

## **FREQUENTLY ASKED QUESTIONS ELECTION MACHINERY**

**Q.1 Which authority conducts elections to Panchayati Raj Institutions ( Zilla Parishad, Panchayat Samiti and Grama Panchayat)and Urban Local Bodies(Corporations, Municipalities and Notified Area Councils) ?**

Ans. State Election Commission.

Under Article 243K and 243ZA of the Constitution of India, the State Election Commission is vested with powers of superintendence, direction and control in matter of the preparation of Electoral Rolls and the conduct of all elections to the Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs).

**Q.2 What is the present composition of the State Election Commission?**

Ans. State Election Commission consist of the State Election Commissioner.

**Q.3 Who appoints the State Election Commissioner? What is his status and term of office?**

Ans. The Governor of the state appoints the State Election Commissioner in exercise of the powers conferred on him under Act 243K of the Constitution. The State Election Commissioner has been given the status of High Court Judge in the Warrant of Precedence notified by the State Government. The tenure of the office of the State Election Commissioner shall be five years or till the Commissioner attains the age of 65 years, whichever is earlier. As per Rule 4 of the Odisha State Election Commission

(Appointment, Conditions of Service and Miscellaneous Provisions) Rules 1994,

The State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

## **Panchayat Elections**

### **Q.4 Who appoints the Election Officers?**

Ans. The State Election Commission has laid down detailed guidelines for appointment of Election Officer. As per the guidelines, the Collector of the district has been designated as Election Officer under Rule 2(d) of Odisha Grama Panchayat Election Rules, 1965, Rule 2(e) of Odisha Panchayat Samiti Election Rules, 1991 and Rule 2(f) of Odisha Zilla Parishad Election Rules 1994. In the said capacity the Collector is responsible for the overall supervision of elections to PRIs in his district under the superintendence, direction and control of the SEC. The said Rules also empower the Collector to authorize any other officer to exercise all or any of the powers and perform all or any of the duties of the Election Officer. In the exercise of the said authority, the District Collector appoints officers like Additional District Magistrate, Sub-Collector, Tahasildar, B.D.O. etc. as Election Officers to exercise all or some of the powers exercisable by the Election Officer as he may assign.

**Q.5 Who appoints Presiding & Polling Officers?**

Ans. The Election Officer appoints Presiding and Polling Officers for Conduct of elections at polling stations within the local area of Grama Panchayat Under Rule 2 (i) & (g) of O.G.P.E. Rules 1965, Panchayat Samiti under Rule 2 (m) & (k) of O.P.S.E. Rules 1991 and Zilla Parishad under Rule 2 (o) & (m) of O.Z.P.E. Rules 1994.

**Q.6 Who can appoint Election Observers?**

Ans. The State Election Commission can appoint election observers and assign them specific responsibilities for supervision of the poll process in exercise of the plenary powers vested in him under Article 243K of the Constitution.

**Q.7 Who appoints Financial Observers and what is their duties?**

Ans. The State Election Commission appoints Financial Observers. The Financial Observers are required to ensure that the limits of election expenditure fixed by the State Election Commission for different categories of offices are strictly adhered to by the contesting candidates.

**Q.8 How are the Ward Members & Sarpanch of a G.P., members of Panchayat Samiti and Members of Zilla Parishad elected?**

Ans. The Ward Members and Sarpanch of G.P., Members of Panchayat Samiti and Zilla Parishad are elected directly through universal adult franchise.

**Q.9 How are the Naib Sarpanch, Chairman & Vice-Chairman of Panchayat Samiti and President and Vice-President of Zilla Parishad Elected?**

Ans. The Naib-Sarpanch is elected by the elected members from among themselves at the first meeting of the Grama Panchayat after a General Election under section 14 of O.G.P. Act.

**Q.10 How are the Chairman and Vice Chairman elected?**

Ans. The Chairman of Panchayat Samiti is elected by the elected members at the first meeting of the Samiti after a General Election in the manner prescribed in Chapter VI of O.P.S.E Rules and the Vice-Chairman is elected at a subsequent meeting convened for the purpose within 30 days of declaration of result of election of Chairman under Rule 44 of O.P.S.E. Rules, 1991.

