

[Authoritative English Text of this Department Notification No. Urban Development Department-A(3)-1/2021 dated 10.03.2021 as required under clause (3) of article 348 of the Constitution of India.]

**Government of Himachal Pradesh
Department of Urban Development**

UD- A (3)-1/2021 Shimla-2 the 10.03.2021

NOTIFICATION

In exercise of the powers conferred by sections 8A, 10, 31 and 36 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 13 of 1994) the Governor, Himachal Pradesh in consultation with the State Election Commission, is pleased to make the following rules further to amend the Himachal Pradesh Municipal Corporation Election Rules, 2012 notified vide this Department notification No. UD-A(3)-7/2011, dated 23.03.2012 and published in the Rajpatra, Himachal Pradesh on dated 24.03.2012 , namely ;

Short title and commencement.	1	(1) These rules may be called the Himachal Pradesh Municipal Corporation Election (Amendment) Rules, 2021. (2) These Rules shall come into force from the date of publication in Rajpatra (e-Gazette), Himachal Pradesh
Insertion of new Rule-10A.	2	After rule 10 of the Himachal Pradesh Municipal Corporation Election Rules, 2012(hereinafter referred to as the "said rules",) the following rule 10-A shall be inserted namely:- "10-A. Reservation and rotation of seats of Councillors for other Backward Classes.- (1) The seats shall be reserved for Other Backward Classes in proportion of their populations. The seat in ward having highest percentage of population shall be reserved for the said category: Provided that if the total population of Other Backward Classes in the concerned Corporation area is less than 5 percent of the total population, then no seat shall be reserved for them: Provided further that the seats allotted to the Other Backward Classes shall be changed in the next election and at the time of following elections, the

		<p>wards having the next higher percentage of population shall be reserved for that category:</p> <p>(2) Out of the seats reserved for Other Backward Classes, one-half of the seats shall be reserved for Women belonging to the said category:</p> <p>Provided that if the number of seats reserved is not more than one, then there shall be reservation for Women and Men belonging to Other Backward Classes, as the case may be, alternatively after every five years.</p> <p>(3) The seats allotted to the women belonging to Other Backward Classes shall be taken into consideration while reserving the seats for Women under sub-rule (6) of rule 10.</p> <p>Explanation: - in order to provide reservation to the other Backward Classes the latest available population figures as determined and notified by the Himachal Pradesh State Commission for Backward Classes shall be considered.</p>
Amendment of rule 12.	3	<p>(1) In sub-rule (1) of rule 12 of the said rule;-</p> <p>(a) after the clause (IV), following clause (V) shall be added, namely:-</p> <p>" (v) During the next two and half years Other Backward Classes"</p> <p>(b) after sub-rule (2), the following shall be substituted, namely:-</p> <p>"(2)The roster of reservation as specified in sub rule (1) shall be repeated after completion of one cycle."</p>
Insertion of rule 36.	4	<p>After rule 35 of the said rules, the following rule 36 shall be inserted, namely.-</p> <p>" 36. Classification of symbols- (1) For the purpose of these rules symbols will be either reserved or free.</p> <p>(2) A reserved symbol will be a symbol which is reserved for a recognized political party for exclusive allotment to contesting candidates set up by that</p>

		<p>party.</p> <p>(3) A free symbol shall be other than a reserved symbol."</p>
Insertion of rule 43.	5	<p>For rule 43 of the said rules, the following shall be substituted, namely:-</p> <p>"43. Allotment of symbols to candidates:- (1) After the list of contesting candidates is prepared, if the number of candidates is more than one, the Returning Officer shall, to every contesting candidates-</p> <p>(a) where such a candidate is set up by a political party at any election in ward/Municipal Corporation, allot the election symbol reserved for that party by the Election Commission of India; and</p> <p>(b) where such a candidate is not set up by a political party, allot the free symbol according to the serial number in the list of contesting candidates, and out of the approved free symbols, in accordance with the serial number of the free election symbols specified in notification under rule 35.</p> <p>(2) In every case where an election symbol has been assigned to a candidate under sub-rule (1) such candidate shall forthwith be informed of the election symbol so assigned and be supplied with a specimen there-of by the Returning Officer. In that event the list of contesting candidates shall also contain election symbol allotted to each candidate."</p>
Insertion of rule 44.	6	<p>After rule 43 of the said rules, the following rule 44 shall be inserted, namely:-</p> <p>"44. When a candidate shall be deemed to be set up by a political party.- For the purpose of these rules, a candidate shall be deemed to be set up by a political party if, and only if-</p> <p>(a) the candidate has made a declaration to</p>

