



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक-अ-मध्य उप-विभाग

वर्ष ४, अंक ३७]

शुक्रवार, ऑगस्ट १०, २०१८/श्रावण १९, शके १९४०

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असाधारण क्रमांक ७३

प्राधिकृत प्रकाशन

महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपरिषदा, प्राथमिक शिक्षण आणि स्थानिक निधी लेखापरीक्षा अधिनियम यांखालील (भाग चार-ब मध्ये प्रसिद्ध करण्यात आलेले आदेश व अधिसूचना यांन्वतिरिक्त) आदेश व अधिसूचना.

STATE ELECTION COMMISSION MAHARASHTRA

New Administrative Building, First Floor,

Hutatma Rajguru Chowk, Madame Cama Road, Mumbai 400 032.

dated the 10th August 2018.

POSTAL BALLOT FOR SERVICE VOTERS (IN ELECTIONS TO THE MUNICIPAL COUNCILS AND NAGAR PANCHAYATS) ORDER, 2018.

An Order to provide for manner of voting by Service Voters in election to the Municipal Councils and Nagar Panchayats in the State.

CONSTITUTION OF INDIA.

No. SEC/NP/2018/CR-14/D-6.—Whereas the superintendence, direction and control of all elections to the Municipalities in the State are vested in the State Election Commission by virtue of Article 243-ZA of the Constitution of India ;

And whereas, the acts and rules governing the elections to the Municipal Councils and Nagar Panchayats are silent about the manner of voting by Service voters by postal ballot and it is in the interest of conduct of these elections in a free, fair and efficient manner, to provide for postal ballot for the Service voters in the elections to the Municipal Councils and Nagar Panchayats in the State.

Now, therefore, in exercise of the powers conferred by Article 243-ZA of the Constitution of India, read with sub-section 4 of section 10(A) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and of all other powers enabling it in this behalf, the State Election Commission, Maharashtra, hereby makes the following order :—

(१)

1. *Short title, extent, application and commencement.*—

(1) This order may be called the Postal Ballot for Service voters (in Election to the Municipal Councils and Nagar Panchayats) Order, 2018.

(2) It extends to whole of the State of Maharashtra and applies in relation to elections to Municipal Councils and Nagar Panchayats in the State.

(3) It shall come into force on the date of its publication in the *Official Gazette*.

2. *Definition and Interpretation.*—In this Order, unless the context, otherwise requires.—

(1) “election” means an election or bye-election held after commencement of this Order for the purpose of constituting a Municipal Council and Nagar Panchayat in the State ;

(2) “Constituency” means ward of the Municipal Council or Nagar Panchayat ;

(3) “contested election” means election or bye-election in ward of the Municipal Council or Nagar Panchayat where poll is taken ;

(4) “Municipal Council” means a Municipal Council Constituted or deemed to have been constituted for a smaller urban area specified in a notification issued in this respect, under clause (2) of Article 243-Q of the Constitution of India or under sub-section (2) of section 3 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

(5) “Nagar Panchayat” means Nagar Panchayat constituted for a transitional area notified under Section 341A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

(6) “Service Voters” means voters whose names are registered in the last part of the electoral roll of the Assembly Constituency.

3. *Form of postal ballot paper for service voters.*—The postal ballot paper for service voters shall be the same which is specified for the voting by ballot in the election except that no symbol is to be printed on the ballot paper and on the top of the ballot paper, the words “Postal ballot Paper” shall be printed.

4. Procedure for printing and dispatch of Postal Ballot Papers, return of ballot papers, counting of votes, etc. shall be as prescribed in the Annexure –A appended to this order.

5. *Responsibility of the Collector.*—The Collector shall coordinate with all concerned authorities well in time and ensure maximum participation in election by the Service Voters.

J. S. SAHARIA,

State Election Commissioner, Maharashtra.

Annexure – A

Procedure for printing and dispatch of Postal Ballot Papers, return of ballot papers, counting of votes, etc.

