

Know Local Self Governance & Elections





Q&A

DEFECTION

- 1) Name the short title of Anti Defection Act enacted by Kerala legislature for Local bodies
 Ans: Kerala Local Authorities (Prohibition of Defection) Act 1999
- 2) Name the short title of Anti Defection Rules enacted by Kerala legislature for Local bodies
 Ans: Kerala Local Authorities (Disqualification of Defected Members) Rules 2000
- 3) Three situations envisaged in the defection Act under Sec.3 result in disqualification of Membership
 Ans: 1. voluntary giving up of membership of a political party;
 2. Acting contrary to the direction in writing by the political party
 3. Independent member joining a political party
- 4) Which is the designated authority to determine the matter of disqualification under Kerala Local Authorities (Prohibition of Defection) Act 1999?
 Ans: State Election Commission
- 5) What are the consequences of a decision of disqualification on defection arrived by the SEC
 Ans: 1. The member would cease to be a member from the date of decision; and
 2. the member would be disqualified from contesting an election to any local authority for 6 years
 from the date of order of Commission.
- 6) Who all are authorised to file disqualification petition before SEC
 Ans: 1. Member of that Local Authority
 2. The political party concerned
 3. Person authorized by the political party on its behalf
- 7) Name the procedural law employed by the SEC in adjudicating a disqualification case filed before it
 Ans. Code of Civil Procedure 1908

GRAMA SABHA/WARD COMMITTEE/WARD SABHA

8) Which is the constitutionally mandated deliberative assembly in rural local bodies as part of

Panchayat raj

Ans: Grama sabha

9) Which is the constitutionally mandated institutional space for participation of citizens in urban local bodies as part of urban local governance?

Ans: Ward Committee/ward sabha

10) What is quorum for Grama sabha meeting

Ans: 10% of electors included in the electoral roll

11) Who is authorised to preside the Grama sabha meeting

Ans: the Panchayat president or Vice president; in their absence the ward member as the convener of

the Grama Sabha

12) Who is authorised to head the Ward committee meetings in Urban Local Bodies?

Ans: the Ward Councillor

13) What is the composition of the Ward Committee in Urban Local Bodies?

Ans: 1. Councillor of the ward –Chairman:

2. Twenty members elected from the Members of registered neighbourhood groups (NHG):

3. Fifteen Persons elected from the members of registered Resident welfare associations:

4. Heads of all recognized Educational institutions in that ward:

5. One person nominated from each political party having representation in the Municipality:

6. Twenty persons nominated jointly by Chairperson and Councillor of the ward- out of which

ten

persons from cultural organization voluntary organizations, industrial commercial

establishments etc, five persons representing professionals & five from registered trade

unions

14) What are the population limits for constituting a ward committee as per Constitution of India and Kerala Municipality Act

Ans. More than 3 lakh as per Constitution and More than one lakh as per KM Act

15) What is the frequency or periodicity mandated for convening a Ward Committee/ward sabha/Grama Sabha

Ans. Atleast once in 3 months

16) Non-convening of a Ward Committee/ward sabha/Grama Sabha entails disqualification of such member if he -----

Ans: fails to convene its meeting thrice consecutively in case of Grama Sabha and twice consecutively in case of Ward Committee/ward sabha

17) Section 42A of KM Act provides for the constitution of Ward Sabhas, if -----

Ans: an electoral ward of a Municipality where the population does not exceed one lakh

18) Who presides the meetings of Ward Sabha

Ans: the Chairperson or the Deputy Chairperson and in their absence any Standing Committee Chairman authorized by the Chairperson; in their absence the ward Councillor as the convener of the ward sabha

19) Quorum for the ward sabha is-----

Ans: 10% of its total members

20) Quorum for the ward Committee is-----

Ans: 1/5th of total number of its members

21) Which is authority to disqualify a member who fails to convene Grama Sabha/Ward Sabha as per KPR & KM Act

Ans: State Election Commission

22) Number of Local Bodies in Kerala at present

Ans: District Panchayat -14
Block Panchayat- 152
Grama Panchayat: 941
Municipal Council: 87
Municipal Corporation: 6

STANDING COMMITTEE

23) What does Section 162 of KPR Act stand for?

