

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

NOTIFICATION

Dated:- 18th July , 2005

No. SEC/IME/2005/6835 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 frame the following election programme for the conduct of Elections in all the Wards of Municipal Councils Bhiwani and Kaithal :-

- | | |
|--|---|
| (1) Date on which notice shall be published by the Returning Officer for inviting nominations under rule 20. | 20/07/2005 (Wednesday) |
| (2) Dates on which Nomination papers shall be presented under Rule 19(2) (i). | 26/07/2005 (Tuesday)
to
30/07/2005 (Saturday)
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). | 26/07/2005 (Tuesday)
to
30/07/2005 (Saturday) |
| (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. | 01/08/2005 (Monday)
Before 10.00 A.M. |
| (5) Date on which the nomination papers shall be scrutinized under Rule 19 (2) (iii). | 01/08/2005 (Monday) |
| (6) Last date for making application for the revision of order of the authority scrutinizing the nomination papers to the Deputy Commissioner under Rule 19(2)(iv). | 04/08/2005 (Thursday) |
| (7) Last date by which the revision applications filed under Rule 19(2)(iv) shall be decided by the Deputy Commissioner under Rule 19(2)(v). | 05/08/2005 (Friday) |

(8) Last date for withdrawal of candidature by a candidate under Rule 19(2)(vi).	08/08/2005 (Monday) between(11.00 AM and 03.00 PM)
(9) Date on which symbols shall be allotted to the contesting candidates.	08/08/2005(Monday) After 3.00 P.M onwards
(10) Date on which the list of contesting candidates shall be posted under Rule 19(2)(vii).	08/08/2005(Monday)
(11) Date on which list of polling stations shall be posted under Rule 19(2)(viii).	08/08/2005 (Monday)
(12) Date on which the Poll, if any, shall be held under Rule 19(2)(ix).	21/08/2005 (Sunday)
(13) Timing of the Poll.	Between 8.00 AM and 04.00 PM
(14) 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.
(15) Date on which the election Result would be declared.	Immediately after the account of ballot papers received from the Presiding Officers of the Polling Stations of the constituency (Ward) is consolidated by the Returning Officer.

2. The Returning Officers shall publish the above election programme on 20/07/2005 by notices posted at their offices, at the office of the concerned Deputy Commissioners, at the offices of the concerned Municipal Councils and at such other conspicuous places in the Municipal area of the Municipal Councils 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.

3. 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 performa 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 Officers.

4. 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.

5. 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 Officers 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.

6. 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 Officers 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.

7. 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 Officers 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 some conspicuous place, in the office of the Returning Officer or at the Municipal Council office.

8. 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 Councils and shall submit one copy thereof to the State Election Commission directly at every stage and one copy through the concerned Deputy Commissioner.

9. The State Election Commission further directs that the counting of votes polled at the elections to the seat of Member of Municipal Councils 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 on Form 7 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.

10. 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 a copy thereof to the concerned Deputy Commissioners, who shall immediately forward the names of the elected candidates 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.

Dated Chandigarh
The 12th July, 2005

CHANDER SINGH
State Election Commissioner,
Haryana.

Endst.No.SEC/1ME/2005/6836-39

Dated:- 18.07.2005

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

1. The Financial Commissioner & Principle Secretary to Govt. Haryana, Urban Development Department, Chandigarh
2. The Deputy Commissioners, Bhiwani and Kaithal.
3. Director, Urban Development Department, Haryana, Chandigarh .

(Parmal Singh)
Superintendent,
For State Election Commissioner,
Haryana

Endst.No.SEC/1ME/2005/6840

Dated :- 18.07.2005

A copy is forwarded to the Controller, Printing & Stationery Department Haryana for publication in the Haryana Government Gazette(Extra – Ordinary) dated 18.07.2005 positively.

2. He is requested to supply 10 copies Gazette containing the said notification as soon as it is published in the Gazette.

