



# **Independence of State Election Commissions in India**

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## SUMMARY

INDEPENDENCE OF STATE ELECTION COMMISSIONS IN INDIA

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**Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana,**  
**Himachal Pradesh, Jharkhand, Karnataka, Kerala,**  
**Madhya Pradesh, Maharashtra, Mizoram, Odisha,**  
**Telangana, Tripura, Uttaranchal, Uttar Pradesh, UTs**  
**(Andaman-Nikobar, Diu-Daman, Lakshadweep)**
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**Disclaimer :** This book is based on the information provided by the concerned State Election Commissions. Maps shown in book are not to scale and for purpose of representation only. The compilation of this book is strictly for the purpose of disseminating information and academic development. Although all the efforts have been made to make this information accurate, readers should refer to the source data available with the concerned State Election Commission and State Government in case of doubt or further clarity.

Independence of SECs in India





# Foreword



73rd & 74th Amendments to the Constitution of India (1992) have been globally landed as a major step towards providing the Local Self- Governments (LSGs), their rightful place in Nation Building. Independent State Election Commissions have been established in various States (at par with Election Commission of India) following the above Amendments for timely conducting the elections in a free, fair and transparent manner.

Constitution of India, while expecting all the Election Commissioners to provide level playing field to all the parties & candidates without any preferential treatment to any, especially the party in power, has given following unique protection to them:

“.....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”

Hon'ble Supreme Court has defined the powers of the Commission vide its' judgement in Mohinder Singh Gill & Anr. Vs. The Chief Election Commissioner, New Delhi & Ors. dated 2.12.1977 as follows:

“...Where the existing laws are absent and yet a situation has to be tackled, the CEC has not to fold his hands and pray to God for divine inspiration to enable him to exercise his functions and to perform his duties or to look to any external authority for the grant of powers to deal with the situation. He must lawfully exercise his power independently, in all matters relating to the conduct of elections, and see that the election process is completed properly in a free and fair manner”.

In spite of above, many a times, allegations are made against Election Commissioners for showing favours and not working as Constitutional watch dog for the elections. In order to understand the above position, i.e. “How much independent are the State Election Commissions”, a questionnaire was finalized by State Election Commission, Maharashtra (SECM) in consultation with others. Information submitted by the various SECs has been compiled and is now being published in a book form.

Though it has always been the endeavor of all the concerned to conduct the elections as per the expectations of the Constitution, many a times it is not perceived accordingly due to variety of reasons some of which may be as follows:

- i) Inadequate knowledge / information about the role, status, authority & power of SEC,
- ii) Treatment of the State Election Commission as a subordinate office of the Government and/or Election Commission of India,
- iii) Non-amendment of the State Laws in conformity with the Constitutional provisions,
- iv) Non-provision of resources by the State Government (manpower, finance etc.) as per the assessment of the Election Commission,
- v) Delay in essential activities like demarcation of wards, reservation of seats etc. by the State Government,
- vi) Selection and appointment of State Election Commissioner etc.

I am sure, this book will be a first step towards establishing independence of the State Election Commissions as per the expectations of the Constitution.

I would like to thank all the State Election Commissioners and their staff for making this unique book possible. I further take this opportunity to thank all the officers & staff of the SECM especially Ms. Manisha Mohite for painstakingly collecting this information without getting irritated.

**- J. S. Saharia**

State Election Commissioner, Maharashtra

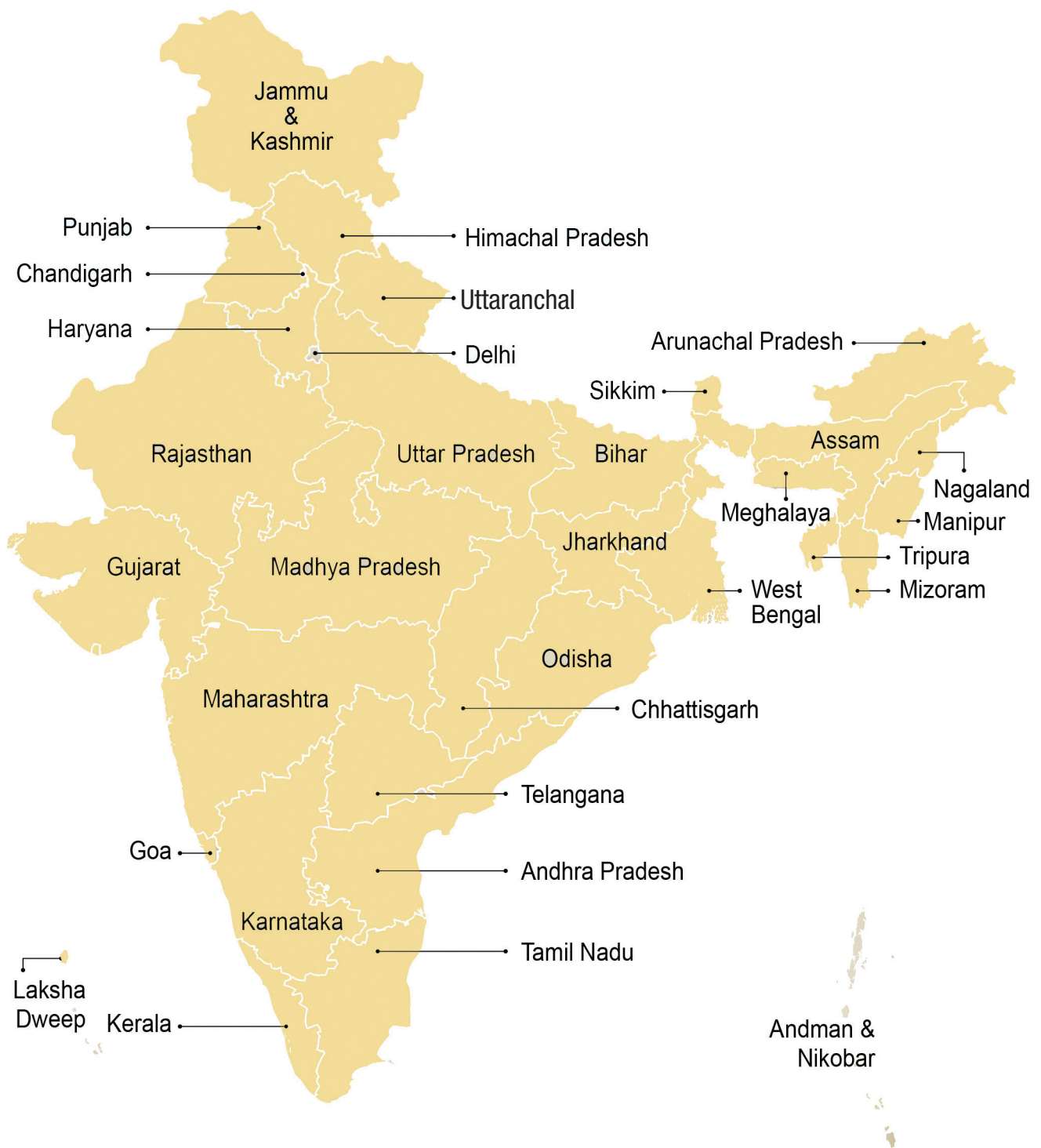




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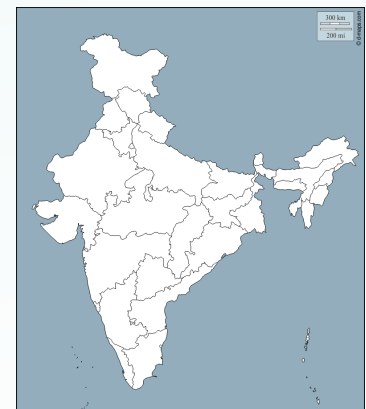






# SUMMARY

Based on Information given by SECs of  
Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana,  
Himachal Pradesh, Jharkhand, Karnataka, Kerala,  
Madhya Pradesh, Maharashtra, Mizoram, Odisha,  
Telangana, Tripura, Uttaranchal, Uttar Pradesh, UTs  
(Andaman-Nikobar, Diu-Daman, Lakshadweep)





## SUMMARY

INDEPENDENCE OF STATE ELECTION COMMISSIONS IN INDIA

# INDEPENDENCE OF STATE ELECTION COMMISSION (SEC)

### SUMMARY BASED ON 19 SEC's INFORMATION

Sr.No. Unique Features	States Names
1 Demarcation/Delimitation of Wards	Mostly By State Govt. Except Bihar, Gujarat, Kerala, Maharashtra, UTs(Delhi), where SEC does & in Kerala they have delimitation commission
2 Reservation :	
Wards	Mostly By State Govt. Except Bihar, Gujarat, Kerala, Maharashtra, UTs(Delhi), where SEC does & in Kerala they have delimitation commission
Members/ Councilors	Mostly By State Govt. Except Bihar, Kerala, Maharashtra, where SEC does
Mayor of Corporation	Mostly By State Govt. Except Bihar, Jharkhand, Kerala where SEC does
President of Municipal Council	Mostly By State Govt. Except Jharkhand, Kerala where SEC does
President of ZPPS	Mostly By State Govt. Except Bihar, Jharkhand (only for ZP), Kerala where SEC does
3. Instances where elections could not be held on time due to delayed demarcation or reservation by the Government (in last two years)	Some instances are found in Gujarat, Goa, Haryana, Madhya Pradesh, Maharashtra, Odisha, Uttaranchal
4. Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	Yes, Haryana, Madhya Pradesh, Uttar Pradesh has send proposals for amendment in act. Maharashtra (issued order)
5. Election Expenses (Urban & Rural) - Charged or Voted	All Voted, (Except Bihar, UTs (Lakshadweep) who have Charged)
6. Any upper limit of election expenditure	All has upper limit (Except Chhattisgarh (No upper limit in rural elections), Karnataka, Kerala, Madhya Pradesh, Tripura, Odisha, UTs (Lakshadweep), who have no upper limit.)
7. Office Expenses - Charged or Voted	All Voted, (Except Bihar, UTs (Lakshadweep) who have Charged)
8. Is SEC required to take approval before incurring any expenditure?	No approval required in All (Except Goa, UTs (Lakshadweep))
9. Is SEC free to incur any expenses on its own?	Yes in all (Except Mizoram & Goa where Administrative approval of finance Dpt. Needed), UTs (demanded separate budget for SEC)





## SUMMARY

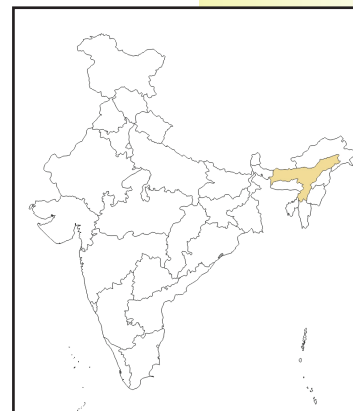
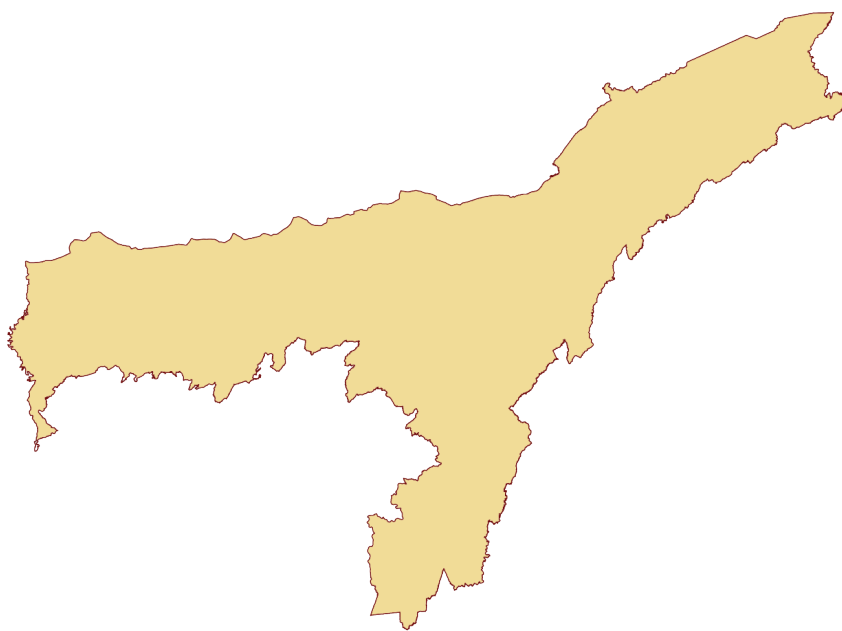
INDEPENDENCE OF STATE ELECTION COMMISSIONS IN INDIA

10. Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	Nil in all but one incident in Odisha
11. Has the Govt. prescribed any Staffing pattern for SEC? If yes, Is it indicative in nature or rigid?	Yes, all have either indicative or rigid prescribed pattern  (Except Assam, Bihar, Himachal Pradesh, Kerala, Tripura, who have stated No)
12. Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt)	Yes SEC have the full powers in Assam, Chhattisgarh, Goa, Haryana, Himachal Pradesh, Madhya Pradesh, Odisha, Telengana, Uttarakhand
13. Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Yes Mostly Recommends to Parent Dpt.: Assam, Bihar, Chhattisgarh, Gujarat, Goa, Haryana, Himachal Pradesh Jharkhand, Karnataka, Odisha, Telengana, Tripura, Uttar Pradesh, Uttaranchal, Uts (Lakshadweep) (Except Mizoram, who have stated No action taken)





# ASSAM



## STATE ELECTION COMMISSION, ASSAM

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?		Single		
2	Tenure of SEC		5 years or 65 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of		CM		
4	Minimum qualification prescribed for SEC		No minimum level		
5	Salary drawn by SEC equivalent to		any other (✓) (Rs. 2,25,000/- plus DA &HRA)		
6	Details of State Election Commissioners appointed so far :				
Sr. No		Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Sri T.L. Barua {IAS (R)}	05.07.94 to 31.07.97	Commissioner & Secretary, Govt. of Assam.	Joint Secretary	
2.	Sri D.C Borthakur {IAS (R)}	01.08.87 to 30.04.99	-DO-	-DO-	
3.	Sri A.Malik {IAS (R)}	14.05.99 to 30.04.01	-DO-	-DO-	
4.	Sri N.G. Barooah {IAS (R)}	27.08.01 to 31.12.05	-DO-	-DO-	
5.	Sri C.K. Sarma {IAS (R)}	01.03.06 to 31.01.09	-DO-	-DO-	
6.	Sri Biren Dutta {IAS (R)}	04.06.09 to 30.03.14	-DO-	-DO-	
7.	Sri H.N. Bora {IAS (R)}	30.09.14 to (Continuing)	-DO-	Secretary	
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof		No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof		Yes  Sri C.K Sarma (Sl. No.5) resigned on personal grounds before completion of his term.		



### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State	
2	Who does the reservation of seats?		
	Seat of	State Government	
	Members / Councillors	DM/SDM	
	Mayor of Corpn.	Indirect Election	
	President of Municipal Council	State Govt.	
	President of ZP/PS	State Govt.	
3	How many months before the expiry of the term it is done	Demarcation No such time limit	Reservation No such time limit
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	No such instances	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No  NA	

### CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	NA

### ELECTION EXPENDITURE

#### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government Routed through SEC
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	candidate-wise





4 - If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No No
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6 These arrears were paid in how much time?	<div>- Less than 6 months - 6 months to 1 year - more than 1 year</div> } NA

## ELECTION EXPENDITURE

### RURAL

1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government Yes, routed through the SEC
2 Is this expenditure, 'charged' or 'voted'?	Voted
3 Any upper limit of expenditure for the local body - If yes, how much	candidate-wise
4 - If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6 These arrears were paid in how much time?	<div>- Less than 6 months - 6 months to 1 year - more than 1 year</div> } NA

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1 Is it 'charged' or 'voted'?	<div>- Charged - Voted</div> } Both (in part)
2 If voted, does the Government provide budget as per the assessment and request by the SEC	Yes. But often with reduction of the proposed amount.
3 If no, how does SEC get additional budget?	By re-appropriation or supplementary demand
4 Is SEC required to take approval before incurring any expenditure?	No
5 Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes
6 Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	NA





### SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	Gr-III = 8 Nos, Gr- IV= 8 Nos. Gazetted Officers only. No : 5
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	No  Indicative / Rigid NA
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	Regular recruitment – NO  But during conduct of Election the Commission engages retired officials depending upon necessity on a monthly lump sum remuneration.
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  In case of any such depute, not upto the quality, Govt. is to be moved for recall.
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No  Usually transferred with a substitute given.
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	Yes In case of staff (non- gazetted) under administrative control of the Commission, SEC is free to recruit following usual govt. approved selection procedure.
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes  NA
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	No such situation in this State Commission. But if such a situation exists in other State Commission, it is likely to affect the independence of the Commission.

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes Our Municipal and Panchayat Election Rules stipulate that the State Govt. provide the required staff and officers for conduct of the respective election. The provision under Article 243K (3) and 243 ZA of the Constitution of India may be referred to.
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No





3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	No. The Commission recommends to the State Govt in case of any default or dereliction of duties by the Govt. Officials.
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	So far, no such cases.
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	NIL

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes Issued on 2/3 occasions restraining the print and electronic media from prepoll and post poll analysis.
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	Such a situation happened recently. The PRI Elections in Assam was due to be held in February-March 2019. The Commission went ahead for holding accordingly with intimation & consultation with the State Govt departments. But due to the ongoing process of updation of the National registrar of Citizens under supervision of the Hon'ble Supreme Court, the Hon'ble Supreme Court issued restrictions that officials and staff engaged in the NRC works cannot be spared for Panchayat Election, although, Hon'ble Supreme Court held that elections to the local bodies are to be held in time. Due to the said restriction/orders of the Hon'ble Supreme Court, it was practically not possible to conduct the election in time, as almost all key officials of the districts were engaged in NRC works. This State Election Commission had filed a Miscellaneous Petition before the Hon'ble Supreme Court to allow Govt. officials in conduct of the Panchayat Election, but the Hon'ble Supreme Court stuck to their earlier orders except sparing services of an Addl. Deputy Commissioner of the district.. Finally, the Panchayat Election could be held in the months of Nov-Dec, 2018, after publication of the final draft NRC.

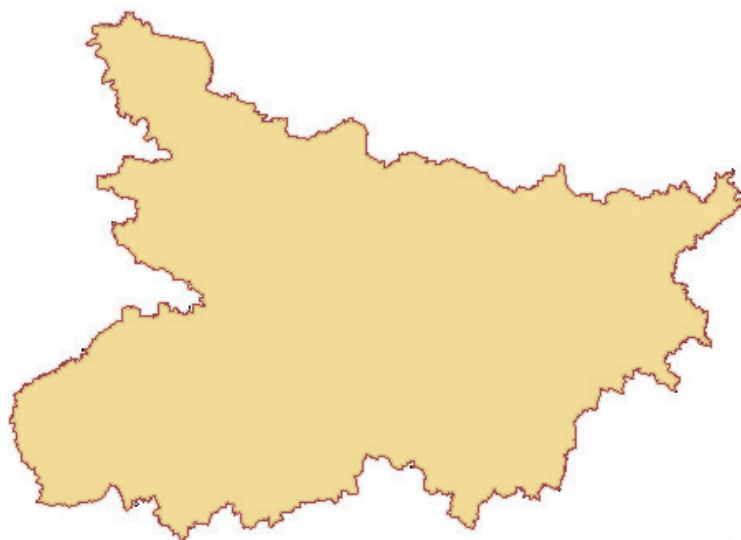




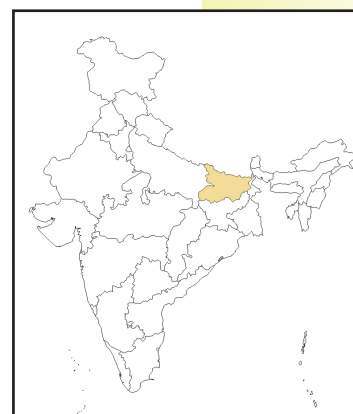
4 Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	As referred at Para 1 above.
5 Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	NO
6 Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	No such incidences.
7 Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	NO
8 Give names of Acts governing Local Bodies - Municipal Corporation	Guwahati Municipal Corporation Act & Election Rules thereunder.
- Municipal Council	The Assam Municipal Act, 1956 & Election Rules thereunder.
- Zilla Parishad	Assam Panchayat Act, 1994 & election Rules thereunder
- Gram Panchayat	Assam Panchayat Act, 1994 & election Rules thereunder.
9 Provisions relating to Elections (attach)	
10 Are they in notion of constitution?	



# BIHAR



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## STATE ELECTION COMMISSION, BIHAR

### INDEPENDENCE OF SEC

#### State Election Commissions, independent of the Government, are at par with Election Commission of India

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahemadabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years or 65 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Cabinet		
4	Minimum qualification prescribed for SEC	Additional Secretary		
5	Salary drawn by SEC equivalent to	Secretary to Government of India		
6	Details of State Election Commissioners appointed so far :			
Sr. No Name		From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri K.K.Saha, I.A.S. (Rtd)	24-01-1994 To 22-01-1997	Secretary Road Construction Dept. Bihar Patna	Chief Secretary Level
2.	Shri Jiyal Lal Arya I.A.S.(Rtd)	15/04/1997 To 14/02/2000	Secretary Road Construction Dept. Bihar Patna	-DO-
3.	Shri M. L. Mujundar I.A.S.(Rtd)	26-09-2000 To 28-03-2003	Principal Adviser & Secretary to Govt. Of India, Planning Commission	-DO-
4.	Shri D. P. Maheshwari I.A.S.(Rtd)	07-07-2003 To 07-06-2006	Secretary Road Construction. Dept. Bihar Patna	-DO-
5.	Shri J. K. Datta I.A.S.(Rtd)	08-06-2006 To 07-06-2011	Development Commissions, Bihar, Patna	-DO-
6.	Shri H. C. Sirohi I.A.S.(Rtd)	08-06-2011 To 01-04-2015	Managing Director, BFSC, Bihar, Patna	-DO-
7.	Shri Ashok Kumar Chauhan I.A.S.(Rtd)	02-04-2015 To (Continuing)	Chairman, Board of Revenue	-DO-
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		





8 Whether any SEC resigned from office before expiry of term - If Yes, details thereof	Yes  Shri M. L. Mujundar I.A.S.(Rtd)
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### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1 Who does the demarcation of wards?	SEC
2 Who does the reservation of seats?	
Seat of	SEC
Members / Councillors	SEC
Mayor of Corpn.	SEC
President of Municipal Council	
President of ZP/PS	SEC
3 How many months before the expiry of the term it is done	between 3-6 months
4 Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	NA
5 Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No

### CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1 Has SEC issued any directions to State Government not to change rules, boundaries and / or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No.
2 If yes, Details of the cases in which the Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3 If directions has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No





## ELECTION EXPENDITURE

### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government allotted to DEOs
2	Is this expenditure, 'charged' or 'voted'?	Charged
3	Any upper limit of expenditure for the local body - If yes, how much	Constituency-wise as per certain parameters fixed by Government
4	- If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	Through Urban Development and Housing Department.
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	-
6	These arrears were paid in how much time?	more than 1 year

## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government allotted directly to DEOs
2	Is this expenditure, 'charged' or 'voted'?	Charged
3	Any upper limit of expenditure for the local body - If yes, how much	Constituency-wise as per certain parameters fixed by Government
4	- If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	Through Panchayati Raj Department NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	More than 1 Year

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Charged
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes.
3	If no, how does SEC get additional budget?	NA
4	Is SEC required to take approval before incurring any expenditure?	No
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes





6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	Not happened
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### SEC's STAFF

1	Total recruited by SEC On deputation / secondment / from Govt. etc. Any other	
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	No
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No more than 6 months
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	No. Yes / No
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	Yes

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes through respective parent department





