(2) Any question that may arise as to whether voter shall for the purpose of the provision of sub--rule (1), be allowed to be present within the polling station before it is closed, shall be decided by the Presiding Officer, whose decision shall be final.

73. Sealing of ballot box after poll.- (1) As soon as practicable after the closing of the poll the Presiding Officer shall close the slit of the ballot box, seal it and allow any desirous polling agent to affix his own seal. The ballot box shall thereafter be sealed and secured properly.

(2) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) before another ballot box is put into use.

74. Account of ballot papers.- The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form-43 and enclose it in a separate cover with the words "Ballot Papers Account"subscribed thereon.

75. **Sealing of other packets**.- (1) The Presiding Officer shall then make into the separate packets-

(a) the counterfoils of used ballot papers;

(b) the marked copy of the Electoral roll;

(*c)* the un-used ballot papers;

(d) the cancelled ballot papers;

(e) the cover containing the Tendered Ballot Papers and the list in Form-41;

(f) the list of challenged votes in Form-42;

(g) paper seal account in Form-34; and

(h) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seal of the Presiding Officer and those agents present who may desire to affix their seal thereon.

76. Transmission of Ballot boxes etc. to the Returning Officer.- (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct –

(a) the ballot boxes as referred to in rule 73;
(b) the ballot paper account as referred to in rule 74
(c) the sealed packets as referred to in rule 75; and
(d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for their safe custody until the commencement of the counting of votes.

CHAPTER-VIII

COUNTING OF VOTES AND DECLARATION OF RESULTS

77. Admission to the place of counting.-(l) The Returning Officer shall exclude from the place fixed for the counting of votes under rule 33 a person, except -

(a) such Government servants as he may appoint to assist him in the counting;

(b) every candidate and his counting agents;

(c) public servants on duty; and

(d) the State Election Commissioner or any other person authorized by the Commission.

(2) Any person, who during the counting of votes mis-conducts or fails to obey the lawful directions of the Returning Officer may be removed from that place where the votes are being counted.

(3) The number of counting agents of candidates shall not exceed the number of counting tables, fixed for the counting of votes of the ward/Municipal Corporation plus one more for the table of the Returning Officer.

(4) Every appointment of counting agent(s) shall be made in Form-45 in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer at the time of counting.

78. Scrutiny and opening of ballot boxes.- (1) The Returning Officer shall on the date and at the time and place fixed under rule 33 before commencement of the counting, read out the provisions of section 22 to such persons as may be present.

(2) He shall then deal with the ballot boxes in the following manner, namely :-

(a) all the ballot boxes used at a polling station shall be opened at the same time;

(b) before any box is opened at the counting table the candidates or their agents shall be allowed to inspect the paper seal or other seals, as have been fixed thereon and to satisfy themselves that the same are intact;

(c) the Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with; and

(d) if the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers of that box and shall follow the procedure laid down in rule 52 in respect of that polling station.

79. Scrutiny and rejection of ballot paper.- (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer shall reject a ballot paper-

(a) if votes are given on it in favour of more than one candidate; or

(b) if it bears any mark or writing by which the voter can be identified; or

(c) if no vote is recorded thereon; or

(d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate, the vote has been given; or

(e) if it is spurious ballot paper; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) if it bears a different serial number, or is different from design of the Ballot paper authorized for use at the polling station; or

(h) if it does not bear the mark which it should have born under the provisions of sub-rule (2) of rule 67:

Provided that where the Returning Officer is satisfied that any such defect as is monitored in clauses *(g)* and *(h)* has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is distinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot papers.

(4) The Returning Officer shall record on every ballot paper which he rejects, the letter 'R' and the ground of rejection either in his own hand or by means of rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

80. Counting of votes and declaration of results- (1) Every ballot paper, which is not rejected under rule 79 shall be deemed to be valid and shall be counted after being sorted out candidate-wise:

Provided that no packet containing tendered ballot paper shall be opened out and no such paper shall be counted.

(2) The Returning Officer shall as far as practicable, proceed continuously with the counting and shall, during any interval when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents or the counting agents who may be desire to affix their seals and shall take sufficient precautions for their safe custody during such intervals.

(3) [184]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. The result of councillors of Corporation shall be declared on Form 46 after preparing the result sheet on Form 47:

Provided that before declaring the result on Form 46 and after the counting of all valid votes of polling station has been completed, the Returning Officer who have made the entries on a result sheet in Form-47 shall announce the particulars. After such announcement has been made, a candidate or, in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount. On such an application being made, the Returning Officer shall decide the matter and may allow the application ;in whole or in part or may reject it if it appears to him to be frivolous or unreasonable. Every decision of the Retuning Officer on such application shall be in writing and contain the reasons therefore.

(4) Immediately after declaration of result the Returning Officer shall paste a copy of Return of election in a conspicuous place at his office and send the same to the Commission and the Secretary (Urban Development) to the Government of Himachal Pradesh, as the case may be, for publication in the Official Gazette of the Government as required under section 13.

184 substituted vide notification dated 11-02-2016

(5) All valid ballot papers shall thereafter be bundled candidate-wise together and kept alongwith the bundle of rejected ballot papers in a separate packet, which shall be sealed and on which shall be recorded the following particulars, namely :

(a) the name of the ward/ Corporation;

(b) the particulars of the polling station where the ballot papers have been used ; and

(c) the date of counting.

(6) When counting of votes have been completed and the result has been declared the Returning Officer shall prepare a return in Form 43 Part-II and forthwith paste a copy of the same in a conspicuous place in his office. The Returning Officer, after the date of election shall notify the names of elected candidates together with the name of candidate, if any, deemed to have been elected under the provisions or rule 50 and send a copy of the same to the Commission for publication in the Official Gazette of the State Government and one copy of the return prepared in Form 44 shall be sent to the Commission, immediately, after declaration of the result.

81. Administration of oath to the elected Councilors.

[185]"(1) Administration of oath to the elected Councillors.—After the results of elections of Councillors have been declared under rule 80, the Government shall fix a date for first meeting of the Corporation for making an oath or subscribing an allegiance to the Constitution of India to the elected Councillors of the Corporation under section 33:

Provided that the Government shall authorize an officer not below the rank of Additional Deputy Commissioner to preside over the meeting fixed for the purpose of this sub-rule.

(2) After the fixation of a date by the Government the officer authorized by the Government shall issue a notice in writing to the newly elected Councillors giving five days time for the first meeting, provided that such notice shall be delivered to the elected Councillors atleast 48 clear hours before such meeting. This meeting shall be held at the office of the Corporation."

[186]**81-A.Election of Mayor**.-(1) Immediately after an oath is taken or an allegiance is subscribed by the elected Councillor under rule 81, or before the expiry of each term of office under sub-section (2) of section 36 of the Act, the [187]**Authorised Officer** shall convene the meeting and shall preside over the meeting for the conduct of election to the Mayor.

(2) Quorum for the meeting for the election of Mayor shall be ¾ of the total elected Councillors. In case the quorum is not complete, the [188]**Authorised Officer** presiding Over the meeting shall postpone the meeting to a later date not being more than three days from the day of its first meeting. For the postponed meeting no quorum shall be required.

(3) If only one candidate for the office is proposed, he shall declare such a candidate as duly elected to fill the said office.

(4) If there are more candidates, then, the poll shall be held.

(5) Ballot papers to be used at the election of the Mayor, shall be in Form-47-A and the particulars there in shall be in Hindi Devnagri script.

185Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
186incertedvide notification dated 11-02-2016
187Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
188Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021

81-B. Method of voting at the election of Mayor.- (1)The procedure of voting at the election of mayor shall be as under.-

(a) before issuing the ballot paper to the Councillors, the [189]**Authorised Officer**, shall put his signatures on the back of each ballot paper in token of distinguishing mark

(b) the Councillors on receipt of the ballot papers, shall make a cross(x) against the name of the candidate for whom he intends to vote;

(c) after making cross, the councilor shall fold the ballot papers so as to conceal his vote; and

(d) the Councillor shall insert the folded ballot paper into the ballot box kept for the purpose in front of the [190]**Authorised Officer** functioning as the Presiding Officer.

(2) After polling is over, the Presiding Officer shall open the ballot box and shall, in the presence of the Councillor, count the votes.

Explanation.- For determining whether a vote polled is valid or invalid, the provision of rule 79 shall apply.

(3) A candidate obtaining largest number of votes shall be declared to be elected to fill the office:

Provided that if, after the counting of the votes tie is found to exist between any candidates and the addition of one vote will entitle any of these candidate to be declared elected, that shall forthwith be decided between these candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

(4) all ballot papers used for such voting shall be put in a stout envelope and sealed by the presiding officer in full view of the Councillors present there and the description of the election to which the ballot papers relate shall be inscribed thereon. The Commissioner, Municipal Corporation , shall preserve the envelope, intact either in his office or at such other place as he may specify in writing until the expiry of one year from the date of election and shall then subject to any direction to the contrary given by the competent court or the State Election Commission cause it to be disposed off with its contents in such manner as he may deem fit.

(5) The [191]**Authorised Officer**, shall prepare and forward the result of election in Form-49 to the State Government as well as to the State Election Commission for information and record.

(6) The State Government on receipt of the election result under sub-rule (5) shall notify the election of the Mayor and forward a copy of the same to the State Election Commission.

81-C. Election of the Deputy Mayor.- After the election of the mayor , the [192]**Authorised Officer**, shall hold the election to the office of the Deputy Mayor in the same manner as provided for the election of mayor under rules 81-A and 81-B of these rules.

81-D. No. confidence motion against the Mayor or the Deputy Mayor.- (1) A motion or no confidence motion against the Mayor or the Deputy Mayor of a Corporation may be brought through a

189 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
190 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
191 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
192 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021

requisition given in writing addressed to the [193]**Deputy Commissioner of the district concerned** , signed by not less than majority of its total elected councilors:

Provided that the Councillors who have made such a requisition may withdraw the same before the meeting is convened for the purpose:

Provided further that motion of no confidence under this rule shall not be maintainable within six months of the date of his election to such office and any subsequent motion of no confidence shall not be maintainable within the interval of six months of the last motion of no confidence.

(2) [194]**The Deputy Commissioner concerned**, shall circulate to each councillor a copy of the requisition for their information .

(3) [195]**The Deputy Commissioner concerned**shall convene a special meeting by giving a notice of not less then fifteen days for the consideration of the motion referred to in sub-rule(1) and shall preside over at such meeting.

(4) A motion or no-confidence shall be carried in accordance with the provisions of sub-section (2) of section 37 of the Act.

(5) If motion of no-confidence is carried, the concerned Deputy Commissioner shall inform the Commission, the Government and the Director, Urban Development, Himachal Pradesh, immediately."

81-E. Fresh Election- If the office of the Mayor or the Deputy is vacated during his tenure on account of no-confidence motion a fresh election for the reminder of the period shall be held under these rules for the office of Mayor or the Deputy Mayor, as the case may be, within a period of one month from the date of occurrence of vacancy

82. Commencement of counting after fresh poll.- (1) If a fresh poll is held under rule 52, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and time and place which has been fixed by the Commission in that behalf and of which notice, has previously been given to the candidates and their agents.

(2) The provisions of rules 79 and 80 shall apply to such further counting.

83. Procedure in case of tie.- If after the counting of votes, tie is found to exist between any [196]**contesting** candidates, and the addition of one vote entitles any of those candidates to be declared elected that shall forthwith be decided between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

84. Custody of papers relating to elections.- The Returning Officer shall retain the packets of the counter foils of used ballot papers, the packets of unused ballot papers, the packets of used ballot papers valid, tendered or rejected and all other papers relating to the elections in safe custody either in his own office or at such other place as he may specify in writing until the expiry of three months from the date of publication of the result of election.

85.Production and inspection of election papers:-(1) While in the custody of the Returning Officer

(a) the packets of counterfoils of used ballot papers;

(b) the packets of unused ballot papers;

193 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
194 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
195 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021
196 Substituted vide Notification No. UD-A(3)-1/2021 dated 10.03.2021

(c) the packets of used ballot papers; and

(d) the packets of marked copies of the electoral roll shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the orders of the competent court or of the officer authorized under section 14.

(2) All other papers relating to the election shall be opened to public inspection and any person may apply for such an inspection or supply of certified copies thereof on payment of a fee at the same rate as is charged in Himachal Pradesh for the inspection of documents forming part of a record of a dealt with by a Revenue Officer, or for supply of a copy of an order by Revenue Officer, as the case be, and such copies shall be supplied in accordance with the procedure to be followed for a similar application in respect of case dealt with by a Revenue Officer.

86. Disposal of election papers.- Subject to any direction to the contrary given by the State Government or by the Commission or by a competent court or by an authorized Officer under section 14, the packets and other papers referred to in rules 68,69,75,84 and 85 shall be retained for a period of 90 days from the date of publication of results in the Official Gazette and shall thereafter be destroyed".

Provided that if an election petition is pending, the packets and other papers referred to in this rule shall not be disposed of unless the petition is finally decided.

87. Casual vacancies in theCorporation.-When a vacancy occurs among the Mayor/Deputy Mayor/Councillors of a Corporation by death, resignation or removal of any Mayor/Deputy Mayor/Councillors and a new /Mayor/Deputy Mayor/Councillors shall be elected in his place in accordance with the provisions of sub-section (1) of section 12, and such election shall be conducted in the manner as specified in these rules for a general election and the programme of the election shall be framed as soon as may be convenient after occurrence of the vacancy.

88. Interpretation of rules.- If any question arises regarding the interpretation of these rules, otherwise than in connection with an election petition, which has actually been presented, shall be referred to the Commission, whose decision thereon shall be final.

CHAPTER-IX

ELECTION PETITIONS AND APPEALS

89. Presentation of petition.- (1) The election petition under section 14 shall be presented to the Divisional Commissioner, under whose territorial jurisdiction the Corporation is situated.

(2) The petitioner shall enclose with the petition copies of the petition and its enclosures equal to the number of respondents.

(3) The affidavit referred to in the proviso to sub-section (1) of section 14 shall be in Form-50 and shall be sworn in before a Magistrate.

90. Security deposit to be made with the petition.- At the time of presentation of an election petition, the petitioner shall deposit a sum of Rs. 3000/- (three thousand Rupees) as security money in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of Authorized Officer to whom the petition is presented or caused to be presented.

91. Withdrawal of petitions.- (1) An election petition may be withdrawn by the petitioner only after the permission of the Divisional Commissioner to whom the petition is presented.

(2) When an application for withdrawal is made, a notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

(3) No application for withdrawal shall be allowed, if, in the opinion of the Divisional Commissioner to whom the petition is presented. Such an application has been induced by bargain or consideration.

(4) If the application for withdrawal is allowed, the Divisional Commissioner to whom the petition is presented shall pass an order with regard to refund or forfeiture of security deposit:

Provided that where the application of withdrawal is allowed by the Divisional Commissioner, a copy of the order shall be sent to the Director, Urban Development, Himachal Pradesh.

92. Place and Procedure of enquiry.- (1) The place of enquiry shall be headquarters of the Divisional Commissioner concerned to whom the petition is made or transferred:

Provided that the Divisional Commissioner to whom the petition is made or transferred, as the case may be, may on being satisfied that Special circumstances exist rendering it desirable that the enquiry should be held elsewhere, fix some other convenient place for this purpose.

(2) The public shall have free access to the place where enquiry into the election petition may be held.

(3) Notice of the time and place of enquiry shall be given to the parties not less than seven days before the first date of hearing.

93. Communication of orders on petition.-The Divisional Commissioner to whom the election petition is made or transferred, as the case may be, shall after conclusion of the election petition, send a copy of the order to the Commission and to the Director, Urban Development, Himachal Pradesh as soon as possible.

94. Procedure in presentation of appeal :- (1) Any person aggrieved by an order made by the Divisional Commissioner under section 18 may within a period of thirty days make an appeal to the

Financial Commissioner (Appeal) Government of Himachal Pradesh under sub-section (3) of section 20:

Provided that the appellate authority may entertain the appeal after the expiry of said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) In computing the period of limitation for filing an appeal under the Act, the period spent in obtaining a copy of the order shall be excluded.

(3) Every appeal preferred, under sub-rule (1), shall be presented in the form of a memorandum by the appellant or his duly authorized agent and shall be accompanied by a Treasury Challan evidencing the deposit of a sum of Rs.3000/- as fee in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of appellate authority to whom the appeal is presented. The memorandum shall set-forth concisely the grounds of objections to the order appealed from and shall be accompanied by a copy of such order.

(4) On receipt of an appeal under sub-rule (1) the appellate authority may, after calling for record from the Divisional Commissioner, against whose decision the appeal has been preferred and giving opportunity, to the parties of being heard and after making such further enquiry, if any, as may be necessary pass such orders as it thinks fit and the order of the appellate authority shall be final.

(5) A copy of the order passed in appeal shall be sent to the Commission and to the State Government.

95. Abatement of appeal:- If before the decision of the appeal, the appellant or respondent dies, the appeal shall abate, the appellate authority shall cause notice of such event sent to the Slate Government.

CHAPTER-X

MISCELLANEOU

96. Penalty for disobedience of certain orders and for contravention of rules.- If any person, who is on deputation with the Commission under section 9-E or any public servant put on duty in connection with delimitation of wards, preparation of electoral rolls and conduct of elections under the Act disobeys any orders issued by an officer appointed under the Act or contravenes the provisions of these rules shall be punishable under the Central Civil Services (Conduct Rules), 1964 or in accordance with the relevant law and practice for time being inforce for such purpose.

97. Repeal and savings- (1) The Himachal Pradesh Municipal Corporation Elections Rules, 1996, Himachal Pradesh Municipal Corporation(Delimitation and Reservation of wards) Rules, 1995 and the Himachal Pradesh Municipal Corporation (Reservation and Elections to the office of the Mayor and Deputy Mayor) Rules,1996, are hereby repealed, provided that.-

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder; and

(b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person, to whom these rules apply, of any right of appeal which has accrued to him under the rules, notifications or orders repealed under sub-rule (1) in respectof any order passed before the commencement of these rules.