(Parmal Singh)
Superintendent,
For State Election Commissioner,
Haryana

ANNEXURE-I

Memo No. _____

Date _____

From

Returning Officer
For _____

To

(Name of the intending Candidate)

Sub:- Election to _____ from _____ Ward _____

i). You attention is invited to Section 8 of the Representation of the People Act, 1951 and sub-section (1) of Section 13A of the Haryana Municipal Act, 1973, extracts whereof are endorsed for your ready reference.

ii). In order to be satisfied that you are not suffering from disqualification mentioned under the said section 8 of the Representation of the People Act, 1951 and sub-section(1) of Section 13A of the Haryana Municipal Act, 1973, you are hereby required to furnish the information as asked for in the enclosed **Proforma**, which should be supported by an **Affidavit** as **Annexure-II**, duly sworn before a First Class Magistrate or a Notary Public or a Commissioner of Oath appointed by the High Court or before the Sub-Divisional Officer (Civil)/Tehsildar/Naib Tehsildar (conferred with the power of Executive Magistrate) having jurisdiction to the area. This **Affidavit** in **Annexure-II** and the information in the **Proforma** attached thereto **should be filed alongwith nomination paper.**

2. Your attention is also invited to the order No.SEC/E-III/2003/8831, dated 06.10.2003 of the State Election Commission, an extract of para 10 of which is enclosed for your ready reference. You are also required to file **another Affidavit** in **Annexure-III** as required under the above order, duly sworn before a First Class Magistrate or a Notary Public or a Commissioner of Oath appointed by the High Court or before the Sub-Divisional Officer (Civil)/Tehsildar/Naib Tehsildar (conferred with the power of Executive Magistrate) having jurisdiction to the area, **should also be filed alongwith the nomination paper.**

3. It should also be noted that **your nomination is liable to be rejected**, in case these above mentioned two **Affidavits** in Annexure-II (alongwith proforma for furnishing information under Section 8 of the Representation of the People Act, 1951 and Section 13A (1) of the Haryana Municipal Act, 1973 and Annexure-III **are not submitted alongwith the nomination papers.**

4. It should be noted that furnishing of any wrong or incomplete information or suppression of any material information, by you in or from the said Affidavits shall invite penal consequence under the Indian Penal Code for furnishing wrong information to a public servant or suppression of material fact before him.

Returning Officer

Encl: Copies of :-

- i) Nomination paper in Form-1
- ii) Format of affidavit in Annexure-II
Alongwith copy of proforma attached
therewith
- iii) Format of affidavit in Annexure-III
relating to disclosure of information.

Before the Returning Officer
For Election to _____
From _____ Constituency.

AFFIDAVIT

1. _____ Son/Daughter/Wife of _____
aged _____ Years, resident of _____
_____, do hereby solemnly affirm and declare as follows :-

- (1) That I have filed my nomination paper(s) for the above election.
- (2) That, in connection with my candidature for the above election, I am submitting herewith the information, under Section 8 of the Representation of the People Act, 1951 and sub-section(1) of Section 13A of the Haryana Municipal Act, 1973, in the prescribed Affidavit & proforma.
- (3) That the information furnished in the enclosed proforma is true to the best of my knowledge and belief and that nothing material has been concealed there from.

Place :-

Deponent

Date :-

Verified before me

(Signature of verifying authority
with seal)

Proforma for furnishing information under section 8 of the Representation of the People Act, 1951 and sub-section (1) of Section 13-A of the Haryana Municipal Act, 1973 by every candidate at an election to Municipalities.

Election to the _____
From _____ Ward.

Name of the Candidate

Father/Mother/Husband's Name :

PART-I

(Information under Section 8 of the Representation of the People Act, 1951)

- (1) Have you ever been convicted by a Court of law :- :
- (i) In any case specified in sub section (1) of the Section 8 of the Representation of the People Act, 1951 and sub section (1) of Section 13A of the Haryana Municipal Act, 1973 :
- (ii) In any case specified in sub section (2) of section 8 of the representation of the People Act, 1951 :
- (iii) In any other case, and sentenced to imprisonment for not less than 2 years. :
- (2) If yes, give details, (in each case separately) as below :- :
- (i) Name of the Court by which Convicted :
- (ii) Date of Conviction :
- (iii) Were you a sitting member of the Municipal Committee/Council on the date of such conviction. : Yes/No
- (iv) If yes, give exact details of such status as Member Municipal Committee/ Member Municipal Council.
- (v) Nature of offence committed (with details of the relevant Act and Sections). :
- (vi) Punishment imposed :
- (vii) Period for which undergone imprisonment, if any. :
- (viii) Date of release from prison :
3. Was any appeal/application for revision filed against above Conviction. : Yes/No
- (i) Reference No. of appeal/application for revision filed, if any. :

- (ii) Date of filling of such appeal/application :
for revision.
- (iii) Name of the Court before which the :
appeal/application for revision filed.
- (iv) Whether the said appeal/application : Disposed of/
for revision has been disposed of or Pending.
is pending.
- (v) If disposed of :-
(a) date of Disposal :
(b) Nature of order passed :
- (vi) Whether any bail granted during the :
pendency of appeal/application
for revision.
- (vii) If yes, period during which remained on :
bail.