Ans: Constitution of Standing Committee

24) List the standing Committees in a District Panchayat

Ans: Standing Committee for Finance;
Standing Committee for Development;
Standing Committee for Public Works;
Standing Committee for Health & Education;
Standing Committee for Welfare

25) List the standing Committees in a Block Panchayat

Ans: Standing Committee for Finance;
Standing Committee for Development;
Standing Committee for Health & Education;
Standing Committee for Welfare

26) List the standing Committees in a Grama Panchayat

Ans: Standing Committee for Finance;
Standing Committee for Development;
Standing Committee for Health & Education;
Standing Committee for Welfare

27) List the standing Committees in a Municipal Council

Ans: Standing Committee for Finance;
Standing Committee for Development;
Standing Committee for Works;
Standing Committee for Health;
Standing Committee for Welfare
Standing Committee for Education, Arts & Sports

28) List the standing Committees in a Municipal Corporation

Ans: Standing Committee for Finance;
Standing Committee for Development;
Standing Committee for Works;
Standing Committee for Health;
Standing Committee for Welfare
Standing Committee for Education;
Standing Committee for Town Planning
Standing Committee for Appeal relating to Tax

29) Within how many days, election should be conducted if there is a vacancy for a Standing Committee?

Ans: 30 days

DISTRICT PLANNING COMMITTEE

30) The draft development plan for a district is prepared through which committee?

Ans: District Planning Committee (DPC)

31) Who is the chairman of District Planning Committee (DPC)?

Ans: District Panchayat President

32) Who is the secretary of District Planning Committee (DPC)?

Ans: District Collector

33) Who are the permanent invitees of District Planning Committee (DPC)?

Ans: The Members of Lok Sabha, Rajya Sabha and Legislative Assembly.

CONSTITUTION OF INDIA

34) Panchayati raj and Nagarpalika institutions came into existence under the -----
Ans: 73rd and 74th amendment Acts

35) When was the 73rd and 74th Amendment Passed
Ans: 22nd December 1992

36) When was the 73rd Amendment came into force
Ans: April 24 1993

37) When was the 74th Amendment came into force
Ans: June 1 1993

38) Two new Parts added to the constitution by the amendments are-----
Ans. Part IX-Panchayats & Part IXA-Municipalities

39) The Article which directs the state Government to organize the Panchayats
Ans: Article 40

40) Panchayati raj day is celebrated on -----
Ans: April 24

41) Is State Finance commission is a Constitutional Body
Ans: Yes

42) Who constitute State Finance Commission
Ans: Governor of the State

43) Finance Commissions are mandated to constitute in every ----
Ans: 5 years

44) Article 243K refers to-----
Ans: Appointment of State Election Commissioner

45) Provisions of Part IX can be made applicable to Union Territories only through a -----
Ans: Public Notification of President

46) Panchayati raj subject falls under which list of the Constitution
Ans: State list

47) What is the composition of State Election Commission (SEC)?
Ans: A State Election Commissioner

48) Two distinct function of SEC mandated in Constitution under Article 243K
Ans: 1. Preparation of Electoral roll
2. Conduct of Election

Q&A

49) In which matter the SEC enjoys Constitutional immunity

Ans: Removal from the position

50) In what matters the constitution barred the interference of courts

Ans: 1. Validity of any law relating to delimitation of constituencies;
2. Allotment of seats to such constituencies

51) Constitutional authority to prepare draft development plan for a district is -----

Ans: District Planning Committee

52) What does Article 243 B of Indian constitution stand for?

Ans: Constitution of Panchayat

53) Grama Sabha is defined in which Article of Constitution?

Ans: Article 243A

54) What is the population needed for a state for constituting Panchayats at the intermediate level?

Ans: States having more than 20 lakh population

THE REPRESENTATION OF THE PEOPLE ACT 1951

55) Section of RP Act 1951 which entails disqualification of persons for being chosen as and for being member as a local body

Ans: Section 8

56) What are the consequences to an elected member if he is convicted and sentenced for a period not less than 2 years

Ans: Remain disqualified from the date of conviction and continued to be disqualified for a further period of 6 years since his release.

57) Name any two offences in Chapter IX-A IPC 1860 result in disqualification

Ans: Bribery, false accounts

58) What does section 171 E of the IPC stand for?

Ans: Offence of bribery

59) In which year the Protection of Civil Rights Act came into force?

Ans: Protection of Civil Rights Act 1955

60) What is the right of a candidate to vote or refrain from voting at an election under section 171 A IPC called?