(3) A petition pending at or preferred after the commencement of these rules against an order made before such a commencement shall be considered and order thereon shall be passed in accordance with rules.

FORM-1

(See rule 6)

Notice of publication of the proposals for dividing the Municipal Corporation into wards and defining the limits of each ward

Notice is hereby given that the proposals for dividing _____ Municipal Corporation into wards and defining the limits of each such ward shall be available for inspection in the office of the undersigned and the office of the Municipal Corporation _____ during the office hours for the next [197]7 days.

If any resident has any objections to make with regard to aforesaid proposal against anything contained in it he can send the same to the undersigned in Form-2 with in [198] seven days from the date of publication of this notice and objections or suggestions so received shall be inquired into before finalizing the proposal.

Deputy Commissioner

Place_____

Date_____

197Amended vide Notification No. UD -A(3)-2/2020 dated 29.09.2020

198Amended vide Notification No. UD -A(3)-2/2020 dated 29.09.2020

FORM-2
(See rule 7)

To

The Deputy Commissioner

_____

Subject:- Objection to the draft delimitation of Wards.

Sir,

Please refer to the draft delimitation proposals of wards published on_____ in respect of _____ Municipal Corporation area.

That I am a resident of ward No._____ of _____Municipal Corporation area.

That I have the following objections to these draft proposals:-

(1)

(2)

(3)

(4)

Yours faithfully,

Signature, full name &

Address.

Place:

FORM-3

(See rule 17)

Notice of Publication of Electoral Roll

To

The voters of ward No._____ of Municipal Corporation of _____District, Himachal; Pradesh.

Notice is hereby given that the electoral roll has been prepared in accordance with the Himachal Pradesh Municipal Corporation Election Rules, 2012 and copy thereof is available during office hours for inspection at my office and in the office of the Municipal Corporation and at the office of the Tehsildar.

If there be any claim for the inclusion of a name in the electoral roll or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged in or before (date) in Form 4,5, and 6 as may be appropriate.

Every such claim or objection should be addressed to the _____ (full address) Revising Authority and should either be presented in person or through agent or sent by the registered post so to reach him not later than the aforesaid date.

Electoral Registration Officer,

(Municipal Corporation)

Place:

date:

FORM-4
[See rules 20 (1) and 26]

CLAIM APPLICATION FOR INCLUSION OF NAME

To

The Revising Authority/Electoral
Registration Officer,
(Municipal Corporation)……...

Sir,

I request that my name be included in the electoral roll for the _____ ward relating to _____Municipal Corporation.

Name (in full)_____

Father's/ Mother's/ Husband's Name_____

Particulars of place of residence are:

House No._____

Street/Mohalla/Village_____
PostOffice_____Tehsil……..District……

I hereby declare that to the best of my knowledge and belief that -

(i) I am a citizen of India.

(ii) My age on i.e. date notified by the State Election Commission under clause (e) of rule 16 (1) was _____ years_____ months.

(iii) I am an ordinary resident at the address given above.

(iv) I have not applied for the inclusion of my name in the electoral roll for any other word of the Corporation.

(v) My name has not been included in the electoral roll for any ward of the above mentioned Municipal Corporation or any other municipal Corporation or Municipality constituted under the H.P. Municipal Act, 1994 or Gram Sabha constituted under the H.P Panchayati raj Act, 1994 or an Assembly Constituency of which above mentioned Municipal Corporation is not a part, as the case may be.

OR

That my name has been included in the electoral roll for the _____ ward under the address mentioned below and I request that the same may be excluded from the electoral roll.

Signature/thumb-impression of claimant.
(full postal address).

Place:

Date:

I further declare that the facts submitted by me herein above are true and I also know that any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

Signature/thumb-impressionof claimant.
…….
……

Place:

Date:

I am a voter included in the electoral roll of the same part in which the claimant has applied for inclusion viz. part No…….. relating to……. my serial No. therein is …….. I support this claim and countersign it.

Signature/thumb-impressionof elector supporting claim.

(full postal address).

……..
……

FORM-5
[See rule 20(1)]

OBEJECTION TO INCLUSION OF NAME

To

The Revising Authority,

_____ward.

Sir,

I object the inclusion of the name of ……at serial No. ……. in the electoral roll ……ward relating to……. Municipal Corporation for the following reasons:

…….

…….

……

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief and that my name has been included in the electoral roll for this ward as follows:-

Name……..(in full)

Father/Mother/Husband's name…….

Serial No……

No.and name of the ward…….relating to …….Municipal Corporation.

Signature/thumb-impression of objector.

(full postal address).

…….

…….

I am a voter included in the same electoral roll in which the name objected stand appears, viz. No. and name of the ward relating to …….. Municipal Corporation. My Sr. No. there in is ……. I support this objection and countersign it.

Counter Signature/thumb-impression of the elector supporting objection.

(full postal address).

…….
…….

Note:- Any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true shall be punishable in accordance with the law in force.

FORM-6

[See rules 20 (1) and 25]

OBEJECTION TO PARTICULAR IN ANY ENTRY

To

The Revising Authority/Electoral Registration Officer,

_____ward.

Municipal Corporation_____.

Sir,

I submit that the entry relating to myself which appears at Sr. No. …….. in the roll ward relating to …….Municipal Corporation as ……. is incorrect. It should be corrected to read as follows:-

…….

……..

Signature/thumb-impression of claimant.

(full postal address).

…….

…….

Place:

Date:

FORM-7

See rules 20 (4), (5) and rule 22]

REGISTER OF CLAIM FOR INCLUSION OF NAME

……Municipal Corporation……..ward

S. No.	Name of claiment	Father's name and address	Date of presentation of claim	Date of decision with note in the presence of the parties	Decision		Signature of revising authority	Signature of official by whom effect was given to the revising authority and date
					Admitted	Rejected		
1	2	3	4	5	6	7	8	9

FORM-8

[See rules 20 (4) and (5) and rule 22]

REGISTER OF OBJECTION TO INCLUSION OF NAMES

……Municipal Corporation……..ward

Sr. No.	Person objection to		Father/husband's name and address of the objector	Sr. No. of the objector in the roll	Date of presentation of objection.
	Under name of	With Sr. No. in the roll			
1	2	3	4	5	6

Dated of decision with note as to presence of parties	Decision		Signature of revising authority	Signature of official by whom effect was given to the decision of revision authority and date
	Admitted	Rejected		
7	8	9	10	11

FORM-9

[See rules 20 (4) and (5) and rule 22]

REGISTER OF OBJECTION TO THE PARTICULARS IN AN ENTRY

……Municipal Corporation……..ward

Sr. No.	Name of the objector	Date of presentation of objection	Particular as existed in the roll	Correct particulars as requested by objector
1	2	3	4	5

Decision		Signature of the revising authority	Signature of official by whom effect was given to the decision of revision authority and date
Admitted	Rejected		
6	7	8	9

FORM-10

[See rules 21 (1)]

LIST OF CLAIMS

……Municipal Corporation……..ward

Date of receipt	Sr. No.	Name of claimant	Name of Father/husband/mother	Address	Date, time & place of hearing
1	2	3	4	5	6

Signature of Revising Authority

FORM-11

[See rules 21 (1)]

LIST OF OBJECTIONS TO INCLUSION OF NAMES

……Municipal Corporation……..ward

Date of receipt	Sr. No.	Full name of objector	Particulars of name objected to		Objection in brief	Date, time and place of hearing
			Sr. No. entry	Name in full		
1	2	3	4	5	6	7

Signature of Revising Authority

FORM-12

[(See rules 21 (1)]

LIST OF OBJECTION TO PARTICULARS IN ENTRIES

……Municipal Corporation……..ward

Date of receipt	Sr. No.	Full name of objector	Part No. and Sr. No. of entry	Nature of objection	Date, time and place of hearing
1	2	3	4	5	6

Signature of Revising Authority

FORM-13
[See rule 21(2)]

NOTICE OF HEARING OF CLAIM

To

……..
…….
……..

(Full name and address of claimant)

Reference No……..

Your claim for the inclusion of your name in the electoral roll will be heard at…… (Place)at……O'clock on the……day of ……..202 .

You are requested to present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:
Date:

Signature of Revising Authority
Ward ……

FORM-14
[See rule 21(2)]

NOTICE OF HEARING OF OBJECTION.

To

……..
…….
…….
(Full name and address of /objector)

Reference/objection No…….

Your objection to the inclusion of the name of……..will be heard at……(Place) at……O'clock…… on the……day of……..201.

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:

Date:

Signature of Revising Authority

Ward.……

FORM-15
[See rule 21(3)]

NOTICE OF HEARING OF OBJECTION

To

……..
…….
…….
(Full name and address of person against whom objection is received)

Reference objection No……..

The objection against inclusion of your name at Serial No……..in the Electoral roll for ……Ward relating to…….Municipal Corporation filed by…….(Full name and address of objector)will be heard at……(Place) at…….of…….day of……202….

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

The grounds of objection(in brief) are:-

(a)

(b)

(c)

Place:
Date:

Signature of Revising Authority
Ward.……

FORM-16
[See rule 21(2)]

NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS IN THE ELECTORAL ROLL

To

……..

…….

…….

(Full name and address of objector)

Reference/objection No…….

Your objection to certain particulars in the entry relating to you will be heard at…….(Place) at……..O'clock on the ……day of……20 .

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:
Date:

Signature of Revising Authority
Ward……..

FORM-17
[See rule 23(1)]

NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public information that electoral roll for ward No. …….(Ward) of Municipal Corporation……has been prepared in accordance with the Himachal Pradesh Municipal Corporation Election Rules, 2012 and a copy of the said electoral roll is hereby published finally.

Date:
Place:

Electoral Registration Officer
(Municipal Corporation)

FORM-18
(See rule 25)

APPLICATION FOR DELETION OF ENTRY IN ELECTORAL ROLL

To

The Electoral Registration Officer,
……..

Sir,

I submit that the entry at Serial No…….....…….in the Electoral roll for……..ward/ Polling Station relating to Shri./Smt…… son/daughter of Shri/Smt……..requires to be deleted as the said person is not entitled to be registered in the Electoral roll for the following reasons:-

……
……

I hereby declare that the facts submitted by me hereinabove are true to the best of my knowledge and belief and I also know that any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

I declare that I am a voter of this ward being enrolled at Serial No……..

Place:
Date:

Signature/thumb impression of applicant
(Full postal address).

FORM-19
(See rule 34)

NOTICE OF ELECTION PROGRAMME

Notice is hereby given that –

1. An election is to be held for electing a—
   *Councilor from……ward (S) of Municipal Corporation.
   *Mayor/Deputy Mayor of……..ward(s) of Municipal Corporation.
2. Nomination paper may be delivered by a candidate or his proposer to the …….. (Authority) at …….....….....between 11 A.M. and 3 P.M. from……to……..(dates).

3. Forms of nomination papers may be obtained at the place and time aforesaid.
4. The nomination papers will be taken up for scrutiny at……..
5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to the authority specified in paragraph (2) above at his office before 3. P.M. on the……
6. The symbols to the contesting candidates shall be allotted on…….....……(dated) after the time of withdrawal is over and list of contesting candidates shall be prepared in Form-25……..at…….P.M.
7. In the event of the election being contested the poll will be taken on…… .between the hours of……..and ……..

Returning Officer

FORM-20
(See rule 37)

NOMINATION PAPER

Election to the Councillor from ward No…… and Name……. of Municipal Corporation, …….

Election to the office of the Mayor/Deputy Mayor of Municipal Corporation, …….

I hereby nominate Sh./Smt……

……..

……(Candidate's/father Name with complete address) as a candidate for above election. His name is entered at the serial No…….of electoral roll of polling station No……..of ward No……of Municipal Corporation……

My name is entered at Serial No…….of electoral roll of polling station…….....of ward No…… of Municipal Corporation……..

Date:

Signature of proposer.
full name & address of proposer.

(to be filled by the candidate)

I…….the above mentioned candidate assent to this nomination and hereby declare:-

(a) That I have completed…….years of age; and
(b) That I have not been disqualified for contesting of election(s) under any law in force.
(c) That I am set up in this election by the …….party.

Dated: **Signature of candidate.**

Note:-(Further declaration to be made by a Scheduled Caste or Scheduled Tribe candidate or other Backward Classes candidate).

I hereby declare that I am a member of the ……caste/tribe / other Backward Classes which has been declared to be Scheduled Caste or Tribe or other Backward Classes in Himachal Pradesh.

Dated……..

Signature of candidate.

Verification by Executive Magistrate.

The above declaration is solemnly affirmed before me by…….who is personally known to me/who has been identified to my satisfaction by……..

Date:
Place:

Signature with seal.

(Decision of Returning Officer regarding accepting or rejection the nomination paper).

(To be filled by the Returning Officer).

I have examined this nomination paper in accordance with rule 41 of the Himachal Pradesh Municipal Corporation Election Rules, 2012 and decided as follow:-

Date:
Place

Returning Officer.

The symbol assigned to the candidate is…….

Date:
Place:

Returning Officer.

Receipt of Nomination Paper.

(To be filled in by the Returning Officer or specified authority).

Serial No. of nomination paper……..

This nomination paper was delivered to me at my office on……. (date)……..at…….(hours)……..and shall be taken up for scrutiny on at……..(place)…….of……(hours)…….

Place:
Date:

Returning Officer/Specified Authority.

Important Note:- (i) Returning Officer will examine that alongwith Form-20 (nomination paper), each candidate is supplied with a copy of Annexure-I prescribed by the State Election Commission under the HP Panchayat and Municipalities Elections (Disclosure) specified information by the candidates) Regulation, 2004.

(ii) It is compulsory for every contesting candidate to submit alongwith nomination papers, the aforesaid Annexure-I in affidavit form duly attested by a Magistrate or a Notary Public or an Oath Commissioner.

(iii) The candidate will also provide extra attested photocopy of the said Annexure alongwith original Affidavit to Returning Officer.

Form-21
(See rule 39)

NOTICE OF NOMINATION

Election to:-

Councillor from ward No…….. of Municipal Corporation.---------[199]

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today……

S.No. of Nomination paper.	Name of Candidate	Name of father/ husband	Age of candidate	Addr-ess.	Particulars of caste/tribe/OBC of candidate belonging to Sch. Caste/ Tribe/OBC	S.No.of candidate in the electoral roll.	Name of proposer.	S.No.of proposer in the electoral roll.
1.	2.	3.	4.	5.	6.	7.	8.	9.

Place:

Date: **Returning Officer or Specified Authority.**

199 deleted vide notification dated 11-02-2016

FORM-22
[See rule 40 (7)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to:-

Councillor from ward No…….. of Municipal Corporation.----------[200]

Sl.No.	Name of candidate.	Name of father/husband.	Address of candidate.
1.	2.	3.	4.

Place:
Date: **Returning Officer**

200 deleted vide notification dated 11-02-2016

Form 23
[See rule 41(1)]

NOTICE OF WITHDRAWAL

Election to:

Councillor from……..ward of Municipal Corporation.---------[201]

To

The Returning Officer,
…….
……

I,…….a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

Place:
Date:

Signature of candidate.

This notice was delivered to me at my office at……(hours)…… on……..(date) by……..(Name).

Returning Officer or specified authority.

RECEIPT FOR NOTICE OF WITHDRAWAL.
(To be handed over to the person delivering the notice).

The notice of withdrawal of candidature by……a candidate at the election to-

Councillor from ward No…… of Municipal Corporation…….. 202 was delivered to me by the * Candidate…….at…….my office at……..(hours) on……..(date).

Date…….

Returning Officer or specified authority.

201 deleted vide notification dated 11-02-2016
202 deleted vide notification dated 11-02-2016

FORM 24
[See rule 41(2)]

NOTICE OF WITHDRAWAL

Election to-

Councilllor ward No…….of Municipal Corporation…….[203]

Notice is hereby given that the following candidate(s) at the above election withdrawn his/their candidature(s) today:-

Sr. No.	Name of candidate.	Address of candidate.	Remarks.
1.	2.	3.	4.
1.			
2.			
3.			
4.			
5. etc.			

Place:

Returning Officer or Specified authority.

203 deleted vide notification dated 11-02-2016

FORM-25
(See rule 42)

LIST OF CONTESTING CANDIDATES

Election to-

Councilllor ward No……. of Municipal Corporation…….[204]

Sr. No.	Name of candidate.	Photograph of the candidate	Address of candidate.	Symbol Allotted.
1.	2.	3.	4.	5.

Date:
Place:

Returning Officer

204 deleted vide notification dated 11-02-2016

FORM 26
(See rule 45)

FORM OF APPOINTMENT OF ELECTION AGENT

I……a candidate for election of –

Councillor from ward No….. of Municipal Corporation.----------[205]

to be held on……..hereby appoint Shri/Smt……S/D/O……R/O..……as my election agent from this date upto the conclusion of the above election.

Date: **Signature of Candidate.**

Place:

I accept the above appointment.

Dated:

Agent:

Place:

Signature of Election Agent.

I hereby declare that at the above election I will not do any thing forbidden by the Himachal Pradesh Municipal Corporation Act, 1994 and the rules made thereunder, which I have read/has been read over to me.

Signature of Election Agent
Approved.

Dated:
Place:

Signature of Returning Officer.

205 deleted vide notification dated 11-02-2016

FORM 27
[See rule 46(2)]

APPOINTMENT OF POLLING AGENT

Councilllor ward No…….. of Municipal Corporation.----------[206]

I …….a candidate at the above election do hereby appoint Sh.…….S/o Sh/D/o/R/o…….as polling agent to attend polling station No……..Place fixed for the Poll ……..……at…….

