

**STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO.2, SECTO-17,
PANCHKULA-134 109**

SEC/4E-II/2011/3350-3370

Dated 07.10.2011

To

All the Deputy Commissioners-cum-
District Election Officers (Panchayat),
In the State of Haryana

Subject: Disposal of Panchayat Election Record pertaining to Bye-Elections (conducted from 2005 to 2009) and General Election, 2010.

Sir/Madam,

I am directed to refer to the subject cited above and to invite your kind attention to Rule 74 of Panchayati Raj Election Rules, 1994, which is as under:-

Disposal of election papers - Subject to any direction to the contrary given by the State Election Commission or by any Civil Court or Competent Authority or pending legal proceedings'-

(a) The packets referred in Rule 73 and the packets of unused postal ballot papers and tendered ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the State Election Commission may direct.

2. In view of above provisions in the rules, it has been decided to shred and destroy the packets containing the election record pertaining to the **Panchayat Bye-Elections (conducted during the years from 2005 to 2009) and General Elections, 2010**. This shall be done in accordance with the procedure set out in the following paragraphs:-

A Record not to be destroyed till further orders

- i) The blank unused ballot papers (without name) with counterfoils in respect of Sarpanches/Panches lying with the District Election Officers shall be kept for use in future. A list of such papers along with quantities shall be prepared and sent to the Commission.
- ii) None of the papers related to the pending election petition, appeal, criminal case, inquiries, dispute etc. should be destroyed. In case of any doubt, matter should be referred to the Commission.

B The records which can be destroyed

- i) The packets containing counterfoils of used ballot papers may be destroyed in all cases.
- ii) The packets of unused ballot papers with counterfoils returned by the Presiding Officers after the poll and referred to in Rule 73 (a) of the Haryana Panchayati Raj Election Rules, 1994 may be destroyed.

- iii) The stock of undistributed ballot papers with counterfoils left with the Returning Officers after issue to the Presiding Officers for use at the polling stations and returned to the District Election Officer (Panchayat) may be destroyed.
- iv) The undistributed ballot papers kept in the Treasury/Sub-Treasury under the orders of the District Election Officer (P) may also be destroyed.
- v) The sealed packets of used ballot papers whether valid, tendered or rejected, the packets of the marked copies of the electoral rolls and the packets of declaration by electors and the attestation of their signatures, which are contained in the sealed steel trunks under the double lock and kept in the Treasury or Sub-Treasury, may be destroyed as per procedure.
- vi) Papers specified in the enclosed list (Annexure "A") may be destroyed.
- vii) Except surplus and waste ballot papers, all election papers including restricted or confidential papers like used and unused ballot papers and their counterfoils, copies of electoral rolls etc., should be shredded after the prescribed period as mentioned above and in the rules.

C Record to be destroyed in future

- i) The list of challenged votes (Form 11) and the receipt book used for collection of challenge fee, and forms of nomination papers should not be destroyed before the expiry of 5 years from the date of declaration of the result or till they are audited and audit objections, if any, are settled, whichever is later.
- ii) Every order appointing a person as a Presiding Officer or Polling Officer should not be destroyed before the expiry of three years from the date of election to which the appointment relates.
- iii) The register of deposits may be destroyed in the same manner as the revenue registers provided that in no case the register shall be destroyed before ten years.
- iv) The records relating to the account of election expenses of a candidate who has lodged it within the time and in the manner required by the State Election Commission shall be destroyed at the end of one year from the date the return ought to have been lodged. A list of such candidates shall be prepared and sent to the Commission.
- v) Maintain a list of candidates, who have failed to lodge the account of election expenditure within the time schedule and in the manner required by the State Election Commission and incurred any

disqualification under para 11 of the Haryana Panchayati Raj Election Expenditure (Maintenance & Submission of Accounts) Order, 1996 read with amendment orders issued under No. SEC/4E-III/2007/8769 dated 26th June, 2007. The record of such candidates shall be destroyed after the expiry of three years period from the date of disqualification orders passed by the Commission or concerned Deputy Commissioner-cum District Election Officer (P), as the case may be. If disqualification has been removed by the Commission or concerned Deputy Commissioner-cum District Election Officer (P), the record shall be destroyed at the expiry of six months after such removal.

D Record to be kept as permanent record

The following records shall be kept as permanent record:-

- i) Final result (Form No.14, 15, 16 and 17) and of election (Form 18, 19, 20 & 21) and result certificate.
- ii) Office copies of the candidates who have been disqualified by the competent authority under Section 175 of the Haryana Panchyati Raj Act, 1994 and para 11 of the Haryana Panchayati Raj Election Expenditure (Maintenance & Submission of Accounts) Order, 1996.
- iii) Any other record prescribed by the State Election Commission from time to time.

E Other important instructions regarding records

If any candidate applies for the return of any vouchers filed with the account of election expenses, the vouchers may be returned to him after keeping a certified copy in the record provided there is no election petition/enquiry is pending in respect of election in which the question of the applicant's election expenses is at issue/or for any other reason.

