

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 of the preparation of Electoral Rolls for, 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 is a single-Member-Body consisting 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 Art. 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.

Under Rule 4 of Orissa State Election Commission (Appointment, Conditions of Service and Miscellaneous Provisions) Rules 1994, the term of office of the State Election Commissioner is five years or till the Commissioner attains the age of 65 years whichever is earlier.

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 Orissa Grama Panchayat Election Rules, 1965, Rule 2(e) of Orissa Panchayat Samiti Election Rules, 1991 and Rule 2(f) of Orissa 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 guidance of the SEC.

The said Rules also empower the Collector to authorise 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 Commissioner** 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. 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. **The President of the Zilla Parishad is elected by the elected members at the first meeting of the Parishad 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.10. 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 relating 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.11(a) 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 shall not be less than 11 and more than 25 and as far as practicable their population shall be equal.

(b) 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 as 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.

(c) 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.

Q12(a) 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.

(b) 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 Orissa Panchayat Samiti Election Rules,1991.

(c) 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 Orissa 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.13. Who is responsible for reservation of offices of Sarpanch & Naib-Sarpanch, Chairman and Vice-Chairman of Panchayat Samiti and President and Vice-President of Zilla Parishad in favour of S.C, S.T. and Women etc.? 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. and 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 .

Where the office of Sarpanch, Chairman of Panchayat Samiti and President of Zilla Parishad are not reserved for women or the person elected to the said office is not a women, the offices of Naib-Sarpanch, Vice-Chairperson of Panchayat Samiti and Vice-President of Zilla Parishad are reserved for women under section 14 of O.G.P Act, 1964 16(3) of O.P.S. Act, 1959 and 8(1) of O.Z.P. Act, 1991 respectively .

Q.14. 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.

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 years from the date of entering upon such office by the incumbent.**

Q15. 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.16. What are the disqualifications for membership of a PRI ?

Ans. A person shall be disqualified for being elected to a PRI if he is **not a citizen of India** or his name is **not in the Electoral Roll** in respect of the concerned PRI, is of **unsound mind**, is an **insolvent** is **suffering from Tuberculosis or infectious type of Leprosy** or 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 is **ordered to give security for good behavior under section 110 of Cr.P.C.** or **holds any office of profit** or is a **teacher** in any recognized school or holds office as a **Minister** or **dismissed from Government Service** or **of any local authority** or has **failed to pay any arrear to any cooperative society** of which he is a member or is **in the habit of encouraging litigation** or **interested in a subsisting contract** in any work being done for the PRI, or is a **legal retainer** of the PRI, is a **member of Legislative Assembly or Parliament** or is **disqualified under any**

law for the purposes of election to legislature of the state or is **disqualified under any state law** or is in arrear of any dues payable by him to the PRI or **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.17. 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.

Q.18. 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.19. 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 are as follows:

Ward Member	Rs.25/-
Sarpanch	Rs.50/-
Panchayat Samiti Member	Rs.50/-
Zilla Parishad Member	Rs.100/-

Q.20. What is the permissible limit of expenditure that a candidate can incur in an election?

Ans. The limit of election expenditure prescribed by the State Election Commission is Rs.30,000/-, Rs.30,000/- and Rs.75,000/- for Sarpanch, P.S. Member and Zilla Parishad Member respectively.

Q.21. How many GPs are there in Orissa ? How many ward members are elected to these GPs ?

Ans. There are 6234 Grama Panchayats in Orissa .

A total of 87,542 ward members are elected to these G.Ps.

Q.22. How many Panchayat Samitis are there in Orissa ? How many members are directly elected to these Samitis ?

Ans. There are 314 Panchayat samitis in the State.

6233 nos. of members are directly elected to these Samitis .

Q.23. How many Zilla Parishads are there in Orissa ? How many members are directly elected to these Parishads?

Ans. There are 30 (Thirty) Zilla Parishads in Orissa.