Place:

Date:

Signature of candidate.

I agree to act as such polling agent.

Signature of Polling Agent.

(Declaration of polling agent to be signed before Presiding Officer)

I hereby declare that at the above election I will not do any thing forbidden by the Himachal Pradesh Municipal Corporation Act, 1994or Rule made there under which I have read/has been read over to me.

Place:

Date:

Signature of Polling Agent.

Signed before me.

Place:

Date:

Presiding Officer.

206 deleted vide notification dated 11-02-2016

FORM-28
[See rule 48(2)]

REGISTER FOR MAINTENANCE OF DAY-TO-DAY ACCOUNT OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION TO WARD/MUNICIPAL CORPORATION

1. Name of candidate…….....

2. *Ward/Municipal Corporation from which contested…….....

3. Seat for which contested…….....

4. Date of filing nomination…….....

5. Date of declaration of result…….....

Date of Expdt.	Nature of Expdt.	Amount of Expdt.		Date of payment	Name and address of payee	No of Vouchers in case of amount paid	No. of bills in case of amount outstand-ing	Name and address of the person to whom the amount outstanding is payable	Remarks
		Paid	Out-standing						
1	2	3	4	5	6	7	8	9	10

Certified that this is true copy of the account kept by me/my election agent.

Signature of contesting candidate.

FORM-29

[See rules 48(5) and 48(10)]

DETAIL OF ELECTION EXPENSES BY CONTESTING CANDIATES FOR ELECTION TO WARD/MUNICIPAL CORPORATION----------

Name of contesting candidate…….....

Name of ward/Municipal Corporation…….....

Item of Expenditure	Sources from where money procured	Amount of Expenditure	Date(s) of payment	Mode of payment	Evidence of payment enclosed with the account.	Remarks
1	2	3	4	5	6	7

1. Expenditure on security deposit.
2. Expenditure on purchase of copies of electoral rolls.
3. Expenditure on printing of manifesto, and expenditure On printing of posters and hand bills etc.
4. Expenditure on pasting of posters.
5. Expenditure on writing of wall writing and on publication of advertisements.
6. Hiring charges of places for public meeting and hiring charges of pandals etc. for public meetings.
7. Hiring charges of loudspeakers for public meeting.
8. Hiring charges on vehicle and Petrol, Oil and Lubrication(POL) used by the candidate.
9. Hiring charges and Petrol, Oil and Lubrication(POL) on vehicle used by election agent/polling agent.
10. Misc. Expenditure (other than those listed above).

Signature of contesting candidate.

FORM-30

[See rule 48(10)]

PROFORMA FOR THE SUBMISSION OF ELECTION EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION TO WARD/MUNICIPAL COPORATION

1. Name of candidate…….....
2. *Ward/Municipal Corporation…….....
3. Seat for which contesting …….....
4. Date of filing nomination…….....
5. Date of declaration of result…….....

Date of Expdt.	Nature of Expdt.	Amount of Expdt.		Date of payment	Name and adder-ss of payee	No of Vouchers in case of amount paid	No. of bills in case of amount outstanding	Name and address of the person to whom the amount outstanding is payable	Remarks
		Paid	Out-standing						
1	2	3	4	5	6	7	8	9	10

Certified that this is true copy of the account kept by me/my election agent.

Signature of contesting candidate.

FORM-31
[See rule 48(10)]

AFFIDAVIT

I…….. son/wife/daughter of ……..aged…….. years……resident of ……do hereby solemnly and sincerely state and declare as under:-

1. That I was contesting candidate at the general election/bye-election to the ward No……../Municipal Corporation …….the result of which was declared on…….....

2. That 1/my election agent kept a correct account of all expenditure in connection with the above election incurred authorized by me or by my election agent between……..(the date on which I was nominated) and upto the date a day after the declaration of the result thereof, both day inclusive.

3. That the said account was maintained in Forms 28 to 30 appended to the Himachal Pradesh Municipal Corporation Election Rules, 2012 and a true copy thereof is annexed hereto with the supporting vouchers/bills mentioned in the said account.

4. That the account of my election expenditure as annexed hereto included all items of election expenditure incurred or authorized by me or by my election agent and nothing has been concealed or withheld/suppressed therefrom.

5. That the statements in the foregoing paragraphs 1 to4 are true to my personal knowledge, that nothing is false and nothing material has been concealed.

Deponent.

Solemnly affirmed/sworn by…….at…….this day of 20……before me.

FORM-32
[See rule 48(11)]

ACKNOWLEDGEMENT

The detailed account of the election expenses on prescribed proforma in respect of Shri…….(Candidate) from…….ward/Municipal Corporation result of which was declared on……..(Date) filed by him on……..(Dated) has been received by me today the ……(Date) of ……..(Month)…….(Year).

Returning Officer.

FORM-33

(See rule 50)

FOR USE IN ELECTION WHEN SEAT IS UNCONTESTED

Election to:

Councillor ward No…….. of Municipal Corporation …….[207]

In pursuance of the provision contained in rule 50 of the Himachal Pradesh Municipal Corporation Election Rules, 2012, I declare that -

Name……..

Address……

Has been duly elected as Councillor from the above ward of Municipal Corporation.

Place:

Date: **Signature of Returning Officer.**

207 deleted vide notification dated 11-02-2016

FORM 34
[See rule 56(2) and 75]

PART-I
RECORD OF PAPER SEAL USED.

Election to Municipal Corporation…….From…….ward.

Number and name of polling station……

Serial No. of ballot box used	Serial No. of paper seal used	Remarks
1	2	3

Signature of polling agent.

PART-II

ACCOUNT OF PAPER SEAL

1. Serial No. of Paper seal supplied to…….total…….. 1…….....……
2. No. of Paper seal used……. 2. …….....…
3. No. of unused paper seals……. to……..total……. 3. .....
4. Serial No. of damaged seals, if any…… to……total…… 4. ……..

Place:

Date:

Signature of Presiding Officer.

FORM 35
[See rule 58(1)]

BALLOT PAPER

Election of Councillor from ward No..... of Municipal Corporation.....

Ward/Municipal Corporation----------

Serial No. of voter----------

Number----------

Signature/thumb impression

No. and name of ward/Municipal Corporation.....

Name of Candidate	Photograph of Candidate	Symbol
1.		
2.		
None of the above (NOTA)		

FORM 36
[See rule 64(1)]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To

The Returning Officer for…….

Ward No……..Municipal Corporation ,……

Sir,

I intend to cast my vote in person at the ensuing election to Councillor from Ward No……..of Municipal Corporation……

I have been posted on election duty within the ward …….. at …….(no & name of polling station)…….but my name is entered at Serial No……. ……of the Electoral roll for polling station No……of Ward comprised within Municipal Corporation.

I request that an Election Duty Certificate (Form -38) may be issued to enable me to vote at the polling station where I may be on duty on the polling day.

It may be sent to me at the following address:-

Name……

Address……..

……..

Date **Yours faithfully,**

Place:

( ).

FORM-37
[See rule 64(2)]

LETTER OF INTIMATIONTO RETURNING OFFICER.

To

The Returning Officer
Ward No (with name) …….Municipal Corporation.

Sir

I intend to cast my vote at the ensuing election to;-

Councillor from…….(Ward) of Municipal Corporation……..

My name is entered at Sr. No……..of polling station (No. and name) of the Electoral Roll for Ward No……Municipal Corporation.

I may be issued a postal Ballat Paper/Election Duty Certificate (EDC) for the election of Councillor at the following address:-

Name……..……

Address……..

…….....……

Yours faithfully,

Date:

Place: ( )

FORM 38
[See rules 64(2) and 65(1)]

ELECTION DUTY CERTIFICATE.

Certified that……..is an elector in ward No……. of *Municipal Corporation ……His Electoral roll number being……for polling station (No. and name) by reason of his being on election duty, he is unable to vote at the polling station where he is entitled to vote and that he is, therefore, hereby authorized to vote at polling station (No. and name)of the ward where he is on duty on the day of poll.

Place:

Date: **Signature of Returning Officer.**

SEAL

FORM-39
(See rule 68)

DECLATATION BY THE COMPANION OF BLIND OR INFIRM VOTER

*Election of Councillor from Warnd No……Ward of Municipal Corporation.---[208]

I ……..……(No. and name of Polling Station…… …… .) son of…….aged……..resident of (Full Address)……

hereby declare that -

(a) I have not acted as companion of any other voter at this or any other polling station today, the……day of 20…… and

(b) I shall not disclose the secrecy of the vote recorded by me on behalf of…….

Name of voter and his serial,

No. in the Electoral roll to be given

Place:

Date: **Signature of companion.**

208deleted vide notification 11-02-16

FORM 40
[See rule 68(2)]

LIST OF BLIND AND INFIRM VOTERS

*Election of Councillor from Ward No.…….Ward of Municipal Corporation.----[209]

Number and name of polling station……..

Sl.No of Voter	Full Name of Voter	Full Name of companion	Address of companion	Signature of companion

Dated:

Signature of Presiding Officer.

209deleted vide notification 11-02-16

FORM 41
[See rules 70(2) and 75)]

LIST OF TENDERED VOTER

*Election of Councillor from Ward No…….. of Municipal Corporation.---[210]

No. and name of Polling station……

S.No.	Name of Voter	Address of Voter	S.No of tendered Ballot Paper	S.No. of Ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5	6

Place:
Dated: **Signature of Presiding Officer.**

210deleted vide notification 11-02-16

FORM 42
[See rules 71(1) and 75)]

LIST OF CHALLENGED VOTES.

*Election of Councillor from Ward No…….. of Municipal Corporation.----211

No. and name of Polling station……

S.No. of voter	Name and address	Signature or thumb impression of voter	Name of identifier, if any	Order of Presiding Officer in each case
1	2	3	4	5

Place:

Dated: **Signature of Presiding Officer.**

211deleted vide notification 11-02-16

FORM -43
(See rule 74)

BALLOT PAPER ACCOUNT

Election of Councillor from Ward No……..ward of Municipal Corporation.--[212]

Number and name of polling station…….

PART-I

		Serial No.	Total No.
(i)	Ballot papers received		
(ii)	Ballot papers not used		
(iii)	Ballot papers issued to voters		
(iv)	Ballot papers cancelled		
(v)	Ballot papers used for tendered votes		

Dated: **Signature of Presiding Officer**.
Place

PART-II
RETURN OF COUNTING

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5	None of the above	
	Total number valid votes polled	
	Rejected Ballot Paper	
Total No. of ballot papers in the ballot box(s)		
Difference, if any		

Signature of Counting Supervisor **Signature of Returning Officer**

Date:

212deleted vide notification 11-02-16

FORM-44
[See rule 80(6)]

RETURN OF ELECTION

Election to the Municipal Corporation…….....……. from Ward No….....……

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5		
6	None of the above	

Total number of votes polled

Total number of valid votes polled

Total number of rejected votes.

I declare that ……..(name & address)…… has been duly elected to fill the seat in Municipal Corporation…….. Ward No…….

Place:

Date: **Signature of Returning Officer**

FORM 45
[See rule 77(4)]

PART-I

APPOINTMENT OF COUNTING AGENTS

Election of Councillor from ward No…….. of Municipal Corporation…….[213]

I, ……a candidate/of Shri/Smt……who is a candidate at the above election do hereby appoints Shri/Smt……address…….as a counting agent to attend the counting of votes at……

Date:

Place: **Signature of Candidate.**

I agree to act as such counting agent.

Signature of counting agent.

Date:

Place:

Declaration of counting agent to be signed before the Returning Officer

I hereby declare that at the above Corporation election I shall not do anything forbidden by section 22 and any other relevant sections of the Himachal Pradesh Municipal Corporation Act, 1994 and rules made thereunder, which I have read/has been read over to me.

Place:

Date:

Signature of Counting Agent.
Signed before me.

Place:

Date: **Returning Officer.**

213deleted vide notification 11-02-16

FORM- 46
[See rule 80(3)]

RETURN OF ELECTION OF COUNCILLORS.

Election of Councillor ward No…….. of Municipal Corporation.---[214]

S.No.	Name of Candidate.	No. of valid votes polled.
1.		
2.		
3.		
4.		
5.		
6.[215]	None of the above	

(a) Total of valid votes polled……..

(b) Total No. of rejected votes…….

(c) Total No. of votes polled…….

I, declared that—

Name…….

Address……

……

Has been duly elected as [216]Councilor from the above ward No…….of Municipal Corporation……..

Place:
Date:

Signature of Returning Officer.

214deleted vide notification 11-02-16
215incerted vide notification 10-04-2017
216deleted vide notification 11-02-16

FORM-47
[See rule-80(3)]

RESULT SHEET OF THE ELECTION OF COUNCILLORS[217]

Election of Councillor from ward No. ……..of Municipal Corporation……..

S.No.	Name of Candidate	No. of valid votes polled
1.		
2.		
3.		
4.		
5.		
etc.		

(a) Total No. of valid votespolled……..

(b) Total No. of rejected votes…….

(c) None of the above…….

(d) Total No. of votes polled (a+b+c)…….

(e) Total No. of tendered votes……

(f) Remarks…….

Place of Counting……

217 substituted vide notification 10-04-2017

FORM-47-A
[see rule 81-A and 81-C]

BALLOT PAPER FOR THE ELECTION OF MAYOR/DEPUTY MAYOR

Name of Corporation……

Sr. No.	Name of candidate	Space for marking
1		
2		
3		
4		

FORM-48
[See rule 80(3)]

RESULT OF ELECTION OF MAYOR /DEPUTY MAYOR

Election of Mayor/Deputy Mayor…….Municipal Corporation.

S.No.	Name of Candidate	No. of valid votes polled
1.		
2.		
3.		
4.		
5.		
etc.		

(a) Total No. of valid votes polled……..

(b) Total No. of rejected votes…….

(c) Total No. of votes polled…….

(d) Total No. of Tendered Votes……..

(e) Remarks.

I, declared that—

Name…….

Address…….

……

Has been duly elected as Mayor/Deputy Mayor of the above Municipal Corporation.

Place:

Date:

Signature of Returning Officer.

FORM-49
[See rule 80(3)]

RESULT SHEET

Election of Mayor/Deputy Mayor of Municipal Corporation……

S.No.	Name of Candidate	No. of valid votes polled
1.		
2.		
3.		
4.		
5.		
etc.		

(a) Total No. of valid votes polled……..

(b) Total No. of rejected votes…….

(c) Total no. of votes polled (a+b)……

(d) Total No. of tendered votes……..

(e) Remarks……..

Place of Counting:

Date:

Signature of Returning Officer.

FORM- 50.

[See rule 89(3)]

I…….the petitioner in the accompanying election petition calling in question the election of Shri/Smt…….....……..from……respondent No……in the said petition make solemn affirmation/oath and say,-

(a) That the statement made in paragraphs……of the accompanying election about the commission of corrupt practices of the ……..and the particulars of such corrupt practices given in paragraph ……of the Schedule annexed thereto are true to my knowledge.

(b) That the statement made in paragraph……of the said petition about the commission of the corrupt practices of ……..and the particulars of such corrupt practices given in paragraphs…….....…….of the said petition and in paragraphs…….…….. of the schedule annexed thereto are true to my knowledge;

(c)

(d)

Etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Smt….....at this…….day of……20……. Before me.

Executive Magistrate.

PART-III

MODEL CODE OF CONDUCT FOR PRIs AND MUNICIPAL ELECTIONS, 2020

jkT; fuokpu vk;ksx fgekpy izn'k

STATE ELECTION COMMISSION HIMACHAL PRADESH

आमर्जडेल शिमला –171002 Armsdale,Shimla-171002 Tel. 0177-2620152,2620159,2620154

secysec-hp@nic.in

NOTIFICATION

Dated, the ....November, 2020

No. SEC-16-29/2000-I.—Whereas it is considered appropriate, desirable and necessary in the interest of free, fair, smooth, orderly and peaceful conduct of elections to the Panchayati Raj institutions and Municipal bodies to formulate and issue a Model Code of Conduct for guidance and compliance by all concerned;

Now, therefore, in exercise of the powers vested in it under Articles 243 K and 243 ZA of the Constitution of India, Section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 Section 281 of the Himachal Pradesh Municipal Act, 1994, Section 9 of the HP Municipal Corporation Act, 1994 and all other powers enabling it in this behalf; the State Election Commission Himachal Pradesh makes and hereby notifies the following Model Code of Conduct, for the guidance and compliance of political parties and candidates in respect of elections to Panchayati Raj Institutions and Urban Local Bodies.

This is issued in supersession of all earlier notifications issued in this behalf:-

1. Short title.- 1.1 (a) This code shall be called the Himachal Pradesh Panchayats and Municipalities Model Code of Conduct, 2020.

(b) This Code shall apply to the elections of Panchayati Raj Institutions and Municipalities in the State of Himachal Pradesh as defined under the Constitution of India.

2. Commencement.-2.1 This Code shall, unless otherwise directed by the Commission, come into force and be applicable on and from the date on which the Commission publishes the election programme;

Provided that the Commission may enforce different provisions of this Code on different dates;

Provided further that the Commission may enforce this Code in different parts of the State from different dates.

2.2 The Code or any of its paragraphs which have become effective and applicable shall continue to be effective and applicable till the election process is completed

3. Definition-3.1 Unless a contrary intention appears from the context, the following words and expressions shall have the meanings assigned to them hereunder:

(a) "Act" means the Himachal Pradesh Panchayati Raj Act, 1994, the Himachal Pradesh Municipal Act, 1994 and the Himachal Pradesh Municipal Corporation Act,1994 as the case may be;

(b) "Candidate" means a candidate for election to Panchayats and municipalities as the case may be.