**Q.11 How are President & Vice President elected ?**

Ans. The President of the Zilla Parishad is elected by the elected members at the very first meeting of the Parishad held after a General Election according to the provisions under Part - VI of O.Z.P.E. Rules. The Vice-President of Zilla Parishad is elected at a subsequent meeting convened on a date notified by the Election Commission under Rule 55 of O.Z.P.E. Rules, 1994.

**Q.12 Who is responsible for preparation of Electoral Rolls for direct elections to PRIs? How is such Electoral Roll prepared?**

Ans. The State Election Commission is responsible for preparation of Electoral Rolls for direct elections to Grama Panchayats under Article 243K of the Constitution read with section 9 of O.G.P. Act, 1964, to Panchayat Samiti under section 16-B of O.P.S. Act, 1959 and to Zilla Parishad under section 6A of O.Z.P. Act, 1991. Such electoral rolls are prepared Ward-wise and Samiti and Parishad Constituency-wise by splitting the electoral roll of the Assembly Constituency relatable to the area comprised within the Ward, Samiti/ Parishad Constituency for the time being in force and following the procedures prescribed under the respective Election Rules.

**Q.13 Who is responsible for delimitation of wards for Constitution of Gram Panchayat? How is such delimitation carried out?**

Ans. **The Collector of the District** is responsible under section 8 of O.G.P. Act, 1964 to determine the number of Wards into which the Grama is to be divided and the extent of each such ward. The delimitation is carried out on the basis of decennial population census figures. The total number of wards in any Grama panchayat shall not be less than 11 and more than 25 and as far as practicable their population shall be equal.

**Q.14 Who is responsible for delimitation of Samiti Constituency for Constitution of Panchayat Samiti? How is such delimitation carried out?**

Ans. Under section 16(2-A) of O.P.S. Act, 1959 the **Collector** is responsible for division of the Samiti area into Constituencies in such a manner that every Constituency shall as far practicable, have population of not less than two thousand and not more than ten thousand and the territorial area of a Grama is not to be bifurcated. A draft statement showing the proposed division of Constituencies in the Samiti area is published by him under Rule 7-D inviting objections and suggestions within a period of seven days and after considering such objections and suggestions the collector publishes the final statement of division of Samiti Constituencies under Rule 7-F.

**Q.15 Who is responsible for delimitation of Parishad Constituency for Constitution of Zilla Parishad? How is such delimitation carried out?**

Ans. Section 6(3-A)(a) of O.Z.P. Act, 1991 empowers the Collector to divide the Parishad area into constituencies in such a manner that every Constituency as far as practicable has a population of forty thousand, it does not extend beyond the territorial limits of the block, and the territorial area of a Grama is not bifurcated. The same procedure as in case of a Samiti Constituency is followed by the Collector for draft and final publication of the statement of division of Parishad Constituency.

**Q.16 Who is responsible for Reservation of seats in Grama Panchayat ? How is such reservation carried out?**

Ans. The Collector of the district is responsible for making reservation of seats in Grama Panchayat. Such reservation of seats is carried out in the manner prescribed under section 10(3 & 4) of the O.G.P.Act and rule 3 of O.G.P.E. Rules. According to the said provisions seats are reserved for S.Cs & S.Ts, Backward class of Citizens and Women in every Grama Panchayat.

**Q.17 Who is responsible for Reservation of Seats in Panchayat Samiti? How is such Reservation carried out?**

Ans. The Collector of the district is responsible for reservation of Seats in Panchayat Samiti Constituencies. Seats are reserved for S.Cs, S.T.s Backward Class of Citizens and Women as per the procedure prescribed under section 16(2) of O.P.S.E. Act and chapter II-A of Odisha Panchayat Samiti Election Rules, 1991.

**Q.18 Who is responsible for Reservation of Seats in Zilla Parishad Constituencies? How is such reservation carried out ?**

Ans. According to sub-section 3-A of section 6 of Odisha Zilla Parishad Act, 1991 the Collector prepares final statements showing reservation of seats in Parishad Constituencies and the State Government have been empowered to accord approval to such reservation. The manner in which such reservation is carried out has been prescribed under the said section.