4 Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Yes recommends to the parent department.
5 If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	It is assured through monitoring
6 Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	NA

GENERAL	
1 Has SEC issued orders under its Plenary powers - If yes, details	No
2 How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3 Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e Non-availability of staff / vehicle as per assessment of SEC	NA
4 Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	NA
5 Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	NA
6 Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	NA
7 Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	NA



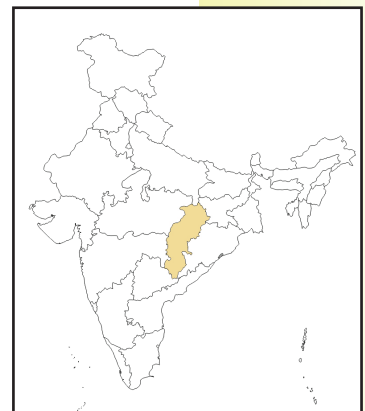


8	Give names of Acts governing Local Bodies	
-	Municipal Corporation	Nagar Nigam
-	Municipal Council	Nagar Parishad Nagar Panchayat
-	Zilla Parishad	Zilla Parishad Panchayat Samiti
-	Gram Panchayat	Gram Panchayat
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	As per Constitution





# CHHATTISGARH



# STATE ELECTION COMMISSION, CHHATTISGARH

## INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahemadabad Municipal Corporation)

## APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	6 years or 66 years of age		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Committee consisting of CM		
4	Minimum qualification prescribed for SEC	Not below the rank of (Govt. of India) Level - <b>Joint Secretary</b> (Secretary- State Govt.)		
5	Salary drawn by SEC equivalent to	<b>Judge of High Court</b>		
6	Details of State Election Commissioners appointed so far :			
<b>Sr. No</b> <b>Name</b>		<b>From.. to...</b>	<b>Last post held</b>	<b>Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)</b>
1.	Dr. Shushil Trivedi	01/10/2002 To 30/09/2008	-	Equivalent to High court Judge
2.	Shri. Shivraj Singh	30/09/2008 To 31/05/2010	-	-DO-
3.	Shri. Praful Chandra Dalei	29/06/2010 To 23/08/2016	-	-DO-
4.	Shri. Thakur Ram Singh	23/08/2016 To (Continuing)	-	-DO-
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	Yes  Sr.No.-2 had resigned and joined as advisor to the State Govt.		

## DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State
2	Who does the reservation of seats?	
	Seat of	State Government
	Members / Councillors	State Government
	Mayor of Corpn.	State Government
	President of Municipal Council	State Government





President of ZP/PS	State Government	
3 How many months before the expiry of the term it is done	Demarcation - No time limit is fixed	Reservation - No time limit is fixed
4 Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	Nil	
5 Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No	

CHANGE OF RULES (e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.) BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.	
1 Has SEC issued any directions to State Govt., not to change rules, boundaries and / or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No.
2 If yes, Details of the cases in which the Govt., has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3 If directions has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	NA

ELECTION EXPENDITURE			
URBAN			
1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government (Routed through SEC)		
2 Is this expenditure, 'charged' or 'voted'?	Voted		
3 Any upper limit of expenditure for the local body - If yes, how much	Yes		
	Population wise election expenditure		
	Local Body	Population of Local Body	Expenditure Limit
	Municipal Corporation (for Mayer only)	More than 5 Lakh	₹ 10 Lakh
		3 Lakh to 5 Lakh	₹ 8 Lakh
		Less than 3 Lakh	₹ 7 Lakh
	Municipal Council (for President only)	Greater than 50000	₹ 5 Lakh
		Less than 50000	₹ 4 Lakh
	Nagar Panchayat (for President only)	--	₹ 3 Lakh



4 - If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6 These arrears were paid in how much time?	NA

### ELECTION EXPENDITURE

#### RURAL

1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government (Routed through SEC)
2 Is this expenditure, 'charged' or 'voted'?	Voted
3 Any upper limit of expenditure for the local body - If yes, how much	No limit is fixed
4 - If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6 These arrears were paid in how much time?	NA

### BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1 Is it 'charged' or 'voted'?	Voted
2 If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3 If no, how does SEC get additional budget?	NA
4 Is SEC required to take approval before incurring any expenditure?	No
5 Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes
6 Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	No



SEC's STAFF	
1 Total recruited by SEC On deputation / secondment / from Govt. etc. Any other	Recruited by SEC and on deputation from Government departments.
2 Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes  Indicative
3 Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	Yes  During the elections SEC take (attach) government employees from other departments.
4 Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  Situation not arised so far
5 Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	Yes
6 Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	Yes
7 Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes
8 If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	NA

STAFF FOR ELECTION DUTIES	
1 Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2 Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3 Does SEC has power to take disciplinary action against officers/staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes
4 Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Yes



5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	SEC makes continuous correspondence with concerned department till final action.
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	No

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes under election conduct rules SEC has powers to issue instructions / orders to conduct free and fair elections.
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	None, So far
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC	No
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	Yes
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	No
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	No
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	None

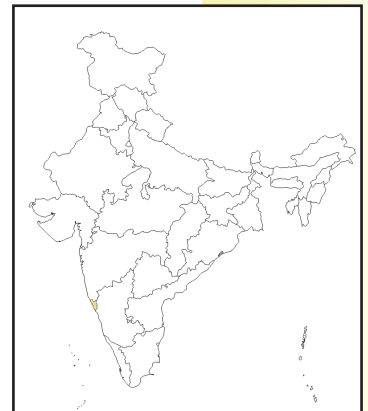
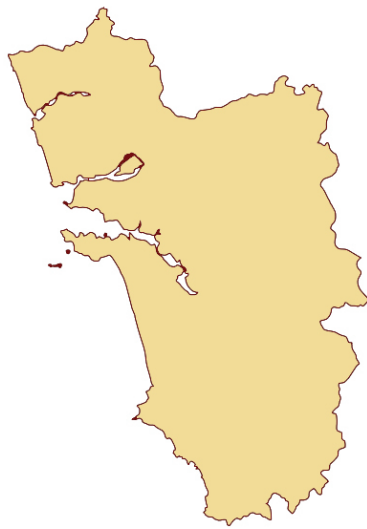


8	Give names of Acts governing Local Bodies	
	- Municipal Corporation	Chhattisgarh Municipal Corporation Act, 1956
	- Municipal Council / Panchayat	Chhattisgarh Municipalities Act, 1961
	- Zila Panchayat / Janpad Panchayat / Gram Panchayat	Chhattisgarh Panchayati Raj Act, 1993
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	Yes





# GOA





## STATE ELECTION COMMISSION, GOA

### INDEPENDENCE OF SEC

#### State Election Commissions, independent of the Government, are at par with Election Commission of India

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahemadabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years or 65 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Cabinet		
4	Minimum qualification prescribed for SEC	Not below the rank of (Govt. of India level) Secretary		
5	Salary drawn by SEC equivalent to	Secretary to Government of India		
6	Details of State Election Commissioners appointed so far :			
Sr. No Name		From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Smt. Geeta Sagar	04.01.1995 To 18.08.1995	-	-
2.	Shri. B.S. Subanna	26.10.1995 To 14.08.1997	-	-
3.	Shri. S. D. Sadhale	11.09.1997 To 28.03.1998	-	-
4.	Shri. Prabhakar Timble	29.04.1999 to 28.04.2004	Principal Law College	Addl. Secretary
5.	Shri P. M. Borkar	01.07.2004 To 30.06. 2010	Director (Panchayat)	Addl. Secretary
6.	Dr. M. Modassir, IAS (Retd.)	01.08.2010 To 13.01.2017	Secretary to Govt. of Goa	Secretary at Government of India Level
7.	Shri. R. K. Srivastava	13.01.2017 onwards	Chief Secretary to Govt. of Goa	Secretary at Government of India Level
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No.		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State
2	Who does the reservation of seats?	
	Seat of	State Government
	Members / Councillors	State Government





Mayor of Corpn.	State Government	
President of Municipal Council	State Government	
President of ZP/PS	State Government	
3 How many months before the expiry of the term it is done - No time limit is fixed	Demarcation No time limit has been prescribed under statute. Ideally it should be done at least 3 months before, however, sometimes it gets done almost before the Elections are notified	Reservation No time limit has been prescribed under statute. Ideally it should be done at least 3 months before, however, sometimes it gets done almost before the Elections are notified
4 Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	During General Elections to Village Panchayats in 2017, the Elections to several Panchayats had to be rescheduled because people had challenged the Delimitation and Reservation of wards in the High Court and it granted stay against Government Notifications. Government went to Supreme Court And got High Court order stayed. The process was very much delayed by the Government.	
5 Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No	

### CHANGE OF RULES

(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.

1 Has SEC issued any directions to State Govt., not to change rules, boundaries and / or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2 If yes, Details of the cases in which the Govt., has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NIL
3 If directions has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	NA In view of 2 above.







## ELECTION EXPENDITURE

### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government Routed through State Election Commission
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	candidate-wise - 2.0 Lakh
4	- If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NO
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NIL
6	These arrears were paid in how much time?	NA

## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government – the money is routed through State Election Commission
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	candidate-wise - 40000
4	- If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	N.A
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NIL
6	These arrears were paid in how much time?	NA

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	By and large YES
3	If no, how does SEC get additional budget?	N.A
4	Is SEC required to take approval before incurring any expenditure?	Yes – Administrative approval and Expenditure sanction to proposals other than holding Elections require Government approval after concurrence by Finance Department





5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Apart from office Expenditure and office contingencies; Financial Concurrence of Finance Department is required and is obtained through the Administrative Department of the Government . However in the matters of holding Poll and related expenditure; State Election Commission finalises Quantum of expenditure but Administrative Approval and financial sanction is required to incur that expenditure.
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	NIL

### SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	Only Group C & D recruited by SEC. Rest are on deputation from the Government
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes Rigid
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	Generally during the time of Elections, Government staff is taken on requisition basis for limited period
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	NO In fact, this is a god suggestion; SEC will have to take it up with Government.
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	NO Generally at the same time.
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	NO
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	Does not arise

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Apart from deployment of Police personnel, which is done by DGP generally staff is provided by the Government as per the assessment made by SEC. During Election, staff is requisitioned by SEC and the RO / ARO.
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2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers/staff during the elections?	Yes
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Recommends to the parent Department
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	Commission keeps following through the Collectors
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	NO

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes Orders for limiting the Election Expenditure by Candidates in different Local bodies have been issued.
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC	No such instance of postponing General Elections as such. However, due to petitions by people in High Court against demarcation or Reservation of wards, Polls in some Panchayat wards had to be postponed and rescheduled.
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	NIL
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	NO
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant	NIL



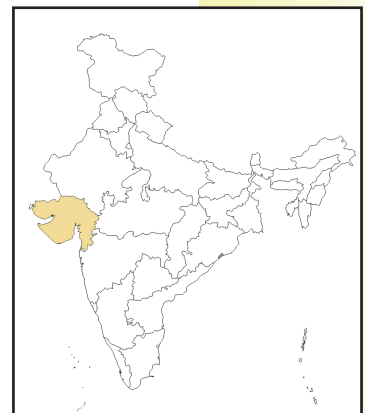
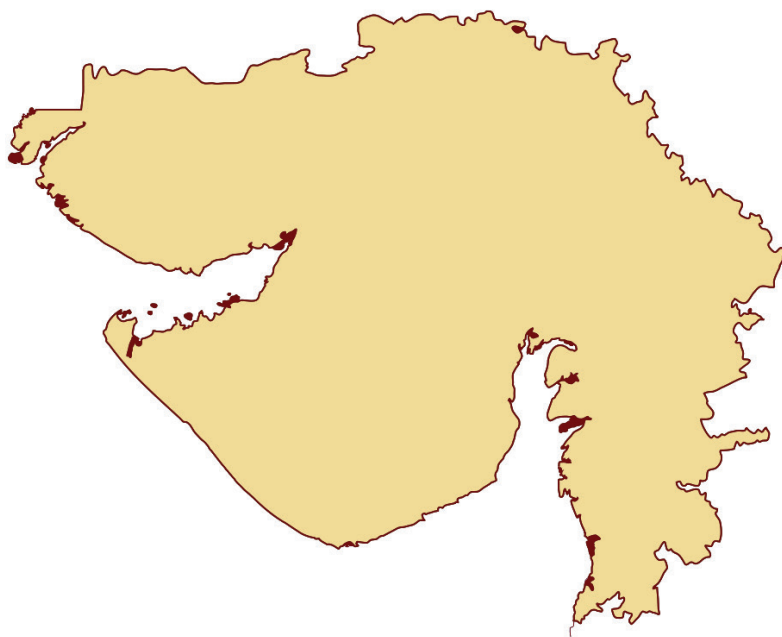