(c) "Chairman" means a Chairman (and includes a Vice-Chairman) of a Company or a Board substantially owned or controlled by the Government;

(d) "Code" means the Himachal Pradesh Panchayats and Municipal Model Code of Conduct, 2020;

(e) "Commission" means the State Election Commission of Himachal Pradesh;

(f) "Corporation" means the Municipal Corporation declared and constituted under the relevant Act;

(g) "Councillor" means a Councillor elected under the relevant Act;

(h) "Deputy Commissioner" means the Deputy Commissioner of District and includes Additional Deputy Commissioner appointed to perform all or any of the functions of the Deputy Commissioner under the Act;

(i) "Election Personnel" means the Deputy Commissioner, District Election Officer (Panchayat), District Election Officer (Municipalities), Returning Officer, Assistant Returning officer, Presiding officer, polling Officer, counting staff and any person appointed to perform any duty in connection with election.

(j) "Government" means the Government of the State;

(k) "Mayor" means Mayor of the Corporations and also includes the Deputy Mayors.

(l) “Media” means any mode of information / communication which includes print media, electronic media, social media including modern IT tools;

(m) "Minister" means a Minister of the State Govt. and include the Chief Minister, a Minister of State and a Deputy Minister;

(n) "Municipality" means an institution of self government constituted under the HP Municipal Act, 1994 or the HP Municipal Corporation Act, 1994, which may be a Nagar Panchayat or a Municipal Council or a Municipal Corporation.

(o) "office bearer" includes the President and the Vice-President of a Municipality, the Pradhan and Up-Pradhan of a Gram Panchayat, the Chairman and Vice- Chairman of a Panchayat Samiti or a Zila Parishad and the Member of a municipality or a Panchayat and also includes the Mayor, Deputy Mayor and the Councillors of the Corporations;

(p) "Panchayat" means a Gram Panchayat and includes a Panchayat Samit and a Zila Parishad constituted under the Himachal Pradesh Panchayat Raj Act,1994;

(q) "Parliamentary Secretary" means a Parliamentary Secretary of the State and includes a Chief Parliamentary Secretary;

(r) “Party" means a group or association of person , whether registered or not, whether recognized or not, and includes a ’political party' which means an association of body of individual citizen of India registered as such with the Election Commission of India;

(s) "Polling Officer" means a person appointed to conduct or to assist in the conduct of election to the Panchayats and Municipalities;

(t) "Presiding Officer" Means a person appointed as Presiding Officer for Conduct of elections to the Panchayats and Municipalities and includes a person including a Polling Officer authorized to perform all or any of the functions of the presiding Officer;

(u) "Public Servant" includes a Government servant and an employee of a Municipality or a Panchayat or a body Corporate substantially owned or Controlled by the Government ;

(v) "Returning Officer" Means an Officer appointed to perform the duties of a Returning Officer in connection with the election to the Panchayat or a Municipality and includes an Assistant Returning Officer while discharging the duties of a Returning Officer for conduct of elections;

(w) "State" means the State of Himachal Pradesh;

3.2 The words and expressions, not defined hereinabove, shall have the meaning assignment to them in the relevant Act and the rules made there under.

4. Canvassing and Public Harmony:

4.1 No Party or candidate shall indulge in any activity which may aggravate existing differences, create mutual hatred or cause tension between different group of people on the basis of religion, race, caste, creed, community, language, residence or sex.

4.2 There shall be no appeal on the basis of religion, race, caste, community, and language for securing votes for a candidate including oneself or for not voting for a particular candidate.

4.3 No place of worship such as temples, mosques, churches etc. shall be used as a forum for election propaganda.

4.4 No criticism of any aspect of the private life of a candidate which is not connected with his public life or activities shall be made, nor any allegation shall be made which is based on unverified facts or incidents . ln other words, while reasonable criticism of the political ideology or public conduct of a candidate is permissible, a false statement of fact affecting the individual should be avoided.

4.5 Criticism of a party, when made, shall be confined to its policies and programmes, past record and work and it shall not be based on unverified allegations

4.6 Organising demonstrations or picketing or shouting slogans before the houses of individuals by way of protesting against their opinions or activities should not be resorted.

4.7 All parties and candidates shall avoid scrupulously all activities which are corrupt practices or electoral offences under the relevant provisions of the relevant Act. These include, interalia, (a) bribery (b) undue influence (c) appeal on the basis of religion , race, caste, community or language (d) promoting enmity or hatred between or among different class or citizen on grounds of religion, race, caste, community or language (e) arranging free conveyance for carrying voters to and from a polling station (f) obtaining assistance of the employee of the Central or State Govt. or of a local authority. Proof of commissioning of a corrupt practice may render a candidate liable to be disqualified.

5. Use of Posters, Flags, Banners, Hoarding & Media etc:

5.1 No Party or Candidate shall permit its members, supporters or followers to use any private or public property for erecting flag-staff, pasting notices, posters or slogans, etc. or suspending banners without permission of the owner or manager or the person in possession of the property concerned. Any violation of this clause will attract the provisions of the Himachal Pradesh Open Places (Prevention of Disfigurement) Act, 1985.

5.2 No candidate or his workers shall remove or deface the flags flown or posters pasted by another candidate or party.

5.3 No candidate be allowed to use election material made of plastic during election campaign.

5.4 It should be mandatory for the contesting candidates to remove and dispose of all posters, banners flags etc within a week of the announcement of result.

5.5 No candidate or Party shall carry or allow its supporters or workers to carry the effigy of another candidate or party leader or other prominent person in a procession or burn such effigy in a public place.

5.6 No party or candidate shall use loudspeakers without obtaining necessary permission from the authority authorised in this behalf under law/existing practice. The loudspeaker shall be used only between 9.00 A.M. to 7.00 P.M or the shorter time as the competent authority might order.

5.7 Loudspeakers/high voice devices shall not be used near Schools & Hospitals during campaign.

5.8 Posting obnoxious campaign material on social media or on modern information technology tools is not permitted.

5.9 No candidate should get published any news in print or electronic media etc. which amounts to paid news.

5.10 No Party or candidate shall print or publish any poster, pamphlet, leaf-let, circular or advertisement without mentioning the name and address of the printer and the publisher.

6 . Meetings:

6.1 The Party or candidate shall inform the local police authorities of the venue and time of any proposed public meeting or a rally well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining order.

6.2 No candidate or party shall hold public meetings or rallies or take out processions without prior permission of the competent authorities. They should ascertain in advance whether there are any prohibitory order or traffic restrictions. It should be ensured that processions of different candidate or parties are on different timings, routes, and venue.

6.3 Election meetings or processions of a rival candidate or party shall not be disturbed by a candidate or party or his /its workers or supporters. Processions shall not be taken out by one party along places at which meeting are held by another party.

6.4 While granting permission for organizing an election meeting rally at a public place, no distinction should be made between different candidates or parties. In case more than one candidate or party requests for holding meetings at the same venue on the same date and time, the permission should be granted to such candidate or party who had applied first. Other candidate or parties may be granted permission to hold meeting in the order in which they applied in point of time and they should be persuaded to hold such meetings at other place or time.

6.5 All meetings organized during election should be treated as election meetings and no money of the Government or a local body should be spent on them.

6.6 Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.

6.7 The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. If the procession is very long, it shall be organised in segments of suitable lengths.

6.8 The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements especially in moments of excitement.

7. Co-operation with polling personnel:

7.1 Every candidate and party shall cooperate with the election personnel in holding a peaceful and orderly poll and with those charged with the maintenance of law and order to ensure proper and peaceful environment before, during and after the poll.

7.2 Polling personnel should not stay in any of the premises or avail any facility of any of the contesting candidate or their relatives. They should also not take any courtesy offered by any contesting candidate or their relatives.

Explanation.-In this paragraph, the expression "during the poll" means the period between the publication of the Election programme and till the election process is completed.

8. Election Expenses:

8.1 The contesting candidate for the following offices shall not incur expenditure in connection with his election in excess of the following limits prescribed under relevant election rules:-

1.	Member Zila Parishad	= Rs. 1, 00,000
2.	Councillor, Municipal Corporation	= Rs. 1,00,000
2.	Member, Municipal Council	= Rs. 75,000
3.	Member, Nagar Panchayat	= Rs. 50,000

8.2 Every such candidate shall maintain day to day expenditure record in the prescribed performa and it shall be made available for inspection during the process of election to the office authorised by the State Election Commission or RO/ ARO or the officer authorised by them.

8.3 Every such candidate shall, as required under the relevant law, within thirty days of the announcement of election result, submit a true account of election expenditure in the prescribed form to the authority specified for the purpose.

9. Government machinery:

9.1 A public servant shall remain neutral / impartial during the elections. He shall not take part in any election campaign, activity or work for or against any contesting candidate or party .

9.2 If family members of a public servant are contesting candidates in the elections, the public servant shall not proceed on leave and leave the headquarters till the election process is over.

9.3 No public servant should organize, address, finance or take part in any election meeting / rally / function etc. This, however, does not preclude the discharge of official duties by those charged with the maintenance of public order and management of traffic.

9.4 A public servant shall not accompany a Minister, Parliament Secretary Member of Parliament or Member of Legislative Assembly or Chairman of the State or participate in any programme organized at an individual's house which such a dignitary may attend during an election tour.

9.5 Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and parties on the same terms and conditions at which it is permissible for the Party in power. These should normally be permitted to be used for short period and on first come –first serve basis without allowing any one to monopolise the facility. However, no candidate or party should be allowed to use such building or its precincts for the purpose of election propaganda/storage of election related articles.

10. Party in power:

10.1 During the Elections to Panchayati Raj Institutions / Urban Local Bodies, no vehicle belonging to Government or public undertaking or cooperative societies or any other institutions receiving grants or

any other facility shall be made available for canvassing of elections to the Ministers / Parliamentary Secretary /Chairman /Member of parliament /Member of Legislative Assembly of the State. If they undertakes a tour of any area where elections are scheduled to be held, such tour shall be deemed to be an election tour and no Govt. servant except those who are deployed for security, law and order and traffic management shall accompany them.

10.2 A Minister / Parliamentary Secretary / Chairman / Member of parliament / Member of Legislative Assembly of the State shall not combine his official visit with electioneering work related to elections to the Panchayati Raj Institutions / Urban Local Bodies and shall not make use of official machinery and personnel or other Government resources including Government vehicles for furtherance of interest of any candidate.

10.3 Issue of advertisements / hoardings at the cost of public exchequer in newspapers and other media during the election period for partisan coverage and publicity regarding achievements with the intention to furthering the prospects of the party in power shall be scrupulously avoided.

11. Granting or providing benefits:

11.1 In the areas where elections are scheduled to be held the State Govt. / Minister / Parliament Secretary / Member of Parliament / Legislative Assembly / Chairman / Mayor /Deputy Mayor/ Councillors of the Corporation /Office bearers of Panchayats and Municipalities and other authorities-

(a) shall not sanction or provide any financial grants;
(b) announce any new scheme;
(c) shall not sanction or announce or promise any scheme;
(d) shall not lay foundation stone of or inaugurate and any new scheme or project or promise construction of any road, water supply scheme or other such public facility;
(e) No new work shall be started till the completion of election process
(f) No tenders etc. shall be finalized during the election process
(g) shall not make any appointment of any nature including one on regular / adhoc/ contract/ daily rated basis;
(h) shall not select new beneficiaries for assistance from public funds; and
(i) shall not transfer / promote personnel.

12. Organizational Status Quo:

12.1 The structure, classification or area of the Panchayats and Municipalities shall not be altered after the issue of Notification by the State Election Commission enforcing this clause, till the election process is over.

13. Before, during and after the poll:

13.1 No candidate or party shall hold public meeting or take out processions during the period of forty eight hours ending with the hour fixed for the conclusion of poll.

13.2 The identity slip given to voters should be on plain (white) paper and shall not contain any symbol or name of the candidate, Only the name of the voter, his / her father's / husband 's name, ward number, polling booth number and serial number of the voter in the electoral roll could be written on the identity slip.

13.3 No one shall enter any polling station or place of counting without a pass issued by the State Election Commission, District Election Officer, Returning Officer except in his capacity as a candidate or a voter intending to cast vote or an authorized agent.

13.4 No candidate's camp shall be set up within distance of 100 meters from the polling station. Even where more than one polling station has been set in the same premises, there shall be only one such camp of a candidate for such group of polling stations beyond a distance of hundred meters from such premises.

13.5 No person shall :

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood a megaphone or a loudspeaker;

(b) act in a disorderly manner in or near the polling station resulting in interference with the work of the polling officers on duty.

13.6 No one will obstruct or prevent, by using physical force or otherwise, a voter from entering a polling station or casting his vote.

13.7 Any person who fails to obey the lawful directions of the election personnel shall be liable to be removed from the polling station by the police.

13.8 Any person who fraudulently or forcibly takes a ballot paper out of the polling station will be liable to be proceeded against.

13.9 No candidates will allow unnecessary crowd to be collected near the camps and polling booths so as to avoid confrontation and tension among workers and sympathizers of the parties and the candidate and ensure that the candidate's camps shall be simple .There shall not be display of any posters, flags, symbols or any other propaganda material. No eatable shall be served or crowd allowed at the camps.

13.10 No candidate will use any conveyance or means of transport for the voters to or from the polling station.

13.11 No candidate will impersonate a voter or attempt to cast vote under the false name of the voter.

13.12 Official telephones including mobiles, fax etc. shall not be used for electioneering purpose.

14. Assistance:

14.1 Candidates or their election agents may, when necessary, give specific complaint or report difficulties regarding the conduct of elections to the Returning officer or to the Observers, if any, appointed by the Commission.

14.2 It would be in the interest of the candidate to ensure compliance with the Code, otherwise he may, if elected, render himself liable to be disqualified or be unseated on an election petition in the event of the breach of a legal provision .

15. Consequence of violation:

15.1 The violation of most of these provisions constitutes corrupt practice or an electoral offence which may disqualify the person violating this code or he/she may be prosecuted in a court of law or both.

(P. Mitra)
State Election Commissioner
Himachal Pradesh.

jkT; fuokpu vk;ksx fgekpy izn'k
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अधिसूचना

fnukd uoEcj, **2020**

No. SEC-16-29/2000-I.—यतः हिमाचल प्रदेश में पंचायती राज संस्थाओं तथा शहरी स्थानीय निकायों के निर्वाचनों को स्वतन्त्र, निष्पक्ष, सुचारू सुव्यवस्थित एवं शान्तिप्रिय रूप से करवाने हेतु समस्त सम्बन्धित व्यक्तियों के मार्गदर्शन तथा अनुपालना हेतु एक आदर्श आचार संहिता बनाना तथा लागू करना उपयुक्त, वांछनीय तथा आवश्यक समझा गया है;

अतः राज्य निर्वाचन आयोग हिमाचल प्रदेश भारत के संविधान के अनुच्छेद 243ट तथा 243यक, हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 की धारा 160 व हिमाचल प्रदेश नगरपालिका अधिनियम, 1994 की धारा 281 तथा हि0 प्र0 नगर निगम अधिनियम 1994 की धारा 9 के द्वारा इसमें निहित शक्तियों तथा इसे ऐसा करने हेतू प्रदत्त अन्य सभी शक्तियों का प्रयोग करते हुए राजनैतिक दलों तथा अभ्यर्थियों द्वारा पंचायती राज संस्थाओं व शहरी निकायों में मार्ग दर्शन तथा अनुपालना हेतू निम्नलिखित आदर्श आचार संहिता नामतः हिमाचल प्रदेश नगरपालिका एवं पचायत आदर्श आचार संहिता, निर्मित तथा जारी करता है।

यह संहिता आयोग द्वारा इससे पूर्व इस बारे में जारी सभी अधिसूचनाओं के अधिलंघन में जारी की जाती है।

1- lf{kIr uke :–

1.1 (क) इस संहिता का नाम हिमाचल प्रदेश पंचायत तथा नगरपालिका आदर्श आचार संहिता, 2020 है ।

(ख) यह संहिता भारत के संविधान के अन्तर्गत परिभाषित पंचायतों तथा नगरपालिकाओं के समस्त निर्वाचनों हेतू हिमाचल प्रदेशमें लागू होगी ।

2- ikjEHk :–

2.1 यह संहिता, जब तक कि आयोग अन्यथा निर्दिष्ट न करे, उस दिन से प्रभावी तथा लागू मानी जाएगी जिस दिन आयोग निर्वाचन कार्यक्रम का प्रकाशन करता है;

परन्तु आयोग संहिता के विभिन्न प्रावधानों को भिन्न–भिन्न तारीखों से प्रभावी तथा लागू कर सकता है।

परन्तु यह और कि आयोग इस संहिता के विभिन्न अनुच्छेदों को राज्य के भिन्न–भिन्न भागों में भिन्न–भिन्न तारीखों से प्रभावी तथा लागू कर सकता है।

2.2 यह संहिता या इसका कोई भी अनुच्छेद जो एक बार प्रभावी तथा लागू हो गया हो, वह निर्वाचन प्रक्रिया के समापन तक प्रभावी तथा लागू रहेगा ।

3- ifjHkk'kk,a

3.1 यदि सन्दर्भ विशेष से प्रतिकूल अभिप्राय न झलकता हो तो निम्नलिखित शब्दों तथा वाक्याशों का अधोलिखित अर्थ होगा :–

(क) **"vf/kfu;e"** से हिमाचल प्रदेश पंचायती राज अधिनियम, 1994, हिमाचल प्रदेश नगरपालिका अधिनियम 1994 तथा हि0प्र0 नगर निगम अधिनियम, 1994 अभिप्रेत है, जैसी भी स्थिति हो ;

(ख) **"vH;FkhZ"**से नगरपालिका या पंचायत के निर्वाचन में अभ्यर्थी अभिप्रेतहै;

(ग) **"v/;{k"** (उपाध्यक्षभी सम्मिलित है)से सरकार द्वारा अधिकांशतः स्वामित्व प्राप्त अथवा नियन्त्रित, नियमित, कम्पनी तथा बोर्ड के अध्यक्ष अभिप्रेत है ;

