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Gazette
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संघ प्रदेश दादरा एवं नगर हवेली, प्रशासन



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UT Administration of
Dadra & Nagar Haveli
Urban Development Department
Silvassa.

No. UD/DNH/SMC/Elections/Rules/2015/28

Dtd. 21/01/2016

NOTIFICATION

Whereas the draft Dadra & Nagar Haveli Municipal Council (Elections) (Amendment) Rules, 2015 were published by the Union Territory of Dadra and Nagar Haveli through Urban Development Department vide Notification No.UD/DNH/SMC/Elections/Rules/2015/31, dated. 19/11/2015 in the Official Extraordinary Gazette No.170 dated 19th November, 2015.

And whereas, no suggestion or objection was received from general public/ political parties in respect of the said draft Rules within the stipulated time limit except suggestion received from Election Commission for UT's, which has been duly considered.

Now therefore , in exercise of the powers conferred by under sub-section (1) and (2) (1) of Section 19 read with section 300 of Dadra & Nagar Haveli Municipal Council Regulation, 2004 and all other powers enabling it in this behalf, the Administrator of Dadra & Nagar Haveli is pleased to make the following rules.

1. Short title and Commencement:

- (1) These rules may be called "The Dadra and Nagar Haveli Municipal Council (Elections) (Amendment) Rules, 2016.
- (2) These rules shall come into force from the date of publication in the Official Gazette of Dadra & Nagar Haveli.

2. **Definition:** Words and expressions used, but not defined in these rules, shall have the same meaning respectively as assigned to them in the Regulation.

3. **The following Rules are added after Rule 46:**

46 : (A) Notwithstanding anything contained in the Dadra & Nagar Haveli Municipalities (Elections) Rules, 2005 the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such word or words as the Election Commission may having regard to the circumstances of each case specify;

46 : (B) The manner and procedure of voting by Electronic Voting Machines as prescribed in Chapter II of the Conduct of Election Rules, 1961, under the Representation of People Act, 1951, shall be the manner and procedure of voting by Electronic Voting Machine for the purpose of above sub-rule in the conduct of Municipal Elections.”

4. **The following Rules are added after Rule 49:**

49 A : Casting of votes by electors on election duty.

An elector, who by reason of his being on election duty is unable to vote at the polling station where he is entitled to vote, may send an application in Form No. 25 addressed to the returning officer expressing his wish to vote. Such application should reach the Returning Officer within seven days or such shorter period as the Returning Officer may allow before the date of Municipal poll. The date, timing and place for holding such poll will be announced by the Director of Municipal Elections / Returning Officer as prescribed by the Election Commission. The Returning Officer, if satisfied that the applicant is an elector on election duty, shall make arrangements for casting of vote through a specified EVM meant for this purpose at a facilitation / distribution centre which shall follow polling procedure as per Rule 49 B under these rules and shall appoint one polling team comprising a Presiding Officer and two Polling Officers for each ward of the Municipal Council.

Explanation: “Elector on election duty” means any presiding officer, polling officer or other public servants including police personnel engaged on election duty.

49 B : Polling procedure for the electors on election duty through EVMs:

- 1) An elector on election duty will be required to furnish the electoral serial number, ward number, part number of the Electoral Roll where his name is enrolled and it shall be accompanied by an Election Duty Certificate issued by the Returning Officer.
- 2) The Returning Officer will then enter the details of the voter in the Register of Voters (Form 26) and get his signature / thumb impression on the Register before allowing him to cast his vote through the specified EVM.
- 3) The date, time and venue of the polling will be intimated to the political parties and the candidates, well in advance, by the Director of Municipal Elections / Returning Officer so that they can appoint their agents to watch the procedure.
- 4) Mock poll as is required in the case of normal poll, has to be done in the presence of the candidates; agents before the start of the actual poll. The voting has also to be conducted in the case of normal poll with making of indelible ink on the fore finger and scoring off the name of the voter on the roll after voting.
- 5) The EVMs will be properly sealed after the poll as prescribed under these rules in a general polling station and securely kept in the strong room till the time of counting.

The political parties and the candidates shall be informed about the precise location of the strong room / premises storing these polled EVMs.

- 6) The counting of votes recorded in these EVMs shall be taken up before the commencement of counting of other EVMs and the votes secured by the candidates through these specified EVMs publicly announced by the Returning Officer.
- 7) After counting of votes the Detachable Memory Module (DMMs) from the control units of these EVMs shall be detached and sealed and shall be stored safely and securely in the same manner as in the case of other DMMs by the Returning Officer.

49 C : Issue of authorization to electors on election duty.

- (i) An Election Duty Certificate shall be given to an elector on election duty by the Returning Officer or such other officer as may be authorized by the Commission together with a copy of Form 25 A (Declaration by elector) and Form 25 B (Instruction for the guidance of the Elector).
- (ii) The Returning Officer shall record in the register the electoral roll number of the elector as entered in the marked copy of the electoral roll.

By order and in the name of the
Administrator of
Daman & Diu and Dadra & Nagar Haveli

(SANJAY KUMAR)
Joint Secretary, (UD)

FORM NO. 25

(See Rule 49 A)

APPLICATION FOR CASTING OF VOTES BY ELECTORS ON ELECTION DUTY

To,

The Returning Officer,

.....

.....

Sir,

I intend to cast my vote at the ensuing election to the
Constituency / Ward No.....

My name is entered at Serial No..... Part No..... of the
electoral roll forConstituency / Ward No.....

Place.....

Date:

Yours faithfully

(.....)

FORM No. 25 A

(See rule 49 B)

DECLARATION BY ELECTOR ON ELECTION DUTY

Election to the Municipality

I hereby declare that I am the elector to who has been authorized by the Returning Officer to cast vote on the specially designated EVM for election duty officials for Ward No. _____ has been issued at the above election.

Date :

Signature of elector

Address

.....

FORM No. 25 B

(See rule 49 B)

INSTRUCTION FOR GUIDANCE OF ELECTORS

(To be used at election to the Municipality)

The persons whose names are listed on the EVM are the candidates at the above election. Record your vote against the name of the candidate to whom you wish to give your vote.

Please remember that you have only one vote. Accordingly you should not vote for more than one candidate.

You may then sign the declaration in Form 25 issued herewith.

You must vote at the designated place and within the time notified by the Returning Officer. Please note that if you reach the Returning Officer after stipulated time, you will not allowed to vote

FORM 26

(See Rule 49B)

REGISTER OF VOTERS

(Election duty personnel who casted their votes on EVMs)

- a) Election to Municipal Council form the Ward No.
.....
- b) Name of the Polling Station

Sl. No.	Sl. No. of elector in the electoral roll	Signature / thumb impression of elector	Remarks
1	2	3	4