

## **Chapter – 2**

### **Powers and Duties of Officers and Employees**

#### **POWERS AND DUTIES:**

The State Election Commission is functioning under the superintendence, directions and control of the State Election Commissioner appointed by the Administrator of Union Territory of Puducherry. The State Election Commission mainly deals with preparation of Electoral rolls during the Civic Elections and conduct of all elections to 5 Municipalities, 10 Commune Panchayats and 108 Village Panchayats of the Union Territory of Puducherry.

The State Election Commission discharges its duties as per the statutory provisions of Acts and Rules framed thereunder by the Parliament / Puducherry Legislative Assembly.

Drawing power under these provisions, the State Election Commission also issues various instructions on its own, from time to time, in order to ensure free and fair elections.

#### **(a) State Election Commissioner:**

In accordance with the provisions under Section 9A of the Puducherry Village and Commune Panchayat Act, 1973 read with Section 15A of the Puducherry Municipalities Act 1973, the superintendence, direction, control of the preparation of electoral rolls and the conduct of all elections to the Municipalities/ Panchayats are vested in the State Election Commission consisting of an Election Commissioner appointed by the Administrator of the Union Territory of Puducherry. Under this omnibus and enabling provision the Commission issues directions / guidelines for conduct of all elections to the local bodies in the Union Territory of Puducherry.

#### **(b) District Election Officers / Regional Election Officers:**

In every District / Region, the District Election Officer(DEO) / Regional Election Officer (REO) co-ordinates and supervises, under the over-all superintendence, direction and control of the State Election Commissioner, all works in the district / region or in the area within their jurisdiction in connection with the conduct of all elections to the Municipalities / Panchayats. They also co-ordinate with the Returning Officers during elections and facilitate discharge of their statutory duties.

#### **Duties of DEOs / REOs in relation to election:**

- a) Selection and, at the appropriate time, setting up of polling stations and Counting Centres, with previous approval of the State Election Commission.
- b) Formation of polling parties and appointment of Presiding Officer and Polling Officers for each polling station
- c) Selection and appointment of Counting Officers, Sector Officers
- d) Imparting intensive training to the polling personnel and Counting Officers(including those on reserve duty)
- e) Co-coordinating with and facilitating the discharge of duties by the Returning Officers.
- f) Maintenance of Law and Order.
- g) Preparation of District Election Plan.

### **(c) Returning Officer:**

For every Municipality / Commune Panchayat, during the election to fill a seat or seats, the SEC nominates a Returning Officer who shall be an officer of Government.

The Returning Officer is primarily responsible for the conduct of elections from his Municipality / Commune Panchayat. His functions are: Making detailed arrangements for the poll, Appointment and training of polling personnel (including reserve); Receipt of nomination papers, Security deposit, intimation from parties about candidates. Handing over a copy of instructions for lodging of account of Election expenses and Register, etc., Scrutiny of nomination papers; Allotment of symbols; Publication of notice of nominations; list of validly nominated candidates and contesting candidates, printing of postal ballot papers and dispatch to service voters; Meetings / contact with candidates, political parties to ensure free, fair and smooth elections and enforcement of model code of conduct; Ensuring the presence of polling parties for the conduct of poll and supply of Electronic Voting Machines / ballot papers and other election materials; Supervision of poll and sending reports to State Election Commission; Transport and storage of EVM after poll under security arrangements; Fixing place of counting and actual counting; Declaration of result; Safe custody of election papers and materials after counting; Scrutiny of accounts of election expenses of contesting candidates and submission of their returns to the State Election Commission: Overall supervision of election work.

### **Outlines of duties of a Returning Officer:**

1. Drawing up, well in advance, a programme and plan of detailed arrangements for the poll
2. Arrangement for printing of ballot papers and all election materials in sufficient quantity.
3. Issue of public notice of election in prescribed form as per of the Conduct of Election Rules of Municipalities/ Commune Panchayats.
4. Receipt of nomination papers, security deposits etc.
5. Administration of oath or affirmation to candidates after they have filed their nomination papers.
6. Dissemination of information contained in the affidavits filed by the candidates.
7. Scrutiny of nomination paper.
8. Recording of reasons in brief for rejecting any nomination paper.
9. Receipt of notices for withdrawal of candidature.
10. Allotment of symbols to contesting candidates.
11. Preparation and publication of notice of nominations, list of validly nominated candidates and list of contesting candidates.
12. Assessing the requirements of (i) printed ballot papers (ii) postal ballot papers for service voters and voters on election duty, Electors those above 80 years of age, Persons with Disability etc and (iii) tendered ballot papers and arranging the printing and supply thereof.
13. Preparing the lists of classified service voters who have appointed proxy voters.

