

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

No.SEC/4E-II/2014/1696-1716

Dated: 12.06.2014

To

All the Deputy Commissioners-cum-District
Election Officers (P) in the state.

**Subject: - Chairman/Vice Chairman of Panchayat Samiti and President/Vice
President of Zila Parishad-Elections regarding.**

Sir,

.....

I am directed to refer to the subject cited above and to say that the Hon'ble Punjab and Haryana High Court, Chandigarh in its orders passed in CWP No. 6702 of 2000 and CWP No. 10003 of 2000 on 22nd December, 2000 and 5th April, 2001 respectively, had directed the respondents (including concerned DCs and SEC, Haryana) to hold the elections of the offices of President and the Vice President of concerned Zila Parishads in accordance of law forthwith, to say, not later than one month of the receipt of orders. The copies of these orders were sent to all the Deputy Commissioners-cum-District Election Officers (P) vide Commission's letter No. SEC/2E-III/2001/5844-62 dated 03.05.2001 for meticulously compliance in future for conducting the elections of President/Vice-President of Zila Parishads and Chairman/Vice-Chairman of Panchayat Samitis. The State Election Commission had also issued the instructions pertaining to the procedures to be adopted for the conduct of the elections of President/Vice President of Zila Parishad and copy of the same was also sent to all the Deputy Commissioners-cum-District Election Officers vice Commission's letter No. SEC/3E-II/2011/3480-3500 dated 18.11.2011 for strict compliance in future.

2. As provided under rule 76 and 77 of the Haryana Panchayati Raj Election Rules, 1994, the prescribed authority for the conduct of the elections of Chairman/Vice Chairman of Panchayat Samiti and President/Vice President of Zila Parishad is District Development and Panchayat Officer or any officer authorized by him and Deputy Commissioner-cum-Election Officer (P) or any other officer authorized by him, respectively. Under section 60 and 121 of the Haryana Panchayati Raj Act, 1994, it has been provided that the first meeting for the elections of Chairman/Vice Chairman of Panchayati Samiti and President /Vice President of Zila Parishad, respectively shall be called within four weeks from the date on which the names of members of elected at the election are notified in the official Gazette by this Commission. But, during the previous general election of Panchayati Raj Institutions it was noticed that the elections of the offices of Chairman/Vice Chairman of Panchayati Samiti and President /Vice President of Zila Parishad in some of the districts were not conducted by the prescribed authorities in accordance with the law, resulting in litigation and the names of the

elected persons could not be notified in time. This issue was also brought to the notice of the Chief Secretary to Government, Haryana vide Commission's letter No. SEC/3E-II/2012/2480 dated 18.10.2012 and request was made to take stern disciplinary action against the defaulting officers/officials. The request was also made to issue necessary directions to all the Deputy Commissioners-cum-District Election Officers (P) in the state that the proposal for election of Chairman/Vice Chairman and President/Vice President of Zila Parishad be sent to the Commission for fixing the dates, as provided under section 161 (1) of the Haryana Panchayati Raj Act, 1994.

3. The Government vide it's Memo No.ECA-II-2014/9198-9219 dated 19.2.2014 has stated that as per the provisions contained under section 161 of the Haryana Panchayati Raj Act, 1994, the election of Chairman/Vice Chairman of Panchayat Samiti and President/Vice President of Zila Parishad shall be held on such date, as the State Election Commission in consultation with the Government may appoint in this behalf. Subsequently, the Deputy Commissioners-cum-District Election Officers (Panchayat) have been directed to send the proposal for the elections of Chairman/Vice-Chairman of Panchayat Samiti and President/Vice-President of Zila Parishad to the Commission for fixing the dates, so that election could be conducted strictly on the dates fixed by Commission and the provision given under sub-section (1) of section 161 are complied with meticulously.

4. For the free and fair elections of the Chairman/Vice-Chairman of Panchayat Samiti and President/Vice-President of Zila Parishad, this Commission has also decided that the elections of these posts in future shall be conducted through Electronic Voting Machines (EVMs) instead of Ballot Boxes. The earlier forms/instructions (No.SEC/E-III/2001/5843 dated 03.05.2001) are thus hereby modified as under:-

FORM OF NOMINATION PAPER FOR ELECTION FOR THE OFFICE OF CHAIRMAN/VICE-CHAIRMAN OF PANCHAYAT SAMITI AND PRESIDENT/VICE PRESIDENT OF ZILA PARISHAD.