854 nos. of members are directly elected to these Parishads.

Q.24(a) How many polling booths were set up during the general elections to the Panchayat Bodies during 1997, 2002 & 2007 ?

Ans. 81077, 87547 and 87542 nos. of polling booths were set up during General Elections to P.R.Is in 1997, 2002 & 2007 respectively.

(b) 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.

(c) 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.

(d) 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.25a.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 Orissa 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 Ward Member and Sarpanch at block headquarters in the presence of Election Officer.

(b) 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 Panchayat Samiti Member at block headquarters in the presence of Election Officer.

(c) How and where is the counting done and results declared for election of a member of Zilla Parishad ?

Ans. According to Rule - 36, of Orissa 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.

Q.26(a)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 Orissa 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.

(b) 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 Orissa 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. **The ex-officio members cannot exercise the right to vote at the time of election of Chairman and Vice-chairman.** However,

they can exercise this right in all other matters including at the time of **consideration of no-confidence** motion against the Chairman and Vice-Chairman.

A Panchayat Samiti is formally constituted on the date of its 1st meeting 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.

- (c) **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 Orissa 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 ex-officio members cannot exercise the right to vote at the time of election of President and Vice-President.** However they can exercise this right in all other matters including at the time consideration of **no-confidence motion** against the 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 Orissa Zilla Parishad Act,1991.

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

Q.27.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 Orissa Zilla Parishad Act,1991. All other elections to P.R.Is are held on non-party lines.

Q.28. What was the percentage of voting during General Election to PRIs, 02 & 07 ?

Ans : The percentage of voting during General Election to PRIs 02 &07 was 70.38 % and 73% respectively.

Municipal Elections

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

Q.29. 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 Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 and Rule 2(h) of Orissa 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 the his supervision.

Q.30. 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 Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of Election) Rules, 2003.

Q.31.(a)Who can appoint Election Observers ?

Ans. The State Election Commissioner 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.

(b)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.32(a) How are the Ward Councillors / Corporators elected ?

Ans. Ward Councillors / Corporators are directly elected by all electors of the Ward above 18 years of age.

(b) How are the Mayor and Deputy Mayor Chairperson & vice-Chairperson elected ?

Ans. The Mayor of every Corporation is elected by the elected Corporators at the **first meeting** of the Corporation on the date fixed by the State Election Commission convened after the publication of their names in the Orissa Gazette after every General Election according to section 14 of the Orissa Municipal Corporation Act, 2003. The meeting is conducted under the supervision of State Election Commission.

The Chairperson of every Municipality is elected by the elected Councillors at the **first meeting** of the Municipality convened after the publication of their names in the Orissa Gazette after every General Election according to section 47 of the O.M. Act, 1950.

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.33. 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 Orissa Municipal Act, 1950 and Section 65 of Orissa 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 relating to the area of the Ward and observing the procedures laid down under section - 13 of Orissa Municipal Act, 1950 read with Rule - 4 to 15 of Orissa Municipal (Delimitation of Ward, Reservation of Seats and Conduct of Election) Rules, 1994 and Section 65 of Orissa Municipal

Corporation Act, 2003 read with Rule 5-21 of Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003.

Q.34. 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 Orissa 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 which shall be compact in area.

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 Orissa Municipal Rules 1994.

The **State Government** is responsible for delimitation of Wards of Municipal Corporation. According to Section - 60 of Orissa 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.

Population Range	Minimum	Number of Corporators Incremental numbers	Maximum
(1)	(2)	(3)	(4)
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 Orissa Municipal Corporation (DCW, RS & CE) Rules 2003.

Q.35. 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 Orissa Municipal Act, 1950. Such reservation is carried out in the manner prescribed under section -11 of Orissa Municipal Act, 1950 read with rule - 2-A and 3 of Orissa 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 Orissa Municipal Corporation Act, 2003. Such reservation is carried out in the manner prescribed under section -7 of Orissa Municipal Corporation Act, 2003 read with rule 3 of Orissa Municipal Corporation (DCW, RS & CE) Rules, 2003.

