

**STATE ELECTION COMMISSION, HARYANA
S.C.O. 16-17, SECTOR-20D, DAKSHIN MARG,
CHANDIGARH.**

NOTIFICATION

Dated 4th December, 2008

No. SEC/IME/2008/17651-Whereas, consequent upon the death of Sh.Pawan Kumar, member Ward No.8, Municipal Committee, Kalka, District Panchkula on 01.06.2008, Sh.Nand Lal Chawla, Member, Ward No.13, Municipal Council, Bhiwani on 23.06.2008, Sh.Narinder Kumar, Member Ward No.16 of Municipal Council, Palwal, District Palwal on 16.06.2008 and Sh.Kuldeep Singh, Member, Ward No.2, Municipal Committee, Assandh in District Karnal, on 30.6.2008, vacancies in Ward No.8 of Municipal Committee, Kalka, District Panchkula Ward No.13 of Municipal Council, Bhiwani, District Bhiwani, Ward No.16, Municipal Council, Palwal, District Palwal and Ward No.2 of Municipal Committee, Assandh, District Karnal have occurred. A vacancy in Ward No. 15 of Municipal Committee, Ratia in District Fatehabad has remained vacant because no nomination was filed during the bye election held on 25.5.2008. The Hon'ble Court of Sukrm Pal, Civil Judge (Sr.Division), Rewari vide its order dated 9.8.2008 has set aside the election of Smt. Hero Devi, Member, Ward No. 3, Municipal Council, Rewari, therefore, vacancy in ward No. 3 of Municipal Council, Rewari has also occurred. A vacancy in ward No. 20 of Municipal Council, Rewari has also occurred due to removal of Sh. Vijay Rao from the post of President as well as a member of Municipal Council, Rewari under the provision of Section 22 and 14 of the Haryana Municipal Act, 1973 by the state Government(Urban Local Body Department) vide its notification dated 03.12.2008.

And, whereas, Section 15 of the Haryana Municipal Act, 1973 read with rule 67 of the Haryana Municipal Election Rules, 1978 provides that election to fill a vacancy occurring by the death, resignation or removal or any other reason, of any member, the vacancy shall be filled up within six months of the occurrence of such vacancy in accordance with the provisions of the Act and the Rules.

Now, therefore, in exercise of powers vested under clause (1) of Article 243ZA of the Constitution of India, Section 3A of the Haryana Municipal Act, 1973 and Rule 19(1) of the Haryana Municipal Elections Rules, 1978 and all other powers enabling me in this behalf, I, Chander Singh, State Election Commissioner, Haryana, hereby prescribe the following election programme for the conduct of bye-elections to Ward No.8 of Municipal Committee, Kalka, District Panchkula Ward No.13 of Municipal Council, Bhiwani, District Bhiwani, Ward No.16, Municipal Council, Palwal, District Palwal, Ward No. 2 of Municipal Committee, Assandh, District Karnal, Ward

No.15, Municipal Committee, Ratia, District Fatehabad and ward No. 3 and 20 of Municipal Council, Rewari in District Rewari:-

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| (1) Date on which notice shall be published by the Returning Officer for inviting nominations under rule 19. | 05/12/2008 (Friday) |
| (2) Dates on which Nomination papers shall be presented under Rule 19(2) (i). | 12/12/2008 (Friday)
to
17/12/2008 (Wednesday)
11.00 A.M. to 03.00 P.M. |
| (3) Dates on which the list of nomination papers received shall be posted under Rule 19(2)(ii). | 12/12/2008 (Friday)
to
17/12/2008 (Wednesday) |
| (4) Date by which information shall be furnished by the candidate in the format prescribed, to the concerned Returning Officer that he is not suffering from any disqualification. | 18/12/2008 (Thursday)
Before 10.00 A.M. |
| (5) Date on which the nomination papers shall be scrutinized under Rule 19 (2) (iii). | 18/12/2008 (Thursday) |
| (6) Last date for withdrawal of candidature by a candidate under Rule 19(2)(vi). | 19/12/2008 (Friday)
between(11.00 AM and 03.00 PM) |
| (7) Date on which symbols shall be allotted to the contesting candidates. | 19/12/2008 (Friday)
after 3.00 PM |
| (8) Date on which the list of contesting candidates shall be posted under Rule 19(2)(vii). | 19/12/2008 (Friday) |
| (9) Date on which list of polling stations shall be posted under Rule 19(2)(viii). | 19/12/2008 (Friday) |
| (10) Date on which the Poll, if any, shall be held under Rule 19(2)(ix). | 30/12/2008 (Tuesday) |
| (11) Timing of the Poll. | Between 8.00 AM and 04.00 PM |
| (12) Date, Time and place on which the votes polled shall be counted. | Immediately after the polling is closed, at the polling station itself on the same day. |
| (13) Date on which the election Result would be declared. | Immediately, after the account of votes recorded, received from the Presiding Officers of the Polling Stations of the constituency (Ward) in Form 18 is consolidated by the Returning Officer. |

2. It is also made clear that 13.12.2008 (Saturday) is not a Public Holiday under Section 25 of the Negotiable Instrument Act, 1881, therefore, the nomination papers shall be received by the Returning Officer on this date also.

3. The Returning Officer shall publish the above election programme on 5.12.2008 by notices posted at their office, at the office of the concerned Deputy

Commissioner, at the offices of the concerned Municipal Committee/Council and at such other conspicuous places in the Municipal area of the Municipal Committee/Council in which the election would be held as may be determined by them in this behalf under Rule 20 of the Haryana Municipal Elections Rules, 1978.