Name of Panchayat Samiti/ Zila Parishad	-----
Name of candidate	-----
Fathar's /Husband's name	-----
Address	-----
Name of the proposer	-----
Signature of the proposer	_____
Name of seconder	-----
Signature of seconder	_____

DECLARATION OF CANDIDATE

I hereby declare that I agree to the nomination and I am willing to serve.

Place _____

Date _____

Signature of candidate

DECLARATION BY A CANDIDATE WHO IS A MEMBER OF ANY SCHEDULED
CASTE

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

Date: _____

Signature of candidate

(To be filled in by Prescribed Authority)
CERTIFICATE OF DELIVERY

Sr.No. _____

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

Date: _____

Signature of Prescribed Authority

CERTIFICATE OF SCRUTINY

I have scrutinized the eligibility of the candidate and find that he 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 prescribed Authority

5. Nomination and scrutiny thereof

(a). Every candidate for election to the office of Chairman/Vice-Chairman of Panchayat Samiti and President/Vice President of Zila Parishad, as the case may be, shall be nominated in the Form prescribed above and signed by two of the elected Members of the Panchayat Samiti and Zila Parishad concerned; 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 Prescribed Authority within the time prescribed by him.

(b). The scrutiny of nomination paper shall be taken up by the Prescribed Authority after the expiry of time allowed by him for the presentation of nomination paper. An objection to any nomination shall be recorded by the Prescribed Authority, 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.

6. Steps to be taken by the Prescribed Authority

- (a). The Prescribed Authority 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 candidates 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 to the State Election Commission for further course of action for filling the seat according to the provisions of the Act.
- (c). If number of candidates is more than one, the election shall be held by secret ballot.
- (d). The Prescribed Authority 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 Prescribed Authority shall cause the ballot paper to be prepared in the following form:-

Election of Chairman/Vice Panchayat Chairman or President/Vice President of Zila Parishad	1. (Name of the contesting candidates in alphabetic order according to Hindi devnagri script)
	2.
	3.
	4.

7. Elections through EVMs:

(a). The Prescribed Authority 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 prescribed authority 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 IV of "HAND BOOK FOR RETURNING OFFICERS (At Elections where electronic voting machines are used)". The voting and counting procedure in case of voting through EVMs shall be the same as prescribed in "THE HARYANA PANCHAYATI RAJ VOTING AND COUNTING OF VOTES BY ELECTRONIC VOTING MACHINES (EVMs) ORDER, 2008".

(b). Immediately after the voting is over, the Prescribed Authority 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 Prescribed Authority 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 favour. The paper which contains with the record of votes shall be duly attested by the Prescribed Authority.

(d). In case of equality of votes, the election shall be decided by draw of lots by the Prescribed Authority. The manner of draw of lots shall be as under:-

(i) The Prescribed Authority 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.

8. Measures to be taken by the Prescribed Authority:

(a). The Prescribed Authority of the meeting shall keep order in the meeting and see that the election is fairly conducted.

(b). Immediately after the conclusion of the meeting, the Prescribed Authority 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 publishes on the notice board of the concerned Panchayat Samiti or Zila Parishad, as the case may be.

(c). The Prescribed Authority shall make up into separate packet the record of the votes and other papers relating to the election. Seal such packets and note thereon a description of its contents including the name of the post for which the election held 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 concerned District Election Officer (Panchayat) for one year and shall thereafter be destroyed unless otherwise directed by a competent court or pending legal proceedings.

Yours faithfully

Note: The Prescribed Authority referred above shall be the same Authority as given in Rule 76 and 77 of the Haryana Panchayati Raj Election Rules, 1994.

Sd/-
(Parmal Singh),
Asstt. State Election Commissioner, Haryana

Endst. No. SEC/4E-II/2014/1717-1737

Dated: 12.06.2014

A copy of above is forwarded to all the District Development and Panchayat Officers in the state of Haryana for information and strict compliance in future.

Sd/-
(Parmal Singh)
Asstt. State Election Commissioner, Haryana