(घ) **"lfgrk"** से हिमाचल प्रदेश पंचायत तथा नगरपालिका आदर्श आचार संहिता, 2020 अभिप्रेत है;

(ङ) **"vk;ksx"**से राज्य निर्वाचन आयोग हिमाचल प्रदेश अभिप्रेत है;

(च) "fuxe" से अधिनियम के अन्तर्गत घोषित व गठित नगर निगमअभिप्रेत है;

(छ) *ik"kn^ से अधिनियम के अन्तर्गत निर्वाचित पार्षद, अभिप्रेत है;

(ज)**"mik;qDr"**से जिला के उपायुक्त जिसमें अधिनियम के अन्तर्गत उपायुक्त के सभी अथवा किन्हीं दायित्वों के निर्वाहन के लिए नियुक्त, अतिरिक्त उपायुक्त भी सम्मिलित हैं, अभिप्रेत है;

(झ) ^fuokZpu deZpkjh* से उपायुक्त, जिला निर्वाचन अधिकारी (पं), जिला निर्वाचन अधिकारी (नगरपालिका), रिटर्निंग अधिकारी, सहायक रिटर्निंग अधिकारी, पीठासीन अधिकारी, मतदान अधिकारी, मतगणना कर्मचारी तथा कोई भी व्यक्ति जो निर्वाचन सम्बन्धी कर्तव्यों के निर्वहन के लिए नियुक्त किया गया हो, अभिप्रेत है ;

(ञ) **"ljdkj"** से हिमाचल प्रदेश की सरकार अभिप्रेत है ;

(ट) Þegkikjß़से नगर निगम के महापौर जिसमें उपमहापौर भी सम्मिलित है, अभिप्रेत है;

(ठ) **"izpkj ek/;e@fefM;k"**से सूचना एवं प्रसारण के सभी माध्यम जिनमें प्रिंट मिडिया, इलैक्ट्रानिक मिडिया, सोशल मिडिया तथा सूचना प्रद्यौगिकी के आधुनिक यंन्त्र भी सम्मिलित होगे, अभिप्रेत है;

(ड) ^eU=h* से प्रदेश सरकार के मन्त्री, जिसमें मुख्यमन्त्री, राज्य मन्त्री, तथा उपमन्त्री अभिप्रेत है ;

(ढ) ^uxjikfydk* से स्वशासन की वे संस्थाएं जो हिमाचल प्रदेश नगर पालिका अधिनियम, 1994 व हिमाचल प्रदेश नगर निगम अधिनियम, 1994 के अर्न्तगत नगर पंचायत, नगर परिषद एवं नगर निगम जैसी भी स्थिति हो अभिप्रेत है ;

(ण) ^inkf/kdkjh* में नगरपालिकाओं के अध्यक्ष तथा उपाध्यक्ष, ग्राम पंचायत के प्रधान तथा उप–प्रधान पंचायतसमिति/जिला परिषद के अध्यक्ष और उपाध्यक्ष तथा नगरपालिका या पंचायत के सदस्य अभिप्रेतहै; तथा इसमें नगर निगम के महापौर,उप–महापौर व पार्षद भी सम्मिलित है;

(त) ^ipk;r* से ग्राम पंचायत जिसमें हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 के अर्न्तगत गठित, पंचायत समिति या जिला परिषद जैसी भी स्थिति हो अभिप्रेत है;

(थ) ^lalnh; lfpo* से राज्य का संसदीय सचिव अभिप्रेत है तथा इसमें मुख्य संसदीय सचिव भी सम्मिलित है;

(द) ^ny* से ऐसा समूह या व्यक्तियों का संगठन चाहे वह पंजीकृत हो अथवा नही, मान्यता प्राप्त हो अथवा नहीं अभिप्रेत है, जिसमें वह राजनीतिक दल अर्थात भारत के नागरिक व्यक्तियों का समूह सम्मिलित है जो भारत निर्वाचन आयोग के पास पंजीकृत है;

(ध) 'ernku vf/kdkjh* से ऐसा व्यक्ति अभिप्रेत हैं जिसे नगरपालिका या पंचायत के निर्वाचन करवाने या इस हेतु सहायता करने के लिए नियुक्त किया गया हो ;

(न) ^ihBklhu vf/kdkjh* से ऐसा व्यक्ति अभिप्रेत है जिसे नगरपालिका या पंचायत के निर्वाचन हेतु पीठासीन अधिकारी के रूप में नियुक्त किया गया हो इसमें ऐसा मतदान अधिकारी जिसे पीठासीन अधिकारी के कर्तव्यों के सम्पूर्ण या किन्ही निर्वहन के लिए अधिकृत किया गया हो भी अभिप्रेत है;

(प) ^ykd lod* में सरकारी कर्मचारी, नगरपालिका या पंचायत अथवा निगमित निकाय का कर्मचारी जो सरकार के अधिकांशतः नियन्त्रण या स्वामित्व में हो, सम्मिलित है ।

(फ) ^fjVfuax vf/kdkjh* से वह अधिकारी या कर्मचारी अभिप्रेत है जिसे नगरपालिका या पंचायत निर्वाचन यथास्थिति के लिए रिटर्निंग अधिकारी के कर्तव्यों के निष्पादन के लिए नियुक्त किया गया हो तथा इसमें सहायक रिटर्निंग अधिकारी भी समाहित है जबकि वे नगरपालिका या पंचायत निर्वाचन हेतु रिटर्निंग अधिकारी के कर्तव्यों का निर्वहन कर रहे हों, तथा

(ल) ^jkT;* से हिमाचल प्रदेश राज्य अभिप्रेत है ।

3-2 जिन शब्दों तथा वाक्यों को यहाँ उपरोक्त में परिभाषित नहीं किया गया है उनका वही अर्थ होगा जो उनको सम्बन्धित अधिनियम तथा तदाधीन निर्मित नियमों में दिया गया है।

4- ipkj ,oa tu lEkkoa&

4.1 किसी भी दल या अभ्यर्थी को कोई भी ऐसा कृत्य नहीं करना चाहिए जो किसी धर्म, मूलवंश जाति, मत, समुदाय, भाषा, निवास या लिंग के आधार पर नागरिकों के विभिन्न वर्गों के बीच विचार वैमनस्य को और बढाए या उनमें विद्वेष या तनाव उत्पन्न करें ।

4.2 किसी अभ्यर्थी द्वारा अपने लिए मत प्राप्त करने के लिए अथवा किसी विशिष्ट अभ्यर्थी को मत न देने के लिए धर्म, मूलवंश, जाति, समुदाय या भाषा के आधार पर अपील नहीं की जानी चाहिए ।

4.3 उपासना स्थलों जैसे मन्दिर, मस्जिद, गिरजा–घर इत्यादि का उपयोग निर्वाचन प्रचार के लिए नहीं किया जाना चाहिए।

4.4 किसी अभ्यर्थी के व्यक्तिगत जीवन के ऐसे पहलुओं की आलोचना नहीं की जानी चाहिए जिनका सम्बन्ध उसके सार्वजनिक जीवन के क्रियाकलापों से न हों और न ही ऐसे आरोप लगाये जाने चाहिए जो अप्रमाणित तथ्यों याघटनाओं पर आधारित हों। दूसरे शब्दों में यद्यपि अभ्यर्थी की राजनैतिक विचारधारा की उचित आलोचना तथा उसके सार्वजनिक आचरण की निंदा कीअनुमति तो होगी परन्तु ऐसे तथ्यों के वक्तव्यों से बचा जाए जिनसे किसीव्यक्ति की प्रतिष्ठा आम जनता के बीच कम हो।

4.5 जब किसी राजनैतिक दल की आलोचना की जाए तो वह केवल उसकीनीतियों तथा कार्यक्रमों पूर्व इतिहास और कार्यों तक ही सीमित रहनी चाहिए तथा अप्रमाणित आरोपों पर अधारित नही होनी चाहिए।

4.6 किसी भी परिस्थिति में किन्हीं व्यक्तियों की विचारधारा या क्रिया कलापों का विरोध करने के उददेश्य से उनके घर के बाहर प्रदर्शन करना, घेराव करनाया नारे लगाने जैसा कृत्य का सहारा नही लिया जाएगा ।

4.7 समस्त दलों तथा अभ्यर्थियों को इमानदारी एवं कर्तव्यनिष्ठा से ऐसे सभी कार्यों से परहेज करना चाहिए जो सम्बन्धित अधिनियमों के प्रावधानों के अन्तर्गत भ्रष्ट आचरण और निर्वाचन अपराध माने गऐ हैं । अन्य बातों के साथ–साथ भ्रष्ट आचरण में ये भी समाविष्ट है;–

(क) रिश्वत लेने या देने का कार्य;

(ख) अनुचित प्रभाव डालना ;

(ग) धर्म, मूलवंश, जाति, सम्प्रदाय भाषा के आधार पर अपील करना ;

(घ) नागरिकों के विभिन्न वर्गों के बीच धर्म, मूल वंश, जाति, सम्प्रदाय या भाषा के आधार पर विद्वेश या शत्रुता पैदा करना या बढाना ;

(ङ) मतदाताओं को मतदान केन्द्र तक लाने या ले जाने के लिए मुफ्त वाहन का प्रबन्ध करना ;

(च) केन्द्रीय या राज्य सरकार अथवा किसी स्थानीय संस्थाओं के कर्मचारियों की सहायता प्राप्त करना ।

´ भ्रष्ट आचरण ´ प्रमाणित होने पर किसी भी अभ्यर्थी को आयोग्य घोषित किया जा सकता है

5- ikLVjksa >.Mksa] lpuk i=ksa] gkfMZx lrFkk ehfM;k vkfn %

5.1 कोई भी दल या अभ्यर्थी अपने सदस्यों, समर्थकों अथवा अनुयायियों को किसी निजी या सार्वजनिक सम्पति पर झण्डे लगाने, सूचना–पत्र/पोस्टर चिपकाने या नारे लिखने अथवा पताकाएं लटकाने की तब तक अनुमति नहीं देगा जब तक कि सम्पति के मालिक, प्रबन्धक या काबिज व्यक्ति की अनुमति प्राप्त न कर ली जाए। इसकी अवहेलना पर हि0 प्र0 खुले स्थान (विदरूपिता निवारण) अधिनियम, 1985 के अन्तर्गत कार्रवाई की जा सकती है।

5.2 किसी भी अभ्यर्थी या उसके कार्यकर्ताओं द्वारा दूसरे अभ्यर्थी द्वारा लगाए गए झण्डों या इश्तहारों को हटाया अथवा विरूपित नहीं किया जाना चाहिए ।

5.3 किसी भी अभ्यर्थी को निर्वाचन के प्रचाार के दौरान प्लास्टिक से बनी निर्वाचन सामग्री का प्रयोग करने की अनुमति नहीं होगी।

5.4 सभी अभ्यर्थियों के लिए यह आवश्यक होगा कि वह निर्वाचन परिणाम के एक सप्ताह के भीतर अपने पोस्टर/सूचना पत्र तथा झण्डे आदि को हटाएँ तथा नष्ट करें।

5.5 किसी भी अभ्यर्थी या दल को प्रदर्शन के दौरान अपने समर्थकों या कार्यकर्ताओं को किसी दूसरे अभ्यर्थी या किसी दल के नेता अथवा किसी प्रमुख व्यक्ति का पुतला लेकर चलने या उसे किसी सार्वजनिक स्थान पर जलाने की अनुमति नहीं दी जानी चाहिए ।

5.6 कोई भी दल या अभ्यर्थी, सक्षम प्राधिकारी की अनुमति के बिना लाउडस्पीकर का प्रयोग नहीं करेगा। लाउड–स्पीकार केवल 9.00 बजे प्रातः से 7.00 बजे सायं अथवा सक्षम प्राधिकारी द्वारा निर्धारित इससे भी कम समय में ही प्रयोग में लाया जा सकेगा ।

5.7 निर्वाचन प्रचार हेतू लाऊडस्पीकर तथा ऊँची आवाज वाले किसी भी यन्त्र को विद्यालयों तथा अस्पतालों के आस–पास प्रयोग करने की अनुमति नहीं होगी।

5.8 सोशल मीडिया या आधुनिक सूचना प्रौद्योगिकि के माध्यम से किसी भी प्रकार की आपत्तिजनक सामग्री को परोसने की अनुमति नहीं होगी।

5.9 कोई भी अभ्यर्थी प्रिट अथवा इलैक्ट्रानिक मीडिया पर कोई भी ऐसा समाचार प्रकाशित नहीं करेगा जो कि Paid news की परिधि में आता है।

5.10 कोई भी दल या अभ्यर्थी मुद्रक व प्रकाशक के नाम व पते किए बिना कोई भी पोस्टर, पैम्पलैट, पत्रक एवं परिपत्र या विज्ञापन को नहीं छापेगा।

6- cBd&

6.1 प्रत्येक अभ्यर्थी तथा दल प्रस्तावित सार्वजनिक सभा या प्रदर्शन के समय तथा स्थान के बारे में समय रहते स्थानीय पुलिस को सूचित करेंगे ताकि पुलिस यातायात व कानून व्यवस्था को नियमित करने हेतू आवश्यक प्रबन्ध कर सके।

6.2 किसी भी अभ्यर्थी या दल द्वारा, सक्षम प्राधिकारी के सूचित किए बिना अथवा, जहाँ आवश्यक हो सक्षम प्राधिकारी की अनुमति लिए बिना, कोई भी सार्वजनिक सभा या रैली या प्रदर्शन नहीं किया जाना चाहिए । अभ्यर्थी या दल को यह पहले ही सूनिश्चित कर लेना चाहिए कि सम्बन्धित क्षेत्र में कोई निषेधात्मक आदेश अथवा यातायात प्रतिबन्ध सम्बन्धी आदेश तो लागू नहीं है। यह भी सूनिश्चित किया जाए कि किन्ही दो अभ्यर्थियों या दलों के प्रदर्शन अलग–अलग समय, पथ व स्थान पर हों।

6.3 किसी प्रतिद्वन्दी अभ्यर्थी या दल की निर्वाचन सभा या प्रदर्शन में किसी दूसरे अभ्यर्थी या दल अथवा इस के समर्थकों या कार्यकर्ताओं द्वारा बाधा नहीं पहुचाई जानी चाहिए।

6.4 किसी सार्वजनिक स्थान पर निर्वाचन सभा के आयोजन हेतु अनुमति देते समय विभिन्न अभ्यर्थियों या दलों में भेदभाव न किया जाए । यदि एक ही दिन और समय पर, एक से अधिक अभ्यर्थी या दल एक ही जगह पर सभा करने की अनुमति मॉगे तो उस अभ्यर्थी या दल को अनुमति दी जानी चाहिए जिसने सबसे पहले आवेदन पत्र दिया हो । अन्य अभ्यर्थियों या दलों को सभा करने की अनुमति उसी क्रम में दी जाए जिस क्रम में उन्होंने आवेदन दिए हों तथा उन्हें किसी अन्य स्थल या समय पर सभा करने का परामर्श दिया जाना चाहिए।

6.5 सामान्यतः निर्वाचनों के दौरान आयोजित की जाने वाली सभी सभायें निर्वाचन सभायें मानी जाएँगी तथा उन पर कोई भी सरकारी व स्थानीय निकायों का पैसा व्यय न किया जाए।

6.6 जुलूस इस तरह से व्यस्थित किए जाए कि यह सड़क के अधिकतम दांई ओर रहे तथा मौके पर तैनात पुलिस के निर्देशेा तथा परामर्शो का कड़ाई से अनुपालन किया जाएं।

6.7 आयोजक अग्रिम रूप से ही इस तरह के कदम उठाएगें कि जुलूस के निकलने से यातायात में कोई बाधा या रूकावट न हो। यदि जनसमूह बहुत बड़ा हो तो इसे उपयुक्त लम्बाई के खण्डों में आयोजित किया जाए।

6.8 राजनीतिक दल या अभ्यर्थी जुलूस में शामिल लोगो को नियन्त्रित करने के लिए अधिकतम सम्भव प्रयास करें ताकि प्रर्दशनकारियों द्वारा ली गयी वस्तुओं का विशेषतया अति उत्साह की स्थिति में अवांछनीय तत्व दुरूपयोग न कर सके।

7- dep kfj;k dk lg;kx %&

7.1 प्रत्येक अभ्यर्थियों तथा दल को शान्ति पूर्वक सुव्यवस्थित निर्वाचन करवाने के लिए निर्वाचन कर्मचारियों तथा कानून एवं व्यवस्था बनाए रखने हेतू नियुक्त कर्मियों के साथ सहयोग करना चाहिए ताकि निर्वाचन से पूर्व, निर्वाचन के समय तथा निर्वाचन के बाद उचित वातावरण बना रहे ।

7.2 मतदान कर्मचारियों का अभ्यर्थियों या उनके सगे सम्बन्धियों के घर पर नहीं ठहरना चाहिए अथवा उससे कोई सुविधा प्राप्त नहीं करनी चाहिए। उनको अभ्यर्थियों अथवा उनके सम्बन्धियों से किसी भी प्रकार का शिष्टाचार प्रस्ताव स्वीकार नहीं करना चाहिए।

Li'Vhdj.k %& 'निर्वाचन के समय' से 'निर्वाचन कार्यक्रम घोषित किए जाने से चुनाव परिणाम घोषित होने तक की अवधि', अभिप्रेत होगी।

8- fuokpu 0;; %

8.1 निम्नलिखित पदों के लिए अभ्यर्थी, निर्वाचन हेतु सम्बन्धित नियमों के अन्तर्गत निर्धारित सीमा से अधिक व्यय नहीं करेगा :–

1) सदस्य जिला परिषद – 1,00,000
2) पार्षद नगर निगम – 1,00,000
2) सदस्य नगर परिषद – 75,000
3) सदस्य नगर पंचायत – 50,000