Ans: Electoral Right

SALIENT FEATURES OF PANCHAYATI RAJ ACT AND NAGARPALIKA ACT

61) By which Act the Panchayat raj institutions are extended to scheduled and Tribal Areas

Ans: Panchayati (Extension to Scheduled Areas) Act 1996 (PESA Act)

62) Schedules of constitution where the subjects and functions dealt with in local bodies are mentioned

Ans: 11th & 12th

63) When was the 1st Election held after the Kerala Legislative Assembly enacted the KPR Act 1994 and the KM Act 1994?

Ans: 1995

64) ----- is considered as Magna Carta of local democracy in India

Ans: Resolution passed on 18th May 1882 by Lord Rippon

65) Local self Government was brought under the domain of Indian Ministers in the provinces of British India in -----

Ans: Montagu Chelmsford Reform of 1919

66) In which Act the British India introduced Provincial autonomy

Ans: Government of India Act 1935

INDEPENDENT INSTITUTIONS UNDER KPR & KM ACT

67) The 1st State Finance Commission was constituted in?

Ans: 1994

68) The quasi judicial body to check the malpractices in local governments in the discharge of its development functions called?

Ans: Ombudsman for Local Governments

69) Who is the Chairman of Delimitation Commission?

Ans: State Election Commissioner

70) The State Development Council is headed by?

Ans: Chief Minister

LOCAL GOVERNANCE IN KERALA

71) First local body elections after independence were held in-----

Ans: 1953

72) When did the first election to the local bodies were held after the formation of state

Ans: 1963

73) Who is the Authority to determine constituencies in local bodies reserved for Schedule Caste, Schedule Tribe and Women

Ans: State Election Commission

74) First election to District Councils were held in -----

Ans: 1991

75) State Election Commission, Kerala was came into existence on -----

Ans: 3rd December 1993



FAQ

1. What is the period for which any candidate is required to keep a separate and correct account of expenditure in connection with the election?

Answer. Every candidate during an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election, incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

2. With whom and when is the Accounts of Election Expenditure to be submitted?

Answer. The Accounts of Election Expenditure shall be submitted by the candidate/his election agent with the Authorised Officers within 30 days from the date of declaration of result of that election. In the computation of 30 days period, the date of declaration of result is excluded.

3. Is there any time limit for use of peripatetic loudspeakers on moving vehicles, for use during election campaign?

Answer. In view of Hon. Supreme Court's order dated 18/07/2005, "A public address system or loudspeaker or any sound amplifier, whether fitted on vehicles of any kind whatsoever or in static position, used for public meetings for electioneering purpose, shall not be used at night between 10 pm and 6 am."

4. Is there any limit on the number of vehicles that may be used by a political party, candidate or his supporter and workers during election campaign?

Answer. The political parties and candidates are required to obtain written permits from the district election officers/ Returning Officers for the number of vehicles being used by them for election campaign and are further required displaying those permits on the windscreen of the concerned vehicles. Such vehicles must display permit issued by Returning Officer in original (not photocopy) prominently on the windscreen of the Vehicle. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued. Expenditure incurred for the vehicles will be included in the total expenditure of the candidate. If any unauthorized vehicle (i.e. without obtaining permit) is found to be in use during checking, following actions may be taken:-

- (i) If the candidate, in whose favor the electioneering was done, disowns the use of vehicle, the owner of the vehicle will be liable for penal action u/s 171 H of IPC for incurring or authorizing election expenditure without the permission of the candidate.
- (ii) The vehicle may be liable to requisition by the State Government/DEO for official use in connection with election work.

5. What is the deadline after which no public meetings and processions can be taken out?

Answer. Public meetings cannot be held after 10 PM and before 6.00 AM. Further, Candidate cannot hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll.

6. Whether there is any restriction for holding public meeting or taking out processions?

Answer. Prior written permission should be obtained from the concerned police authorities/RO for holding of a meeting at any public or private place and for taking out processions. Prior written permission should also be obtained from the concerned police authorities for using loudspeakers

7. Whether a candidate can print and distribute the diary/calendar/sticker depicting his image or image of Gods/deities etc.

Answer. No. It amounts to bribery under section 171E IPC. Appeal on the ground of religion is a corrupt practice as per Section 120 of KPR Act and Section 144 of KM Act

8. Are there conditions/guidelines for setting up and operating of Booth/ Offices by Party or candidate on poll day?

Answer. Such booth /offices cannot be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters in RLB and within 100 meters in ULB of an existing polling station.

9. Is wearing of special accessories like cap, mask, scarf etc. of a candidate permitted during the campaigning?

Answer. Wearing of special accessories like cap, mask, scarf etc. of a candidate during campaigning is permitted provided they are accounted for in the election expenses of the candidate concerned. However supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.

