

## **Municipal Elections**

The election to Urban Local Bodies in the State is governed by the procedures prescribed in Odisha Municipal Act, 1950, Odisha Municipal (Delimitation of Wards, Reservation of Seats Conduct of Election ) Rules, 1994 & Odisha Municipal Corporation Act, 2003 and Odisha Municipal Corporation ( Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003.

### **Q.01. Who appoints the Election Officers? Who can be appointed as Election Officers?**

Ans. The State Election Commissioner can appoint any officer of the State Government as Election Officer under Rule -2(e) of Odisha Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 and Rule 2(h) of Odisha Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of Election) Rules, 2003. Usually, he appoints the District Magistrate as Election Officer with full powers and other senior officers such as A.D.M., PD, DRDA, PA, ITDA, Sub-Collector, Tahasildar, as Election Officers with specific powers as the circumstances warrant. District Magistrate remains in overall charge of the District whereas other officers appointed as Election Officer perform under his supervision.

### **Q.02. Who appoints Polling Officers?**

Ans. The Election Officer appoints Polling Officers under Rule 2(I) of (O.M.D.W.R.S.C.E.) Rules, 1994 and Rule, 2(m) of Odisha Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of Election) Rules, 2003.

**Q.03. 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 243ZA of the Constitution.

**Q.04. 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.05. How are the Ward Councillors / Corporators elected?**

Ans. Ward Councillors /Corporators are directly elected by electors of the Ward by exercising their franchise.

**Q.06. How are the Mayor and Deputy Mayor Chairperson & vice-Chairperson elected?**

Ans. The mayor of every Corporation and Chairperson of every Municipality/NAC are directly elected by the electors of the Wards by exercises their Franchise.

The Deputy mayor of every Corporation is elected by the Corporators at a subsequent meeting which is convened by the Mayor within 30 days of the date of election of the Mayor under section 14 of O.M. C Act, 2003.

The Vice-Chairperson of every Municipality is elected by the Councillors at a subsequent meeting which is convened by the Chairperson within 30 days of the date of election of the Chairperson under section 47(b) of O.M. Act, 1950.

**Q.07. Who is responsible for preparation of electoral rolls for election of Councillors/Corporators? How is such electoral roll prepared?**

Ans. The State Election Commission is responsible for preparation of Electoral Rolls of Urban Local Bodies for election of Councillors/Corporators under section 11-A of Odisha Municipal Act, 1950 and Section 65 of Odisha Municipal Corporation Act, 2003, read with Article 243ZA of the Constitution.

The Electoral Roll is prepared by the Election Officer under the supervision of the State Election Commission by splitting the Electoral Roll of the Assembly Constituency relatable to the area of the Ward and observing the procedures laid down under section -13 of Odisha Municipal Act, 1950 read with Rule - 4 to 15 of Odisha Municipal (Delimitation of Ward, Reservation of Seats and Conduct of Election) Rules, 1994 and Section 65 of Odisha Municipal Corporation Act, 2003 read with Rule 5-21 of Odisha Municipal Corporation ( Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003.

**Q.08. Who is responsible for delimitation of Ward? How is such delimitation carried out?**

Ans. The District Magistrate is responsible for delimitation of Municipal Wards. According to Section-12 of Odisha Municipal Act, 1950 the District Magistrate, in case of new Municipality of his own motion and in case of Municipality already in existence, after consulting the Municipality shall by notification divide the Municipal area into Wards. The number of Wards in any Municipal Area shall not be less than eleven and more than forty and there shall be equitable distribution of population among the various Wards.

The District Magistrate publishes the proposed division of Municipal Wards inviting objections within a period of ten days and after considering the objections and suggestions publishes final statement of division of wards under Rule 2-A of Odisha Municipal Rules 1994.

The State Government is responsible for delimitation of Wards of Municipal Corporation. According to Section - 60 of Odisha Municipal Corporation Act, 2003 in case of new Corporation of his own motion and in case of Corporation already in existence, after consulting the Corporation shall by notification divide the Municipal Corporation area into Wards. The number of Wards in any Municipal Corporation Area shall be as follows and there shall be equitable distribution of population among the various Wards which shall be compact in area.