Q.36. Who is responsible for reservation of offices of / Mayor & Deputy Mayor / Chairpersons & Vice-Chairpersons in favour of SC, ST Backward class of citizen and Women etc.? How is such reservation 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 Orissa Municipal Corporation Act, 2003 and 47(4) of Orissa 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 Orissa Municipal Corporation (DCW, RS & CE) Rules, 2003 and Rule -67 of Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994.

Q.37. Who is eligible to vote in Municipal elections ?

Ans. All persons of 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.38. Who is eligible to contest as a candidate in the Municipal elections ?

Ans. Under Rule - 25(1) of Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 and 67(1) of Orissa 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 21 years of age.

Q.39. What are the disqualifications of being a candidate ?

Ans. According to section 70 & 71 of Orissa Municipal Corporation Act, 2003 and Section 16 of Orissa Municipal Act, 1950 no person shall be qualified for election as a Councillor of a Municipality if his **name is not included in the Electoral Roll of the Municipal area , is less than 21 years of age, is unable to read and write either English , Hindi or the language of State** or has been adjudged by a competent Court of **unsound mind** or is a **deaf, mute, a leprosy or a tuberculosis patient** or 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 is a person against whom an **order of surcharge for willful negligence of misconduct has either been certified for payment or confirmed** in appeal in respect of any money or property of Corporation / Municipality or is **interested in a subsisting contract** made for any work being done for the Corporation / Municipality or is employed as a **paid legal practitioner** or on behalf of the Corporation / Municipality or as legal practitioner against the Corporation / Municipality or is an **officer or servant under the Corporation /Municipality** or an **honorary Magistrate** within the jurisdiction of the Corporation / Municipality or 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 has been sentenced by a Criminal Court to **transportation or to imprisonment for a period of more than six months** or has been **convicted or found guilty of offence of corrupt or illegal practice relating to election** or is **disqualified by or under any law for the purpose of election to State Legislature** or is **disqualified under any State Law** or 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 30.05.1995 unless he begot and additional child after the said date.

Q.40. 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.41. 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 Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 and Rule 24 of Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003.

Q.42. 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 Orissa 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 Orissa 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.43. What is the permissible limit of expenditure that a candidate can incur in an election?

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

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

Q.44. What is the method of filing accounts of election expenses ? Is there a time-limit ?

Ans. The method of maintaining & filling of accounts of election expenses has been prescribed by the State Election Commission in notification No.2271 dtd.02.06.2008 and Order No.2263 dtd.02.06.2008.

The time limit for submission of accounts by the candidate is 30 days from the date of declaration of results according to Section - 82 of Orissa Municipal Corporation 2003 and Section 17A(5) of the Orissa Municipal Act,1950.

Q.45. What is the Penalty if a candidate/elected Corporator/ Councillor does not file his accounts of election expenses within the prescribed time ?

Ans. Under Section 82 of Orissa Municipal Corporation Act, 2003 & Section -17A(3) of O.M. Act,1950 failure on the part of the candidate to file his account of election expenses within the Prescribed time will be treated as a contravention of the provisions of the said section and he shall be deemed to have committed corrupt practice. A candidate /elected member committing corrupt practice can be disqualified from contesting election/ continuing in office by the competent tribunal.

Q.46. How many Corporations are there in Orissa? How many Ward Councillors are elected to these Corporations in the entire State?

Ans. There are three Municipal Corporations, namely, Bhubaneswar, Cuttack and Berhampur in Orissa. Bhubaneswar, Cuttack & Berhampur have 60,54 & 37 Ward Corporators respectively.

Q.47. How many Municipalities are there in Orissa ? How many Ward Councillors are directly elected to these Municipalities ?

Ans. There are 37 Municipalities in Orissa. A total of 777 Ward Councillors are directly elected to these Municipalities.