8.2 ऐसा प्रत्येक अभ्यर्थी निर्धारित प्ररूप पर प्रतिदिन के व्यय का लेखा रखेगें तथा निर्वाचन प्रक्रिया के दौरान राज्य निर्वाचन आयोग द्वारा प्राधिकृत अधिकारी अथवा रिटर्निंग अधिकारी/सहायकरिटर्निंग अधिकारी द्वारा मांगे जाने पर निरीक्षण हेतु प्रस्तुत करना होगा।

8.3 ऐसा प्रत्येक अभ्यर्थी निर्वाचन परिणाम की घोषणा के 30 दिन के भीतर सम्बन्धित नियमों के अन्तर्गत निर्वाचन व्यय का सही लेखा निर्धारित फार्म पर निर्धारित प्राधिकारी को प्रस्तुत करेगा ।

9- l jdkjh rU= %&

9.1 (क) सरकारी कर्मियों को निर्वाचन के दौरान पूर्णतः तटस्थ एवं निष्पक्ष रहना चाहिए

(ख) उन्हें किसी भी प्रकार के निर्वाचन, प्रचार अथवा किसी भी अभ्यर्थी या दल के पक्ष अथवा विपक्ष में कोई भी कृत्य अथवा कार्य नहीं करना चाहिए।

9.2 यदि किसी सरकारी कर्मचारी के परिवार का कोई सदस्य निर्वाचन में अभ्यर्थी है तो सरकारी कर्मचारी निर्वाचन प्रक्रिया सम्मन्न होने तक अपने मुख्यावास को छोड कर अवकाश पर नहीं जाएँगे।

9.3 कोई भी सरकारी कर्मचारी किसी निर्वाचन सभा का आयोजन, सम्बोधन, वित्तीय प्रायोजन नहीं करेगा अथवा किसी सभा बैठक या कार्यक्रम मे भाग नहीं लेगा। यह प्रावधान सरकारी कर्तव्यों के निर्वहन हेतु नियुक्त कर्मियों तथा सार्वजनिक व्यवस्था तथा यातायात व्यवस्था हेतु नियुक्त कर्मियों पर लागू नहीं होगा ।

9.4 कोई भी सरकारी कर्मचारी किसी मन्त्री/संसदीय सचिव/सांसद विधायक अध्यक्ष के साथ निर्वाचन दौरे के समय नही जाएगा तथाकिसी निजी मकान पर आयोजित किसी कार्यक्रम में भाग नही लेगा।

9.5 विश्रामगृहों, विश्राम भवनों तथा अन्य सरकारी आवास सुविधा का उपयोग सभी अभ्यर्थियों तथा दलों को उन्हीं शर्तो पर करने दिया जाना चाहिए जिन शर्तों पर उनका उपयोग सत्ताधारी दल को करने की अनुमति दी जाती है। सामान्यतः इनके उपयोग की अनुमति अल्प अवधि के लिए तथा पहले–आये–पहले–पाये के आधार पर ही दी जानी चाहिए तथा किसी को भी इस सुविधा पर एकाधिकार की अनुमति न दी जाए। किसी भी अभ्यर्थी या दल को ऐसे भवन या उसके परिसर का उपयोग निर्वाचन प्रचार/निर्वाचन सम्बन्धी सामग्री को भण्डारण करने की अनुमति नहीं दी जानी चाहिए।

10- l rk/kkjh ny gr%

10.1 पंचायती राज संस्थाओं व शहरी निकायों के निर्वाचन के दौरान कोई भी सरकारी या सार्वजनिक संस्थान या सहकारी सभाओं या अन्य संस्थान, जो सरकार से अनुदान प्राप्त कर रहे हों द्वारा किसी मन्त्री/संसदीय सचिव/अध्यक्ष/उपाध्यक्ष/ सांसद/विधायक गण को कोई भी सरकारी वाहन या अन्य सुविधा उपलब्ध नहीं करवायी जाएगी । यदि निर्वाचन के दौरान वह उस क्षेत्र का दौरा करें जहॉ निर्वाचन हो रहे हों तो ऐसा दौरा चुनाव सम्बन्धी दौरा माना जाएगा तथा उसमें सुरक्षा के लिए तैनात कर्मचारियों, कानून व्यवस्था तथा यातायात प्रवन्ध में संलग्न कर्मचारियों को छोड कर, अन्य कोई भी सरकारी कर्मचारी सम्मिलित नहीं होगा ।

10.2 किसी मन्त्री /संसदीय सचिव/अध्यक्ष/सांसद/विधायक को अपने सरकारी दौरों को चुनाव प्रचार के कार्यों से नही जोडना चाहिए और न ही सरकारी तन्त्र तथा कर्मियों अथवा सरकारी वाहनों सहित अन्य सरकारी साधनों का उपयोग किसी अभ्यर्थी के हितों को लाभ पहुॅचाने की मंशा से करना चाहिए ।

10.3 सत्ताधारी दल द्वारा नियम निष्ठा पूर्वक अपने दलीय हितों तथा उपलब्धियों का प्रचार करने के लिए निर्वाचन के दौरान समाचार पत्रों तथा अन्य प्रचार माध्यमों से, सरकारी खर्चे पर ऐसे विज्ञापन/होर्डिंग जारी नहीं किए जाने चाहिए।

11- ykHk igpkuk vFkok inku djuk%

11.1 जिन क्षेत्रों मे निर्वाचन का कार्यक्रम तय है उनमें राज्य सरकार, मन्त्री/संसदीय सचिव/अध्यक्ष/सांसद/विधायक/मेयर/डिप्टी मेयर/पार्षद/नगरपालिकाऐं तथा पंचायतो के पदाधिकारी और अन्य प्राधिकारीः–

(क) कोई भी वित्तीय अनुदान स्वीकृत या उपलब्ध नहीं करवाएगें,

(ख) किसी भी नई योजना की घोषणा नहीं करेंगे;

(ग) किसी भी योजना या परियोजना की स्वीकृती या घोषणा या वादा नहीं करेंगे।

(घ) किसी भी नई योजना अथवा परियोजना का उदघाटन या शिलान्यास, सडक के निर्माण,जल आपूर्ति योजना या अन्य सार्वजनिक सुविधा का वचन नहीं देंगे।

(ङ) निर्वाचन प्रक्रिया सम्पन्न होने तक कोई भी नया कार्य प्रारम्भ नहीं करेंगे।

(च) निर्वाचन प्रक्रिया में किसी भी तरह की निविदाएँ सुनिश्चित नहीं की जाएँगी।

(छ) किसी भी तरह की नियुक्ति नहीं की जाएगी जिसमें नियमित, तदर्थ, अनुबन्ध, दैनिक वेतन भोगी आधार पर नियुक्तियाँ भी सम्मिलित है ;

(ज) सार्वजनिक निधियों से सहायता हेतु नए लाभार्थियों का चयन नहीं करेंगे ;

(झ) कर्मचारियों के स्थानान्तरण या पदोन्नति नहीं करेंगे।

12. lxBukRed ;Fkk fLFkfr%&

12.1 पंचायतों तथा नगरपालिकाओं की संरचना, वर्गीकरण या क्षेत्र आदि में कोई भी परिवर्तन आयोग द्वारा इस खण्ड को लागू करने की अधिसूचना से निर्वाचन की प्रक्रिया समाप्त होने तक नही किया जा सकेगा।

13- ernku ls iwo] nkjku rFkk ckn e%&

13.1 कोई भी अभ्यर्थी अथवा दल मतदान की समाप्ति के लिए निर्धारित समय से 48 घण्टे पूर्व तक कोई प्रदर्शन या सार्वजनिक सभा नहीं करेगा ।

13.2 मतदाताओं को दी जाने वाली पहचान–पर्चियॉ सादे (सफेद) कागज पर होनी चाहिए तथा उन पर किसी अभ्यर्थी का नाम अथवा चुनाव चिन्ह नहीं होना चाहिए । पर्ची पर केवल मतदाता का नाम, उसके पिता/पति का नाम, वार्ड संख्या, मतदान केन्द्र संख्या तथा निर्वाचन नामावाली में उसकी क्रम संख्या ही लिखी जानी चाहिए ।

13.3 किसी अभ्यर्थी या मतदाता या प्राधिकृत अभिकर्ता के अतिरिक्त कोई भी व्यक्ति मतदान केन्द्र या मतगणना केन्द्र में राज्य निर्वाचन आयोग जिला निर्वाचन अधिकारी अथवा रिटर्निंग अधिकारी द्वारा दिए गए अनुमति पत्र (पास) के बिना मतदान केन्द्र या मतगणना केन्द्र में प्रवेश नहीं करेगा ।

13.4 किसी भी अभ्यर्थी का शिविर, मतदान केन्द्र से 100 मीटर के अन्दर स्थापित नहीं होना चाहिए। यदि कहीं एक ही परिसर में एक से अधिक मतदान केन्द्र स्थापित हों, तो ऐसे मतदान केन्द्र के समूहों के लिए भी एक अभ्यर्थी का ऐसे परिसर से 100 मीटर की दूरी के बाहर एक ही शिविर होना चाहिए ।

13.5 कोई भी व्यक्ति%

(क) मतदान केन्द्र के भीतर अथवा प्रवेश–द्वारा के समीप अथवा किसी निकट के सार्वजनिक या निजी स्थान पर लाउड–स्पीकर या मैगाफोन का प्रयोग नहीं करेगा,

(ख) मतदान केन्द्र के अन्दरया समीप उच्चश्रृखल अथवा ऐसा व्यवहार नहीं करेगा जिससे डयूटी पर तैनात मतदान अधिकारियों के कार्य में विघ्न पड़े।

13.6 कोई भी व्यक्ति शारीरिक बल अथवा अन्य किसी प्रकार के बल का प्रयोग करके किसी मतदाता कोअपना मत डालने अथवा मतदान केन्द्र के अन्दर जाने से नहीं रोकेगा।

13.7 ऐसा कोई भी व्यक्ति हो, जो निर्वाचन कर्मियों के विधि–सम्मत निर्देशों का पालन नही करता, पुलिस द्वारा मतदान केन्द्र से बाहर निकाला जा सकता है ।

13.8 यदि कोई व्यक्ति छल–पूर्वक या बल–पूर्वक, मतपत्रों को मतदान केन्द्र से बाहर ले जाता है तो उसके विरूद्व कार्यवाई की जाएगी।

13.9 कोई भी अभ्यर्थी शिविर व मतदान केन्द्र के समीप अनावश्यक भीड़ एकत्र करने की अनुमति नहीं देगा ताकि पार्टियो और उम्मीदवार के कार्यकर्ताओं और उनके प्रति सहानुभूति रखनें वालों लोगों के मध्य टकराव या तनाव की स्थिति से बचा जा सकें तथा सुनिश्चित करेगा कि उसका शिविर साधारण हो। वंहा पर किसी प्रकार के पोस्टर, झण्डे चुनाव चिन्ह व अन्य प्रचार सामग्री का प्रर्दशन नहीं किया जाएगा। शिविर में न तो खाद्य सामग्री परोसी जाएगी और न ही भीड़ एकत्रित होने दी जाएगी।

13.10 कोई भी उम्मीदवार मतदाता को मतदान केन्द्र से लाने व ले जाने के लिए वाहन अथवा परिवहन सुविधा का प्रयोग नहीं करेगा।

13.11 कोई भी उम्मीदवार किसी मतदाता का वेश धारण करके या झूठा नाम धारण करके जाली वोट डालने का प्रयास नहीं करेगा।

13.12 कोई भी शासकीय दूरभाष जिसमें मोबाईल व फैक्स भी सम्मिलित है का प्रयोग चुनाव प्रचार के लिए नहीं किया जाएगा।

14- lgk;rk %

14.1 अभ्यर्थी या उनके निर्वाचन अभिकर्ता निर्वाचन करवाने से सम्बनिधत कोई विशिष्ट शिकायत या कठिनाई हो तो वह अपनी शिकायत या रिपोर्ट जिला निर्वाचन अधिकारियों, रिटर्निंग अधिकारियों अथवा प्रेक्षक, यदि आयोग द्वारा नियुक्त किए गए हो, को दे सकते हैं ।

14.2 यह प्रत्येक अभ्यर्थी के हित में होगा कि वह आदर्श आचार संहिता का पालन करें अन्यथा उसके निर्वाचित होने पर, किसी निर्वाचन याचिका के आधार पर, उसे किसी वैधानिक प्रावधान का उल्लंघन होने की स्थिति में उसके पद से हटाया जा सकता है अथवा अयोग्य घोषित किया जा सकता है ।

15. mYy?ku dk ifj.kke %

15.1 आदर्श आचार संहिता के अधिकतर प्रावधानों का उल्लंघन भ्रष्ट आचरण या निर्वाचन अपराध होगा जिसके कारण उल्लंघन करने वाले व्यक्ति को आयोग्य ठहराया जा सकता है या उस पर न्यायलय में अभियोग चलाया जा सकता है या यह दोनो परिणाम हो सकते हैं।

vkn'k }kjk

राज्य निर्वाचन आयुक्त, हिमाचल प्रदेश।

PART-IV

11. REPRESENTATION OF THE PEOPLE ACT,1950

(PART-II –Act of parliament)

20. Meaning of "ordinarily resident".-(1) A person shall not be deemed to be ordinarily resident in a constituency on the order round only that he owns, or is in possession of, dwelling house therein.

(1A) A person absenting himself temporarily from his place of ordinary residence shall not by reasons, there of cease to be ordinarily resident there in.

(1B) A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.

(2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of person suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(3) Any person heaving a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.

(4) Any person holding any in India declared by the president in consultation with the Election Commission to be an office of to which the provisions of this sub- section apply, shall be deemed to be ordinarily resident on any date in the constituency in which , but for the holding of any such office he would have been ordinarily resident on that date.

(5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed from and verified in the cribbed manner , that " but for his having the service qualification or but for the holding any such office" as is referred to in sub-section (4) he would have been ordinarily resident in a specified place on any date, shall in the absence of the evidence to the contrary, be accepted as correct .

(6) The wife any such person as is referred to in sub-section (3) or sub-section (4) shall if she be ordinarily residing with such person he deemed to be ordinary resident on in the constituency specified by such person under sub-section (5).

(7) If in any case a question arise as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules an may be made in this behalf by the Central Government in consultation with the Election Commission.

(8) In sub-section (3) and (5) " service qualification" means;

(a) being a member of the armed forces of the Union; or

(b) being a member of the force to which the provisions of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modifications ; or

(c) being a member of an armed police force of a State , who is serving outside that State; or

(d) being a person who is employed under the Government of India , in a post outside India.

CHAPTER- III

12. Extract of Disqualifications for Membership of Parliament and State Legislatures provided in Chapter –III of Part-II of the People Act, 1950:

7. Definitions.- in this Chapter.-

(a) "appropriate Government" mean in relation to any disqualifications for being chosen as or for being a member of either House of Parliament, the Central Government , and in relation to any disqualification for being chosen as or for being member of the Legislative Assembly or Legislative of a State, the State Government;

(b) "disqualified" means disqualified for being chosen as, and for being, a member of either House of parliament or of the Legislative Assembly or Legislative Council of a State.

8. Disqualification on conviction for certain offences.-(1) A person convicted of an offence punishable under-

(a) section 153 A (offence of promoting enmity between different groups on ground of religion, race, place of birth ,residence language, etc. and doing acts prejudicial to maintenance of harmony) or section 171 E (offence of bribery) or section 171 F (offences of undue influence or personation at an election) or sub-section (1) or sub-section (2) of section 376 or section 376 A or section or 376 B or section 376 C or section 376 C or section 376D (offences relating to rape or section 498 A) offence of cruelly towards a women by husband or relative of a husband) or sub-section (2) or sub-section (3) of section 505 (offence of making statement creating or promoting enmity, harted or ill –will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance or religious worship or religious ceremonies) of the Indian penal code (45 of 1860); or

(b) the Protection of Civil Right Act ,1955(22of 1955), which provided for punishment for the preaching and practice of "untouchability", and for the enforcement or any disability arising there from; or

(c) section 11 (offence of importing or exporting prohibited goods) of the Customs Act, 1962 (52 of 1962); or

(d) sections 10 to 12 (offence of being an association declared unlawful, offence relating to dealing with funds of an unlawful association or offence relating to contravention of an order made in respect of a notified place) of the Unlawful Activities (Prevention) Act,1967 (37 of 1967); or

(e) the foreign Exchange (Regulation) Act, 1973 (46 of 1973); or

(f) the Narcotic drugs and Psychotropic Substances Act,1985 (61 of 1985); or

(g) section 3 (offence of committing terrorist acts) or section 4 (offence of committing disruptive activities) of the Terrorist and Disruptive Activities (prevention) Act,1987 (28 of 1987); or

(h) section 7 (offence of contravention of the provisions of sections 3 to 6) of the Religious institutions (Prevention of Misuse) Act, 1988 (41 of 1988); or

(i) section 125 (offence of promoting enmity between class in connection with the election) or section 135 (offence of removal of ballot papers from polling stations) or section 135 A (offence of booth capturing) or clause (a) of sub-section (2) of section 136 (offence of fraudulently defacing fraudulently destroying any nomination paper) of this Act; or

(j) section 6 (offence of conversion of a Place of worship) of the (Special provisions) Act, 1991; or

(k) section 2 (offence of insulting the Indian National Flag or the constitution of India) or section 3 offence of preventing singing of National Anthem of the Prevention of Insults to National Honour Act, 1971;

Shall be disqualified for a period of six years from the date of such conviction .

(2) A person convicted for the contravention of.

(a) any law providing for the prevention of hoarding or profiteering or

(b) any law relating to the adulteration of food of drugs ; or

(c) any provisions of the Dowry Prohibition Act ,1961(28 of 1961);or

(d) any provision of thee Commission of Sati (Prevention) Act, 1987 (3 of 1988).