<b>Population Range</b>	<b>Number of Corporators</b>		
	<b>Minimum</b>	<b>Incremental Nos.</b>	<b>Maximum</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
Above 3 lakhs and upto 6 lakhs	39	One additional Corporator for every 15,000 above 3 lakhs	59
Above 6 lakhs and upto 12 lakhs	59	One additional Corporator for every 30,000 above 6 lakhs	79
Above 12 lakhs and upto 24 lakhs	79	One additional Corporator for every 40,000 above 12 lakhs	109
Above 24 lakhs	109	One additional Corporator for every 60,000 above 24lakhs	150

The Government publishes the proposed division of Municipal Corporation Wards inviting objections within a period of ten days and after considering the objections and suggestions publishes final statement of division of wards under Rule 3(5) of Odisha Municipal Corporation (DCW, RS & CE) Rules 2003.

**Q.09. Who is responsible for reservation of Wards? How is such reservation carried out?**

Ans. The District Magistrate is responsible for reservation of seats in Municipal Wards for S.Cs, S.Ts, Backward class of citizens and women as provided under section 11 of Odisha Municipal Act, 1950. Such reservation is carried out in the manner prescribed under section-11 of Odisha Municipal Act, 1950

read with rule -2-A and 3 of Odisha Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994.

The State Government is responsible for reservation of seats in Municipal Corporation Wards for S.Cs, S.Ts, Backward class of citizens and women as provided under section 7 of Odisha Municipal Corporation Act, 2003. Such reservation is carried out in the manner prescribed under section -7 of Odisha Municipal Corporation Act, 2003 read with rule 3 of Odisha Municipal Corporation (DCW, RS & CE) Rules, 2003.

**Q.10. Who is responsible for reservation of offices of / Mayor & Chairpersons in favour of SC, ST Backward class of citizen and Women etc.? under what provision such reservations are carried out ?**

Ans. The State Government is responsible for reservation of offices of Mayor / Chairpersons in favour of S.C, S.T. Backward class of citizens and women under Section – 14(4) of Odisha Municipal Corporation Act, 2003 and 47(4) of Odisha Municipal Act, 1950. Such reservation is carried out according to the provisions of section-14(3) of the O.M.C Act, 47(3) of O.M. Act, Rule, 80 of Odisha Municipal Corporation ( DCW, RS & CE) Rules, 2003 and Rule -67 of Odisha Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994.

**Q.11. Who is eligible to vote in Municipal elections?**

Ans. All persons above 18 years of age and enrolled as electors in the Electoral Roll of the Municipal Ward are eligible to vote in the Municipal Elections for the said Ward.

**Q.12. Who is eligible to contest as a candidate in the Municipal elections?**

Ans. Under Rule - 25(1) of Odisha Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 and 67(1) of Odisha Municipal Corporation ( Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003 any person whose name is registered as a voter in any Ward in a Municipality/ Corporation shall be eligible to contest as a candidate from any of the Wards of the said Municipality if he is not less than 21years of age.

**Q.13. What are the disqualifications of being a candidate for election to municipality/ULB?**

Ans. According to Section 16 of Odisha Municipal Act, 1950 no person shall be qualified for election as a Councillor of a Municipality or NAC;

- (i) if his name is not included in the Electoral Roll of the Municipal area,
- (ii) if he is less than 21 years of age,
- (iii) if he is unable to read and write either English , Hindi or the language of State or
- (iv) if he has been adjudged by a competent Court of unsound mind or is suffering from an infectious type of leprosy in the opinion of district leprosy officer

- (v) if he is insolvent or is in arrear of any dues payable to the Corporation /Municipality for a period of one year immediately preceding the election or
- (vi) if a person against whom an order of surcharge for willful negligence of misconduct has either been certified for payment or against whom decree under section 375 of Odisha local fund act 1948 has been passed
- (vii) if he is interested in a subsisting contract either directly or indirectly for the municipality
- (viii ) if he is employed as a paid legal practitioner
- (ix) if he is an officer or servant under the Municipality or an honorary Magistrate within the jurisdiction of the Municipality or
- (x) if he is a Government Servant who has been dismissed for corruption or disloyalty to the State unless a period of five years has elapsed since his dismissal or
- (xi) if he has been sentenced by a Criminal Court to transportation or to imprisonment for a period of more than six months or
- (xii) if he has been convicted or found guilty of offence of corrupt or illegal practice relating to election or
- (xiii) if he is disqualified by or under any law for the purpose of election to State Legislature or is disqualified under any State Law or
- (xiii) if he has more than one spouse living or
- (xiv) if he has more than two children.