14. Establishing contact with the contesting candidates and political parties to ensure free, fair and smooth election.
15. Convening of meeting to discuss common problems relating to conduct of election, review of law and order situation enforcement of code of conduct for political parties, etc.,
16. Transport arrangements for EVM / ballot papers and election materials.
17. Dispatch of polling materials and EVM / ballot papers for the conduct of poll
18. Effective supervision of the poll
19. Appointment and training of counting staff.
20. Transport and storage of EVM / polled papers after the poll, under strict security arrangements.
21. Fixing of date, time and place of counting and actual counting of votes
22. Declaration of result.
23. Transportation of all EVM / ballot papers, election papers and election materials after declaration of results, for safe custody.
24. Overall supervision of election work.

**(d) Assistant Returning Officers:**

The State Election Commission may appoint one or more Assistant Returning Officers to assist any Returning Officer in the performance of his functions. Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer. The Assistant Returning Officer can perform the functions of the Returning Officer relating to scrutiny of nominations. The AROs are also responsible for receipt of nomination papers in respect of Election of Councilors of Municipalities/ Members and President of a Village Panchayat of Commune Panchayats.

**(e) Presiding and Polling Officers:**

The District Election Officer shall appoint a Presiding Officer for each polling station and such number of polling officer or officers as he thinks. A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer. If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the Returning Officer to perform such functions during any such absence.

The general duty of the presiding officer at a polling station is to maintain order and to ensure that the poll is fairly taken. He enjoys full legal power to control the proceedings in the polling station under his charge. The duty of the polling officers at a polling station is to assist the presiding officer in the performance of his functions. The polling party generally consists of a Presiding Officer and three polling officers.

The discharge of functions and duties mentioned above, are governed by the various election laws rules & orders issued by the State Election Commission.

**(f) Sector Officers**

Each Sector is put under a responsible Sector Officer, identified from all permissible departments of preferably the state, and where possible, Central Govt. and provided with a vehicle and fuel and should extensively familiarize themselves with every nook and corner of their jurisdiction (i.e.) the polling locations as well as the catchment area of the polling stations. The Sector Officers is responsible for ascertaining the approach and accessibility to polling locations and ascertaining the infrastructure at the polling locations viz. ramp, water, toilet, telephone number if any, etc., He is also to report on observance of the Model Code of Conduct in his jurisdiction like movement of unauthorized campaign vehicles, defacement of properties, campaigning beyond permitted hours, misuse of public building for campaign purposes, misuse of government vehicles on the eve of the poll day. The Sector Officer is responsible for safe reach of Polling team and all the materials / equipments to the polling stations and receive back the polled EVMs / Polling materials and also to ascertain the Force is deployed according to the plan. On the poll day, he make himself available/contactable to every Presiding Officer under his jurisdiction and ensure that the poll is conducted in a free and fair manner and after the poll is over safely escort the EVM / polled ballot boxes and got deposited at designated counters.

**(g) Electoral Registration Officers:**

The Commissioners of the five Municipalities and ten Commune Panchayats are designated as Electoral Registration Officers for the wards under their control for preparation of ward-wise electoral roll for use in Civic Elections. The main function of the ERO is:

- (a) Revision of electoral rolls with reference to the qualifying date; and
- (b) Grievance Redressal related to electoral rolls.

**(h) Assistant Electoral Registration Officers:**

The State Election Commission may appoint Assistant Electoral Registration Officers to assist any Electoral Registration Officer in the performance of his functions and he shall, subject to the control of the Electoral Registration Officer, be competent to perform all or any of the functions of the Electoral Registration Officer.

**REVISION OF ELECTORAL ROLLS**

The latest electoral roll notified for the Legislative Assembly constituencies is segregated into parts as related to the Municipality / Panchayat Wards. Thus segregated ward-wise electoral rolls form the basic electoral rolls for the Civic Election. These ward-wise electoral rolls are notified by the concerned EROs in the respective wards under their control for inspection by public and seeking claims for inclusion/deletion/transposition/objections, if any.

During the period of revision of electoral roll applications for inclusions (Form-7) Objection to inclusion (Form-8), Objection to particulars entered (Form-9) Transposition entry (Form-10) Deletion of entry (Form-11) can be filed. All these forms are made available free of cost by the ERO. After enquiry on the applications, changes are incorporated and the Electoral Rolls are finally published once again in the respective wards.