10. What are the modalities for printing of pamphlets, posters etc?

Answer. Candidate shall not print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face names and addresses of the printer and the publisher thereof

11. How many persons are allowed at the time of scrutiny of nominations by the Returning Officer?

Answer. The candidate, his election agent, one Proposer and one other person (who can be an advocate) duly authorized in writing by the candidate, but no other person, may attend at the time fixed for scrutiny of nominations by Returning Officer.

12. What are the main guidelines for political parties/candidates while making election campaign?

Answer. During the election campaign, no party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic. Further, criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided. Parties and candidates shall ensure that all guidelines in MCC, relevant rules are scrupulously followed in their election campaign

13. Are there any restrictions in using religious places for election propaganda?

Answer. Religious places like Temple, Mosque, Church, or other places of worship shall not be used as forum for election propaganda. Further, there shall be no appeal to caste or communal feelings for securing votes

14. Whether a Minister or any other authority can announce any financial grants in any form or promises thereof or lay foundation stones etc. of projects or schemes of any kinds etc. during election?

Answer. Ministers and other authorities shall not announce any financial grants in any form or promises thereof; or (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or make any promise of construction of roads, provision of drinking water facilities etc. or make any ad-hoc appointments in Government, Public Undertakings etc. In such case, senior Govt. Officer may lay foundation stone etc. without involving any political functionary.

15. A budget provision has been made for a particular scheme or the scheme has been sanctioned earlier. Can such scheme be announced or inaugurated?

Answer. Inauguration/announcement of such scheme is prohibited during election period.

16. Is there any bar to release of payments for completed work?

Answer. There shall be no bar to the release of payments for completed work subject to the full satisfaction of the concerned officials

17. Whether financial institutions funded, partially or wholly by the Governments can write off loans advanced to any individual, company, firm, etc.?

Answer. The financial institutions funded, partially or wholly by the Governments shall not take recourse to writing off loans advanced to any individual, company, firm, etc. Also, financial limits of such institutions, while granting or extending loans, should not be enhanced by issuing of loans indiscriminately to beneficiaries.

18. Whether meeting of Municipal Corporations, Municipalities, Panchayat, Committee, etc. can be convened to review the revenue collection and preparing draft annual budget etc?

Answer. Provided that at such meetings only the matters of routine nature relating to day-to-day administration may be taken up and not the matters relating to its policies and programmes

19. Whether fresh release of funds under MPs/MLAs Local Area Development Fund of any scheme can be made?

Answer. Fresh release of funds under MPs/MLAs Local Area Development Fund of any scheme shall not be made in any area where election is in progress, till the completion of the election process.

20. Whether any guidelines for implementation of various Central and state government schemes/programmes?

Answer. There is no objection for continuance of old or ongoing works and sanction of new works in those areas where no elections have been announced. In those areas where elections have been announced and are in progress, only those works may be undertaken that have already started

21. Suppose work order has been issued in respect of a scheme or a programme. Can it be started after announcement of election programme?

Answer. Work shall not be started in respect of which work order has been issued before announcement of election but the work has actually not started in the field. If a work has actually started in the field that can be continued.

22. What is the process for making transfers and postings of officials who are related to election work?

Answer. There is a total ban on the transfer and posting of all officers/officials connected with the conduct of the election. If any transfer or posting of an officer is considered necessary, prior approval of the Commission shall be obtained by the Govt. Ban will be in force wherever MCC is applicable.

23. Suppose an officer related to election work has been transferred by the Govt. before enforcement of model code of conduct and has not taken over charge at new place. Can such officer take over charge of office at new place after announcement of the code?

Answer: No. Status-quo-ante shall be maintained.

24. Is there any restriction of canvassing in or near polling station?

Answer. Yes. Canvassing for votes etc. within a distance of 100 mts in case of Urban Local Bodies & within a distance of 200 mts in case of Rural Local Bodies of polling station is prohibited on the day of poll.

25. Is there any restriction of going armed to or near polling station?

Answer. Yes. No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighborhood of a polling station on the day of poll.

26. Whether Political Party/Candidate can make arrangements for transporting voter to and from Polling Station?

Answer. No, any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport is a criminal offence.

27. Whether there is any restriction for use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies?

Answer. Use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies are not allowed.

28. Whether Videography or photography is done inside the polling stations to monitor the poll proceedings by the election authority?

