



## State Election Commission, Haryana

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No. SEC/4ME/2021/ 207 - 2038

Dated:- 22/07/2021

To

All the Deputy Commissioners  
In the State of Haryana.

**Subject:- Disposal of Municipal Election Records pertaining to General and Bye Elections of Municipalities conducted till date .**

Sir/madam,

I have been directed to refer to the above subject and to invite your kind attention towards sub rule (a), (c) and (c) of Rule 69 Y of the Haryana Municipal Election Rules, 1978 and sub rule (a), (c) and (d) of Rule 70Y of the Haryana Municipal Corporation Election Rules, 1994 , which provides as under:-

**Disposal of election papers**—Subject to any directions to the contrary given by the State Election Commission or by a competent court :-

- (a) 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.
- (c) Packets other than those as referred to sub rule(1) of the rule 69X of Municipal Election Rules, 1978 and sub rule(1) of rule 70X of the Haryana Municipal Corporation Election Rules, 1994 shall be retained for period of one year and shall thereafter be destroyed. Provided that the packets containing the counterfoils of used postal ballot papers shall not be destroyed except with the previous approval of the State Election Commission.
- (d) All other papers relating to the election shall be retained for such period as the State Election Commission may direct.



2. In view of the above provisions in the rules, it has been decided to shred and destroy the packets containing election record pertaining to the General and Bye Elections of Municipalities (Corporations, Councils and Committees) conducted till date. 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) 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.
- ii) It must be ensured that no record pertaining to any election of municipalities is destroyed before the expiry of six months of the elections.

**B. The records which can be destroyed**

- i) The packets other than those as referred to in sub rule (1) of Rule 69X of the Haryana Municipal Election Rules, 1978 and sub rule (1) of Rule 70X of the Haryana Municipal Corporation Election Rules, 1994 shall be retained for a period of one year and shall thereafter be destroyed provided that the packets containing the counterfoils of used postal ballot papers shall not be destroyed except with the previous approval of the State Election Commission.
- ii) The undistributed ballot papers kept in the Treasury/Sub-Treasury under the orders of the Deputy Commissioner may also be destroyed.
- iii) The packets of unused postal ballot papers with counterfoils.
- iv) 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 double lock and kept in the Treasury or Sub-Treasury may be destroyed as per procedure.
- v) Papers specified in the enclosed the "Annexure "A" may be destroyed.
- vi) 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 No. 3) 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 for 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 record of the receipt of the Govt. Head 0070 and the grant received from Govt. through election office be destroyed as per rules of the Haryana Govt. for destroy/auction of the record.
- V) The records relating to the account of election expenses of a candidate who has lodged it within the prescribed time and in the manner required by the State Election Commission shall be destroyed at the end of the year from the date the return ought to have been lodged. A list of such candidates shall be prepared and sent to the Commission.
- vi) 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 Municipal Corporation Election Expenditure (maintenance and submission of accounts) and order, 2018 issued vide notification No. SEC/3ME/2018/5536, dated 14.11.2018 and Haryana Municipal Election Expenditure(Maintenance & Submission of Accounts) Order, 2020 issued vide notification No. SEC/3ME/2020/2238, dated 24<sup>th</sup> November, 2020. The record of such candidates shall be destroyed after the expiry of **five years** period from the date of disqualification orders



passed by the State Election Commission, as the case may be. If disqualification has been removed by the State Election Commissioner, the record shall be destroyed at the expiry of one year after such removal.

**D. Record to be kept as permanent record**

The following records shall be kept as permanent record:-

- i) Final results of the elections and the results certificate.
- ii) Office copies of the candidates who have been disqualified or removed by the competent authority under Section 8, and 34B of the Haryana Municipal Corporation Act, 1994 and Rule 23 of the Haryana Municipal Corporation Rules, 1994 and Section 13A and 13 I of the Haryana Municipal Act, 1973 and Rule 21 of the Haryana Municipal Election Rules, 1978
- iii) The voting machines kept in custody of the Deputy Commissioner under rule 69V(2) of the Haryana Municipal Election Rules, 1978 and rule 70V(2) of the Haryana Municipal Corporation Election Rules, 1994 shall be retained intact for the period of three months from the date of declaration of result of elections, as per the condition laid down under State Election Commission's letter No, SEC/1ME/2007/6632-51, dated 02.05.2007.
- iv) 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 no election petition/enquiry is pending in respect of election in which the question of the applicant's election expenses is an issue/or for any other reason.

**F. Constitution of a Committee**

For destruction of records, a Committee comprising of atleast three Group A officers shall be constituted by the Deputy Commissioner 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 record to be kept as permanent record and record to be destroyed in future. The Committee will prepare lists of



all such records and submit the same duly signed by all members of the Committee for approval of the Deputy Commissioner.

- ii) After taking action as per (i) above, the Committee shall take steps to destroy of the records identified for destruction and disposed of the destroyed material as per the instructions contained in this letter.

**G. Instructions regarding destructions and disposal of Election records.**

- i) The record to destroyed 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 the Committee referred to in 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 at the highest rates 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 and State Election Commission, Haryana for information and record.
- vi) It shall be ensured that the successful holder lifts the waste papers at his own cost on "as is where is basis"
- vii) It shall also be ensured that the successful holder 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 Report.**

- 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's for record.
- ii) Deputy Commissioner shall submit an action taken report on the forgoing 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 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.

4. It is also requested to send compliance report to the Commission by 31<sup>st</sup> August, 2021 positively.

Yours Faithfully

  
Asstt. State Election Commissioner  
for State Election Commission, Haryana





## Annexure-“A”

### List of Papers for Destruction

1. Form of Notice (Form 2 & 3)
2. Notice of Nominations (Rule 26)
3. List of Validly nominated candidates (Rule 28)
4. Form of Notice of Withdrawal
5. Notice of Withdrawal of candidatures (Rule -31)
6. List of contesting candidates
7. Appointment of election Agents
8. List of tendered votes.
9. Appointment of polling and counting agents.
10. Office copies of Form No. 2
11. Revocation of appointment of election agents, polling agents and counting agents. (Rule 40,40A, 40B)
12. Used electoral roll at a polling station other than the marked copy
13. Record kept by the Presiding Officers regarding voting by blind and infirm electors.(Rule 54)
14. Packet containing cancelled ballot papers (Rule 55)
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 62)
17. Unused postal ballot papers with counterfoils expect
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. Form 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
33. Used Voter Slips
34. Used address tags for Control Unit
35. Used address tags for Ballot Unit
36. Used Strips 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.