



STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR- 17
PANCHKULA, HARYANA – 134109

Website : www.secharyana.gov.in
Email id : supdtpanda.sec@hry.nic.in

Phone: +91 172 258 4810
Fax: +91 172 258 5904

No. SEC/4E-II/2020/ 39

Dated: 11/01/2021

To

All Deputy Commissioners-cum-
District Election Officers in the State.

Subject:- Panchayat elections—right to Poll—reg.

Sir,

I am directed to refer to the subject cited above and to say that it has brought to the notice of this Commission that the officials/officers deployed on Panchayat election duties remained unable to exercise their vote on the day of polling.

2. In this regard your attention is invited towards rule 53A of the Haryana Panchayati Raj Election Rules, 1994 which provides that:

53A. Application of rule 69N of the Haryana Municipal Elections Rules, 1978.-- The provisions of rule 69N of the Haryana Municipal Election Rules, 1978, for voting by officers on election duty shall mutatis mutandis apply to the provisions of these rules:

Provided that Form No. 24, 25, 26, 27, 28, 29 and 30 shall be equivalent to Form No. 10, 11, 13, 14, 15, 16 and 17 respectively as mentioned in rule 69 of the Haryana Municipal Elections Rules, 1978, used for the purpose of voting by officers on election duty.

Rule 69 N of the Haryana Municipal Elections Rules, 1978 provides as under:

69N. Voting by officers on election duty.- (1) An elector who has been put on election duty as a Presiding Officer, a Polling Officer or in any other capacity in a polling station of a ward other than the one in which he is entitled to vote, and wishes to vote in the polling station in which he is on election duty, he shall send an application in Form 11 to the Returning Officer to allow him to vote at the polling station at which he is on duty, atleast seven days before the days fixed for poll, and if the Returning Officer is satisfied that the applicant is a public servant and voter on election duty, he shall-

- issue to the applicant an Election Duty Certificate in Form-13;
- mark Election Duty Certificate against his name in the marked copy of the electoral roll to indicate that an Election Duty Certificate has been issued to him; and
- ensure that he is not allowed to vote at the polling station where he shall otherwise have been entitled to vote.

(2) On production of such certificate, the Presiding Officer shall- (a) obtain thereon, the signature of the person producing it;

- have the person's name and electoral roll number and part number, alongwith name of polling station as mentioned in the certificate, entered at the end of the marked copy of the electoral roll; and

- permit him to cast his vote in the same manner as for a voter entitled to vote at that polling station.

(3) After recording the vote under sub-rule (2), the certificate referred to in sub-rule (1) shall be placed in an envelope and sealed by the Presiding Officer.

(4) An elector who has been put on election duty as a Presiding Officer, a Polling Officer or in any other capacity in a ward other than the one of which he is voter, who wishes to vote by post at an election, shall send an application in Form 10 to the Returning Officer of the Constituency (Ward) in which he is enrolled for supply of postal ballot paper at least seven days before the days fixed for poll, and if the Returning Officer is satisfied that the applicant is on election duty in a ward other than of which he is a voter, he shall issue a postal ballot paper of such ward to him by post, under postal certificate, together with-

- (a) a declaration in Form 14;
- (b) a cover in Form 15;
- (c) a larger cover in Form 16; and
- (d) instructions for the voter in Form 17. Provided that the Returning Officer shall at the same time-
 - (a) record on the counterfoil of the postal ballot paper the electoral roll number of the voter entered in the marked copy of the electoral roll;
 - (b) mark the name of voter in the marked copy of electoral roll to indicate that a postal ballot paper has been issued to him, without however recording therein the serial number of postal ballot paper issued to that voter; and
 - (c) ensure that voter is not allowed to vote at a polling station. Provided further that every postal ballot paper shall have a counterfoil attached thereto, and the postal ballot paper and the counterfoil shall be of such design as the State Election Commission may direct:

Provided further that the Returning Officer may, in the case of an elector on election duty who is entitled to vote by post, deliver the ballot papers and forms or cause them to be delivered to such elector personally.

- (5) The Returning Officer shall seal up in a separate packet the counterfoils of the postal ballot papers issued to voters.
- (6) (a) The voter referred to in sub-rule (4) shall record his vote on the postal ballot paper in accordance with the directions contained in Form 17 and then enclose it in the cover in Form 15.
- (b) The voter shall sign the declaration in Form 14 in the presence of, and have the signature attested by any Gazetted Officer or by the Presiding Officer of the polling station at which he is on election duty.
- (c) After the voter has recorded his vote and made a declaration in Form 14, he shall return the postal ballot paper and declaration to the Returning Officer in accordance with the directions contained in Form 17 so as to reach the Returning Officer before the time fixed for the commencement of counting of votes.
- (7) In relation of voting by postal ballot paper referred to in sub-rule (4) such procedure, subject to provisions of this rule, shall be adopted as may be specified by the State Election Commission.

3. In addition to above, it is also brought to your kind notice that form No.24 to 30 has already been prescribed in the Haryana Panchayati Raj Election Rules, 1994. You are requested that these provisions may be brought into the notice of all officials deployed on election duty.