Answer. In deference to the suggestions of Supreme Court, contained in its judgment dated 11th January 2005 in Civil Appeal No.9228 of 2003 - (Janak Bingham Vs. Das Rai and Other), the photography by the Official Videographer has been allowed to be carried inside the polling stations to photograph electors and cover poll proceedings without compromising the secrecy of voting in certain identified polling stations assessed as critical on various factors.

FAQ

29. Who are the persons allowed to enter in the counting hall?

Answer. Only counting supervisors/assistants/ Observers, Persons authorized by the Election Commission, Public Servant on duty in connection with election and candidate and his election agent/counting agents.

30. How many counting agents can be appointed by a candidate?

Answer. Each candidate has been allowed to appoint as many counting agents as there are counting tables and one more to watch at the Returning Officer's table.

31. Is there any prescribed form for making appointment of counting agents?

Answer. Yes. The candidate or his election agent has to submit a list of counting agents in the prescribed Form along with their photographs to the Returning Officer. The Returning Officer will prepare identity cards for such agents and issue the same to the candidate

32. How counting agents are deployed in the counting centre by Returning Officer?

Answer. Each counting agent is issued a permission indicating whose agent he is and showing the Sl. No. of the table at which he may watch the counting and is not allowed to move about all over the hall.

33. Is there any upper limit prescribed for the number of counting tables which can be placed inside the counting Hall?

Answer. Normally, the upper limit is 15 tables including the table of Returning Officer.

34. Whether counting agents are allowed to handle EVMs?

Answer. No. In each counting hall, barricades are made for each counting table so that EVM are not handled by the counting agents. The agents are provided all reasonable facilities to see the whole process at the counting tables.

35. How it is ensured that Control Unit of EVM has not been tampered with?

Answer. Before votes recorded in the EVM are counted, the carrying case and control unit of EVM are placed on the counting table for the inspection and checking of seals thereon by the candidate or their agents present at the counting table. If control unit is found to have been tampered with, votes recorded in that machine are not counted and matter is reported to the Commission for further direction.

36. What are the salient features of the Model Code of Conduct?

Answer. The salient features of the Model Code of Conduct lay down how political parties, contesting candidates and party(s) in power should conduct themselves during the process of elections i.e. on their general conduct during electioneering, holding meetings and processions, poll day activities and functioning of the party in power etc.

37. Can a candidate ask for a recount?

Answer. Yes. By a written application stating the grounds on which recount is asked for. Such application can be made to the Returning Officer, who prepares and signs Final Result Sheet

38. If problem arises with one of the EVMs during counting of votes. What action should RO take? Whether announcement of that particular round is to be withheld or of that EVM only?

Answer. If problem arises in one of the EVMs, that EVM may be kept aside and counting may proceed in other tables. The EVM with problems is taken up after counting in all EVMs are done. The total number of votes recorded in such EVMs may be seen vis-à-vis the margin of votes secured by first and second highest candidate. The matter will be reported to SEC for guidance.

39. What is the procedure of counting of votes at counting center?

Answer. The counting of Postal Ballots is to be taken up first. Then RO should start counting of votes in EVM. The counting of votes in EVM may continue till penultimate round. The last round of counting in EVM will be done when counting of all postal ballots is complete.

40. By whom Polling agents are appointed? Name the form in which appointment of polling agent is made?

Answer. Polling agents are appointed by the candidates or their election agents.

41. Is it necessary for a candidate to appoint polling agents for each and every polling station?

Answer. The law allows a candidate or his election agent to appoint three polling agents (one agent and two relief agents) to act as their representatives at every polling station to watch their interest. But at any given point of time only one such agent can remain inside the polling station. The polling agents carry I.D proof issued by Presiding Officer.

42. If an individual goes to his polling station and find that somebody else has impersonated for him and already voted in his name, can he vote in such circumstance?

Answer. Yes, if a person finds that someone else has already voted in his name, then also he will be allowed to vote by applying a separate ballot paper. But his ballot paper will be marked as a Tendered Ballot Paper by the Presiding Officer. This will be kept separately in the prescribed cover.

43. On the day of poll, can any one vote in the name of another person, even with his consent?

Answer. No, on the day of poll no one can vote in the name of another even with his consent. If he does so it would amount to impersonation which is an offence under Section 171 D of Indian Penal Code. The offence is punishable with imprisonment of either description which may extend to one year or with fine or both.