<p>b. appointing person below the prescribed qualifications</p> <p>c. reducing conditions of service to his disadvantage after his appointment</p> <p>d. appointing more than one Election Commissioner</p> <p>e. not providing required staff / and financial resources.</p>	
7 Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	NIL
8 Give names of Acts governing Local Bodies	
- Municipal Corporation	The City Corporation of Panaji Act
- Municipal Council	The Goa Municipalities Act, 1968
- Zilla Parishad	The Goa Panchayat Raj Act, 1994
- Gram Panchayat	The Goa Panchayat Raj Act, 1994
9 Provisions relating to Elections (attach)	
10 Are they in notion of constitution?	YES





# GUJARAT



# STATE ELECTION COMMISSION, GUJARAT

## INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

## APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years or 65 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Government		
4	Minimum qualification prescribed for SEC	Not below the rank of Govt. of India level Secretary		
5	Salary drawn by SEC equivalent to	Fix pay Rs. 80,000/-		
6	Details of State Election Commissioners appointed so far :			
Sr. No Name		From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri B.K.Shah	23-09-1993 To 22-09-1998	Judiciary	As per Rule
2.	Shri P.J.Dholkiya	23-09-1998 To 22-09-2003	Judiciary	-DO-
3.	Shri U.C.Rane (Inch.) (IAS Retired)	22-09-2003 To 05-02-2004	Secretary to Government	-DO-
4.	Shri Ashok Bhatiya (IAS Retired)	06-02-2004 To 16-12-2006	Add. Chief Secretary to Government	-DO-
5.	Shri V.H.Shah (Inch) (IAS Retired)	17-12-2006 To 31-12-2006	Secretary to Government	-DO-
6.	Shri K.C.Kapoor (IAS Retired)	01-01-2007 To 09-12-2011	Add. Chief Secretary to Government	-DO-
7.	Shri P.S.Shah (Inch) (IAS Retired)	09-12-2011 To 30-06-2013	Secretary to Government	-DO-
8.	Shri M.V.Joshi (Inch) (IAS Retired)	01-07-2013 To 25-11-2014	Secretary to Government	-DO-
9.	Dr. Varesh Sinha (IAS Retired)	26-11-2014 To (Continuing)	Chief Secretary	Basic Pay Rs. 80000/-
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof		No	
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof		No	



### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	SEC
2	Who does the reservation of seats?	
	Seat of	State Govt.
	Members / Councillors	State Govt.
	Mayor of Corpn.	State Govt.
	President of Municipal Council	State Govt.
	President of ZP/PS	State Govt.
3	How many months before the expiry of the term it is done	The procedure for demarcation of wards/constituencies and allotment of reserved seats is completed before three months of the expiry of the term of concerned local body.
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	No
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No

### CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No

### ELECTION EXPENDITURE

#### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government (Only for the Municipalities having population less than One Lakh) - directly to DEOs
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	polling station wise -Rs. 20000/- per polling station





4 - If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	Yes
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Payment of expenses done above the limit of expenditure is unpaid. The procedure to pay the unpaid expenses is in progress.
6 These arrears were paid in how much time?	NA

## ELECTION EXPENDITURE

### RURAL

1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government Directly to DEOs
2 Is this expenditure, 'charged' or 'voted'?	Voted
3 Any upper limit of expenditure for the local body - If yes, how much	Polling station wise - Rs. 20000/- per polling station
4 - If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No. No
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Payment of expenses done above the limit of expenditure is unpaid. The procedure to pay the unpaid expenses is in progress.
6 These arrears were paid in how much time?	-

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1 Is it 'charged' or 'voted'?	Voted
2 If voted, does the Government provide budget as per the assessment and request by the SEC	Yes.
3 If no, how does SEC get additional budget?	-
4 Is SEC required to take approval before incurring any expenditure?	No
5 Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes  Additional Authorisation
6 Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	Surrenders







SEC's STAFF	
1 Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	- 57 (on deputation)
2 Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes  Indicative
3 Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	NO
4 Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	Yes
5 Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	Yes
6 Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No.
7 Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	No  Yes
8 If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	Yes

STAFF FOR ELECTION DUTIES	
1 Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2 Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3 Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the	No  In case of dereliction of election duty, after due inquiry SEC recommends to the parent department to take necessary disciplinary action.
4 Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	No. Recommends to parent department





5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	In such cases concerned department takes necessary action and sends action taken report to SEC.
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	No

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes SEC has drafted its order Model Code of Conduct and whenever SEC wants to issue order/instructions regarding implementation of proper process of election/ preparation of Voter-List it uses the plenary powers referring to Article 243K & 243ZA of the Constitution
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	Yes (1) Vide Supreme Court Civil Appeal No.5756/2005, Kishansing Tomar Vs. Ahmedabad Municipal Corporation (2) Vide Gujarat High Court Special Civil Application No.16313/2015 Virendrasingh Mafaji Vaghela Vs. State Of Gujarat & Others.
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	No such case
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	N.A.
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	No such incidences.



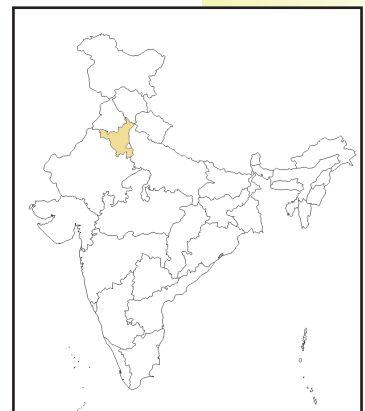
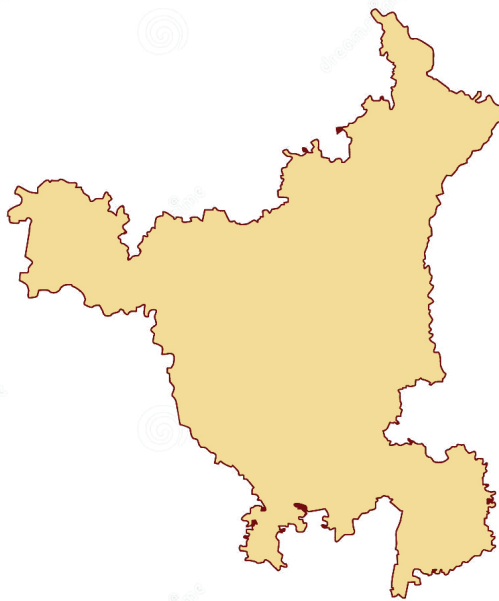


7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	No such case
8	Give names of Acts governing Local Bodies	
	- Municipal Corporation	Gujarat Provincial Municipal Corporation Act- 1949
	- Municipal Council	Gujarat Municipality Act-1963
	- Zilla Parishad	Gujarat Panchayat Act-1993
	- Gram Panchayat	Gujarat Panchayat Act-1993
9	Provisions relating to Elections (attach)	relevant section of the relevant act
10	Are they in notion of constitution?	Yes





# HARYANA





## STATE ELECTION COMMISSION, HARYANA

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahemadabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years or 65 years of age, whichever is earlier. Provided further that on the expiry of the said term, the State Election Commissioner shall continue to hold office until his successor is appointed and enters upon his office, but this period shall not in any case, exceed six months.		
3	State Election Commissioner is appointed by the Governor on the recommendations of	-		
4	Minimum qualification prescribed for SEC	Not below the rank of Principal Secretary of Govt. of Haryana		
5	Salary drawn by SEC equivalent to	Secretary to Government of India or Chief Secretary to Govt. of State		
6	Details of State Election Commissioners appointed so far :			
Sr. No	Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. J.K. Duggal IAS (Retd.)	14.07.1994 To 14.07.1999	Financial Commissioner and Principal Secretary to Govt. Haryana	Equivalent to Additional Secretary at Govt. of India level.
2.	Shri. T.D. Jogpal IAS (Retd.)	09.11.2009 To 14.04.2015	FC & PS to Govt. GovtHaryana	-DO-
3.	Shri. Chander Singh IAS (Retd.)	14.09.2004 To 07.11.2009	FC & PS to Govt. Haryana	-DO-
4.	Shri. Dharamvir IAS (Retd.)	14.07.1999 To 14.07.2004	Chief Secretary to Govt. Haryana	Equivalent to Secretary at Govt. of India
5.	Shri. Rajeev Sharma IAS (Retd.)	05.05.2015 To 12.07.2016	Secretary to Govt. Haryana	Equivalent to Joint Secretary at Govt. of India level
6.	Dr. Dalip Singh IAS (Retd.)	12.07.2016 To (Continuing)	Principal Secretary to Govt. Haryana	Equivalent to Secretary at Govt. of India
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		





## DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State Government	
2	Who does the reservation of seats?		
	Seat of		
	Members / Councillors	State Government	
	Mayor of Corpn.	State Government	
	President of Municipal Council	State Government	
	President of ZP/PS	State Government	
3	How many months before the expiry of the term it is done	Demarcation Under the provisions of the act, it is required to be completed 6 months before the completion of tenure	Reservation Under the provisions of the act, it is required to be completed 6 months before the completion of tenure
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	Municipal Corporation :- Gurugram, Hisar, Panipat, Karnal, Rohtak & Yamunanagar. Municipal Council :- Rewari Municipal Committee :- Julana, Kanina, Barara, Radaur	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	Yes PRI's Requested State Govt. In case of Panchyats, we have requested the State Govt. that the process for fixation, reservation and delimitation of ward may be completed six months before the date of expiration of the term of PRIs ULB's Commission had sent the proposal to the State Government to not to include or exclude any area in the municipalities till next 15 years from the date of last delimitation. However, in exceptional circumstances, if the State Government intends to include or exclude any area in any Corporation during these years, the adjustment of such area shall be made in the nearest ward/wards of the Corporation by issuing a notification by the State Election Commission. By doing so, compactness of variation of population upto 10% above and below shall not be applicable. But, the Government is adamant on the issue on the ground that powers of alteration of the area are with the State Government and not with the State Election Commission.	





## CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	Yes On the request of the Commission, the State Govt. has made necessary insertion in the Municipal Act. According to new insertion, the work relating to the delimitation and reservation of wards of the municipalities is required to be completed by the Govt. six months before the completion of the tenure of the municipality, failing which the State Election Commission can go ahead with the process of preparation of electoral rolls and conduct of elections on the basis of existing delimitation and reservation of wards.
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	As above
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	NA

## ELECTION EXPENDITURE

### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government Routes through SEC to DEOs
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	YES Mayor : 20 lacs Member:- Municipal Corporation : 5 lacs Municipal Council : 3 lacs Municipal Committee : 2 lacs
4	- If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	NA



## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	Panch : Rs. 25,000 Sarpanch : Rs. 1.5 lacs Panchayat Samiti : 3 lacs Zila Parishad : 5 lacs
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	NA

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3	If no, how does SEC get additional budget?	Additional budget provided by the Government in the 1st and 2nd supplementary on request by the SEC
4	Is SEC required to take approval before incurring any expenditure?	No State Election Commissioner, Haryana has been delegated the power of Administrative Secretary within the Budget Grant by the State Government vide its letter No. 20/18/94-4(2P)(i)/(ii), Dated 28.03.1995. If there is new scheme for which budget is not sanctioned approval of the Government is required.
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes within budget allocated NA NA
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	No such instance





SEC's STAFF	
1 Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	42 (Recruited by SEC) 4 (Later on, absorbed in the Commission) 5 (Appointed by Govt.)
2 Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes. The Govt. has sanctioned the posts.  Rigid
3 Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No
4 Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  SEC manages its own level by deputing experienced staff from the sanctioned strength for smooth function of the Commission.
5 Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No  Within adequate time
6 Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No
7 Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes
8 If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	NA

STAFF FOR ELECTION DUTIES	
1 Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2 Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3 Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	No
4 Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	No Recommends to the parent department





5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	By making correspondence to the parent department
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	No

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	No
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	No
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	No
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	No
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	No



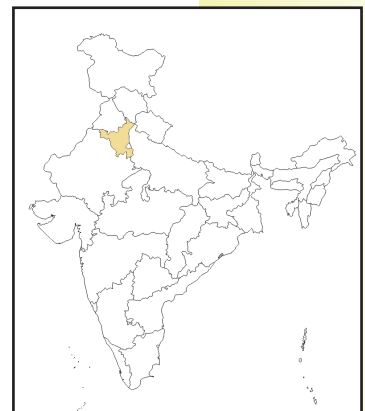
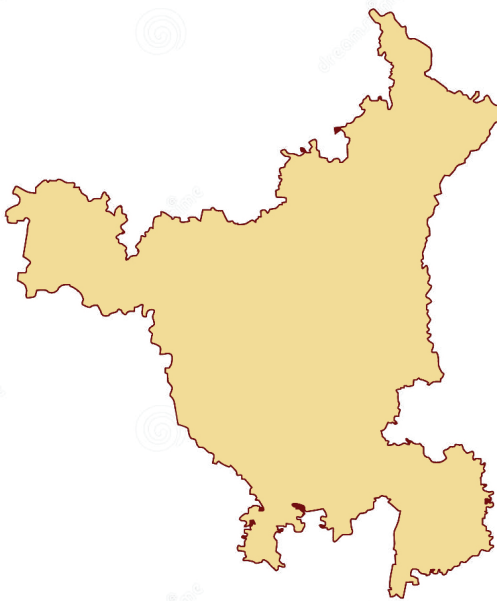


8	Give names of Acts governing Local Bodies	
-	Municipal Corporation	Haryana Municipal Corporation Act, 1994
-	Municipal Council	Haryana Municipal Act, 1973
-	ZillaParishad	Haryana Panchayati Raj Act, 1994
-	Gram Panchayat	-do-
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	<a href="http://www.secharyana.gov.in">www.secharyana.gov.in</a>





# HIMACHAL PRADESH





## STATE ELECTION COMMISSION, HIMACHAL PRADESH

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	Five year fixed.		
3	State Election Commissioner is appointed by the Governor on the recommendations of	CM		
4	Minimum qualification prescribed for SEC	Not applicable		
5	Salary drawn by SEC equivalent to	Judge of High Court		
6	Details of State Election Commissioners appointed so far :			
	Sr. No Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. B.C. Negi	25.04.1994 To 24.04.1999	Chief Secretary	Secretary at Government of India level.
2.	Shri. K.C. Sharma	03.06.1999 To 02.06.2004	Principal Secretary	Additional Secretary at Government of India level.
3.	Smt. R. Bhattacharya	04.09.2004 To 03.09.2009	Chief Secretary	Secretary at Government of India level.
4.	Shri. Dev Swarup	04.09.2009 To 03.09.2014	Secretary	Additional Secretary at Government of India level.
5.	Shri. T.G. Negi	04.09.2014 To 31.05.2016	Principal Secretary	Additional Secretary at Government of India level.
6.	Shri. P. Mitra	01.06.2016 To (Continuing)	Chief Secretary	Secretary at Government of India level.
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	Yes  Shri. T.G. Negi (IAS) (Retd.)		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State
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2	Who does the reservation of seats?	
	Seat of	State Government
	Members / Councillors	State Government
	Mayor of Corpn.	State Government
	President of Municipal Council	State Government
	President of ZP/PS	State Government
3	How many months before the expiry of the term it is done	<div>Demarcation</div> <div>Any other</div> <div>Not specified in Act and Rules However the State Election Commission vide clause 12.1 of Model Code Conduct</div> <div>"The structural, classification or area of the Panchayats and Municipalities shall not be altered after the issue of Notification by the State Election Commission enforcing this clause, till the election process is over".</div> <div>Reservation</div> <div>Any other</div>
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	-
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	<div>No</div> <div>- Requested State Govt.</div> <div>- Filed Writ Petition in High Court</div>

CHANGE OF RULES (E.G. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.) BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.		
1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	<div>Yes / No</div> <div>Clause 12.1 as stated in Serial No. 3</div>
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	-
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No



## ELECTION EXPENDITURE

### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	-
4	If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No. Government bears the expenditure. No
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Nil
6	These arrears were paid in how much time?	Not applicable

## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	-
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No. Government bears the expenditure No
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Nil
6	These arrears were paid in how much time?	Not applicable

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3	If no, how does SEC get additional budget?	Not applicable
4	Is SEC required to take approval before incurring any expenditure?	Yes / No SEC incur expenditure in accordance with the delegation of enhanced power vested in the Commission



5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes Within the budgetary provisions
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	No

SEC's STAFF		
1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	34
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	No
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	Yes  During the general election SEC can requisite the staff from other department
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  SEC appoint staff on deputation itself
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	Yes
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	Yes / No Nature of files are not specified. Hence no comments.





### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes  SEC has ample powers to depute staff for election duty and there is no interference from the Govt.
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes  During the election process SEC can suspend the erring official. However for further disciplinary proceeding the case is send to Appointing Authority.
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Yes / No Already stated above
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	SEC has issued guidelines to all HOD to ensure time bound action against erring officials and penalty if any imposed in consultation with SEC.
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	No

### GENERAL

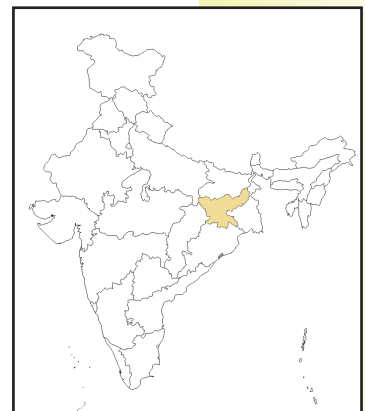
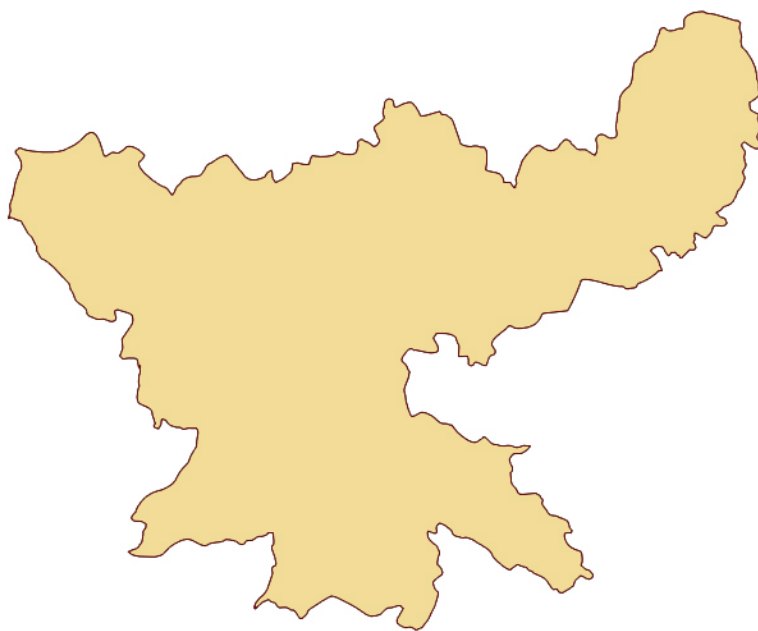
1	Has SEC issued orders under its Plenary powers - If yes, details	Yes
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	Nil
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	No



5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	No
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by –	
	a. keeping the post vacant	No
	b. appointing person below the prescribed qualifications	No
	c. reducing conditions of service to his disadvantage after his appointment	No
	d. appointing more than one Election Commissioner	No
	e. not providing required staff / and financial resources.	No
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	No
8	Give names of Acts governing Local Bodies - Municipal Corporation	
	- Municipal Council	
	- ZillaParishad	
	- Gram Panchayat	
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	Yes



# JHARKHAND



## STATE ELECTION COMMISSION, JHARKHAND

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	3 years or 64 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Cabinet		
4	Minimum qualification prescribed for SEC	Not below the rank of (Govt. Of India level) Additional Secretary		
5	Salary drawn by SEC equivalent to	Last pay drawn on the post, held before appointment		
6	Details of State Election Commissioners appointed so far :			
Sr. No	Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. B.B. Lal, IAS (Retd.)	14.05.2001 To 14.05.2004	-	Secretary, Government of India
2.	Shri. G. Krishnan, IAS (Retd.)	01.10.2004 To 12.12.2006	Chairman, State Finance Commission, Jharkhand	-DO-
3.	Shri. M.K. Mandal, IAS (Retd.)	15.05.2007 To 15.05.2010	-	-DO-
4.	Shri. S.D. Sharma, IAS (Retd.)	16.05.2010 To 14.07.2013	-	-DO-
5.	Shri. Shiv Basant, IAS (Retd.)	11.02.2014 To 11.02.2014	Chairman, Jharkhand Public Service Commission	-DO-
6.	Shri. N.N. Pandey IAS (Retd.)	16.06.2017 To (Continuing)	Additional Chief Secretary, Home Deptt., Jharkhand	-DO-
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		



### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State Government	
2	Who does the reservation of seats?		
	Seat of		
	Members / Councillors	State Government	
	Mayor of Corpn.	SEC	
	President of Municipal Council	SEC	
	President of ZP/PS	SEC ZP	State Government (PS)
3	How many months before the expiry of the term it is done	Demarcation between 6 – 9 months	Reservation between 3-6 months
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	None	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No	

### CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No

### ELECTION EXPENDITURE

#### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government Given directly to DEOs
2	Is this expenditure, 'charged' or 'voted'?	Voted





3	Any upper limit of expenditure for the local body - If yes, how much	For candidate - There is upper limit. Polling station wise allotments done by State Government
4	If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	NA

### ELECTION EXPENDITURE

#### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Given directly to DEOs
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	For candidate - There is upper limit. Polling station wise allotments done by State Government
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	NA

### BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3	If no, how does SEC get additional budget?	NA
4	Is SEC required to take approval before incurring any expenditure?	No
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	NA





SEC's STAFF	
1 Total recruited by SEC  On deputation / secondment /from Govt. etc.  Any other	67 Total Sanctioned Staff 27 Direct (Posted by Govt.) 06 Deputation 10 Secondment 10 Contract Basis 14 Daily Wages
2 Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes.  Indicative
3 Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	Yes  On secondment pattern from Govt. during election.
4 Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  State Government ensure the quality of staff
5 Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No  1 to 6 months
6 Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No
7 Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	No  - Yes
8 If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	No

STAFF FOR ELECTION DUTIES	
1 Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2 Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3 Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	No  SEC recommends to the State Government for action





4 Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	No
5 If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	Penal actions are taken timely by the parent department.
6 Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	None

GENERAL	
1 Has SEC issued orders under its Plenary powers - If yes, details	Yes 1. Election expenditure limits of the candidates. 2. Allotment of election symbols to candidates.
2 How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3 Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	None None None None None
4 Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	None
5 Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	None
6 Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	None None None None None