		<p>that effect in his nomination paper; and</p> <p>(b) a notice in writing to that effect has not later than 3.00 PM on the last day of withdrawal of candidature been delivered to the Returning Officer and the said notice is signed by the State President or the State Secretary or any other office bearer of the party; provided the President or Secretary or such other office bearer has been authorized by the party to send such a notice and the name and specimen signatures of such authorized office bearer are communicated to the Returning Officer and to the Secretary of Commission not later than 3.00 P.M. on the last date for the withdrawal of candidature."</p>
Amendment in Rule 48.	7	In rule 48 in sub-rule (9) of the said rules, for the words " 10 days" the words "thirty days" shall be substituted.
Substitution of rule 49.	8	<p>For rule 49 of the said rules, the following shall be substituted , namely:-</p> <p>"49. Death of candidate before poll.-The poll shall be countermanded for the ward of the Corporation, if any of its validly nominated and contesting candidate set up by a recognised political party demises and a report of his death is received before the commencement of the Poll. On such an occurrence, the Returning Officer shall, upon being satisfied of the fact of the death shall send a report to the Commission and proceedings with reference to the election shall be commenced afresh in all respects as if for a new election in accordance with these rules:</p> <p>Provided that no further nomination shall be necessary in the case of a person who was already a validly nominated candidate or a contesting candidate, as the case may be, at the time of the countermanding of the poll."</p>
Omission of rule 53.	9	Rule 53 of the said rules shall be omitted.

Amendment of rule 81.	10	<p>For rule 81 of the said rules, the following shall be substituted, namely:-</p> <p>“(1) Administration of oath to the elected Councillors.-After the results of elections of Councillors have been declared under rule 80, the Government shall fix a date for first meeting of the Corporation for making an oath or subscribing an allegiance to the Constitution of India to the elected Councillors of the Corporation under section 33:</p> <p style="padding-left: 40px;">Provided that the Government shall authorize an officer not below the rank of Additional Deputy Commissioner to preside over the meeting fixed for the purpose of this sub-rule.</p> <p>2. After the fixation of a date by the Government the officer authorized by the Government shall issue a notice in writing to the newly elected Councillors giving five days time for the first meeting, provided that such notice shall be delivered to the elected Councillors atleast 48 clear hours before such meeting. This meeting shall be held at the office of the Corporation.”</p>
Amendment of rule 81-A.	11	In sub-rule (1) and (2) of rule 81-A of the said rules, the word "Director" wherever occurring shall be substituted by the words "Authorised Officer".
Amendment of rule 81-B.	12	In rule 81-B of the said rules, for the word "Director" "wherever occurring the words "Authorised officer" shall be substituted.”
Amendment of rule 81-C.	13	In rule 81-C of the said rules, for the word "Director" the words " Authorized Officer" shall be substituted..
Amendment of rule 81-D.	14	<p>In rule 81-D of the said rules, -</p> <p>(a) in sub-rule (1) for the word “Director” the words “The Deputy Commissioner of the District concerned” shall be substituted; and</p> <p>(b) in sub-rule (2) , for the opening words “The Director or such other officer under his control not below the rank of an Officer of the</p>

		<p>Himachal Pradesh Administrative Services authorized by him in this behalf" the words "The Deputy Commissioner concerned" shall be substituted.</p> <p>(c) In sub-rule (3), for the opening words " The Director or such other officer authorized by the Director under sub-rule (2)" the words "The Deputy Commissioner concerned" shall be substituted; and</p> <p>(d) After sub-rule (4), the following sub-rule (5) shall be added, namely:-</p> <p>"(5) "If motion of no-confidence is carried, the concerned Deputy Commissioner shall inform the Commission, the Government and the Director, Urban Development, Himachal Pradesh, immediately."</p>
Amendment of rule 83	15	In rule 83 of the said rule for the word "two" the word "contesting" shall be substituted.

By Order

Rajneesh

Secretary (UD) to the

Government of Himachal Pradesh

the 10.03. 2021

Endst. UD- A(3)-1/2021

Shimla-2

Copy to:-

1. The Addl. LR-cum-Deputy Secretary (law/legn) to the GOHP Shimla-2.
2. Secretary, State Election Commission Himachal Pradesh Shimla-2.
3. Additional LR-cum-Additional Secretary (law/legn) to the GOHP Shimla-2.
4. Director _Urban Development Department_Palika Bhawan Shimla-2.
5. All the Deputy Commissioners Himachal Pradesh.
6. Senior Law Officer (Language) Himachal Pradesh Secretariat Shimla-2.
7. All EOs/ Secretaries in Urban Local Bodies in Himachal Pradesh.
8. Guard File.

(Surjeet Singh Rathore)

Joint Secretary (UD) to the

Government of Himachal Pradesh