

Bye-Election
Most Immediate

No.4/109/2009-1Election
Government of Haryana
Chief Secretary Office
(Election Branch)

Dated Chandigarh, the 24th December, 2009.

To

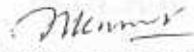
1. The Financial Commissioner & Principal Secretary to Govt., Haryana, Home Department.
2. The Director General of Prison, Haryana.
3. The Director General of Police (CID), Haryana.
4. The Commissioner Hisar Division, Hisar, Haryana.
5. The Deputy Commissioner-cum-District Election Officer, Sirsa.

Subject: - Bye-Election from 46-Ellenabad Assembly Constituency-Use of vote by the detune voters.

Sir/Madam,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No.Elec-2009/2AE-10837, dated 24.12.2009 received from the Chief Electoral Officer, Haryana alongwith its enclosure for immediate and necessary action. It is requested to ensure the compliance of the instructions contained in the enclosed letter and relevant information may be furnished to the Chief Electoral Officer, Haryana under intimation to the Government.

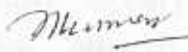
Yours faithfully,


(Naresh Kumar)
Superintendent Election.

Endst.No.4/109/2009-1Election

Dated Chandigarh, the 24th December, 2009.

A copy is forwarded to the Chief Electoral Officer, Haryana, Chandigarh with reference to his letter No.Elec-2009/2AE-10837, dated 24.12.2009.for information.


(Naresh Kumar)
Superintendent Election.

CC: -

- 1 PS/CS
- 2 PS/PSCM
3. Director, NIC



Department of Elections, Haryana, Chandigarh
निर्वाचन विभाग, हरियाणा, चण्डीगढ़

N. 11/12/09
EA #

क्रमांक: निर्वाचन-2009/2ई - 10837
सेवा में

दिनांक: - 24-12-2009

तत्काल

1. मुख्य सचिव, हरियाणा सरकार ।
2. महा निदेशक, कारागार,
हरियाणा मनीमाजरा, चण्डीगढ़ ।
3. महानिरीक्षक, पुलिस, खुफिया विभाग, हरियाणा, चण्डीगढ़ ।

विषय:- 46-एलनाबाद विधान सभा निर्वाचन क्षेत्र में उप चुनाव - निवारक नजरबन्द मतदाताओं द्वारा मताधिकार का प्रयोग ।

महोदय,

उपरोक्त विषय पर आपको सूचित किया जाता है कि भारत निर्वाचन आयोग ने 46-एलनाबाद विधान सभा निर्वाचन क्षेत्र से उप चुनाव के लिए

निर्वाचन शाखा निम्नलिखित कार्यक्रम निर्धारित किया है:-
कम संख्या... 2464...
दिनांक... 24.12.2009...

- | | |
|--|----------------------|
| 1. निर्वाचन क्षेत्र को समाहूत करने की तिथि | 26.12.2009 (शानिवार) |
| 2. नाम निर्देशन पत्र दाखिल करने की अन्तिम तिथि | 02.01.2010 (शानिवार) |
| 3. नाम निर्देशन पत्रों की संवीक्षा की तिथि | 04.01.2010 (सोमवार) |
| 4. अभ्यर्थिताएं वापिस लेने की अन्तिम तिथि | 06.01.2010 (बुधवार) |
| 5. मतदान की तिथि | 20.01.2010 (बुधवार) |
| 6. मतगणना की तिथि | 23.01.2010 (शानिवार) |
| 7. चुनाव सम्पन्न होने की तिथि | 24.01.2010 (रविवार) |

2. लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 60(डी) के अन्तर्गत उक्त विधान सभा निर्वाचन क्षेत्र के उप चुनाव में रिटरनिंग अधिकारी द्वारा निवारक नजरबन्द मतदाताओं को डाक मतपत्र जारी करने होंगे । इस संदर्भ में, आपका ध्यान निर्वाचनों का संचालन नियम 1961 के नियम 21 के उप-नियम (1) की ओर दिलाया जाता है जिसके अनुसार चुनाव क्षेत्र के समाहूत होने की तिथि के 15 दिन के अन्दर राज्य सरकार द्वारा सभी निवारक नजरबन्द मतदाताओं बारे सूचना जिसमें निवारक नजरबन्द मतदाताओं के नाम, उनके डाक पते, मतदाता सूचियों में उनकी कम संख्या तथा नजर बन्द शिविर के स्थान के बारे सूचना शामिल है, सम्बन्धित रिटरनिंग अधिकारी को उपलब्ध करवाई जानी अनिवार्य है । यहां यह भी सूचित किया जाता है कि 46-एलनाबाद विधान सभा निर्वाचन क्षेत्र, जिला सिरसा के कार्य क्षेत्र में आता है ।