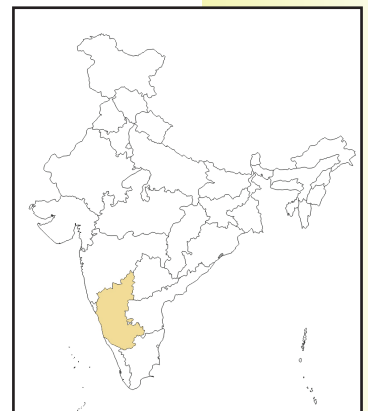
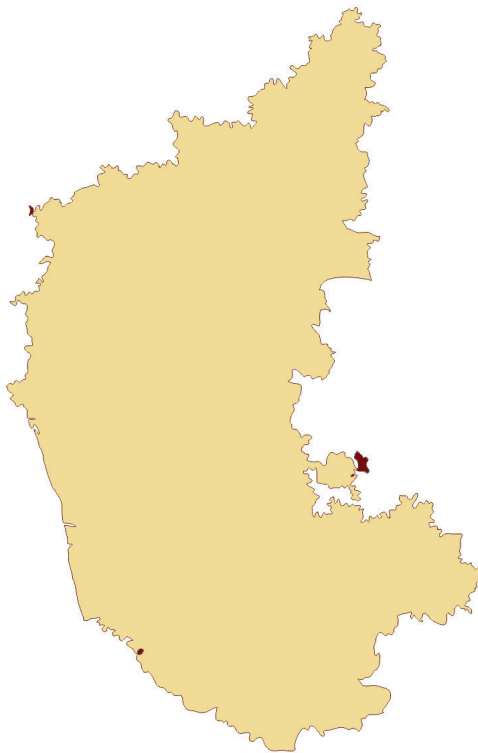


7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	None
8	Give names of Acts governing Local Bodies	Jharkhand Municipal Act, 2011
	- Municipal Corporation	
	- Municipal Council	- Do -
	- ZillaParishad	Jharkhand Panchayat Raj Adhiniyam, 2001
	- Gram Panchayat	- Do -
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	Yes





# KARNATAKA





## STATE ELECTION COMMISSION, KARNATAKA

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years or 65 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Cabinet		
4	Minimum qualification prescribed for SEC	Not defined in the rules governing the State Election Commissioners appointment		
5	Salary drawn by SEC equivalent to	Judge of High Court		
6	Details of State Election Commissioners appointed so far :			
Sr. No	Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. P S Nagarajan	26/05/1993 To 18/08/1997	Secretary Education Department	Judge of High Court
2.	Shri. G Muniappa	18/08/1997 To 03/04/2002	Principal Secretary, Food Department	-DO-
3.	Shri. C Chikkanna	26/04/2002 To 15/05/2004	Director, Commerce & Industries	-DO-
4.	Shri. M R Hegde	21/06/2004 To 20/06/2009 To 14.07.2013	Law Secretary	-DO-
5.	Shri. C R Chikkamath	24/06/2009 To 23/06/2014	Secretary, Industries.	-DO-
6.	Shri. P N Srinivasachary	29/10/2014 To (Continuing)	Principal Secretary	-DO-
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		





### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1 Who does the demarcation of wards?	State Government is competent authority under Sec.21(1) (a) & (b) of the Karnataka Municipal Corporations Act 1976 Sec.11&13(1) of the Karnataka Municipalities Act 1964 for carrying out the exercise of the delimitation of wards.
2 Who does the reservation of seats?	
Seat of	
Members / Councillors	State Government
Mayor of Corpn.	State Government
President of Municipal Council	State Government
President of ZP/PS	SEC (GPs); State Government (ZP,TPS)
3 How many months before the expiry of the term it is done	Demarcation between 3 – 6 months      Reservation between 3-6 months
4 Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	No such instances in last two years.
5 Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	-

### CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1 Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	Yes
2 If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	<p>The State Government should provide the Notification of Delimitation of wards and Reservations in time to enable SEC to hold the elections in time.</p> <p>For the 2018-19 ULB General Elections in Karnataka, in spite of repeated requests by the State Election Commission, the State Government furnished final Delimitation Notifications only for 200 urban local bodies and failed to furnish the notification for the remaining 18 bodies (5 Corporations, 4-CMC's 4 TMC and 5 TPS).</p> <p>The State Government did not furnish the final notification of ward wise Reservation of all the 215 ULB's out of 218 ULB's for which elections were proposed to be conducted</p>





3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	Yes Writ Petition ( W.P.No5697/2018) was filed by SEC Karnataka on 5/2/2018 in the High Court of Karnataka seeking necessary directions to the Government to provide delimitation & reservation of wards for timely conduct of Elections to ULBs
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### DETAILS OF THE WRIT PETITIONS

1.	05-02-2018	The Court after hearing the matter, directed the Government to take notice and the matter to be listed on 7/2/2018
2.	07-02-2018	The matter was listed on 08-02-2018
3.	08-02-2018	The court directed PS, Urban Development to furnish the final delimitation notification by 30-03-2018 and reservations by 30-04-2018 to all 215 ULBs. Matter was listed on 14-02-2018
4.	14-02-2018	The matter was listed on 17-02-2018
5.	17-02-2018	The matter was listed on 02-04-2018
6.	02-04-2018	The matter was listed on 28-05-2018
7.	28-05-2018	As per directions of the court, the Government failed to furnish the details. On SEC request the court directed to file interim application. Matter was posted on 07-06-2018
8.	07-06-2018	The court directed the State Government to furnish reservation notifications of all 215 urban local bodies before 12-06-2018 and the matter was posted to 12-06-2018
9.	12-06-2018	The matter was posted on 13-06-2018
10.	13-06-2018	The UD department filed affidavit saying that reservation notification will be furnished on July 4th and 7th and that of President and Vice President will be furnished on July 12th. The matter was posted on 14-06-2018
11.	14-06-2018	Court directed Government and SEC to file joint memo in this regard. Taking the memo on record the Division bench disposed the PIL filed by SEC. As State Government failed to furnish the information as per joint memo SEC filed IA, and the matter was listed on 25-07-2018
12.	25-07-2018	Court directed the government to furnish wardwise reservation by 31-07-2018.
13.	31-07-2018	Government advocate informed that the gazette copy of the reservation notification will be furnished on 01-08-2018. The matter was posted on 03-08-2018.
14.	03-08-2018	Final ward-wise reservations of all urban local bodies except 7 City Municipal Corporations were furnished to SEC on 01-08-2018 and the matter was posted to 13-08-2018
15.	13-08-2018	Government advocate informed that final Ward-wise notifications of 7 City Municipal Corporations will be furnished soon and the matter was posted on 28-08-2018
16.	28-08-2018	Government advocate informed that, the reservation notification for the post of President, vice-presidents are furnished. The matter was posted on 03-09-2018.
17.	03-09-2018	Government had furnished reservation final notifications for all the urban local bodies and gazette copies had also served through E.mail. Hence, matter was closed.



## ELECTION EXPENDITURE

### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government - routed through SEC
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	No such limit prescribed in the Election rules. Polling Station Wise allotments done by SEC.
4	If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Sufficient funds allotted by the Government. No arrears during the last two general elections.
6	These arrears were paid in how much time?	NA

## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government - routed through SEC
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	No such limit prescribed in the Election rules. Polling Station Wise allotments done by SEC.
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Sufficient funds allotted by the Government. No arrears during the last two general elections.
6	These arrears were paid in how much time?	NA

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3	If no, how does SEC get additional budget?	NA
4	Is SEC required to take approval before incurring any expenditure?	No



5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes SEC is free to incur all expenditures from the allotments released by the Government.
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	No such instances in Karnataka so far.

### SEC's STAFF

1	Total recruited by Sect. On deputation / secondment /from Govt. etc. Any other	68 Total staff strength 45 Total working strength On deputation and Out Sourced.
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes.  Rigid
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  In Karnataka staff are provided on deputation basis and in most of the cases recommended by the SEC, which ensures their competence.
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No  Not time bound.
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No SEC can recommend staff who are willing to work on deputation to the Government
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	No Staff are deputed from other departments and salary is borne by the SEC. Hence, the SEC can sanction only increments. Promotions are accorded by the parent department. So, the question of moving the file to Government does not arise.
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	As all the staff are on deputation and promotion is handled by the parent department.



### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes Deputy Commissioners of the concerned districts are empowered to appoint the required staff as guided by the SEC
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	No  SEC can recommend disciplinary action against the erring officer/Staff to the concerned department.
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Yes. Recommends to the parent department.
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	SEC takes up each such case of penal action with the parent department. The concerned department will serve a copy of the disciplinary action taken against the erring officials to SEC.
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	No

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes 1) SEC Karnataka issued the following orders in exercise of powers conferred under article 243-K & 243 ZA of the Constitution of India. As per Order NO. RAA CHU AA 11 EUB 2002 dated 14/07/2003 candidates are required to submit an affidavit along with their nominations. Wherein Candidates were ordered to submit Affidavit on their personal details, Criminal antecedents, Property details etc. This order was issued using the Powers bestowed on the SEC under Section 243K of the Constitution of India. And further, one more order was issued regarding the same vide Order No. RAA CHU AA 29 EUB 2018 dated 01/06/2018.
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	<p>2) In view of the Supreme Court direction to the Election Commission of India to insert NOTA in the electoral ballot, the state election commission was bound to follow the law and since the State Government did not amend the relevant statutory provisions relating to conduct of elections by including the option of NOTA, there was a vacuum in the provisions and hence we issued an order using the powers conferred under Article 243K and 243ZA of the constitution to include NOTA as an option in the electoral ballot paper. The order No. Is RAA/CHU/AA/14 / EUB 2017, Bangalore dated 10/03/2017.</p> <p>3) Banning of public meetings, processions and campaigners from outside the constituency to leave the constituency after the deadline for campaign is reached. As the Using the plenary powers conferred by the Constitution of India, SEC issued an order bearing No RA Chu Aa 19/TZP 2018, Bangalore dated 04/10/2018 banning the meetings and processions by the political parties and candidates and also directing all the campaigners from outside the constituency to leave the constituency immediately on completion of the campaign period.</p> <p>4) During the Urban local bodies election 2018, SEC Karnataka also issued an order using the powers conferred under article 243 (K) and 243 ZA) , vide order No. RA CHU AA 28 EUB 2018, dated 01/06/2018 to print the photo of the candidate in the EVM Ballot paper and postal ballot papers in the centre of the ballot paper between the name of the candidate and his election symbol to make the voters recognise their candidates alongside the name of the candidate. This was very much needed as there were multiple candidates with the same name in some constituencies and voters would find it difficult to recognise the candidate they wanted to vote.</p>
<p>2 How SEC filed Writ of Mandamus</p> <p>- If yes, details with reasons &amp; outcomes Thereof</p>	<p>Yes</p> <p>Writ Petition ( W.P.No5697/2018) was filed by SEC Karnataka on 5/2/2018 in the High Court of Karnataka seeking necessary directions to the Government under article 226 of Constitution Of India &amp; Issue a Writ Of Mandamus to provide delimitation &amp; reservation of wards for timely conduct of Elections to ULBs</p> <p>Details of the case are Given in page NO. 5 &amp; 6</p>





<p>3 Incidences when –</p> <ul style="list-style-type: none"><li>- General elections had to be postponed due to</li><li>a. Demarcation of wards not completed by Govt. in time</li><li>b. Reservation of wards not completed by Govt. in time</li><li>c. State Govt. changed rules, area / boundaries of local bodies within 6 months</li><li>d. Non-availability of adequate and timely budget.</li><li>e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )</li></ul>	<p>YES. During the 2015 BBMP Elections 2015 demarcation &amp; reservation was not provided in time. Government wanted to split the BBMP into 3 parts and hence wanted to delay the elections. Only after the Hon'ble Supreme Court ordered the demarcation was sent by the Government to SEC. Almost 2 months late.</p> <p>No</p> <p>No</p> <p>No</p>
<p>4 Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules</p> <ul style="list-style-type: none"><li>- If yes, details</li></ul>	<p>No</p>
<p>5 Incidences when Govt. has challenged the orders passed by SEC under its plenary powers</p> <ul style="list-style-type: none"><li>- Give details.</li></ul>	<p>1. In the year 2015 when SEC Karnataka started the process for election to constitute a new body for the Bruhat Bangalore Mahanagara Palike for the 2015-2020 term of the BBMP, government wanted to delay the process in the pretext of dividing BBMP into 3 parts and therefore delayed providing the delimitation and reservation details to the SEC. In this case SEC Karnataka approached the Hon'ble Supreme Court of India to complete the election process</p> <p>The details :</p> <p>1. In W.P.No. 7939-40/2015, 8041/2015 and 8318/2015 filed by Mr. C K Ramamurthy and Mr. B Somashekar seeking direction to the State Election Commission and the Chief Secretary to hold elections to the BBMP before 22-04-2015 when the term of BBMP ended. The hon'ble Court pronounced the judgement on 30/03/2015, allowing the writ petitions and directed the government to prepare the reservation list by 13-04-2015 and also directed SEC to issue the calendar of events so as to complete the entire electoral process to BBMP by 30/05/2015.</p> <p>2. Being aggrieved by the above order and directions of the single judge bench of KHC, state government filed Writ Appeal bearing W.A. NO.1225/2015, challenging the final order dated 30/03/2015 in WP Nos 7939-40/2015, CW WP Nos. 8041 &amp; 8318/2015. The Division bench allowed the writ appeal and set aside the order of the single judge bench in its order dated 24/04/2015 and as laid down in article 243U(3)(b) of the Constitution of</p>