44. Can any one vote more than once, even if his name is included (wrongly) at more than one place?

Answer. No, no one can vote more than once even if his name is included at more than one place. If he does so he will be guilty of impersonation which will be punishable

45. Name the two documents which are displayed by P.O. outside the polling booth on the day of poll?

Answer. (a) The list of contesting candidates (b) Polling area details

FAQ

46. Indelible ink is applied by which polling officer?

Answer. Second polling officer.

47. What are the three things which the presiding officer demonstrates to the polling agents before the start of poll?

Answer: a. Marked copy of electoral roll. b. Register of voter. c. The Electronic Voting Machine

48. What entries are marked by hand in the marked copy of electoral roll?

Answer. Entries against the serial number of the respective electors are made with regard to the followings:-
[a. Postal Ballot. (PB) b. Deletions & Modifications of Supplements

49. At what time mock poll is done and what procedure is followed during mock poll?

Answer. Mock poll are conducted normally one hour before the scheduled hour of commencement of poll. All contesting candidates are informed, well in advance that Mock Poll would start one hour before the commencement of poll and they should be advised to instruct their polling agents to be present in time for the Mock Poll. If any polling agent is not present, the preparations by the Presiding Officer should not be postponed for the arrival of that polling agent. If any polling agent turns up late there is no need to do the preparations again. Any polling agent arriving late can watch the subsequent stages of mock poll. For mock poll, the Balloting Unit should be placed in the voting compartment, where a Polling Officer should be present along with polling agents to observe operations on BU. The CU should be placed on the table of the Presiding Officer/Polling Officer who will operate the CU after being properly connected. This Polling Officer will keep a record of the votes.

The mock poll should be conducted with the polling agents voting at random for each of the contesting candidates. In case of absence of polling agents of any of the candidates, one of the polling officers or other polling agents may record the votes for such candidates. The Polling Officers present in the voting compartment should ensure that votes are recorded for each of the contesting candidates.

50. Whether mock poll is done in cases of replacement of EVMs during the poll? What will be the procedure of mock poll during such cases?

Answer: Yes, if any defect arises in the Ballot unit (BU) or Control Unit (CU) of the EVM during poll process, the entire set of EVM (both BU & CU) should be replaced by new set of EVM (BU & CU), a mock poll should be conducted on the new set of EVM (both BU & CU) before it is put to use. However, in this case, it would be sufficient to cast at least one vote each for each of the candidates. Votes cast will be cleared before the commencement of poll

51. Name the seals and tags used by Presiding Officer for preparation of EVM before starts of poll?

Answer. A. Special tag B. Green paper seal C. Add. Tag D. Outer strip seal

52. What declarations a person has to give to act as a companion of a blind or infirm voter?

Answer. a. That he shall not act as a companion of any other elector at any Polling Station on the same day. b. That he will keep secret the vote recorded by him on behalf of the electors

53. What procedure is followed in voting by blind or infirm voter?

Answer: If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognize the symbol on the Balloting Unit or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit that elector under Rule to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on his behalf and in accordance to his wishes.

Infirm voters who are capable of voting by himself by pressing the button of the candidate of his choice on the Balloting Unit of EVM shall be permitted, authorized companion only up to Voting Compartment in the polling station, not inside the Voting Compartment. Cases where a companion only comes to assist the elector in his movement and does not go into the Voting Compartment shall not be included in the prescribed form.

No person shall be permitted to act as the companion of more than one elector at any polling station on the same day. Indelible ink shall be applied on the right index finger of the companion. The Presiding Officer shall obtain the declaration from the companion in the form prescribed by the Commission for the purposes

54. How many times can a companion accompany the aged or infirm electors?

Answer. Only Once

55. On which finger the indelible ink is applied?

Answer. Marking of the indelible ink is made on fore finger of the left hand

56. If one of the Polling official of a Polling team is absent at the Polling Station on the day of poll what should be done by the Presiding Officer.

Answer. Any person who is available at the polling station to perform election duty can be substituted / appointed by the Presiding Officer

57. Can a Presiding Officer adjourn poll due to extraordinary circumstances?

Answer. Yes. If there is a riot or any attempt of open violence the Presiding Officer should use police force to control the same. If, however, it cannot be controlled and it is impossible to continue the poll, he should adjourn the poll. As stated above, the poll should also be adjourned if the conduct of the poll is rendered impossible on account of any natural calamity or other sufficient cause. Poll should be adjourned only in cases where it has become physically impossible to conduct the poll.

58. What presiding officer should do during poll hours if there is any doubt that Ballot Unit not functioning or any defect is suspected or BU has been tampered with?