PART-II

(Information under Section 13A(1) of the Haryana Municipal Act, 1973)

4. Have you **more than two living children** and : Yes/No
one or more of them was/were born after
05.04.1995 i.e. after the expiry of one year of the
commencement of the enforcement of
amendment made for this purpose in the Haryana
Municipal Act, 1973 by Haryana Act No.3 of
1994.
5. Have you ever been disqualified by or under any : Yes/No
law for the time being in force for the purposes of
election to the Legislature of the State of
Haryana.
6. Have you ever been disqualified by or under any : Yes/No
law made by the Legislature of the State of
Haryana.

Place
Date

Signature of the candidate

ANNEXURE-III

(Order No.SEC/E-III/2003/8831, Dated 06.10.2003)

Affidavit/***² to be furnished by candidate along with nomination paper before the Returning Officer.**

Note:-

1. Affidavit shall be prepared on a non-judicial stamp paper/document paper (Pucca Paper) and sworn before the First Class Magistrate or a Notary Public or a Commissioner of Oath appointed by the High Court or before the Sub-Divisional Officer

(Civil)/Tehsildar/Naib Tehsildar (conferred with the powers of Executive Magistrate) having jurisdiction to the area.

2. ****³

3. Please read the contents of the Annexure carefully and strike the contents not applicable to you.

- ***
- *1. For the election to the office of Sarpanch of Gram Panchayat _____ (name), Block _____ (name)
or
- *2. For the election to the office of Member for Ward No. _____ of *Gram Panchayat _____ (name) or *Panchayat Samiti _____ (name) or *Zila Parishad _____ (name)
or
- *3. For the election to the office of Member for Ward No. _____ of *Municipal Corporation _____ (name) or *Municipal Council _____ (name) or *Municipal Committee _____ (name)

I _____ S/o/ D/o/ W/o _____ aged _____ years,

resident of _____ candidate at the above election, do hereby solemnly affirm and state on oath as under :-

(strike out whichever not applicable)

1) I have, in the past, been convicted of a criminal offence in the following case(s) and the details are as under :-

i) Case No.

a. _____ Section of the Act and description of the offence for which convicted

Note: *** Not applicable in the case of Municipalities

****² Word Declaration has been deleted by notification No.SEC/E-III/2003/10527, dated 30.10.2003

****³ Head Note No.2 was deleted by notification No.SEC/E-III/2003/19527, dated 30.10.2003

iii) Date(s) of conviction

iv) Court(s) by which convicted

v) Punishment imposed (indicate period of imprisonment awarded and/or quantum of fine imposed)

vi) Details of appeals/revision etc. filed against above conviction (s).

2) That I have in the past been discharged/acquitted in the following cases :-

i) Section of the Act and description of the offence with which charged.

ii) Case No.

iii) Name of the Court by which acquitted/discharged

- iv) Date of acquittal/discharge
- v) Details of appeal(s)/application(s) for revision/review, if any, filed against above acquittal/discharge.

3) That I have, in period ending six months prior to the date of filing the present nomination, been accused of the following offences, punishable with imprisonment with two years or more, and in which a charge has been framed or cognisance taken by the Court as indicated hereunder :-

(Note:- This excludes the cases mentioned in (1) and (2) above)

- i) Section of the Act and description of the offence with which charged/cognisance taken:
- ii) The Court which has framed the charge/taken cognisance:
- iii) Case No.
- iv) Date of the order of the Court framing charge/taking cognisance.
- v) Details of appeal(s)/application(s) for revision etc. if any, filed against above order framing charge/taking cognisance.

* strike out which is not applicable

4) That I give herein below the details of the assets (immovable, movable, balance etc.) of myself, my spouse and dependents*:

A. Details of movable assets.

(Assets in joint name indicating the extent of joint ownership will also have to be given)

Sr. No.	Description	Self	Spouse(s) Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 Name
(i)	Cash					
(ii)	Deposits in Banks, Financial Institutions and Non-Banking Financial Companies					
(iii)	Bonds, Debentures and Shares in Companies					
(iv)	Other Financial instruments NSS, Postal Savings, LIC Policies etc.					
(v)	Motor Vehicles (details of make, etc.)					
(vi)	Jewellery (give details of weight and value)					
(vii)	Other assets, such as values of claims/interests					

Note: Value of Bonds/Shares/Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non listed companies should be given.