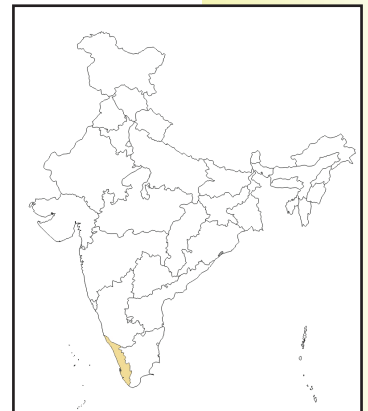


	<p>India which provided for six months time period to conduct elections to BBMP</p> <p>3. Agrieved by this order SEC Karnataka filed a Civil Appeal bearing NO.4233-36 of 2015 in the Hon'ble Supreme Court of India. The Supreme Court of India in its order dated 05/05/2015 set aside the judgement of the Division bench and re-stored the order passed by the learned single judge. <b>And allowed 3 months time to SEC to complete the process of election to the BBMP.</b></p> <p>2. SEC Karnataka issued Notifications as provided for in the or Karnataka Panchayath raj (Taluk Panchayath &amp; Zilla Panchayath reservation rotation )Rules 1998 regarding reservation in TP &amp; ZP Elections.</p> <p>A writ application was filed bearing No. 14625/2005 (LB-ELE) by two persons belonging to Kodagu district Hon'ble High Court of Karnataka allowed the appeal and set aside the delimitation and reservation notification of SEC.</p> <p><b>SEC Karnataka approached the Hon'ble Supreme Court of India against this order in Civil Appeal No. 4523/2005. And after 13 years of hearing the Hon'ble Supreme Court delivered its order in the month October.</b></p>
6 Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	<p>None</p> <p>None</p> <p>None</p> <p>No</p> <p>No</p>
7 Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	<p>During the 2013 General Elections to 208 ULBs Government of Karnataka wanted to delay the General Elections as Assembly Elections were also due within a short period of time. But the SEC went ahead with the election plans SEC was summoned to the State Assembly. SEC took the legal opinion as to whether SEC can be summoned by the State Assembly. On the expert legal advice SEC did not appear before the assembly and held the election to ULBs ahead of the Assembly Elections. – As SEC is a constitutional authority State Assembly has no power to summon the SEC</p>





# KERALA





## STATE ELECTION COMMISSION, KERALA

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years or 65 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Cabinet		
4	Minimum qualification prescribed for SEC	Not prescribed		
5	Salary drawn by SEC equivalent to	Judge of High Court		
6	Details of State Election Commissioners appointed so far :			
	Sr. No Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. M.S.K. Ramaswami	08.12.1993 To 22.9.1996	Secretary to Government, Government of Kerala	Chief Secretary
2.	Shri. M.S. Joseph	23.09.1996 To 17.03.2001	Secretary to Government, Government of Kerala	-DO-
3.	Shri. N. Mohandas	05.04.2001 To 04.04.2006	District Judge	-DO-
4.	Shri. P. Kamalkutty	17.04.2006 To 16.04.2011	Secretary to Government, Government of Kerala	-DO-
5.	Shri. K. Sasidharan Nair	18.04.2011 To 19.02.2016	District Judge & Acted as Secretary to Government	High Court Judge
6.	Shri. V. Bhaskaran	31.03.2016 (Continuing)	Principal District Judge	High Court Judge
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State Delimitation Commission of which the State Election Commissioner is the Chairman
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2	Who does the reservation of seats?		
	Seat of	SEC	
	Members / Councillors	SEC	
	Mayor of Corpn.	SEC	
	President of Municipal Council	SEC	
	President of ZP/PS	SEC	
3	How many months before the expiry of the term it is done	Demarcation Any other	Reservation Any other
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	NIL	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No	

<b>CHANGE OF RULES</b> <b>(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)</b> <b>BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.</b>			
1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No	
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA	
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No	

ELECTION EXPENDITURE	
URBAN	
1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Concerned local body As per the provision in the Kerala Panchayat Raj & Kerala Municipality Act, the expenditure shall be met by the Government at first instance and the same to be got reimbursed from the fund of the local body. The budget provision is allotted to the State Election Commission, for conduct of election.
2 Is this expenditure, 'charged' or 'voted'?	Voted





3	Any upper limit of expenditure for the local body - If yes, how much	No
4	If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	As above
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Nil
6	These arrears were paid in how much time?	NA

## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Concerned local body As per the provision in the Kerala Panchayat Raj & Kerala Municipality Act, the details of expenditure shall be met by the Government at first instance and the same to be got reimbursed from the fund of the local body. The budget provision is allotted to the State Election Commission for conduct of election
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	No
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	As above
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Nil
6	These arrears were paid in how much time?	NA

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3	If no, how does SEC get additional budget?	-
4	Is SEC required to take approval before incurring any expenditure?	No
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	Nil





### SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	Deputation
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	No Indicative
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	Yes (On contract basis)
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	Yes
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	Yes
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	Yes Yes -State Election Commission asks for a panel from Government and State Election Commission selects from that panel.
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Promotion and increment are given by Department concerned as the staff are on deputation
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	Not applicable

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Yes







5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	By monitoring the case
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	Nil

GENERAL		
1	Has SEC issued orders under its Plenary powers - If yes, details	No
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	None None None None None
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	None
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	None
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	None None None None None
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	None



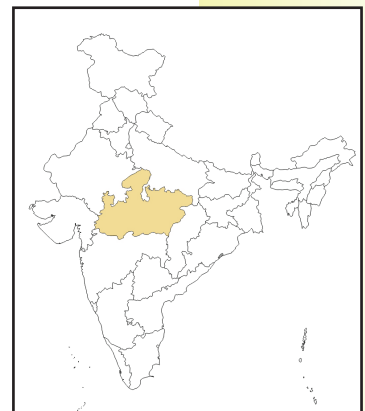
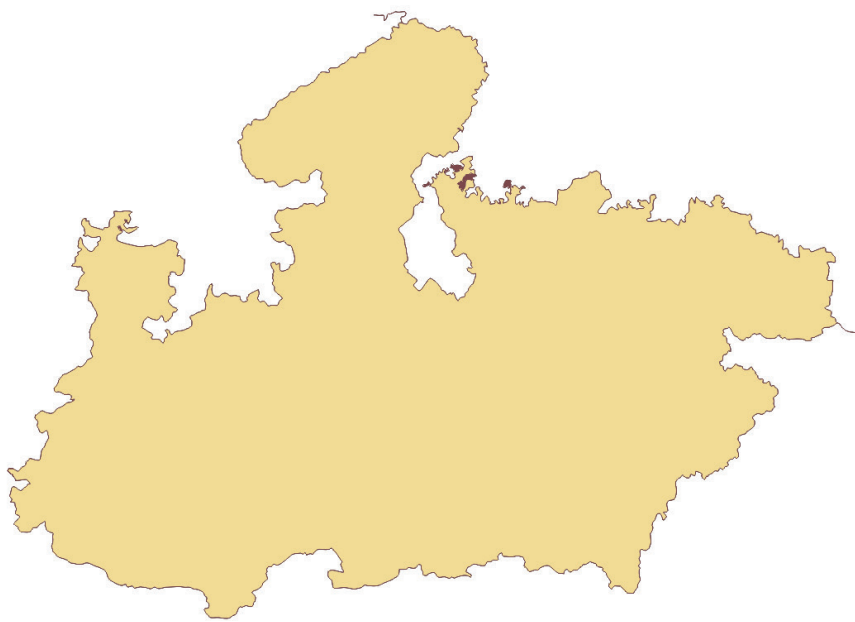


8	Give names of Acts governing Local Bodies	
-	Municipal Corporation	Kerala Municipality Act 1994
-	Municipal Council	Kerala Municipality Act 1994
-	ZillaParishad	Kerala Panchayat Raj Act 1994
-	Gram Panchayat	Kerala Panchayat Raj Act 1994
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	Attached





# MADHYA PRADESH



## STATE ELECTION COMMISSION, MADHYA PRADESH

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahemadabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	6 years or 66 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	CM		
4	Minimum qualification prescribed for SEC	A person shall not be qualified for appointment as State Election Commissioner unless he has for at least two years held the post of Additional Secretary to the Government of India or any other post under Central or State Government carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India.		
5	Salary drawn by SEC equivalent to	Judge of High Court		
6	Details of State Election Commissioners appointed so far :			
Sr. No	Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. N. B. Lohani	15-02-1994 To 16-02-2000	-	8,000.00
2.	Shri. G. S. Shukla	16-02-2000 To 14-08-2006	-	26,000.00
3.	Shri. A. V. Singh	14-08-2006 To 10-12-2010	-	26,000.00
4.	Shri.Ajit Raizada	10-12-2010 To 30-10-2013	-	80,000.00
5.	Shri. R. Parsuram	01-10-2013 To 31-12-2018	-	80,000.00
6.	Shri. Basant Pratap Singh	01-01-2019 To (Continuing)	-	2,25,000.00
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	Yes  Shri R. Parsuram resigned from the post of SEC on personal grounds.		



### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State Government	
2	Who does the reservation of seats?		
	Seat of		
	Members / Councillors	State Government	
	Mayor of Corpn.	State Government	
	President of Municipal Council	State Government	
	President of ZP/PS	State Government	
3	How many months before the expiry of the term it is done	Demarcation 6 months before the expiry of the term.	Reservation before election programme is declared.
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	Details Attached (Annexure-1) & (Annexure 2)	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No	

### CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	For Urban Local Bodies SEC has sent the proposal for amendment in related acts. State Govt. has agreed to it and made amendments in Acts and notified it. Copy of the amendment is attached. For Panchayat (Rural) SEC has sent the proposal for amendments. (Annexure-3)
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	NA

### ELECTION EXPENDITURE

#### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government The money is routed through SEC.
2	Is this expenditure, 'charged' or 'voted'?	Voted



3 Any upper limit of expenditure for the local body - If yes, how much	No upper limit
4 - If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA NA
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Nil
6 These arrears were paid in how much time?	6 months to 1 year

### ELECTION EXPENDITURE

#### RURAL

1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government The money is routed through SEC.
2 Is this expenditure, 'charged' or 'voted'?	Voted
3 Any upper limit of expenditure for the local body - If yes, how much	No upper limit.
4 - If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Nil
6 These arrears were paid in how much time?	6 months to 1 year

### BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1 Is it 'charged' or 'voted'?	Voted
2 If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3 If no, how does SEC get additional budget?	NA
4 Is SEC required to take approval before incurring any expenditure?	No
5 Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Full power for conduct of election to SEC NA NA
6 Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	NA



### SEC'S STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	70 Permanent Post 05 Deputation Post 19 Contingency
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes.  Rigid
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	SEC can not recruit but can attach people as per requirement
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	Yes
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	Yes  NA
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No, appointments are done as per service rules.
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes  NA
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	NA

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	SEC calls officers from various Govt. departments on deputation. Duration the election all field functionaries remain on deputation to SEC.
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	No  SEC can recommend to Govt. for disciplinary action.
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	No



5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	SEC recommends for immediate action and report thereof.
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	None

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes Election related orders.
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	None
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	1- List attached (Annexure-4)  2- List attached (Annexure-2)  Nil  NA NA
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	No
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	NA
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	Nil
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	Nil