**Q.19 Who is responsible for reservation of offices of Sarpanch, Chairman of Panchayat Samiti and President of Zilla Parishad in favour of S.C, S.T. BCC and Women? How is such reservation carried out ?**

Ans. The Collector is empowered to reserve the office of Sarpanch of Grama Panchayat and Chairman of Panchayat Samiti under section 10(5) and 6 of O.G.P. Act, 1964 and section 16(3-a) of O.P.S. Act, 1959 respectively in favour of S.C., S.T. BCCand Women. Under section 8(3) of O.Z.P. Act, 1991 the State Government is responsible for reservation of the offices of President of Zilla Parishad in favour of S.C., S.T. and Women.

All the offices of Sarpanch of Grama Panchayat, Chairman of Panchayat Samiti and President of Zilla Parishad in Scheduled Areas are reserved for S.Ts.

**Q.20 Is there any provision for reservation for Naib Sarpanch, Vice-Chairman of Panchayat Samiti & Vice President of Zilla Parishad ?**

Ans. No. As per relevant rules there is no provision for reservation of Naib Sarpanch of Gram Panchayat, Vice-Chairman of Panchayat Samiti & Vice President of Zilla Parishad les.

**Q.21 What is the term of office of Sarpanch, Naib Sarpanch, Chairman & Vice-Chairman of P.S and President & Vice-President of Z.P. ? How can they be removed?**

Ans. The term of office of Sarpanch, Naib-Sarpanch, Chairman and Vice-Chairman of Panchayat Samiti and President and Vice President of Zilla Parishad is co-terminus with that of the members of the respective local bodies and is five years from the date of their first meeting after every General Election.

**Q.22 How can the Sarpanch, Naib Sarpanch, Chairman & Vice-Chairman of P.S and President & Vice- President of Z.P. be removed ?**

Ans. Under Section -24 of O.G.P. Act, 1964, Sarpanch, Naib-Sarpanch of Grama Panchayat can be removed by a vote of no confidence supported by majority of not less than two thirds of the total membership of the Grama Panchayat in a meeting specially convened for the purpose on the basis of a requisition signed by at least one third of the membership. Under Section - 46-B of O.P.S. Act, 1959 Chairman and Vice-Chairman of Panchayat Samiti and under Section - 39 of O.Z.P. Act, 1991 President and Vice-President of Zilla Parishad can be removed through similar procedure. However, no requisition can be entertained before expiry of two and half years from the date of entering upon such office by the incumbent.

**Q.23 Who is eligible to vote in the Panchayat election ?**

Ans. All persons of 18 years of age who are enrolled as electors in the Electoral Roll of the concerned PRI prepared for the purpose are eligible to vote in the Panchayat Elections.

#### **Q.24 What are the disqualifications for membership of a PRI?**

Ans. A person shall be disqualified for being elected to a PRI if

- (i) he is not a citizen of India or
- (ii) his name is not in the Electoral Roll in respect of the concerned PRI, is of unsound mind or
- (iii) is convicted of an election offence or for an offence involving moral turpitude and sentenced to imprisonment of not less than six months unless a period of 5 years has elapsed since his released or
- (iv) is ordered to give security for good behavior under section 110 of Cr.P.C. or
- (v) holds any office of profit or
- (vi) is a teacher in any recognized school or holds office as a Minister or
- (vii) dismissed from Government Service or of any local authority or
- (viii) has failed to pay any arrear to any cooperative society of which he is a member or
- (ix) is in the habit of encouraging litigation or interested in a subsisting contract in any work being done for the PRI, or
- (x) is a legal retainer of the PRI, is a member of Legislative Assembly or Parliament or
- (xi) is disqualified under any law for the purposes of election to legislature of the state or
- (xii) is disqualified under any state law or
- (xiii) is in arrear of any dues payable by him to the PRI or
- (xiv) has more than one spouse living or has more than two children. The last named disqualification shall not apply if the person had had more than two children before 21.04.1995 unless he begot

an additional child after the said date. Rule 25 of O.G.P. Act gives full description of the disqualifications.