And sentenced to imprisonment for not less than six months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other then offence referred to in sub-section (1) of sub-section (2)]shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.

(4) Notwithstanding any thing in sub-section (1) Sub-section (2)or sub-section (3) a disqualification under either sub-section shall not , in the case of a person who on the date of the conviction is a member of parliament or the Legislature of a State, take effect until three month have elapsed from that date or, if with in that period an appeal or application for revision is brought is respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

EXPLANTION.-In this section

(a) "law providing for the prevention of hoarding or profiteering "means any law, or any order, rule or notification heaving the force of law, providing for.-

(i) the regulation of production or manufacture of any essential commodity .
(ii) the control of price at which any essential commodity may be bought or sold;
(iii) the regulation the regulation acquisition, possession, storage transport, distribution, disposal, use or consumption of any essential commodity;
(iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale;

(b) "drug" has the meaning assigned to it in the Drugs and cosmetic Act, 1940 (23 of 1940)
(c) "essential commodity" has the meaning assigned to it in theEssential commodities Act, 1955 (10 of 1955);
(d) "Food" has thee meaning assignment to it in the Prevention of food Adulteration Act,1954 (37 of 1954)

8A. Disqualification on ground of corrupt practices.-(1) The case of every person found guilty of a corrupt practice by an order under section 99 shall be submitted as soon as may be, after such order takes

effect, by such authority as the central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period:

Provided that the period for which any person may be disqualified under this sub-section shall in no case exceed six years from the date or which the order make in relation to him under section 99 takes effect.

(2) any person who stands disqualified under section 8A of this Act as it stood immediately before the commencement of the election Laws(amendment)Act 1975 (40 of 1975), may if the period of such disqualification for the unexpired of the period.

(3) before giving his decision of any question mentioned in sub-section (1)or on any petition submitted under sub-section (2), the President shall obtain the opinion of the Election Commission on such question or petition and shall act according to such opinion.

9. Disqualification for dismissal for corruption or disloyalty .-(1) A person who having held an offence under the Government of India or under the Government of any state has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal.

(2) for the purposes of sub-section(1) a certificate issued by the Election commission to the effect that a person having held office under the government of India or under Government of a state, has or less not been dismissed for corruption or for disloyalty to the state shall be conclusive proof of that fact.

Provided that no certificate the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

9A. Disqualification for Government contracts, etc.- A person shall be disqualified if , and for so long as , there subsists a entered in to him in the course of his trade or business with the appropriate government for the supply of goods to, for the execution of any works under taken by, that Government.

Explanation.- for the purposes of this section, where a contract has been fully performed by the person by whom it has been entered in to with the appropriate government the contract shall be deemed not to subsist by reason only of the fact that the government has not performed its part of the contract either wholly or in part.

10. Disqualification for office under Governmentcompany.- A person shall be disqualified if and for so long as, he is a meaning agent , manager or secretary of any company or corporation (other than a Co-operative Society) in the capital of which are appropriate Government has not less than twenty–five percent, share.

10A. Disqualifications for failure to lodge account election expenses.-If the Election Commission is satisfied that a person-

(a) has failed to lodge an account of election expenses with in time and in the manner required by or under this Act, and
(b) has no good reason or justification for the failure,

The election commission shall, by order published in the official gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

11. Removal or reduction of period of disqualification.- the election commission may, for reasons to be recorded , removed any disqualification under Chapter (except under section 8 A) or reduce the period of any such disqualification.

GOVERNMENT OF INDIA
MINISTRY OF LAW
(Department of Legal Affairs)

NOTIFICATION

New Delhi, the 10th November, 1960

In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (43 of 1950), and in supersession of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, the Central Government, after consulting the Election Commission, hereby makes the following rules, namely:—

13. THE REGISTRATION OF ELECTORS RULES, 1960[1]

PART-I

Preliminary

1. Short title and commencement.—(*1*) These Rules may be called the Registration of Electors Rules, 1960.

(*2*) They shall come into force on the 1st day of January, 1961.

2. Definitions and interpretation.—(*1*) In these Rules, unless the context otherwise requires,—

(*a*) "Act" means the Representation of the People Act, 1950 (43 of 1950);

(*b*) "declared office" means an office declared by the President to be an office to which the provisions of sub-section (*4*) of section 20 apply;

[2][(*bb*) "Electronic Gazette" shall have the same meaning as assigned to it in clause (*s*) of sub-section (1) section 2 of the Information Technology Act, 2000 (21 of 2000) ;]

[3][(*c*) "Form" means a Form appended to these Rules and in respect of any constituency, includes a translation thereof in the language or any of the languages in which the electoral roll for that constituency is prepared;]

[2][(*cc*) "overseas elector" means a citizen of India referred to in section 20A and who is not less than eighteen years of age on the qualifying date;]

(*d*) "registration officer" means the electoral registration officer of a constituency and includes an assistant electoral registration officer thereof;

(*e*) "roll" means the electoral roll for a constituency;

(*f*) "section" means a section of the Act;

[4]* * * * *

(2) The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

PART-II

Electoral rolls for Assembly Constituencies

3. Meaning of constituency.—In this Part "constituency" means an Assembly constituency.

4. Form and languages of roll.—The roll for each constituency shall be prepared in such form and in such language or languages as the Election Commission may direct.

5. Preparation of roll in parts.—(*1*) The roll shall be divided into convenient parts which shall be numbered consecutively.

(*2*) The last part of the roll shall contain the names of every person having a service qualification and of his wife, if any, who are entitled to be included in that roll by virtue of a statement made under rule 7.

(*3*) The names of any person holding a declared office and of his wife, if any, who are entitled to be included in the roll by virtue of a statement made under rule 7 shall be included in the part of the roll, pertaining to the locality in which they would, according to that statement, have been ordinarily resident.

[2][(*3A*) The name of every overseas elector who is entitled to be included in the roll under section 20A, shall be included in the part of the roll pertaining to the locality in which his place of residence in India as mentioned in his passport is located.]

(*4*) The number of names included in any part of the roll shall not ordinarily exceed two thousand.

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1. Published with the Ministry of Law Notifn. No. S.O. 2750, dated the 10th November, 1960, Gazette of India, Extraordinary,
   Part II, Section 3(*ii*), page 633.
2. Ins. by notifin. No. S. O. 244 (E), dated the 3rd February, 2011 (w.e.f. 10-2-2011).
3. Subs. by Notifn. No. S.O. 3874, dated the 15th December, 1966.
4. Cl. (*g*) omitted, *ibid*. 2

6. Order of names.—(*1*) the names of electors in each part of the roll shall be arranged according to house number, unless the chief electoral officer, subject to any general or special instructions issued by the Election Commission, determines in respect of any part that the alphabetical order is more convenient or that the names shall be arranged partly in one way and partly in the other.

(*2*) The names of electors in each part of the roll shall be numbered, so far as practicable, consecutively with a separate series of numbers beginning with the number one.

7. Statement under section 20.—(*1*) Every person who holds a declared office or has a service qualification and desires to be registered in the roll for the constituency in which, but for holding such office or having such qualification, he would have been ordinarily resident, shall submit to the [1][registration officer of the constituency], a statement in such one of the [1][Forms 1, 2, 2A and 3] as may be appropriate.

(*2*) Every statement submitted under sub-rule (*1*) shall be verified in the manner specified in the Form.

(*3*) Every such statement shall cease to be valid when the person making it ceases to hold a declared office or, as the case may be, have a service qualification.

8. Information to be supplied by occupants of dwelling-houses.—The registration officer may, for the purpose of preparing the roll, send letters of request in Form 4 to the occupants of dwelling-houses in the constituency or any part thereof; and every person receiving any such letter shall furnish the information called for therein to the best of his ability.

[2]**[8A. Manner of giving notice for registration of persons as overseas electors.** —On the commencement of the Representation of the People (Amendment) Act, 2010 (36 of 2010) and at such other times as the Election Commission may direct, the Chief Electoral Officer may, for the purpose of inclusion of names of overseas electors in the roll, make a public notification requesting every person entitled to be registered as an overseas elector under section 20A [3][to make an application under rule 8B] and a copy of such notification shall be forwarded to all foreign missions of the Central Government and also make such further publicity as he may consider expedient and necessary.

8B. Inclusion of names of overseas electors in the rolls. — (*1*) Every overseas elector, who is not otherwise disqualified for registration and is desirous of being registered in the roll for the constituency pertaining to the locality in which his place of residence in India as mentioned in his passport is located, may make an application in Form 6A to the concerned registration officer directly or send the application to him by post.

(*2*) The provisions of sub-rules (*2*), (*3*) and (*4*) of rule 13 shall *mutatis mutandis* apply for filing of claims or objections to the inclusion of name or to any particulars of an entry or for transposition of any entry from one place to another in the roll as an overseas elector.

(*3*) Every application in Form 6A sent by post shall be accompanied by copies of all the documents mentioned in the said Form [4][duly self attested].

(*4*) Every application in Form 6A presented in person to the registration officer shall be accompanied by photocopies of all the documents mentioned in the said Form along with originals thereof for verification by the registration officer.

(*5*) Where a personal hearing is necessary in respect of any claim for inclusion or objection to the inclusion of name in the roll as an overseas elector, the registration officer may, if considered necessary, designate an official in the Indian Mission in the concerned country for the purpose.]

9. Access to certain registers.—For the purpose of preparing any roll or deciding any claim or objection to a roll, any registration officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institution, and it shall be the duty of every person incharge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.

10. Publication of roll in draft.—As soon as the roll for a constituency is ready, the registration officer shall publish it in draft by making a copy thereof available for inspection and displaying a notice in Form 5—

(*a*) at his office, if it is within the constituency, and

(*b*) at such place in the constituency as may be specified by him for the purpose, if his office is outside the constituency ; [5][or in the official website of the Chief Electoral Officer of the concerned State:]

[2][Provided that where such draft contains names of overseas electors, the copies of such rolls shall also be published in the Electronic Gazette [6][or in the official website of the Chief Electoral Officer of the concerned State].

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1. Subs. by Notifn. No. S.O. 3874, dated the 15th December, 1966.
2. Ins. by Notifn. No. 244(E), dated the 3rd February, 2011 (w.e.f. 10-2-2011).
3. Ins.by corrigenda, Notifn. No. S. O. 306(E), dated the 9th February, 2011.
4. Subs. by Notifn. No. S. O. 426(E), dated the 23rd February, 2011.
5. Ins., *ibid.*
6. Ins. by Notifn. No. S. O. 426 (E), dated 23rd February, 2011.3

11. Further publicity to the roll and notice.—The registration officer shall also—

(*a*) make a copy of each separate part of the roll, together with a copy of the notice in Form 5 available for inspection at a specified place accessible to the public and in or near the area to which that part relates;

(*b*) give such further publicity to the notice in Form 5 as he may consider necessary; and

(*c*) supply free of cost two copies of each separate part of the roll to every political party [1][for which a symbol has been exclusively reserved in the State] by the Election Commission.

[2][**12. Period for lodging claims and objections**.—Every claim for the inclusion of a name in the roll and every objection to an entry therein shall be lodged within a period of thirty days from the date of publication of the roll in draft under rule 10, or such shorter period of not less than fifteen days as may be fixed by the Election Commission in this behalf:

Provided that the Election Commission may, by notification in the Official Gazette, extend the period in respect of the constituency as a whole or in respect of any part thereof.]

13. Form for claims and objections.—(*1*) Every claim shall be—

(*a*) in Form 6; [3][and]

(*b*) signed by the person desiring his name to be included in the roll; [4]***

(*2*) Every objection to the inclusion of a name in the roll shall be—

(*a*) in Form 7; [3][and]

(*b*) preferred only by a person whose name is already included in that roll; [4]***

(*3*) Every objection to a particular or particulars in an entry in the roll shall be—

(*a*) in Form 8; and

(*b*) preferred only by the person to whom that entry relates.

[5][(*4*) Every application for transposition of an entry from one part to another part of the roll shall be in Form 8A.]

14. Manner of lodging claims and objections.—Every claim or objection shall—

(*a*) either be presented to the registration officer or to such other officer as may be designated by him in this behalf; or

(*b*) be sent by [6]*** post to the registration officer.

15. Procedure of designated officers.—(*1*) Every officer designated under rule 14 shall—

(*a*) maintain in duplicate a list of claims in Form 9, a list of objections to the inclusion of names in Form 10 and a list of objections to particulars in Form 11; and

(*b*) keep exhibited one copy of each such list on a notice board in his office.

(*2*) Where a claim or objection is presented to him, he shall, after complying with the requirements of sub-rule (*1*), forward it with such remarks, if any, as he considers proper to the registration officer.

1. Subs. by Notifn. No. S.O. 2791, dated the 24th November, 1961 for "to which a symbol has been allotted".
2. Subs. by Notifn. No S.O. 35(E), dated the 21st January, 1977, for rule 12.
3. Ins. by Notifn. No. S.O. 817(E), dated the 25th October, 1993.
4. The word "and" and cl. (*c*) omitted, *ibid*.
5. Ins. by Notifn. No. S.O. 934(E), dated the 18th August, 2003.
6. The word "registered" omitted by Notifn. No. S.O. 3661, dated the 12th October, 1964. 4

16. Procedure of registration officer.—The registration officer also shall—

(*a*) maintain in duplicate the three lists in Forms 9, 10 and 11, entering thereon the particulars of every claim or objection as and when it is received by him whether directly under rule 14 or on being forwarded under rule 15; and

(*b*) keep exhibited one copy of each such list on a notice board in his office:

[1][Provided that where any claim or objection relates to registration of a person as an overseas elector, a list of such claim or objection shall be exhibited on the notice board in his office and shall also be published in the Electronic Gazette [2][or in the official website of the Chief Electoral Officer of the concerned State] in such form as the Election Commission may direct.]

17. Rejection of certain claims and objections.—Any claim or objection which is not lodged within the period, or in the form and manner, herein specified, shall be rejected by the registration officer.

18. Acceptance of claims and objections without inquiry.—If the registration officer is satisfied as to the validity of any claim or objection, he may allow it without further inquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under clause (*b*) of rule 16:

Provided that where before any such claim or objection has been allowed, a demand for inquiry has been made in writing to the registration officer by any person, it shall not be allowed without further inquiry.

19. Notice of hearing claims and objections.—(*1*) Where a claim or objection is not disposed of under rule 17 or rule 18, the registration officer shall—

(*a*) specify in the list exhibited by him under clause (*b*) of rule 16, the date, time and place of hearing of the claim or objection; and

(*b*) give notice of the hearing—

(*i*) in the case of a claim to the claimant in Form 12;

(*ii*) in the case of an objection to the inclusion of a name, to the objector in Form 13 and to the person objected to in Form 14; and

(iii) in the case of an objection to a particular or particulars in an entry, to the objector in Form 15.

(*2*) A notice under this rule may be given either personally or by registered post or by affixing it to the person's residence or last known residence within the constituency.

20. Inquiry into claims and objections.—(*1*) The registration officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under rule 19 and shall record his decision thereon.

(*2*) At the hearing, the claimant or, as the case may be, the objector and the person objected to and any other person who, in the opinion of the registration officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(*3*) The registration officer may in his discretion—

(*a*) require any claimant, objector or person objected to, to appear in person before him;

(*b*) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

21. Inclusion of names inadvertently omitted.—[3][(*1*)] If it appears to the registration officer that owing [4]*** to inadvertence or error during preparation, the names of any electors have been left out of the roll and that remedial action should be taken under this rule, the registration officer shall—

(*a*) prepare a list of the names and other details of such electors;

(*b*) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and

(*c*) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.

[1][(*2*) If any statements under rule 7 are received after the publication of the roll in draft under rule 10, the registration officer shall direct the inclusion of the names of the electors covered by the statements in the appropriate parts of the roll.]

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1. Ins. by Notifn. No. S. O. 244(E), dated 3rd February, 2011 (w.e.f. 10-2-2011).
2. Ins. by Notifn. No. S. O. 426 (E), dated 23rd February, 2011.
3. Rule 21 renumbered as sub-rule (*1*) of that rule by Notifn. No. S.O. 3661, dated the 12th October, 1964.
4. Certain words omitted, *ibid*. 5

[2][**21A. Deletion of names**.—If it appears to the registration officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise, the names of dead persons or of persons who have ceased to be, or are not, ordinarily residents in the constituency or of persons who are otherwise not entitled to be registered in that roll, have been included in the roll and that remedial action should be taken under this rule, the registration officer, shall—

(*a*) prepare a list of the names and other details of such electors;

(*b*) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the question of deletion of these names from the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and

(*c*) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be deleted from the roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to be, or is not, ordinarily resident in the constituency, or is otherwise not entitled to be registered in that roll, the registration officer shall make every endeavour to give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.]

22. Final publication of roll.—(*1*) The registration officer shall thereafter—

(*a*) prepare a list of amendments to carry out his decisions under rules 18, 20, [3][21 and 21A] and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll; [4]***

(*b*) publish the roll, together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in Form 16 at his office [5][Provided that where the roll contains the name of any overseas elector the same shall also be published in the Electronic Gazette [6][or in the official website of the Chief Electoral Officer of the concerned State]] [7][and]

[7][(*c*) subject to such general or special directions as may be given by the Election Commission supply, free of cost, two copies of the roll, as finally published, with the list of amendments, if any, to every political party for which a symbol has been exclusively reserved by the Election Commission.]

(*2*) On such publication, the roll together with the list of amendments shall be the electoral roll of the constituency.