### **Eligibility for enrollment in the Electoral Roll:**

1. Should have completed 18 years as on the qualifying date, i.e. 1<sup>st</sup> January of that year (or) any other date as notified by the Commission.
2. Should be a citizen of India.
3. Should be ordinarily resident in the area from where application is made.
4. Should not be of unsound mind (If he/she is of unsound mind and stands declared by a competent Court then not eligible to be registered as voter).
5. Should not have been disqualified from voting under provisions of any law relating to corrupt practices and other offences in connection with election.

The applicant should, wherever necessary, produce the documentary evidences relating to the following, which will facilitate the speedy disposal of application. They are:

1. Proof of age, like Study Certificate, Birth Certificate, Marks Sheet and such other documents.
2. Proof of citizenship
3. Proof of ordinary residence like Residence Certificate, Passport, Ration Card, Telephone / Electricity / LPG Bill, etc., showing proof of address.

### **Mode of publication of electoral roll, claims and objections.**

During the period for filing claims and objections during the revision period the ERO causes to be published the electoral rolls in all designated locations on a daily basis for public inspection and raising of objections. The draft as well as the final electoral rolls are published in ERO's office and at designated centres

The elector can obtain the extract of the published final electoral roll on application in writing, from the Office of the ERO-cum-Commissioner of the concerned Municipality/Commune Panchayat during the time of elections on payment of the cost prescribed by this Commission.

### **CONDUCT OF ELECTION:**

The Constitution of India has vested in the State Election Commission the superintendence, direction and control of the entire process for conduct of elections both direct and indirect to Municipality / Commune Panchayats.

The Union Territory of Puducherry has 5 Municipalities 10 Commune Panchayats and 108 Village Panchayats. Elections are conducted according to the constitutional provisions supplemented by laws made by Legislative Assembly. If the laws enacted are silent or make insufficient provision to deal with a given situation in the conduct of elections, the State Election Commissioner has the plenary powers under the Constitution to act in an appropriate manner.

## **I. MUNICIPAL ELECTIONS**

- 1) The Chairman and the Members of Municipal Councils are directly elected by the voters whereas the Vice-Chairman of the Municipal Council is elected indirectly from among the elected councilors. The election of Chairman and Councilors is held on **party basis** for which the State Election Commission finalizes the list of **political parties**.

### **2) Qualifications for Chairman / Councillors:**

- a) A person who stands for election as Chairman/Member of the Municipal Council should be a voter of the Municipality concerned
- b) A person who stands for election as Chairman should have attained the age of 25 years, whereas a person who stands for election for Councillor should have attained the age of 21 years.
- c) A person who stands for election as a Member of the Municipal Council will not be eligible to stand for election as Chairman of the Municipal Council and vice-versa.
- d) **A person who stands for election from a different ward, a copy of the electoral roll of that ward or of the relevant part thereof or a certified copy of the relevant entries in such roll bearing his name should be enclosed in the nomination paper.**
- e) A person who stands for an election can present not more than four Nomination papers.
- f) An elector can sign only one nomination paper as a proposer.
- g) An elector who wishes to stand as a candidate for election to a seat shall not sign any nomination paper as proposer.

### 3) **Allotment of Symbols:**

The election of Chairman as well as the Members of Municipal councils are held on party basis, i.e., party symbols are allotted to the candidates sponsored by the registered and recognized parties. All political parties registered and recognized by the Election Commission of India are treated as the registered and recognized parties and they get their respective party symbols.

### 4) **Deposit:**

The details regarding the amount of deposit to be remitted by the candidates while presenting the nomination papers are detailed below:-

	<u>General</u>	<u>SC</u>
(i) For Chairman Election	Rs.10,000/-	Rs.5,000/-
(ii) For Councillor Election	Rs. 5,000/-	Rs.2,500/-

### 5) **Election Expenditure Limit:**

#### **For Municipal Council:**

A candidate who stands for election to the post of Chairman or Councilor of the Municipal Council should not incur expenditure beyond the limit as prescribed below:

- (i) For election as Chairman of Municipal Council;

<b>Municipality</b>	<b>Amount (Rs.)</b>
Pondicherry	30,00,000
Oulgaret	35,00,000
Karaikal	14,00,000
Mahe	10,00,000
Yanam	10,00,000