A. Printing and dispatch of Postal Ballot Papers –

Postal Ballot Papers to Service Elector to be given overriding priority

Printing -

- (1) As soon as the list of contesting candidates is drawn up after the period for withdrawal of candidature is over, Returning Officer shall get postal ballot paper for 'service voters' printed and arrange to dispatch postal ballot papers to service voters. Therefore, the printing of postal ballot papers for 'service voters' shall have to be completed within 24 hours after the last hour for withdrawal of candidature and their dispatch to service voters be completed within the next 24 hours.
- (2) If expeditious printing in Government Press is not possible, postal ballot papers for service voters should be got printed locally in private printing press, in view of the emergency. (Refer to SEC Circular No.SEC/MNC-2014/CR-20/Desk-5 dated 17.11.2014)
- (3) Before any postal ballot paper is issued, the facsimile signature of the Returning Officer, shall be stamped on the reverse side of the postal ballot paper two times. One will appear in full and other in such a manner that part of the signature appear in counterfoil portion and part in ballot paper side.
- (4) Address covers in Forms PBSV-B and PBSV-C complete for each service voter shall be prepared sufficiently in advance and, in any case, before the last date for the withdrawal of candidature. Keep ready Form PBSV-D containing instructions for the guidance of voters and form PBSV-A which is the form of declaration by electors in respect of each service voter. Also fill up correctly hour and date by which polled postal ballot papers should return back to you in the last para of Form PBSV-D.
- (5) Note down the electoral part number and serial number of the elector as entered in the marked copy of electoral roll on the counterfoil of the postal ballot paper and detach the ballot paper from the counterfoil.
- (6) Write the letter PBSV against the entry of the elector in the marked copy of the electoral roll to indicate that a postal ballot paper for service voter has been issued to him without, recording therein the serial number of the ballot paper issued to the elector.
- (7) Serial number of postal ballot paper being issued shall be mentioned in Form PBSV-A. Simultaneously, the serial number of the ballot paper shall be written on the front of the cover in Form PBSV-B.
- (8) Note the letter "W" on the envelope in Form PBSV-C, i.e. the envelope addressed to the Returning Officer in case of women service elector. It will help to ascertain the statistics of men and women voters, who cast their votes by postal ballot paper.
- (9) Full address of the Returning Officer should be shown on the cover in Form PBSV-C
- (10) Personal Number and Name of the Service Officers should be correctly quoted on the Postal Ballot envelope.

- (11) Ballot Papers for Army Medical Corps/TA Officers/Naval/Air HQs Officers and JCOs/Ors should be addressed to their respective Record Officers for redirection to the Service Voters as their records are not kept in Army HQs.
- (12) The covers containing the postal ballot papers for service voter in the case of members or Armed Forces and other eligible voters should invariably contain the elector's rank and regimental number or other full particulars so that no difficulty is experienced by the Record Officers, etc. in transmitting the ballot papers to the electors concerned. This will enable Record Offices, etc. to send the cover straight to the elector at the unit or stations of posting where he is serving even if there is a change of address.
- (13) Then place the ballot paper inside that cover.
- (14) Thereafter, the cover in Form PBSV-B containing the ballot paper, the declaration in Form PBSV-A, the instructions for the guidance of electors in Form PBSV-D and the cover in Form PBSV-C will be put inside a larger cover which will be addressed to the service voter concerned.

N.B.:- It should be noted that postage stamp of the appropriate value should be affixed on the larger cover addressed to the service voter.
- (15) Thereafter, all the covers addressed to the service voters attached to each Record Office will be put inside one packet and the packet dispatched to the Record Office.
- (16) Proper account of postal ballot paper issued to each service voter shall be maintained in an issue register and the signature of postal official giving date and time should be obtained in relevant column of the register as receipt.

B. Mode of Dispatch.—

Postal ballots for service electors have to be dispatched within a deadline of 48 hours after the last hour for the withdrawal of candidatures using Registered Post only.

In the case of Foreign Service voters, the postal ballot papers will be sent by ordinary airmail and not in the diplomatic bags, unless specially authorized to be sent in diplomatic bags in any particular case. Ordinary postage stamps will be used for the purpose. The Foreign Service voter will return the postal ballot paper by diplomatic bag or by ordinary airmail service direct to you.

C. Return of ballot paper.—

(1) After a voter has recorded his vote and made his declaration in Form PBSV-A he shall return the ballot paper and declaration to the returning officer in accordance with the instructions communicated to him in Form PBSV-D so as to reach the returning officer before the hour fixed for the commencement and counting of votes.

(2) If any cover containing the postal ballot paper is received by the returning officer after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The returning officer shall keep in safe custody all covers containing the postal ballot papers received by him until the commencement of the counting of votes.

D. Counting of votes received by post.—

(1) The returning officer shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form PBSV-C received by the returning officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the returning officer shall first scrutinise the declaration in Form PBSV-A contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form PBSV-B, that cover shall not be opened, and after making an appropriate endorsement thereon, the returning officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall again be placed in the cover in Form PBSV-C and all such covers in Form PBSV-C shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the constituency, the details of election, date of counting and a brief description of its contents.

(6) The returning officer shall then place all the declaration in Form PBSV-A which he has found to be in order in a separate packet which shall be sealed before any cover in Form PBSV-B is opened and on which shall be recorded the name of constituency, the details of election, date of counting and a brief description of its contents.

(7) The covers in Form PBSV-B not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the returning officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) The postal ballot paper for service voter shall be rejected,—

(a) if it bears any mark (other than mark to record the vote) or writing by which the voter can be identified ; or

(b) if no vote is recorded thereon; or

(c) if votes given on it are in favour of more candidates than one ; or

(d) if it is a spurious ballot paper ; or

(e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or

(f) if it is not returned in the cover sent along with it to the voter by the returning officer.

(9) A vote recorded on the postal ballot paper for service voter shall be rejected if the mark indicating the vote is placed on the ballot paper as in such manner as to make it doubtful to which candidate the vote has been given ;

(10) The vote recorded on the postal ballot paper for service voter shall not be rejected merely on the ground that mark indicating the vote is indistinct or made more than once, if the intention that vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.

(11) The returning officer shall count all the valid votes given by postal ballot for service voter in favour of each candidate, record the total thereof in the result sheet prescribed for the relevant election, and announce the same.