Q.48. How many N.A.Cs are there in Orissa? How many Ward Councillors are directly elected to these N.A.Cs?

Ans. There are 63 N.A.Cs in Orissa. A total of 907 Ward Councillors are directly elected to these N.A.Cs.

Q.49(a) How many polling booths were set up during the last general elections to Municipalities in 2008- 2009 ?

Ans. Altogether 4046 Polling Booths were set up during last General Elections to Municipalities in 2008-2009.

(b) How are the Polling Stations assigned in Municipal Elections. Where are such Polling Stations located?

Ans. According to Rule 35 of Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003 and Rule 36 of Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994 read with the instructions issued by the Commission, in this behalf, the Election Officer with the prior approval of the Commission provide Polling Stations in each ward at the rate of one thousand voters for each Station. **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.50. What were the total number votes polled during the last general elections and what was its percentage to the total number of electors ?

Ans. Total number of votes polled during General Election held in 2008-09 for 96 ULBs was 20,66,897. Its percentage was 56 % to the total number of electors. The no. of votes polled during 2003 for these ULBs were 19,40,321 and percentage was 60.6%.

Q.51. How and where is the counting done and results declared for election of Ward Councillors /Corporators?

Ans. Counting of votes is done at the place fixed by the Election Officer in the manner prescribed under Rule 58 of Orissa Municipal (Delimitation of Wards, Reservation of Seats and Conduct of Election) Rules, 1994. Usually, these are public / Government buildings at the head quarters of the U.L.B.. The votes polled by each candidate are registered on Form No.XIX and after the Election Officer completes scrutiny he declares the results in Form No.XX .

Counting of votes is done at the place fixed by the Election Officer in the manner prescribed under Rule 70 of Orissa Municipal Corporation (Division of City into Wards, Reservation of Seats & Conduct of Election Rules, 2003. Usually, these are public / Government buildings at the head quarters of the Corporation. The votes polled by each candidate are registered on Form No.XXV and after the Returning Officer completes scrutiny he declares the results in Form No.XXVI .

Q.52. What is the procedure for formal constitution of a Municipal Council ? From which date is such Council deemed as formally constituted ? What is its tenure ?

Ans. According to section – 8 of Orissa Municipal Corporation Act, 2003 and 12 of Orissa Municipal Act, 1950, a Municipal Council is formally constituted after every General Election which shall be conducted not later than 6 months from the date of publication of notification of new Municipalities and it is reconstituted before the expiry of a period of 5 years from the date appointed for its first meeting after a General Election.

Such 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 Orissa 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.53. Are all elections to ULBs held on party lines ?

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

GENERAL

Q.54. Is there a separate set of Code of Conduct for elections to PRIs & ULBs ? Who has prescribed the same ? When is such code of Conduct made operational and when does it cease ?

Ans. Two separate sets of code of conducts have been prescribed by the State Election Commission for elections to Panchayati Raj Institutions (Order No.4990 dtd.15.12.2006) and Urban Local Bodies (Order No.2045 dtd.21.05.2008 and 7625 dtd.10.12.2008). The code of conduct is made operational **from the date of notification of election programme by the Commission** and ceases after completion of counting.

Q.55. Does the State Election Commission separately register Political Parties for the purpose of contesting elections to ZP and ULBs ?

Ans. The State Election Commission does not register political parties for the purpose of contesting elections to Z.P. and U.L.Bs. He takes cognizance of the registration of Political Parties made by the Election Commission of India and treats them as such for the purpose of election to Z.P. and U.L.Bs.

Q.56. Can an election petition be made to the State Election Commission for removal/ disqualification of a member/Corporator /Councillor to PRIs/ULBs after completion of process of election and formal notification of the results?

Ans. No. Such election petition will **lie to appropriate courts** to adjudicate as prescribed under the relevant Acts and rules.

Under Article 243(O)(b) and 243ZG(b) of the Constitution, no election of a member to PRIs/ULBs shall be called in question except through an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.