**Q.25 Which is the relevant date for determining the age(18 years) of a voter ?**

Ans. Unless the State Election Commission prescribes otherwise, the qualifying date for determining the age of a voter would mean the first day of January of the year as has been prescribed as the reference date by the Election Commission of India for the Electoral Roll to State Assembly and Parliament under section 14(b) of R.P. Act, 1950. In this connection it may be stated here that the Commission had fixed 1.11.2011 as qualifying date for General Elections to PRIs, 2012. This time qualifying date has been fixed 01.11.2016 by which one has to be a voter for General Elections to PRIs, 2017.

**Q.26 Which is the relevant date for determining the age (21years) of a candidate?**

Ans. The relevant date for ascertaining the age of a candidate is the date fixed for scrutiny of nominations.

**Q.27 How much is the security deposit for contesting as a candidate for elections to GP/PS/ZP? Is there any concession for a candidate belonging to SC or ST?**

Ans. Rates of security deposit for contesting for various offices are as follows:

Ward Member	Rs. 50/-
Sarpanch	Rs.100/-
Panchayat Samiti Member	Rs.100/-
Zilla Parishad Member	Rs.200/-

However, for candidates belonging to S.C. & S.T. rates of security deposit is at half the rate for corresponding post in the unreserved category.

**Q.28 How are the Polling Stations assigned in Panchayat election? Where are such Polling Stations located ?**

Ans. According to rule 19 of OGPE Rules, rule 12 of OPSE Rules and rule 15 of OZPE Rules, there shall be one polling station in each ward. Usually, the Polling Station is located in public buildings within the ward. In case no suitable public building is available in a Ward or on similar cogent ground the Election Officer can assign a single polling station for a group of Wards in which case there shall be separate compartments for each Ward at the polling station.

**Q.29 How voting is done?**

Ans. The electors cast their votes in the sealed ballot box provided for the purpose. Taking into nos. of voters the ballot box may be more than one. In a General Election every elector is required to cast four ballots namely Ward Member, Sarpanch, P.S. Member & Z.P. Member. In case of by-election voting is done for the vacant office only.

**Q.30 What is the colour of ballot papers? How & by whom the colour is selected?**

Ans. The colour of the ballot papers are decided by the State Election Commission and the colour changes from one election to another. In case of ballot papers for Ward Member, Sarpanch & P.S. Member only the symbols are printed and in case of ballot papers for Zilla Parishad the names alongwith symbols are printed.

**Q.31 How and where is the counting done and results declared for election of a Ward-member and Sarpanch?**

Ans. Under Rule - 48 to 50 of Odisha Grama Panchayat Election Rules 1965, after close of the polling, the Presiding Officer counts the votes polled both for Ward Member and Sarpanch and forwards the results of counting for Ward Member and Sarpanch in Form No.8 & 8-A respectively to the Election Officer. On the date fixed for declaring the results of Ward Member, the Election Officer declares the result of Ward Member and for Sarpanch the Election Officer adds the election results received from different presiding officers and declares the results in Form No.8-B at Block Head Quarters Under Rule -51 of O.G.P.E. Rules 1965. The Commission vide order No.6748 dtd. 26.11.2007 has ordered to count the votes for Zilla Parishad Member at block headquarters in the presence of Election Officer during Bye-Election

**Q.32 How and where is the counting done and results declared for election of a member of Panchayat Samiti?**

Ans. After close of the polling the Presiding Officer counts the votes polled at the polling station and submits the results of such counting in Form No.13 to the Election Officer-cum-Block Development Officer. On the date fixed for declaring the results of election, the Election Officer adds the votes polled by the candidates in different Polling Stations and after recording the details in Form No.14 announces the results at the block head quarters under the provisions of Rule 31. The Commission vide order No.6748 dtd. 26.11.2007 has ordered to count the votes

for Zilla Parishad Member at block headquarters in the presence of Election Officer during Bye-Election.