3. अतः आपको उपरोक्त वर्णित अधिनियम/नियम के सम्बन्धित extract भेजते हुए अनुरोध किया जाता है आप इन नियमों के अन्तर्गत तैयार की गई

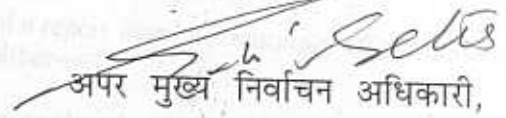


-2-

Department of Elections, Haryana, Chandigarh निर्वाचन विभाग, हरियाणा, चण्डीगढ़


Consolidated सूचना उपायुक्त एवं जिला निर्वाचन अधिकारी, सिरसा को भेजकर इस कार्यालय को भी सूचित करना सुनिश्चित करने का कष्ट करें। यदि वांछित सूचना शून्य हो तो भी मांगी गई सूचना आवश्यक भेजी जाये।

भवदीय,


अपर मुख्य निर्वाचन अधिकारी,
हरियाणा, चण्डीगढ़।

पृष्ठांकन क्रमांक निर्वाचन-2009/2ए.ई.- 10838 दिनांक: - 24-12-2009


उपरोक्त की एक प्रति उपायुक्त एवं जिला निर्वाचन अधिकारी, सिरसा को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजी जाती है। कृपया वह यह सुनिश्चित करें कि उपरोक्त सूचना प्राप्त होते ही उसे 46-एलनाबाद विधान सभा निर्वाचन क्षेत्र से सम्बन्धित रिटरनिंग अधिकारी को निर्धारित समय के अन्दर भिजवा दिया गया है, ताकि वह इस बारे समय पर आवश्यक कार्यवाही कर सकें।


अपर मुख्य निर्वाचन अधिकारी,
हरियाणा, चण्डीगढ़।

पृष्ठांकन क्रमांक निर्वाचन-2009/2ए.ई.- 10839 दिनांक: - 24-12-2009

इसकी एक प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. रिटरनिंग अधिकारी 46-एलनाबाद विधान सभा निर्वाचन क्षेत्र।
2. निर्वाचन तहसीलदार सिरसा।


अपर मुख्य निर्वाचन अधिकारी,
हरियाणा, चण्डीगढ़।

For Internal Distribution:

1. PS to CEO.
2. PA to Addl. CEO.
3. RKE (with 5 spare copies)

- 3 -

Representation of the People Act, 1951
(PART II.—Acts of Parliament)

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained,

the returning officer shall forthwith report the matter to the Election Commission.

(2) The Election Commission shall, on the receipt of a report from the returning officer under sub-section (1) and after taking all material circumstances into account, either—

(a) declare that the poll at that polling station or place be void, appoint a day, and fix the hours, for taking fresh poll at that polling station or place and notify the date so appointed and hours so fixed in such manner as it may deem fit; or

(b) if satisfied that in view of the large number of polling stations or places involved in booth capturing the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that constituency.

Explanation.—In this section, "booth capturing" shall have the same meaning as in section 135A.]

59. **Manner of voting at elections.**—At every election where a poll is taken votes shall be given by ballot in such manner as may be prescribed, ¹[and, save as expressly provided by this Act, no votes shall be received by proxy:]

²[Provided that the votes at every election to fill a seat or seats in the Council of States shall be given by open ballot.]

³[60. **Special procedure for voting by certain classes of persons.**—Without prejudice to the generality of the provisions contained in section 59, provision may be made, by rules made under this Act, for enabling,—

(a) any of the persons as is referred to in clause (a) or clause (b) of sub-section (8) of section 20 of the Representation of the People Act, 1950 (43 of 1950), (hereinafter in this section referred to as the 1950-Act) to give his vote either in person or by postal ballot or by proxy, and not in any other manner, at an election in a constituency where poll is taken;

(b) any of the following persons to give his vote either in person or by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, namely:—

(i) any person as is referred to in clause (c) or clause (d) of sub-section (8) of section 20 of the 1950-Act;

(ii) the wife of any such person to whom the provisions of sub-section (3) of section 20 of the 1950-Act apply and such wife being ordinarily residing with that person in terms of sub-section (6) of that section;

(c) any person belonging to a class of persons notified by the Election Commission in consultation with the Government to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken subject to the fulfilment of such requirement as may be specified in those rules.

✓ (d) any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken, subject to the fulfilment of such requirements as may be specified in those rules.]

1. Subs. by Act 24 of 2003, s. 2 (w.e.f. 22-9-2003).

2. Ins. by Act 40 of 2003, s. 3.

3. Subs. by Act 24 of 2003, s. 3, (w.e.f. 22-9-2003).