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1. Ins. by Notifn. No. S.O. 3661, dated the 12th October , 1964.
2. Subs. by Notifn. No. S.O. 814(E), dated the 3rd September, 1987, for rule 21A.
3. Subs. by Notifn. No. S.O. 1519, dated the 25th April, 1968, for "and 21".
4. The word "and" omitted by Notifn. No. S.O. 233(E), dated the 31st March, 1984.
5. Ins. by Notifn. No. S. O. 244 (*E*), dated the 3rd February, 2011.
6. Ins.by Notifn No. S. O. 426 (*E*), dated the 23rd February, 2011.
7. Ins. by Notifn. No. S. O. 233(*E*), dated the 31st March, 1984. 6

[1][(*3*) Where the roll (hereafter in this sub-rule referred to as the basic roll), together with the list of amendments, becomes the electoral roll for a constituency under sub-rule (*2*), the registration officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the Election Commission in this behalf, the list into the basic roll by [2][incorporating inclusion of names, amendment, transposition or deletion of entries in the relevant parts of the basic roll itself] in the relevant parts of the basic roll itself, so, however, that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector as given in the list of amendments.]

23. Appeals from orders deciding claims and objections.—(*1*) An appeal shall lie from any decision of the registration officer under rule 20, [3][rule 21 or rule 21A] to such officer of Government as the Election Commission may designate in this behalf (hereinafter referred to as the appellate officer):

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to, the registration officer on the matter which is the subject of appeal.

(*2*) Every appeal under sub-rule (*1*) shall be—

(*a*) in the form of a memorandum signed by the appellant, and

(*b*) presented to the appellate officer within a period of fifteen days from the date of announcement of the decision or sent to that officer by registered post so as to reach him within that period.

(*3*) The presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the registration officer under rule 22.

(*4*) Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the registration officer, shall take effect only from the date of the decision in appeal.

(*5*) The registration officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this rule.

24. Special provision for preparation of rolls on redelimitation of constituencies.—(*1*) If any constituency is delimited a new in accordance with law and it is necessary urgently to prepare the roll for such constituency, the Election Commission may direct that it shall be prepared—

(*a*) by putting together the rolls of such of the existing constituencies or parts thereof as are comprised within the new constituency; and

(*b*) by making appropriate alterations in the arrangement, serial numbering and headings of the rolls so compiled.

(*2*) The roll so prepared shall be published in the manner specified in rule 22 and shall, on such publication, be the electoral roll for the new constituency.

[4][**24A. Special provision for preparation of rolls of pre-delimited constituencies.** —(*1*) Notwithstanding anything contained in rule 24, if the electoral roll of any constituency prior to the last delimitation is required to be prepared urgently, the Election Commission may direct that it shall be prepared—

(*a*) by putting together the rolls of the new delimited constituencies or relevant parts thereof corresponding to the areas as were comprised within the pre-delimited constituency; and

(*b*) by making appropriate alterations in the arrangement, serial numbering, headings, etc., of the roll so prepared.

(*2*) The roll so prepared shall be published in the manner specified in rule 22, and shall, on such publication, be the roll for pre-delimited constituency concerned.]

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1. Ins. by Notifn. No. S.O. 1033, dated the 12th March, 1970.
2. Subs. by Notifn. No. S.O. 814(*E*), dated the 3rd September, 1987, for certain words.
3. Subs. by Notifn. No. S.O. 1519, dated the 25th April, 1968 for "rule 21".
4. Ins.by Notifn. No. S. O. 1219 (*E*), dated the 15th May, 2009 (w.e.f. 15-5-2009). 7

25. [1] **[Revision of rolls].**—(*1*) The roll for every constituency shall be revised under sub-section (*2*) of section 21 either intensively or summarily or partly intensively and partly summarily, as the Election Commission may direct.

(*2*) Where the roll or any part thereof is to be revised intensively in any year, it shall be prepared afresh and rules 4 to 23 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(*3*) When the roll or any part thereof is to be revised summarily in any year, the registration officer shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft; and the provisions of rules [2][8A] to 23 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(*4*) Where at any time between the publication in draft of the revised roll under sub-rule (*2*) or of the roll and list of amendments under sub-rule (*3*) and the final publication of the same under rule 22, any names have been directed to be included in the roll for the time being in force under section 23, the registration officer shall cause the names to be included also in the revised roll unless there is, in his opinion, any valid objection to such inclusion.

26. [3] **[Correction of entries and inclusion of names in electoral rolls]**.— [4][(*1*) Every application under section 22 or sub-section (*1*) of section 23 shall be made in duplicate in such one of the Forms [5][6, [6A],7, 8, 8A and 8B as may be appropriate [7]***]:

[8][Provided that the statements in Forms 2, 2A and 3, from persons having service qualifications, received after the final publication of the electoral roll shall be deemed to be the applications under sections 22 and 23 [7]***].

[8][(*1A*) Every such application as is referred to in sub-rule (*1*) shall be presented to the registration officer in such manner as the Election Commission may direct.]

[9]* * * * *

[7]* * * * *

(*3*) The [10]*** registration officer shall, immediately on receipt of such application, direct that one copy thereof be posted in some conspicuous place in his office together with a notice inviting objections to such application within a period of seven days from the date of such posting.

[11][(*4*) The registration officer shall, as soon as may be after the expiry of the period specified in sub-rule (*3*), consider the application and objections thereto, if any, received by him and shall, if satisfied, direct the inclusion, deletion, correction or transposition of entries in the roll, as may be necessary:

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1. Subs. by Notifn. No. S.O. 814(*E*), dated the 3rd September, 1987, for the marginal heading "Annual revision of rolls".
2. Subs. by Notifn. No. S. O. 244 (E), for "9", dated the 3rd February, 2011 (w.e.f. 10-2-2011)
3. Subs. by Notifn. No. S.O. 2315, dated the 21st September, 1961, for the marginal heading "Inclusion of names in electoral rolls".
4. Subs. by Notifn. No. S.O. 3874, dated the 15th December, 1966, for sub-rule (*1*).
5. Subs. by Notifn. No. S.O. 934(E), dated the18th August, 2003.
6. Ins.by Notifn. No. S.O. 244(E), dated the 3rd February, 2011 (w.e.f. 10-2-2011).
7. Certain words and sub-rules (*2*) and (*2A*) omitted by Notifn. No. S.O. 537(*E*), dated the 22nd July, 1992.
8. Ins. by Notifn. No. S.O. 814(*E*), dated the 3rd September, 1987.
9. Sub-rule (*1B*) omitted by Notifn. No. S.O. 817(E), dated the 25th October, 1993.
10. Certain words omitted by Notifn. No. S.O. 3874, dated the 15th December, 1966.
11. Subs. by Notifn No. S. O. 814(E), dated the 3rd September, 1987, for sub-rule (*4*). 8

Provided that when an application is rejected by the registration officer, he shall record in writing a brief statement of his reasons for such rejections.]

27. Appeals from [1]* under rule 26**.—[2][(*1*) Every appeal under section 24 shall be—

(*a*) in the form of a memorandum signed by the [3][appellant];

(*b*) accompanied by a copy of the order appealed from and [4][5][a fee of five rupees] to be—

(*i*) paid by means of non-judicial stamps; or

(*ii*) deposited in a Government treasury or the Reserve Bank of India in favour of the chief electoral officer; or

(*iii*) paid in such other manner as may be directed by the Election Commission; and]

[6][(*c*) presented to the chief electoral officer within a period of fifteen days from the date of the order appealed from or sent by registered post so as to reach him within that period:]

[7][Provided that the chief electoral officer may condone the delay in the presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the time prescribed.]

[8][(*1A*) Where the fee is deposited under clause (*b*) (*ii*) of sub-rule (*1*), the appellant shall enclose with the memorandum of appeal a Government treasury receipt in proof of the fee having been deposited.]

[9][(*2*) For the purposes of sub-rule (*1*), an appeal shall be deemed to have been presented to the chief electoral officer, when the memorandum of appeal is delivered by, or on behalf of, the appellant to the chief electoral officer himself or to any other officer appointed by him in this behalf.]

28. Identity cards for electors in notified constituencies [10]***.—(*1*) The Election Commission may, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, by notification in the Official Gazette of the State, direct that the provision of this rule shall apply to [11][any such constituency or part thereof] as may be specified in the notification.

(*2*) The registration officer for such notified constituency shall, as soon as may be, after the issue of the notification under sub-rule (*1*), arrange for the issue to every elector of an identity card prepared in accordance with the provisions of this rule.

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1. The words "rejecting applications" omitted by Notifn. No. S.O. 3874, dated the 15th December, 1966.
2. Subs. by Notifn. No. S.O. 2315, dated the 21st September, 1961, for sub-rule (*1*).
3. Subs. by Notifn. No. S.O. 814(E), dated the 3rd September, 1987, for "applicant".
4. Subs. by Notifn. No. S.O. 370, dated the 25th January, 1968, for certain words.
5. Subs. by Notifn. No. S.O. 814(E), dated the 3rd September, 1987, for "a fee of one rupee".
6. Subs. by Notifn. No. S.O. 3874, dated the 15th December, 1966, for cl. (*c*).
7. Ins. by Notifn. No. S.O. 814(E), dated the 3rd September, 1987.
8. Ins. by Notifn. No. S.O. 370, dated the 25th January, 1968.
9. Subs. by Notifn. No. S.O. 3874, dated the 15th December, 1966, for sub-rule (*2*).
10. Certain words omitted by Notifn. No. S.O. 1505, dated the 21th April, 1969.
11. Subs., *ibid*., for certain words. 9

(*3*) The identity card shall—

(*a*) be prepared in duplicate;
(*b*) contain the name, age, residence and such other particulars of the elector as may be specified by the Election Commission;
(*c*) have affixed to it a photograph of the elector which shall be taken at the expense of the Government; and
(*d*) bear the facsimile signature of the registration officer:

Provided that if the elector refuses or evades to have his photograph taken, or cannot be found at his residence by the official photographer in spite of repeated attempts, no such identity card shall be prepared for the elector and a note of such refusal or evasion or that the elector could not be found at his residence in spite of repeated attempts shall be made in the copy of the roll maintained by the registration officer.

(*4*) One copy of the identity card prepared under sub-rule (*3*) shall be retained by the registration officer and the other copy shall be delivered to the elector to be kept by him for production at the time of poll.

[1][PART-III

Electoral rolls for Parliamentary constituencies in the Union territory of Delhi

29. Rolls for the Parliamentary constituencies in the Union territory of Delhi.— The provisions of Part II shall apply in relation to parliamentary constituencies in the Union territory of Delhi as they apply in relation to assembly constituencies.]

PART-IV

Electoral rolls for Council constituencies

30. Rolls for local authorities' constituencies.—(*1*) The roll for every local authorities' constituency shall be prepared and maintained in such form, manner and language or languages as the Election Commission may direct.

(*2*) The provisions of [2][rule 26 except sub-rules (*3*) and (*4*) thereof and rule 27] shall apply in relation to local authorities' constituencies as they apply in relation to assembly constituencies:

Provided that an application for the inclusion of a name shall be made in Form 17:

[3][Provided further that where an application referred to in sub-rule (*1*) of rule 26 is received by the electoral registration officer, he shall refer such application to the chief executive officer, of the local authority concerned and on receipt of information in relation thereto from the chief executive officer, the electoral registration officer shall act in accordance with clause (*d*) of sub-section (*2*) of section 27.]

31. Rolls for graduates' and teachers' constituencies.—(*1*) The roll for every graduates' or teachers' constituency shall be prepared in such form, manner and language, or languages as the Election Commission may direct.

(*2*) The roll shall be divided into convenient parts which shall be numbered consecutively.

(*3*) For the purpose of preparing the roll the registration officers shall, on or before the 1st [1][October], issue a pubic notice calling upon every person entitled to be registered in that roll to send to, or deliver at his office before the 7th day of [1][November] next following an application in Form 18 or Form 19, as the case may be, for inclusion of his name:

[2][Provided that for the purpose of preparing the roll for the first time for the Legislative Council of the State of Madhya Pradesh, the references to the 1st October and the 7th day of November shall be construed as references to the 31st December, 1966 and the 7th day of February, 1967, respectively.]

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1. Subs. by Notifn. No. S.O. 2577, dated the 6th September, 1963, for Part III.
2. Subs. by Notifn. No. S.O. 3661, dated the 12th October, 1964, for "rules 26 and 27".
3. Subs. by Notifn. No. S.O. 814 (E), dated the 3rd September, 1987, for the second proviso. 10

(*4*) The said notice shall be published in two newspapers having circulation in the constituency and republished in them once on or about the 15th [1][October] and again on or about the 25th [1][October]:

[2][Provided that in relation to the preparation of the roll for the first time for the Legislative Council of the State of Madhya Pradesh, the references to the 15th October and the 25th October shall be construed as references to the 15th January and 25th January, 1967, respectively.]

[3][(*4A*) The provisions of sub-rule (*3*) and sub-rule (*4*) shall apply in relation to revision of the roll for every graduates' or teachers' constituency under sub-section (*2*) (*a*) (*ii*) of section 21 of the Act as they apply in relation to the preparation of such roll subject to the modification that references to the 1st October and the 7th day of November in sub-rule (*3*) and references to the 15th October and 25th October in sub-rule (*4*) shall be construed respectively as references to such dates, as may be specified by the Election Commission in relation to each such revision.]

(*5*) The provisions of rules 10 to 27 except clause (*c*) of sub-rule (*1*) and clause (*c*) of sub-rule (*2*) of rule 13 shall apply in relation to graduates' and teachers' constituencies as they apply in relation to assembly constituencies:

Provided that a claim or an application for the inclusion of a name shall be made in Form 18 or Form 19 as may be appropriate.

[4]* * * * *

PART-V
Preservation and disposal of Electoral Rolls

32. Custody and preservation of rolls and connected papers.—(*1*) After the roll for a constituency has been finally published, the following papers shall be kept in the office of the registration officer or at such other place as the chief electoral officer may by order specify until the expiration of one year after the completion of the next intensive revision of that roll:—

(*a*) one complete copy of the roll;
(*b*) statements submitted to the chief electoral officer under rule 7;
(*c*) statements submitted to the registration officer under rule 8;
(*d*) register of enumeration forms;
(*e*) applications in regard to the preparation of the roll;
(*f*) manuscript parts prepared by enumerating agencies and used for compiling the roll;
(*g*) papers relating to claims and objections;
(*h*) papers relating to appeals under rule 23; and
(*i*) applications under sections 22 and 23.

(*2*) One complete copy of the roll for each constituency duly authenticated by the registration officer shall also be kept in such place as the chief electoral officer may specify [1][as permanent board].

1. Subs. by Notifn. No. S.O. 2315, dated the 21st September, 1961.
2. Ins. by Notifn. No. S.O. 3963, dated the 24th December, 1966.
3. Ins. by Notifn. No. S.O. 1127, dated the 1st April, 1967.
4. Second proviso omitted by Notifn. No. S.O. 814(E), dated the 3rd September, 1987. 11

33. Inspection of electoral rolls and connected papers.—Every person shall have the right to inspect the election papers referred to in rule 32 and to get attested copies thereof on payment of such fee as may be fixed by the chief electoral officer.

34. Disposal of electoral rolls and connected papers.—(*1*) The papers referred to in rule 32 shall, on the expiry of the period specified therein, and subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, be disposed of in such manner as the chief electoral officer may direct.

(*2*) Copies of the electoral roll for any constituency in excess of the number required for deposit under rule 32 and for any other public purpose shall be disposed of at such time and in such manner as the Election Commission may direct and until such disposal shall be made available for sale to the public.

[2][PART-VI

Miscellaneous

35. Use of old Forms.—If, at any time, during a period of six months from the date on which any amendment to a form for making any claim, objection or other application to the registration officer under these rules takes effect, a person makes, such claim, objection or, as the case may be, other application in the Form as it stood before such amendment, the registration officer shall deal with such claim, objection or other application and he may, for this purpose, require such person, by notice in writing, to furnish such additional information (being the information which would have been furnished if the amended Forms had been used) within such reasonable time as may be specified in the notice.]

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1. Subs. by Notifn. No. S.O. 814(E), dated the 3rd September, 1987, for certain words.
2. Ins. by Notifn. No. S.O. 1128(E), dated the 29th December, 1987. 12

14. THE BHARATIYA NYAYA SANHITA, 2023

CHAPTER IX : OF OFFENCES RELATING TO ELECTIONS

169. Candidate, electoral right defined.—For the purposes of this Chapter—

(a) "candidate" means a person who has been nominated as a candidate at any election; (b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

170. Bribery.—(1) Whoever—

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171. Undue influence at elections.—(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind; or

(b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action or the mere exercise or a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

172. **Personation at elections**.—Whoever at an election applies for a voting paper on votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election:

Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.

173. **Punishment for bribery**.—

Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation.—"Treating" means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

174. Punishment for undue influence or personation at an election.—Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

175. False statement in connection with an election.—Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

176. Illegal payments in connection with an election.—Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to ten thousand rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

177. Failure to keep election accounts.—Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to five thousand rupees.

15. THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

Section 384:- Procedure in certain cases of Contempt-

(1) When any such offence as is described in section 210, section 213, section 214, section 215 or section 267 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) is committed in the view or presence of any Civil, Criminal, or Revenue Court, the Court may cause the offender to be detained in custody, and may, at any time before the rising of the Court on the same day, take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to fine not exceeding one thousand rupees, and, in default of payment of fine, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

(2) In every such case the Court shall record the fact constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

(3) If the offence is under section 267 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023), the record shall show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

Section 385:- Procedure where Court considers that case should not be dealt with under Section 384

(1) If the Court in any case considers that a person accused of any of the offences referred to in section 384 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 384, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such person before such Magistrate, or if sufficient security is not given, shall forward such person in custody to such Magistrate.

(2) The Magistrate to whom any case is forwarded under this section shall proceed to deal with, as far as may be, as if it were instituted on a police report.

Note:-

Note:-

राजकीय मुद्रणालय, हि0 प्र0, शिमला––1030–एस0ई0सी0 / 2026–15–4–2026––500 पुस्तकें।