

**STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17,
PANCHKULA**

No.SEC/1ME/2018/4445-66

Dated: 25.07.2018

To

All the Deputy Commissioners
in the state of Haryana

Subject:- Instruction regarding elections to the offices of President and Vice President of Municipalities (Councils or Committees).

Sir/Madam,

I am directed to refer to the subject cited above and to inform you that the provisions w.r.t. the conduct of the elections of the seats/offices of President and Vice President of Municipal Councils and Committees are available under section 18 of the Haryana Municipal Act, 1973 and rule 70, 71 and 72 of the Haryana Municipal Election Rules, 1978. The Government vide Notification No. 4/2/2014-R-II/1973 dated 25th April, 2016 has made some amendments in rule 71(1) of the rules, which provides as under:-

“ If only one candidate each for the offices of the President or vice-President is proposed, such candidate shall be declared to have been duly elected. If the number of proposed candidates is more than one for each office, the voting shall be by ballot paper or electronic voting machine. The members present shall be required to vote by ballot paper by marking with arrow cross mark rubber stamp or by electronic voting machine, **as may be directed by the State Election Commission**. The candidate getting the maximum number of votes shall be declared to have been elected. Special ballot paper shall be used for such voting and it shall bear an official mark to be placed thereon by the Deputy Commissioner.”

2. The Commission had issued instructions for the conduct of election of these seats/offices vide letter No.SEC/1ME/2003/3728, dated 17/04/2003 [sub para (ix) of para 2 further amended vide No.SEC/1ME/2003/5900-18, dated 20/06/2003]. But, these instructions are limited upto the conduct of the elections by ballot paper only, whereas, as per the amendment made by the Government vide Notification No. 4/2/2014-R-II/1973 dated 25.04.2016, the voting for the presidential (President and Vice President) elections of municipalities shall be by ballot paper or electronic voting machine. The members present shall be required to vote either by ballot paper (by marking with arrow cross mark rubber stamp) or by electronic voting machine.

3. Rule 71 (1) also provides that the method of voting (voting by Ballot Paper or Voting Machine) for these elections shall be the same, as is directed by the State Election Commission. The Commission has therefore decided that the elections of the office/seat of President and Vice President of the Municipal Councils and Municipal Committees shall in future be conducted through Electronic Voting Machines (EVMs) instead of Ballot Papers. The earlier forms/instructions issued vide No. SEC/1ME/2003/3728, dated 17/04/2003 [sub para (ix) of para 2 further amended

vide No.SEC/1ME/2003/5900-18, dated 20/06/2003] are thus hereby modified as under:-

FORM OF NOMINATION PAPER FOR ELECTION FOR THE OFFICE OF PRESIDENT/ VICE PRESIDENT OF MUNICIPAL COUNCIL/COMMITTEE

Name of Municipal Council/Committee _____

Name in full of candidate _____

Father's name/Husband's name _____

Full address _____

Name in full of proposer _____

Signature of the proposer _____

Name in full of Secunder _____

Signature of the Secunder _____

DECLARATION OF CANDIDATE

I hereby declare that I agree to the nomination and I am willing to serve as President/Vice President of Municipal Council/Committee_____.

Place_____

Date_____

Signature of candidate

DECLARATION BY A CANDIDATE WHO IS A MEMBER OF ANY SCHEDULED CASTE/BACKWARD CLASS

I do hereby declare that I am a member of the _____caste which has been declared to the Scheduled Caste in the State of Haryana.

Date_____

Signature of candidate

(To be filed in by the Deputy Commissioner or any gazetted officer appointed by him in this behalf)

CERTIFICATE OF DELIVERY

Sr.No_____

This nomination paper was delivered to me at my office at_____ (date and hour)_____.

Date_____

**Signature of the
Deputy Commissioner or any gazetted officer
appointed by him in this behalf**

CERTIFICATE OF SCRUTINY

I have scrutinized the eligibility of the candidate and find that he/she is qualified to stand for election, and I, therefore, accept the nomination_____

I have scrutinized this nomination and reject it for the following reasons:

Date_____

**Signature of the
Deputy Commissioner or any gazetted officer
appointed by him in this behalf**

4. Nomination and scrutiny thereof

(a) Every candidate for election to the office of President and Vice President of Municipal Council/Committee, as the case may be, shall be nominated in the Form prescribed above and signed by two of the elected Members of the Municipal Council/Committee; 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 Deputy Commissioner or the officer appointed by him under Rule 70 (1) of the Haryana Municipal Election Rules, 1978 within the time prescribed by him.