**Q.33 How and where is the counting done and results declared for election of a member of Zilla Parishad?**

Ans. According to Rule - 36, of Odisha Zilla Parishad Rules 1994, unless the Commissioner otherwise directs, the Presiding Officer takes up counting of votes polled at Polling Station and forwards the results of counting in Form No.11-A to the Election Officer. On the date fixed for declaring the results, the Election Officer adds the votes polled by candidates in different Polling Stations and after recording in Form No.12 announces the results. The Commission vide order No.6748 dtd. 26.11.2007 has ordered to count the votes for Zilla Parishad Member at block headquarters in the presence of Election Officer during Bye-Election.

**Q.34 What is the procedure for formal constitution of a GP? From which date is a G.P. deemed as formally constituted? What is its tenure?**

Ans. Under Section -10 of Odisha Grama Panchayat Act,1964, every Grama Panchayat is constituted of the elected Sarpanch, Naib-Sarpanch & Ward Members. A Grama Panchayat is formally constituted from the date of first meeting of the Grama Panchayat and its tenure is 5 years from the said date as per section - 17 of the Act. In the said meeting the election of Naib-Sarpanch is done in which the majority members are required to be present and one member is elected as Naib-Sarpanch from among them. This election is done under the supervision of State Election Commission.

**Q.35 What is the procedure for formal constitution of a PS ? From which date is a P.S deemed as formally constituted? What is its tenure ?**

Ans. Under Section -16 of Odisha Panchayat Samiti Act, 1959 a Panchayat Samiti is constituted of Chairman, Vice-Chairman , Elected Members of the Panchayat Samiti and also Sarpanches of Gram Panchayats situated within the block, every member of the House of People and of the Legislative Assembly representing constituencies which comprise wholly or partly the area of the Samiti and every member of Rajya Sabha who is registered as an elector within the area of the Samiti as ex-officio members.

A Panchayat Samiti is formally constituted on the date of its 1<sup>st</sup> meeting held after every General Election and its tenure is 5 years from the said date. The election of Chairman and Vice-Chairman are done under the supervision of State Election Commission.

**Q.36 What is the procedure for formal constitution of a ZP? From which date is a Z.P. deemed as formally constituted ? What is its tenure ?**

Ans. Under Section 6 of Odisha Zilla Parishad Act, 1991 every Zilla Parishad consists of the President and the Vice-President and the members elected from every constituency within the Parishad area; and also Chairman of each Panchayat Samiti situated within the district, every member of the House of the People and of State Legislative Assembly representing constituencies which comprise wholly or partly the area of the Parishad and members of the Rajya Sabha who are registered as electors within the area of the Parishad as ex-officio members.

The elected members exercise the right to vote at the time of election of President and Vice-President. Every Parishad is deemed as formally constituted from the date of its 1st meeting and its tenure is 5 years from the date of such meeting under section -7 of Odisha Zilla Parishad Act,1991.

The election of President and Vice-President are done under the supervision of State Election Commission.

**Q.37 Are all elections to PRIs held on party lines ?**

Ans. Only elections of members of Zilla Parishad are held on party lines under Section-6(4) of Odisha Zilla Parishad Act,1991. All other elections to P.R.Is are held on non-party lines.

**Q.38 Is there any condition for fixing a ceiling on election expense by candidates for election to PRIs?**

Ans. In exercise of plenary power conferred under article 243K of the constitution, the state election commissioner has prescribed a ceiling for election expense by contesting candidates for election to PRIs. For the general election to PRIs 2017, the ceiling has been fixed as following vide commission's order no 4483 dt 16.11.2016.

Zilla parishad candidate	Rs2,00000/
Panchayat samiti member	Rs 80,000/
Sarpanch candidate	Rs 80,000/

**Q.39 Do the candidate file affidavit during filing of Nomination?**

Ans. As per order of Hon'ble Supreme Court of India and power conferred under Article 243K and 243ZA of Constitution of India, the State Election Commission has made it mandatory for furnishing of affidavit at the time of filing of nomination.

**Q.40 How many GPs are there in Odisha? How many ward members are elected to these GPs?**

Ans. 6801 GPs and 92027 Wards are there.

**Q.41 How many Panchayat Samiti's are in Odisha?**

Ans. There are 314 Panchayat Samitis in Odisha.

**Q.42 How many Zilla Parishad constituencies are in Odisha?**

Ans. There are 853 nos. of Zilla Parishad Constituencies in Odisha.