4. The State Election Commission further directs that while supplying the nomination papers to the intending candidates, the concerned Returning Officer shall inform them in the manner prescribed in **Annexure-I** attached herewith that they should file an affidavit in **Annexure-II** attached herewith alongwith the required information under Section 8 of the Representation of the People Act, 1951 and Section 13A(1) of the Haryana Municipal Act, 1973 in the proforma enclosed with Annexure-II and also another affidavit in **Annexure-III** for disclosure of information about the convictions and acquittals/ discharged of criminal offences, pending criminal cases and details of assets & liabilities and educational qualification as required under the Commission's order No. SEC/E-III/2003/8831, dated 6.10.2003. The Returning Officer shall give copies of the **Annexure II and III** referred to above, to the intending candidates alongwith a copy of nomination papers (i.e. Form-1) so that the candidate may file these affidavits alongwith the nomination papers to be submitted to the Returning Officer.

5. The State Election Commission further directs that on receipt of the nomination papers, if a candidate does not file any of the two affidavits in **Annexure-II** or **Annexure-III** or both these affidavits, then the concerned Returning Officer shall issue a notice as in **Annexure-IV** to the person delivering the nomination paper that the candidate should file the affidavit(s) immediately and positively before 10.00 A.M. of the date of scrutiny of nominations failing which the nomination papers of the candidate shall be rejected.

6. The State Election Commission further directs that on receiving the nomination papers under sub-rule (1) of Rule 20 of the Haryana Municipal Elections Rules, 1978, the Returning Officer shall inform the person or persons delivering the same, in the format as in **Annexure-V** annexed to this notification, the date, time and place fixed for the scrutiny of the nomination papers and shall enter on the nomination paper its serial number and sign thereon a certificate stating the date on which and the hours at which the nomination papers have been delivered to him and shall as soon as may be thereafter cause to be affixed in some conspicuous places in their offices, the notices of the nominations containing description similar to those contained in the nomination papers, both of the candidates and proposer.

7. The State Election Commission also directs that the information furnished by each candidate in the Affidavit in Annexure-II and III of the Commission's instructions No. SEC/ME/2003/9268-86 dated 15/10/2003 shall be disseminated by the concerned Returning Officer by displaying a copy of the affidavit on the notice board of his office and also by making copies thereof available to all the other candidates on demand and to the representatives of the Print and Electronic media. If any rival candidate furnishes information to the contrary, by means of duly sworn

affidavit, then such affidavit of the rival candidate shall also be disseminated alongwith the affidavit of the candidate concerned in the manner said above.

8. The State Election Commission further directs that immediately after the expiry of the period within which candidatures may be withdrawn under Rule 28 of the Haryana Municipal Elections Rules, 1978, the concerned Returning Officer shall prepare in Hindi the lists of contesting candidates, that is to say, lists of candidates who have been included in the lists of validly nominated candidates, and those who have not withdrawn their candidatures within the prescribed period. The lists shall be caused to be posted at the some conspicuous place, in the office of the Returning Officer or at the Municipal Committee office.

9. The State Election Commission further directs that the concerned Returning Officer or the Assistant Returning Officer as the case may be, shall at every stage prepare the notices of the nominations containing descriptions similar to those contained in the nomination papers both of the candidates and the proposers, the lists of candidates whose nomination papers have been rejected, the list of validly nominated candidates, the notices of withdrawal of candidatures and the lists of contesting candidates and affix the same at some conspicuous places, at the notice board of their offices and at the office of the Municipal Committees/Council and shall submit one copy thereof to the State Election Commission directly at every stage and one copy through the concerned Deputy Commissioner.

10. The State Election Commission further directs that the counting of votes polled at the elections to the seat of Member of Municipal Committees/Council shall be taken up at the respective polling stations on the date of poll immediately after the close of the poll. The details (account) of the ballot papers polled at each polling station shall be prepared in Part-II of Form 18 by the Presiding Officer and forwarded to the Returning Officer for consolidation of accounted ballot papers on Form 8 mentioning therein the total number of valid votes polled in favour of each candidate on each polling station and declare the candidate who is found to have been obtained largest number of votes elected as Member from the ward.

11. The State Election Commission further directs that after the declaration of result of elections under Rule 62, the Returning Officers shall forthwith post a copy of return (i.e. Form 8 - Consolidation of account of the counted ballot papers) in a conspicuous place at his office and send with a copy thereof to the concerned Deputy Commissioner, who shall immediately forward the names of the candidates elected to the State Election Commissioner, Haryana for notifying the same in official gazette. The Deputy Commissioners shall ensure that the names and other particulars of the elected candidate should be the same as are recorded in the nomination paper.

CHANDER SINGH
State Election Commissioner,
Haryana.

Endst.No.SEC/1ME/2008/17652-59

Dated 04.12.2008

A copy is forwarded to the following for information and immediate compliance of above orders :-

1. The Financial Commissioner & Principal Secretary to Govt. Haryana, Urban Local Bodies Department, Chandigarh.
2. The Deputy Commissioners, Panchkula, Bhiwani, Palwal, Karnal, Fatehabad and Rewari.
3. Director, Urban Local Bodies, Haryana, Chandigarh .

(Parmal Singh)
Superintendent
For State Election Commissioner,
Haryana

Endst.No.SEC/1ME/2008/17660

Dated :- 4.12.2008

A copy is forwarded to the Controller, Printing & Stationery Department Haryana for publication in the Haryana Government Gazette(Extra –Ordinary) dated 04.12.2008.

(Parmal Singh)
Superintendent
for State Election Commissioner,
Haryana