Answer. Presiding Officer can enter in the voting compartment to verify when nobody is inside the compartment and if any polling agent(s) wish to accompany they can also be allowed

FAQ

59. Explain 'challenge to a voter' (challenged vote)?

Answer: The polling agent can also challenge the identity of a person claiming to be a particular elector by depositing a sum of Rupees 10/- in cash with the Presiding Officer for each such challenge. Presiding Officer shall hold a summary inquiry to the challenge. If after the enquiry PO consider that the challenge has not been established, he shall allow the person challenged to vote. If he consider that the challenge has been established, he shall debar the person challenged from voting and shall hand over such person to the police with a written complaint. The Presiding Officer shall not entertain any challenge to a voter's identity by a candidate or his election/polling agent until the challenger pays 10/- rupees in cash. After the amount has been paid, furnish a receipt there for to the challenger.

Enter the name and address of the voter in the list of challenged votes in prescribed form and ask him to sign or affix his thumb impression thereon. If he refuses to do so, do not allow him to vote.

Immediately after the enquiry is over, return the challenge fee of Rs.10/- to the person, who made the challenge, after taking his receipt, in every case, except where the PO is of the opinion that the challenge was frivolous or was not made in good faith, in the latter case, forfeit the amount to the government. This amount will be handed over to the officer concerned.

60. Who shall hold a summary inquiry into challenged votes?

Answer: The Presiding Officer

61. When should the Postal Ballot Paper reach the Returning Officer?

Answer. Before the hour fixed for the commencement of counting of Votes

62. At what stage are the Postal Ballot Papers counted?

Answer. Counting of postal ballot paper starts half an hour before counting of votes on EVMs.

63. How can a presiding officer know hourly turn out of votes in the polling station by means of EVM?

Answer. By pressing total button on EVM the presiding officer can see the total number of vote's poll up to the time of pressing the button.

64. Who are the persons eligible for entering polling station?

Answer: In addition to the polling team and eligible voters, the following persons shall also be allowed to enter in the polling station.

- (a) The candidate and his election agent and one polling agent of the candidate at a time;
- (b) the persons authorized by the State Election Commission;
- (c) the officials engaged in election duties;
- (d) the observers appointed by the State Election Commission;
- (e) the infants with the voter;
- (f) the persons accompanied by the blind and infirm voters who cannot move without the help of others;
- (g) the persons permitted by the Presiding Officer either for identifying the voter or for helping in other ways to conduct voting.



65. Explain 'Tendered Votes'?

Answer: If a person presents himself at the polling station and seeks to vote representing him to be a particular elector and the Presiding Officer find that another person has already voted as such elector, in such case Presiding Officer should satisfy himself about the identity of that person to be the elector concerned. If the Presiding Officer is satisfied about the identity of the elector on his satisfactorily answering such questions relating to his identity, he should allow the elector concerned to vote by means of a tendered ballot paper, but not through the voting machine.

Before handing over the tendered ballot paper to the elector, who has presented himself as the genuine elector at the polling station, the Presiding Officer should write the words "Tendered Ballot Paper" on the back of these ballot papers, if these words are not already stamped there, and issue them, if necessary, as tendered ballot paper. He shall also obtain the signature or thumb impression of the elector in Column (5) of that Form before delivering a tendered ballot paper to him. While delivering a tendered ballot paper to the elector, he shall also supply an inked arrow cross mark rubber stamp to elector.

On receiving the tendered ballot paper, the elector concerned will go into the Voting Compartment and will mark his vote on the ballot paper by putting the cross mark on or near the symbol of the contesting candidate of his choice by means of the arrow cross mark rubber stamp. The elector will then fold the tendered ballot paper and after coming out of the Voting Compartment hand it over to the Presiding Officer. The Presiding Officer shall keep all the tendered ballot papers and the list of such tendered ballot papers prepared in prescribed form in a cover specially provided for the purpose and seal the cover at the close of the poll.

66. Can wall writing, pasting of posters and similar other defacement be resorted to with the consent of owner of the property?

Answer. No. It can be resorted to only with prior written permission from the owner of the property and the contesting candidates shall submit photo copies of the same within 3 days, to the Returning Officer. The permission should clearly mention the name and address of the owner of the property from whom such permission has been obtained, together with expenditure incurred or likely to be incurred for the purpose. Any defacement of property is not removed after notice by R.O/DEO, the district authorities may take action to remove the defacement – expenses to be recoverable from political party/association/candidate/person responsible – the amount shall also be added to the election expenditure of the candidate concerned. Easily removable materials are to be used for the purpose.