Yours faithfully,

[Handwritten Signature]
Superintendent

State Election Commission, Haryana



(4) If any ballot paper, which has been issued to a voter has not been inserted by him into any ballot box, but is found anywhere in or near the polling station, whether within or outside the voting compartment it shall be deemed to have been returned to the Presiding Officer under sub-rule (2) and dealt with accordingly.

(5) If any ballot paper, which has been issued to a voter, has not been inserted by him into the relevant ballot box of the post concerned, to which he wants to cast the vote and instead inserted into the ballot box meant for other post(s), shall be deemed to be rejected.

53 Tendered votes—(1) If a person representing himself to be a particular voter named in the voters list 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 (referred to hereinafter 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 by the Returning Officer.

(3) The name of the village, the number of the ward, the name of the voter, his serial number in the voters list and the number of the polling station to which the voters list relates shall be entered in a list in Form 12 which shall bear the heading "Tendered votes list". 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 12 shall be prepared separately concerning the election of Panch, Sarpanch and member of Panchayat Samiti and member of Zila Parishad.

53A. Application of rule 69N of the Haryana Municipal Elections Rules, 1978.-- The provisions of rule 69N of the Haryana Municipal Election Rules, 1978, for voting by officers on election duty shall mutatis mutandis apply to the provisions of these rules:

Provided that Form No. 24, 25, 26, 27, 28, 29 and 30 shall be equivalent to Form No. 10, 11, 13, 14, 15, 16 and 17 respectively as mentioned in rule 69 of the Haryana Municipal Elections Rules, 1978, used for the purpose of voting by officers on election duty.

54 Closing of Poll—(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under clause (d) of Rule 24 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.

55 Sealing of ballot boxes after poll—(1) As soon as practicable after the closing of poll, the Presiding Officer shall, in the presence of any candidates or their [polling agents] (substituted by Leg Sup. Part III dated 04.11.94), close the slit of the ballot box and where

69N. Voting by officers on election duty.- (1) An elector who has been put on election duty as a Presiding Officer, a Polling Officer or in any other capacity in a polling station of a ward other than the one in which he is entitled to vote, and wishes to vote in the polling station in which he is on election duty, he shall send an application in Form 11 to the Returning Officer to allow him to vote at the polling station at which he is on duty, atleast seven days before the days fixed for poll, and if the Returning Officer is satisfied that the applicant is a public servant and voter on election duty, he shall-

(a) issue to the applicant an Election Duty Certificate in Form-13;

(b) mark Election Duty Certificate 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 shall otherwise have been entitled to vote.

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

(a) obtain thereon, the signature of the person producing it;

(b) have the person's name and electoral roll number and part number, alongwith name of polling station as mentioned in the certificate, entered at the end of the marked copy of the electoral roll; and

(c) permit him to cast his vote in the same manner as for a voter entitled to vote at that polling station.

(3) After recording the vote under sub-rule (2), the certificate referred to in sub-rule (1) shall be placed in an envelope and sealed by the Presiding Officer.

(4) An elector who has been put on election duty as a Presiding Officer, a Polling Officer or in any other capacity in a ward other than the one of which he is voter, who wishes to vote by post at an election, shall send an application in Form 10 to the Returning Officer of the Constituency (Ward) in which he is enrolled for supply of postal ballot paper at least seven days before the days fixed for poll, and if the Returning Officer is satisfied that the applicant is on election duty in a ward other than of which he is a voter, he shall issue a postal ballot paper of such ward to him by post, under postal certificate, together with-

(a) a declaration in Form 14;

(b) a cover in Form 15;

(c) a larger cover in Form 16; and

(d) instructions for the voter in Form 17.

Provided that the Returning Officer shall at the same time-

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

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

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

Provided further that every postal ballot paper shall have a counterfoil attached thereto, and the postal ballot paper and the counterfoil shall be of such design as the State Election Commission may direct:

Provided further that the Returning Officer may, in the case of an elector on election duty who is entitled to vote by post, deliver the ballot papers and forms or cause them to be delivered to such elector personally.

(5) The Returning Officer shall seal up in a separate packet the counterfoils of the postal ballot papers issued to voters.

(6) (a) The voter referred to in sub-rule (4) shall record his vote on the postal ballot paper in accordance with the directions contained in Form 17 and then enclose it in the cover in Form 15.

(b) The voter shall sign the declaration in Form 14 in the presence of, and have the signature attested by any Gazetted Officer or by the Presiding Officer of the polling station at which he is on election duty.

(c) After the voter has recorded his vote and made a declaration in Form 14, he shall return the postal ballot paper and declaration to the Returning Officer in accordance with the directions contained in Form 17 so as to reach the Returning Officer before the time fixed for the commencement of counting of votes.

(7) In relation of voting by postal ballot paper referred to in sub-rule (4) such procedure, subject to provisions of this rule, shall be adopted as may be specified by the State Election Commission.

690. Sealing of voting machine after close of poll.- (1) As soon as practicable, after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

(2) The control unit and the balloting unit shall thereafter be sealed and secured separately in such manner as the State Election Commission may direct and the seal used for securing them shall be so fixed that it shall not be possible to open the units without breaking the seals.

(3) The polling agents or election agents or candidates present at the polling station, who desire to affix their seals, shall also be permitted to do so.