(b) The scrutiny of nomination paper shall be taken up by the Deputy Commissioner or the officer appointed by him after the expiry of time allowed by him for delivery of nomination papers in the presence of Members present in the meeting. An objection to any nomination shall be recorded by the Deputy Commissioner or the Officer appointed by him, 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.

5. Steps to be taken by the Deputy Commissioner or the officer appointed by him

(a) The Deputy Commissioner or the Officer appointed by him shall read out in the meeting,-

- (i) the names of the candidates whose nomination papers have been declared invalid and the reasons thereof; and
- (ii) the names of the candidate duly nominated.

- (b) If there is only one candidate for election,-
- (i) he shall be declared to have been duly elected; and
 - (ii) If no nomination has been filed for any seat or if no candidate has been duly nominated for any seat or if all nominated candidates withdraw their nomination papers, a report of this fact shall be sent by the Deputy Commissioner to the State Govt. as well as to the State Election Commission for further course of action for filing the seat according to the provisions of the Act and rules thereof.
- (c) If number of candidates is more than one, the election shall be held by secret ballot.
- (d) The Deputy Commissioner or the Officer appointed by him shall assign serial number to each candidate with reference to their names written alphabetically in Hindi in Devnagri script and then announce to the Members serial number assigned to each candidate.
- (e) The Deputy Commissioner or the Officer appointed by him shall cause the ballot paper to be prepared with counterfoil for use in the Balloting Unit of EVM in the following form:-

ELECTION FOR THE OFFICE OF PRESIDENT/ VICE PRESIDENT OF MUNICIPAL COUNCIL/COMMITTEE _____	1. (Name of the contesting candidates in alphabetic order according to Hindi devnagri script)
	2.
	3.
	4.

6. Elections through EVM

- (a) The Deputy Commissioner or the Officer appointed by him shall prepare the ballot paper in alphabetic order according to Hindi devnagri script and then announce to the Members serial number assigned to each candidate. The members shall have to press the button in front of the name of their choice

candidate to cast their vote. The Deputy Commissioner or the Officer appointed by him shall have to play the role of Returning Officer as well as Presiding Officer during these elections and shall have to prepare the EVM for voting as per the procedure given under Chapter VII & VIII of the "HAND BOOK FOR RETURNING OFFICERS. The voting and counting procedure in case of voting through EVMs shall be the same as prescribed in Part III-A of the Haryana Municipal Election Rules, 1978.

(b). Immediately after the voting is over, the Deputy Commissioner or the Officer appointed by him shall in the presence of the members present, open the seal of the Balloting Unit and press the result Button. At the result, the total number of votes recorded for each candidate shall be displayed automatically sequentially candidate wise in the display panel of the control unit. If required, press the result button again to enable the candidates to note down the result.

(c). The Deputy Commissioner or the Officer appointed by him shall record the number of votes secured by each candidate on a plain paper in front of their name and shall declare the candidate winner, who scores the highest votes in his/her favour. The paper which contains with the record of votes shall be duly attested by the Deputy Commissioner or the Officer appointed by him.

(d). In case of equality of votes, the election shall be decided by draw of lots by the Deputy Commissioner or the Officer appointed by him. The manner of draw of lots shall be as under:-

- (i) The Deputy Commissioner or the Officer appointed by him shall in the presence of candidates or their supporters, make separate-separate slips of the names of the candidates who have scored equal number of votes.
- (ii) He shall then fold the slips in a manner, so that nobody can identify them.
- (iii) He shall then put these slips into an un-transparent empty bag or box duly covered from the sides, after showing it to the contesting candidates or their supporters and mix them well inside.
- (iv) He shall then ask any person present there to pick up any one of the slip from the empty bag or box.
- (v) The candidate whose names slip is picked up by a person shall be declared elected.

7. Measures to be taken by the Deputy Commissioner or the Officer appointed by him

(a). The Deputy Commissioner or the Officer appointed by him shall keep order in the meeting and see that the election is fairly conducted.

(b) Immediately after the conclusion of the meeting, the Deputy Commissioner or the Officer appointed by him shall 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 publish on the notice board of the Municipal Council/Committee.

(c) The Deputy Commissioner or the Officer appointed by him shall make up into separate packets the record of the votes and other papers relating to the election and note thereon a description of its contents to which 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.

(d) The packets shall remain in safe custody of the Deputy Commissioner for one year and shall thereafter be destroyed unless otherwise directed by a competent court or pending legal proceedings or enquiry.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Parmal Singh', written in black ink.

(Parmal Singh)

Asstt. State Election Commissioner, Haryana