(12) Thereafter, all the valid postal ballot papers and all the rejected postal ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of the returning officer and of such candidates, their election agents, or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the constituency, the details of election, the date of counting and a brief description of its contents.

FORM PBSV-A

DECLARATION BY ELECTOR

Election to the * Municipal Council / Nagar Panchayat
** Direct Election to the Post of President / Election Ward No.

(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number
..... has been issued at the above election.

Signature of elector

Date

Address

Attestation of signature

The above has been signed in my presence by (elector) who ** is
personally known to me / has been identified to my satisfaction by
..... (identifier) who is personally
known to me.

Signature of Attesting Officer

Signature of identifier, if any Designation

Address

Address

Date

(This side is to be used when the elector cannot sign himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number
..... has been issued at the above election.

Signature of Attesting Officer on behalf of elector.

Date

Address of Elector

CERTIFICATE

I hereby certify that –

- (1) the above named elector** is personally known to me / has been identified to my satisfaction by (identifier) who is personally known to me;
- (2) I am satisfied that the elector** is illiterate / suffers from (infirmity) and is unable to record his vote himself or sign his declaration;
- (3) I was requested by him to mark the ballot paper and to sign the above declaration in his behalf; and
- (4) the ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of Attesting Officer

Signature of identifier, if any Designation

Address Address

Date

* Here insert name of the Municipal Council or Nagar Panchayat as the case may be and Election Ward Number

** Strike off the inappropriate alternative.

FORM PBSV-B

[Cover A]

| |
|---|
| <p style="text-align: center;">‘A’ NOT TO BE OPENED BEFORE COUNTING ELECTION</p> <p>to the*..... Municipal Council / Nagar Panchayat**</p> <p>**Direct Election to the Post of President / Election Ward No.</p> <p style="text-align: center;">POSTAL BALLOT PAPER</p> <p>Serial number of ballot paper</p> |
|---|

*Appropriate particulars of the election to be inserted here.

** Strike off the inappropriate alternative.

FORM PBSV-C

[Cover B]

(To be used at an election to the Municipal Council / Nagar Panchayat***)

COVER
'B'

["Every officer under those care or through
whom a postal ballot paper is sent shall
ensure its delivery to the addressee without delay –

**** SERVICE
UNPAID

ELECTION – IMMEDIATE

POSTAL BALLOT PAPER

*** For Direct Election to the Post of President / For *..... Constituency

(NOT TO BE OPENED BEFORE COUNTING)

To

The Returning Officer**

Signature of sender -

*Returning Officer to insert here the name of the appropriate Constituency

**Returning Officer to mention here his full postal address.

*** Strike off the inappropriate alternative

[**** Strike off in the case of an elector who is employed under the Government of India in a post outside India.]

FORM PBSV-D

INSTRUCTIONS FOR GUIDANCE OF ELECTOR

Election to the *Municipal Council / Nagar Panchayat***

*** Election to the Post of President / Election Ward No.*

The persons whose names are printed on the ballot paper/s sent herewith are candidates at the above election. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to give your vote. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid.

****Applicable in case of Direct Election to the Post of President of Municipal Council or Nagar Panchayat or election to the post of member of Nagar Panchayat

The number of President / members to be elected is one. Please remember that you have only one vote. Accordingly, you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

****Applicable in case of election to the post of member of the Municipal Council

The number of member to be elected from ward is 2 or 3. Separate ballot papers have been prescribed for each seat. Required number of ballot papers are sent herewith. You have to give only one vote on each ballot paper.

Do not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper/s other than the mark required to record your vote.

After you have recorded your vote on the ballot paper/s, place the ballot paper/s in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.

(1) You may then sign the declaration in form PBSV-A also sent herewith in the presence of a stipendiary magistrate and obtain the attestation of your signature by such stipendiary magistrate.

(2) If you are a member of the armed forces of the Union or of an armed police force of a State but is serving outside that State, the attestation may be obtained by such officer as may be appointed in this behalf by the Commanding Officer of the Unit, ship or establishment in which you or your husband, as the case may be, are employed.

(3) If you are employed under the Government of India in a post outside India the attestation may be obtained by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the county in which you are resident.

In all the above cases you may take the declaration to the authorised officer and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper/s to the attesting officer nor tell him how you have voted.

If you are unable to mark the ballot paper/s and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and declaration signed on your behalf by any of the authorised officer mentioned above. Such an officer will, at your request mark the ballot paper/s in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

After your declaration has been signed and your signature has been attested, place the declaration in Form PBSV-A as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B'. No postage stamp need be affixed by you, if the cover is posted in India. If, however, you are an elector employed under the Government of India in a post outside India, you should return the cover to the returning officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon by the office in which you are serving except where it is sent by diplomatic bag.

You must ensure that the cover reaches the returning officer before**
on

Please note that :-

- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the returning officer after** on the**
..... your vote will not be counted.

*Appropriate particulars of the election to be inserted here.

** (here specify the hour and date fixed for the commencement of counting of votes.)

***Strike off the inappropriate alternative