67. What is the procedure to be followed in 'Voting by Minor'?

Answer: In the case of a person whom the Presiding Officer considers much below the qualifying age, he must be clearly satisfied about the claim of the person of being an elector with reference to the entry in the electoral roll relating to that person. If the Presiding Officer is prima facie satisfied about the identity of the voter and the fact of inclusion of his name in the electoral roll but consider him to be below the minimum voting age the Presiding Officer should obtain a declaration from that elector about his age in Form N16. Before obtaining declaration from such elector, PO should inform him of the penal provision for making false declaration.

68. What is an Electronic Voting machine? In what way its functioning is different from the conventional system of voting?

Answer. An Electronic Voting Machine consists of two Units – a Control Unit and a Balloting Unit – joined by a five-meter cable. The Control Unit is with the Presiding Officer or a Polling Officer and the Balloting Unit is placed inside the voting compartment. Instead of issuing a ballot paper, the Polling Officer in-charge of the Control Unit will press the Ballot Button. This will enable the voter to cast his vote by pressing the blue button on the Balloting Unit against the candidate and symbol of his choice. EVMs run on an ordinary 7.5 volt alkaline battery manufactured by Bharat Electronics Ltd., Bangalore and Electronic Corporation of India Ltd., Hyderabad. Therefore, even in areas with no power connections, EVMs can be used.

69. How can booth capturing be prevented by the use of EVMs?

Answer. The presiding Officer or one of the Polling Officers can press the "close" button as soon as they see some intruders inside the polling station. It will not be possible to record any vote when once the 'close' button is pressed. This way the further recording of votes in EVM is prevented and this will frustrate the efforts of the booth-captors.

70. What are the advantages in using EVMs?

Answer. The most important advantage is that the printing of millions of ballot papers can be dispensed with, as only one ballot paper is required for fixing on the Balloting Unit at each polling station instead of one ballot paper for each individual elector. This results in huge savings by way of cost of paper, printing, transportation, storage and distribution. Secondly, counting is very quick and the result can be declared within 2 to 3 hours as compared to 30-40 hours, on an average, under the conventional system. Thirdly, there are no invalid votes under the system of voting under EVMs. The importance of this will be better appreciated, if it is remembered that in General Elections, the number of invalid votes is more than the winning margin between the winning candidate and the second candidate, in a number of constituencies. To this extent, the choice of the electorate will be more correctly reflected when EVMs are used.

71. Wherever an election petition is filed, the result of the election is subject to the final outcome. The courts, in appropriate cases, may order a recount of votes. Whether EVMs can be stored for such a long time and whether the result can be taken in the presence of the officers authorized by Courts? Will not the battery leak or otherwise damage EVMs?

Answer. The battery is required only to activate the EVMs at the time of polling and counting. As soon as the polling is over, the battery can be switched off and this will be required to be switched on only at the time of counting. The battery can be removed as soon as the result is taken and can be kept separately. Therefore, there is no question of battery leaking or otherwise damaging EVMs. Even when the battery is removed the memory in the microchip remains intact. If the Court orders a recount, the Control Unit can be reactivated by fixing the battery and it will display the result stored in the memory.

72. Is it possible to vote more than once by pressing the button again and again?

Answer. No. As soon as a particular button on the Balloting Unit is pressed, the vote is recorded for that particular candidate and the machine gets locked. Even if one presses that button further or any other button, no further vote will be recorded. This way the EVMs ensure the principle of "one man, one vote".

73. How can a voter be sure that the EVM is working and his vote has been recorded?

Answer. As soon as the voter presses the 'blue button' against the candidate and symbol of his choice, a tiny lamp on the left side of the symbol glows red and simultaneously a long beep sound is heard. Thus, there is both audio and visual indications for the voter to be assured that his vote has been recorded.

74. What are the software applications used in election Management by SEC?

Answer: a. Poll Manager APP - An app for Pre-Poll and Poll day activity management used by polling officials. This app helps hassle free, accurate and quick hourly voter turnout data transmission from Polling Stations. Pre-poll & poll day online reporting, contact search facility, message broadcast, SOS message handling are the major features of Poll Manager.

b. eDrop -A web based solution for all activities related to posting of officials for election duty. The System randomly mixes all data and assigns the officials for polling duty against each polling station.

c. Trend – Real time Trend of counting and quick results for public, media and media centers. Counting data is collected from all the counting centers in real time.