The last named disqualification shall not apply if the person had had more than two children before 30.05.1995 unless he begot and additional child after the said date.

**Q.14. Which is the relevant date for determining the age (18 years) of a voter?**

Ans. According to Section -14 (b) of R.P. Act,1950 the qualifying date for determining the age of a voter means the 1st day of January of the year in which the Electoral Roll is prepared or revised. The State Election Commission may prescribe any other qualifying date at the time of publication of Preliminary Electoral Roll for the purpose of holding election to an ULB.

**Q.15. Which is the relevant date for determining the age (21 years) of a candidate?**

Ans. The date of publication of the Preliminary Electoral Roll is the relevant date for determining the age of 21 years of a candidate under Rule- 25(b) of Odisha Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 and Rule 24 of Odisha Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003.

**Q.16. How much is the security deposit for contesting as a candidate for election to Urban Local Bodies ? Is there any concession for a candidate belonging to SC or ST ?**

Ans. Under Rule-27 of Odisha Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 the amount of security deposit for contesting as a candidate for election to Urban Local Bodies has been fixed at Rs.100/-. For

candidates belonging to SC or ST a concessional security deposit of Rs.50/- has been prescribed.

Under Rule-26 of Odisha Municipal Corporation ( Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003. the amount of security deposit for contesting as a candidate for election to Corporation Body has been fixed at Rs.250/-. There is no concession for a candidate belonging to SC/ST.

**Q.17. What is the permissible limit of expenditure that a candidate can incur in an election?**

Ans. As per Section-82 of Odisha Municipal Corporation Act, 2003 and Section-17A of Odisha Municipal Act 1950 the permissible limit of expenditure that a candidate can incur in an election is mentioned as below:

Sl. No.	NACS /Municipality / Municipal Corporation		Maximum limit of election expenses by a candidate.(1) (2) (3
1.	NACs/Municipalities having a population up to 50,000	:	Rs.30,000/-
2.	Municipalities having a population between 50,000 to 1,00,000	:	Rs.40,000/-
3.	Municipalities & Municipal Corporations having a population above 1,00,000	:	Rs.50,000/-

**Q.18. How are the Polling Stations assigned in Municipal Elections. Where are such Polling Station located?**

Ans. According to Rule 35 of Odisha Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of

Election Rules, 2003 and Rule 36 of Odisha Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 it is the responsibility of Election officer to set up polling stations in a ward after getting concurrence of the commission.. Such Polling Station should usually be located in public building. In case no suitable public building is available in a particular Ward, a Polling Station for the said Ward can be established in the neighbouring Ward, with the prior approval of the Commission.

**Q.19. From which date the Council deemed as formally constituted? What is its tenure?**

Ans. The Council is deemed as formally constituted from the date appointed for the first meeting of the elected Corporators/ Councillors referred to Section 8(1) of Odisha Municipal Corporation Act, 2003 and clause (a) of section 47(2) of O.M. Act, 1950.

The tenure of a Municipal Corporation / Council is five years from the date appointed for its first meeting.

**Q.20. Are all elections to ULBs held on party lines ?**

Ans. Yes. Elections to U.L.Bs are held on party lines.

## **GENERAL**

**Q.01. For conduct of free and fair poll is there set of any model code of conduct for elections to PRIs & ULBs? If it is there then from which date it comes into force and up to which period?**

Ans. For a free and fair poll the State Election Commission has prescribed model code of conduct for candidates contesting election to PRI/ ULB to abide by. It comes into force from the date the election notification has been made by state election commission and it is operational till counting is over.

**Q.02. Does the State Election Commission separately register Political Parties for the purpose of contesting elections to ZP and ULBs?**

Ans. Though election to Zilla Parishad and ULBs are conducted on political party basis, there is no provision under relevant acts and rules for registration of political parties by state election commission.

**Q.03 can any petition, after election result, be filed before State Election Commission relating to disqualification, result etc**

Ans. No. there is no such provision except that petition can be made before appropriate court of law for adjudication.