- (ii) For election as Councillor of any Municipal Council — Rs. 3,20,000/-

### **II) PANCHAYAT ELECTIONS:**

1) The election for the posts of Member of Commune Panchayat Council, President of Village Panchayat and Member of Village Panchayat is directly held. The Chairman of the Commune Panchayat council is however indirectly elected from among the elected council members of the Commune Panchayat. The Vice-Chairman of the Commune Panchayat Council is elected by and from the electoral body consisting of the Commune Panchayat Councilors elected directly and the directly elected Presidents of the Village Panchayat comprised within the jurisdiction of the concerned Commune Panchayat. The Vice President of Village Panchayat is elected from among the elected Members of Village Panchayat Wards.

The election of Commune Panchayat Council members is **held on party basis.**

## **2) Qualifications for Candidates:**

- a) A person who stands for Panchayat elections should be a voter of the concerned Commune Panchayat Council/Village Panchayat.
- b) A person who stands for Panchayat elections should have attained the age of 21 years
- c) A person who stands for election as Member of Commune Panchayat Council will not be eligible for election as a Member of village Panchayat or President of Village Panchayat.
- d) A person who stands for election as President of Village Panchayat will not be eligible for election as Member of Commune Panchayat Council or Member of Village Panchayat.
- e) A person who stands for election as Member of Village Panchayat will not be eligible for election as Member of Commune Panchayat Council or President of Village Panchayat.

## **3) Allotment of Symbols:**

The election for President of Village Panchayats and ward member of Village Panchayats is held on non-party basis and free symbols are allotted to the candidates at these elections. The election of Commune Panchayat council members is held on party basis and the respective party symbols are allotted to the candidates sponsored by the registered and recognized political parties.

Electronic Voting Machines (EVM) are being introduced for the first time in the history of the UT for casting votes by the electors in the elections to the Municipalities and Commune & Village Panchayats.

- (i) In case of Municipal Elections, two Balloting Units are to be used. One for Councillor and one for Chairman.
- (ii) In case of Commune Panchayat & Village Panchayat Elections, three Balloting Units are to be used. One for Council Member, one for Village Panchayat President and one for Village Panchayat Ward Member

## **4) Deposits:**

The details regarding the amount of deposit to be remitted by the candidates while presenting the nomination papers are detailed below:

	<b>General</b>	<b>S.C.</b>
i) Member of Village Panchayat	Rs. 1000/-	Rs. 500/-
ii) Village Panchayat President	Rs. 5000/-	Rs. 2500/-
iii) Member of Commune Panchayat	Rs. 5000/-	Rs. 2500/-

## **5) Election Expenditure limit:**

### **Panchayat Election:**

No candidate contesting for the post of Member of Commune Panchayat Council, President of Village Panchayat and Member of Village Panchayat should incur expenditure beyond the limit as prescribed below;

1. Member of Commune Panchayat Council	Rs. 3, 20,000/-
2. President of Village Panchayat	Rs. 2, 50,000/-
3. Ward Member of Village Panchayat	Rs. 25,000/-

## **III) GENERAL**

### **1) Reservation of Seats:**

Based on the Notification of the Government in respect of ward-wise population in relation to the last Census and the number of seats reserved in each ward, etc., for Scheduled Castes and Women, the State Election Commission identifies the reserved seats to SC (including SC Women), Women and General Candidates and publishes the same in the Official Gazette.

### **2) Election Schedule:**

**(a) Notice for Nomination:** In pursuance of the direction of State Election Commission, the Returning Officer publishes notice of election in the respective regional language of the region at least seven days before the last date for the presentation of nomination papers, by affixing it at his office and also at the Office of Commune Panchayat, taluk/sub-taluk office, at the office of the Village Panchayat or in one conspicuous place in each Panchayat within the jurisdiction of Commune Panchayat and also at such places he considers necessary for giving wide publicity.

**(b) Nomination:** Nomination papers duly filled in and with all supporting documents are presented either before the Returning Officer or before any of his Assistant Returning Officers specified by him in the public notice, on any of the notified days at the place or places specified in the notice at any time between 11.00a.m. and 3.00 p.m. and not at any other hours or at any other place.

**(c) Scrutiny:** The scrutiny of the nomination papers is done by the Returning Officer / Assistant Returning Officer on the day and at the hour fixed for the purpose in the presence of the candidates. One proposer of each candidate and one other person duly authorized in writing by each candidate. The scrutiny is being done in accordance with the highest judicial standards. The qualifications or disqualifications of a candidate are related to the date fixed for scrutiny of nominations.