F Constitution of a Committee

For destruction of records, a Committee of at least three Group-A officers shall be constituted by the Deputy Commissioner-cum-District Election Officer (P) concerned and the same shall work under his overall control and supervision. The terms and reference of the Committee shall be as under:-

- i) The Committee shall identify the records which are to be destroyed, to be kept as permanent record and record to be kept for destruction in future and prepare lists of all such records and submit the same, duly signed by all members of the Committee for approval of the Deputy Commissioner-cum-District Election Officer (Panchayat).
- ii) After taking action as per (i) above, the Committee shall take steps to destroy the records identified for destruction and dispose the destroyed material as per the instructions contained in this letter.

G **Instructions regarding destruction and disposal of Election Records**

- i) The records for destruction shall be shredded and shredding operation must be completed within the premises where the election records are kept under safe custody.
- ii) The entire shredding process should be conducted in the presence of a Committee referred to sub-para **F** above at the place of storage and not at any private premises.
- iii) After completion of the shredding process, the Committee should certify that the entire process of shredding papers has been completed in their presence and no un-shredded paper has come out of the premises/campus. It should be strictly ensured that under no circumstances any un-shredded paper leaves the premises/campus where these papers are kept in safe custody.
- iv) The disposable election material shall be sold on the highest rate after inviting quotations from the market.
- v) A list (mentioning therein the type of material, weight, rate quoted by the bidders, selling rates etc.) of the material to be shredded and sold shall be maintained and a copy of the same duly signed by all the Committee Members be submitted to the concerned Branch of Deputy Commissioner-cum-District Election Officer (P) and State Election Commission, Haryana for information and record.
- vi) It shall be ensured that the successful bidder lifts the waste papers at his own cost on “as is where is basis”.
- vii) It shall also be ensured that the successful bidder has made the payment of all the material in advance. It shall further be ensured that the payment received in this respect has immediately been deposited in the Receipt Head of this Commission i.e. “0070-Other Administrative Services-02-Election-800 Other Receipts-(98)-Other Receipts of State Election Commission” and a photocopy of the Challan be sent to this Commission.
- viii) If any bidder wants to inspect the material before the submission of rates, he may be allowed to do so at the place where the material is kept.

H The entire process of shredding and disposal of records shall be carried out and completed within a period of four months from the date of issue of this letter.

I Submission of Rpeort

- i) After the completion of all the process, the Committee shall submit a report containing all the relevant papers and files to the Deputy Commissioner-cum-District Election Officer (Panchayat) for record.
- ii) Deputy Commissioner-cum-District Election Officer (Panchayat) shall submit an action taken report on the foregoing instructions to the State Election Commission, Haryana.

3. I am, therefore, directed to request you to kindly constitute within a week, a committee of three Group -A officers of your district for identification of record for destruction, shredding and disposal of the shredded material pertaining to Elections, referred to in para 2 above. It is further requested that the steps taken in this respect, either by the Committee or your office from time to time, be intimated to this Commission.

Yours faithfully

Sd/-

(S.C. Mehta)

Secretary

State Election Commission, Haryana

Annexure – “A”

List of Papers for Destruction

1. Form of Notice (Form 2 & 3)
2. Notice of nominations (Rule 29)
3. List of validly nominated candidates under Rule 30
4. Form of Notice of Withdrawal (Form 5)
5. Notice of withdrawal of candidatures (Rule 31)
6. List of contesting candidates (Form 6,7, 8 & 9)
7. Appointment of election agents (Form 10)
8. List of tendered votes (Form 12)
9. Appointment of polling and counting agents (Form 22 & 23)
10. Office copies of Form 23
11. Revocation of appointment of election agents, polling agents and counting agents (Rule 35(2), 35(A) and 35(D))
12. Used electoral roll at a polling station other than the marked copy (Rule 43)
13. Record kept by the Presiding Officers regarding voting by blind and infirm electors (Rule 51)
14. Packet containing cancelled ballot papers (Rule 52)
15. Notes and records maintained by the Presiding Officers, the declarations made by the polling agents and any other paper directed by the Returning Officer to be kept in a sealed packet.
16. Applications for the recount of votes (Rule 69)
17. Unused postal ballot papers with counterfoils except Panches/Sarpanches
18. Notice of counting votes – time, place and date etc.
19. Notice of inspection of accounts of election expenses
20. Correspondence between the Returning Officers, the candidates and the election of counting agents.
21. Application for allotment of symbols
22. Damaged paper seals and unused paper seals including those received back from the Presiding Officers by the Returning Officers.
23. General reports, dairies and memo, notebooks from the Presiding Officers
24. Notices under clause (a) and (b) of sub-rule (1) of Rule 43.
25. Packets containing objections by the candidates and agents etc. in the course of poll and counting of votes.
26. Sealed packet containing the proceedings drawn by the Returning Officer after counting of votes.
27. Sealed packets containing check memos for counting of votes.
28. Certified extract of electoral rolls filed along with the nomination papers.
29. Forms of account of ballot papers.
30. Paper seal account.
31. Publicity material such as wall posters, handbills and open statements issued by the candidates at election.
32. Declaration under Rule 40(1).
33. Used voters Slips
34. Used address tags for Control Unit.
35. Used address tags for Ballot Unit.
36. Used Strip Seals for EVMs
37. Used Paper Seals for EVMs
38. Used and spoiled paper seals.
39. Cover for unused and damaged special tag.
40. Cover for unused and damaged strip seal.