

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 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 Odisha 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 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 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.

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.

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.

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.

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.

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.

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.

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. BCC 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.

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.

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.

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.

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.

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.

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 1.11.2016 by which one has to be a voter for General Elections to PRIs, 2017.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 1st 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.

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.

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.

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/

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.

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

Ans.

41. How many Panchayat Samitis are in Odisha ?

Ans. There are 314 Panchayat Samitis in Odisha.

42. How many Zilla Parishad constituencies are in Odisha ?

Ans. There are 854 nos. of Zilla Parishad Constituencies in Odisha.

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.

43. 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 the his supervision.

44. 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.

45. 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.

46. 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.

47. How are the Ward Councillors / Corporators elected ?

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

48. 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 Odisha Gazette after every General Election according to section 14 of the Odisha 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 Odisha 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.

49. 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 relating 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.

50. 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.

Population Range	Number of Corporators		
	Minimum	Incremental Nos.	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 Odisha Municipal Corporation (DCW, RS & CE) Rules 2003.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

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

Ans. As per 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/-

60. 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 Rule36 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 word 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.

61. 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.

62. Are all elections to ULBs held on party lines ?

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

GENERAL

63. 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.

64. 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. 65. 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?

65 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.