*Dependent here means a person substantially dependents on he income of the candidate

B. Details of Immovable assets

[Note: Properties in joint ownership in indicating the extent of joint ownership will also be indicated]

Sr. No.	Description	Self	Spouse(s) Name(s)	Dependent-1 Name	Dependent-2 Name	Dependent-3 Name
(i)	Agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -current market value					
(ii)	Non-Agricultural Land -Location(s) -Survey number(s) -Extent (Total measurement) -current market value					
(iii)	Buildings (commercial and residential) -Location(s) -Survey/door number(s) -Extent (Total measurement) -current market value					
(iv)	Houses/Apartments, etc. Buildings (commercial and residential) -Location(s) -Survey/door number(s) -Extent (Total measurement) -current market value					
(v)	Others (such as interest in property)					

5) I give here in below the details of my liabilities/overdues to public financial institutions and government dues :-

[Note: Please give separate details for each items]

Sr.No.	Description	Name and address of Bank/Financial Institution(s) /Department(s)	Amount outstanding as on _____
(a)(i)	Loans from Banks		
(ii)	Loans from financial institutions		
(iii)	Government dues (other than income tax and wealth tax) (No Due Certificate to be enclosed in case holding or having held any public office)		
(b)(i)	Income Tax including surcharge [Also indicating the assessment years upto which Income Tax Return filed. Give also Permanent Account Number (PAN)]		
(ii)	Wealth Tax [Also indicate the assessment year upto which Wealth Tax return filed.]		
(iii)	Sales Tax [only in case of proprietary business]		
(iv)	Property Tax		

6) My educational qualifications are as under :-

(GIVE DETAILS OF SCHOOL AND UNIVERSITY EDUCATION)

(Name of School/University and the year in which the course was completed should also be given)

PLACE

DATED

DEPONENT

Name in full _____.

Address _____

VERIFICATION

I, the deponent abovenamed, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief; no part of it is false and nothing material has been concealed therefrom.

Verified at _____ this the _____ day of _____, 200__.

PLACE

DATED

DEPONENT

Name in full _____.

Address _____

_____.

ANNEXURE-IV

Memo.No. _____

Dated _____

From: Returning Officer for _____

To,

(Name of the candidate)

Subject: Election to Ward No._____ of Municipal Council/Municipal Committee_____ (name)-filing of the required affidavit.

You have filed your nomination papers for the above mentioned election today, but **you have not filed**, alongwith your nomination paper the **Affidavit in Annexure-II** and information in the Proforma attached thereto prescribed by the State Election Commission vide its letter No.SEC/ME/98/2476-94, dated 13.02.1998 read with letter No.SEC/ME/2003/9268-86, dated 15/10/2003 and **Affidavit in Annexure-III** as prescribed by the State Election Commission i.e.order No.SEC/E-III/2003/8831, dated 06.10.2003. Copies of the format of both the Affidavits (alongwith Proforma attached to Annexure-II) were supplied to you alongwith the nomination paper.

2. You are, therefore, required hereby to furnish the requisite information in the prescribed Affidavit/s duly sworn before the First Class Magistrate or a Notary Public or a Commissioner of Oath appointed by the High Court or before the Sub-Divisional Officer (Civil)/Tehsildar/Naib Tehsildar (conferred with the powers of Executive Magistrate) having jurisdiction to the area immediately and positively before _____ hrs. on _____ (date) i.e. time and date fixed for scrutiny of nomination papers.

3. You may also note that non submission of above mentioned Affidavit/s shall result in rejection of your nomination papers.

(Returning Officer)

ANNEXURE-V

From

Returning Officer,
For Municipal Council/Committee, Ward No. _____

To

(Name of the candidate)

Sub :- Election to _____ from _____ Ward _____

Reference your nomination paper received today the _____, your name has been entered at Serial No. _____ in the nomination register. Your security has been received vide scroll No. _____ date _____ of _____ (name of the bank) or vide receipt No. _____ date _____ issued to you separately. Scrutiny of nomination shall be done on _____ (_____)(date _____) at _____ (_____)(time _____) place (_____).

You shall have to maintain the election expenditure account in the register prescribed by the State Election Commission and shall have to be produced for inspection as and when required during the election process. The election expenditure account shall have to be submitted to the Deputy Commissioner within one month after the declaration of election result.

Returning Officer