**(d) Withdrawal:** The candidate can withdraw his candidature by giving a notice in Form-4 signed by him and delivered before 3 O' clock in the afternoon of the last date fixed for such withdrawal.

**(e) List of contesting candidates:** Immediately after 3.00 p.m on the last day fixed for withdrawal of candidatures, a list in Form-6 of contesting candidates is prepared listing out the names of candidates one or more of whose nomination papers was found to be valid and who have not withdrawn their candidatures and this Form-6 is displayed in some conspicuous place.

### **3) Date &Timing of Poll:**

The poll (voting) cannot be held earlier than the tenth day after the last date notified for withdrawal of candidature. The timing of poll for both Municipal and Panchayat elections is generally fixed between 7.00 A.M. and 6.00 P.M. This may vary depending on the time of conduct of elections as provided under rules. But, the hours fixed for poll at an election shall not be less than eight hours.

### **4) Code of Conduct**

In order to maintain a healthy and peaceful atmosphere and provide a level playing field to all candidates during the election period as well as to create an atmosphere conducive for ensuring a free and fair election, the State Election Commission has evolved a Model Code of Conduct for the guidance of Political Parties, Candidates, Officials and electors. The said Code comes into force from the date of announcement of elections by this Commission. Any specific cases of violation of the code can be brought to the notice of the Returning Officers, District / Regional Election Officers, Election Observers and State Election Commission. Such violations will be dealt in accordance with law.

### **5) Refund of Deposit:**

The deposit made by a candidate is returned on application under the following circumstances.

1. the candidate is not shown in the list of contesting candidates, that is to say either his/her nomination was rejected or after his/her nomination was accepted, he/she withdraws his/her candidature; or

2. he/she dies before the commencement of the poll; or
3. he/she is elected or
4. he/she is not elected but gets more than 1/6<sup>th</sup> of the total no. of valid votes polled by all the candidates at the election.

**6) Eligibility to vote:**

- a) Name should find place in the electoral roll concerning the polling station where the individual desires to vote
- b) Right to vote is not exercisable if the elector is confined in a prison (under a sentence of imprisonment or transportation or otherwise) or in a lawful custody of the police except for those under preventive detention
- c) The elector is not disqualified otherwise under the law.

**7) Service Voters:**

Service voters can be enrolled in the place where they would have been ordinarily resident (place of permanent address) had they not been in service and posted elsewhere. They can exercise their franchise through postal ballot. Their application for inclusion in the relevant part of the electoral roll and also information regarding appointment should be forwarded to CEO/DEO/ERO through proper channel by the head of their department. The postal ballot papers for such service voters is dispatched to them at their respective destination within 48 hours from the date of withdrawal of nomination.

**8) Voting by postal ballot paper:**

Facility of voting by Postal Ballot Paper is available to certain categories of Voters viz. Special voters, Service Voters, Wife of a special/service voters, Voters on Election Duty, Cooks/Peons/Drivers on election duty, Electors subjected to preventive detention, Police Personnel on election duty, Polling Personnel, Candidates and Polling agents, those above 80 years of age, Persons with Disability. Except Service Personnel, others should apply for postal ballot paper in Form 12 to the concerned Returning Officer atleast 7 days before the actual date of the poll.

#### **9) Observers:**

As a part of the Election Process and in order to ensure conduct of election in a free and fair manner, the SEC in exercise of the powers conferred under the Acts & Rules, appoints Senior Officers of the UT of Puducherry Administration usually belonging to the IAS as GENERAL OBSERVERS to ensure absolute impartiality in conduct of election.

In addition to the appointment of General Observers, the Commission also appoints EXPENDITURE OBSERVERS. Both Observers perform their duties as assigned by the Commission and are required to focus on certain aspects of the election related events and activities, as assigned to them.

#### **LIST OF POLITICAL PARTIES:**

**The recognized national Parties at present are:**

1. Aam Aadmi Party
2. Bahujan Samaj Party
3. Bharatiya Janata Party
4. Communist Party of India (Marxist)
5. Indian National Congress
6. National People's Party

**The recognized State Parties in respect of the UT of Puducherry are:**

1. All India Anna Dravida Munnetra Kazhagam
2. All India N.R. Congress
3. Dravida Munnetra Kazhagam

**The Wards along with maps of the Municipalities & Commune Panchayats, village Panchayats are in the official website of the State Election Commission, Puducherry.**