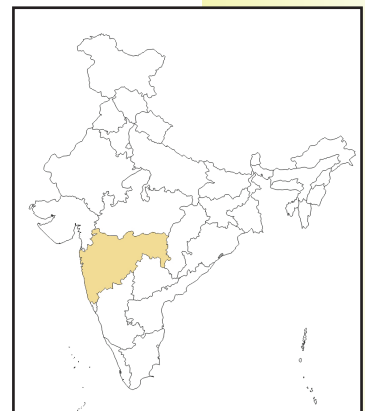
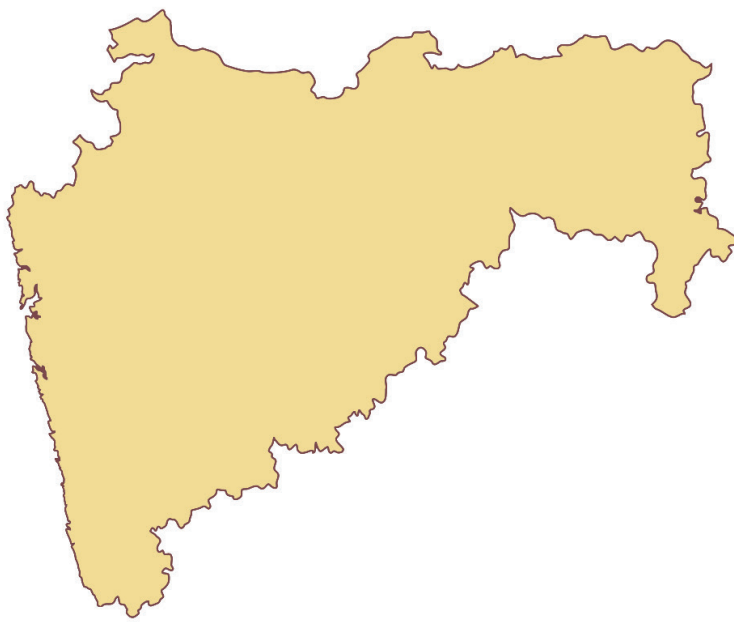


8	Give names of Acts governing Local Bodies	
	- Municipal Corporation	
	- Municipal Council	
	- ZillaParishad	
	- Gram Panchayat	
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	





# MAHARASHTRA





## STATE ELECTION COMMISSION, MAHARASHTRA

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Cabinet / CM		
4	Minimum qualification prescribed for SEC	Not below the rank of The principal secretary to the Govt. of Maharashtra		
5	Salary drawn by SEC equivalent to	Judge of High Court		
6	Details of State Election Commissioners appointed so far			
Sr. No Name		From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. D.N.Chaudhari	26.04.1994 To 25.04.1999	Principal Secretary, Law & Judiciary Dept., Mantralaya	Jt. Secretary of Government of India
2.	Shri. Y.L. Rajwade	15.06.1999 To 14.06.2004	Principal Secretary, Urban Development Dept. Mantralaya	Additional Secretary of Government of India
3.	Shri. Nandlal	15.06.2004 To 14.06.2009	Add. C.S. Planning Dept. Mantralaya	Secretary of Government of India
4.	Smt. Neela Satyanarayana	7.07.2009 To 6.06.2014	Add.C.S, Home Dept. Mantralaya	Secretary of Government of India
5.	Shri. J.S.Saharia	5.09.2014 To (Continuing)	Chief Secretary Government of Maharashtra	Secretary of Government of India
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof		No	
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof		No	



### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	SEC	
2	Who does the reservation of seats?		
	Seat of		
	Members / Councillors	SEC	
	Mayor of Corpn.	State Government	
	President of Municipal Council	State Government	
	President of ZP/PS	State Government	
3	How many months before the expiry of the term it is done	Demarcation between 3 – 6 months prior to expiry of term	Reservation 3 months prior to expiry of term
4	Details where elections could not be held on time Government (Instances of last two years)	No case of delayed demarcation - There are instances of delayed reservation.	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	Yes  Article 243-O of the constitution treat demarcation done as per Article 243-K as final	

### CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	Yes Standing Order of SEC क्र.रनिआ/मनपा/2005/प्र.क्र.4/का.-5 Dt.27/01/2005 is issued
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	Yes, State Government changed the area/ boundaries of Zilla Parishad Nagpur & Raigad and that of Aurangabad Municipal Corporation, Kalyan Dombivali Municipal Corporation (KDMC) within 6 months leading to obstacles in the timely conduct of elections.
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	Yes  SEC filled WP No. 4994/2018 in Hon'ble High Court, Bench of Nagpur & SLP Np.2356/2019 in Hon'ble Supreme Court, Delhi



## ELECTION EXPENDITURE

### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Concerned Urban local body
2	Is this expenditure, 'charged' or 'Voted'?	From Municipal Funds
3	Any upper limit of expenditure for the local body - If yes, how much	There was a limit earlier but SEC has removed it now
4	If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	Earlier The ULBs used to make inadequate provisions  Now they have started making adequate provisions (Minimum equivalent to expenditure incurred during last Parliament/Assembly election)
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Nil
6	These arrears were paid in how much time?	NA

## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government (through Collector)
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	Yes - ZP/PS -Per voter Rs.40/- - Per GP. Rs.50,000/-
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No  Yes
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Arrears of Rs.30 Crs. were cleared just before the election in 2015, when Association of Revenue Officers threatened to agitate. Rs.38 Crs. are still pending as arrears of election held in 2017-18
6	These arrears were paid in how much time?	After nearly 2-3 years

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3	If no, how does SEC get additional budget?	NA



4	Is SEC required to take approval before It is a major issue of concern. incurring any expenditure?	Expenditure above the financial powers of Secretary SECM, requires Govt. approval. Govt. has not issued order saying that SEC has full financial powers. It is a major issue of concern.
5	Is SEC free to incur any expenses on its own? - If not, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Generally Yes, Independence of SEC gets compromised whenever Govt. does not provide, budget and/or staff as per its assessment
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	Nil

### SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	82 Sanctioned strength 64 Working 46 Recruited by SEC 10 On Deputation from Govt. 8 On Requisition
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes. Indicative
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	Yes
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	Generally Yes
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	Generally Yes
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	Yes
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	- Earlier files even for SEC-Staff used to go to Govt. This practice has been stopped since last 2 years.
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	No Files do not go to Govt.



### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	Yes, Income -Tax
3	Does SEC has power to take disciplinary action against officers /staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Recommends to the parent department. This is not a correct practice.
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	Generally parent department follows SEC Order
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	Nil

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes SEC has filled the gaps many time while introducing New concept or technology like EVM, NOTA, Online Nomination, Voter list Bifurcation, Updated Affidavits from candidates as per Supreme Court Judgements, Registration & Deregistration of Political parties etc.
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months  d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	NA as demarcation is done by SEC  Few Cases  Yes, State Government changed the area/ boundaries of Zilla Parishad Nagpur & Raigad and that of Aurangabad Municipal Corporation, Kalyan Dombivali Municipal Corporation (KDMC) within 6 months leading to obstacles in the timely conduct of elections.  NA NA

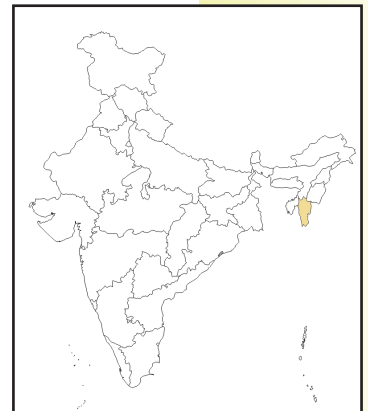
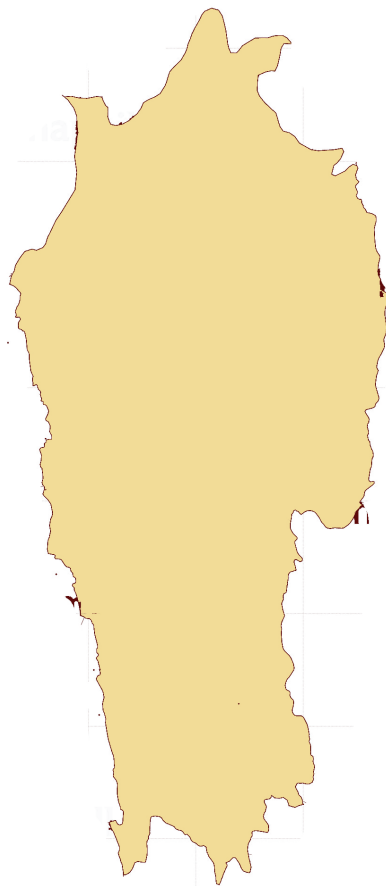


4 Incidences when SEC had to use plenary powers  - If yes, details	SEC has filled the gaps many time while introducing New concept or technology like EVM, NOTA, Online Nomination, Voter list Bifurcation, Updated Affidavits from candidates as per Supreme Court Judgements, Registration & Deregistration of Political parties etc. for filling the gaps in established Acts / Rules
5 Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	Not so far
6 Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	Govt. delays in appointing people Govt. appoints unwanted people  Reduced the pension of earlier Commissioners  No  Govt. creates indirect hurdles
7 Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	Had challenged the Govt. decision to change the staffing pattern by Writ Petition No.958/2002.
8 Give names of Acts governing Local Bodies - Municipal Corporation	1. The Mumbai Municipal Corporation Act, 1888 2. The Maharashtra Municipal Corporation Act, 1949
- Municipal Council	The Maharashtra Municipal Councils, Nagar Panchayat And Industrial Townships Act, 1965
- ZillaParishad	1. The Maharashtra Zilla Parishad And Panchayat Samiti Act, 1961 2. The Maharashtra Zilla Parishads (Electoral Division And conduct of Election) Rules, 1962 3. The Maharashtra Panchayat Samiti (Electoral College And conduct of Election) Rules, 1962
- Gram Panchayat	The Maharashtra Village Panchayats Act, 1958
9 Provisions relating to Elections (attach)	
10 Are they in notion of constitution?	Some amendments are recommended





# MIZORAM



## STATE ELECTION COMMISSION, MIZORAM

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years or 65 years of age whichever is earlier any other.		
3	State Election Commissioner is appointed by the Governor on the recommendations of	CM		
4	Minimum qualification prescribed for SEC	Not below the rank (Govt. of India level) Secretary		
5	Salary drawn by SEC equivalent to			
6	Details of State Election Commissioners appointed so far :			
Sr. No Name		From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. C. Ropianga IAS (Retd.)	16.9.2008 To 19.10.2013	Commissioner & Secretary to the Govt. of Mizoram, Home Deptt. DP & AR and PHE Dept.	Secretary to the Govt. of Mizoram
2.	Shri. L. Tochhong IAS (Retd.)	1.11.2014 To (Continuing)	Chief Secretary to the Govt. of Mizoram	Secretary to the Govt. of Mizoram
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State
2	Who does the reservation of seats?	
	Seat of	
	Members / Councillors	State Government
	Mayor of Corpn.	State Government
	President of Municipal Council	State Government
	President of ZP/PS	State Government
3	How many months before the expiry of the term it is done	Demarcation between 3 - 6 months      Reservation between 3 - 6 months



4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	N/A
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No

<b>CHANGE OF RULES</b> <b>(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)</b> <b>BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.</b>		
1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No

<b>ELECTION EXPENDITURE</b>		
<b>URBAN</b>		
1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	candidate-wise
4	- If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No No
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	-





## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	candidate-wise
4	- If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No No
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	-

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes.
3	If no, how does SEC get additional budget?	
4	Is SEC required to take approval before incurring any expenditure?	No As per requirement, Budget is provided by government.
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	No No
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	NA

## SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	29 03
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes Indicative
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No





4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	Yes
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	Yes -
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	Yes
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	No
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	Yes

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers/staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	No
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	No
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	-
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	-

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes
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2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	No No No No No
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	No
8	Give names of Acts governing Local Bodies - Municipal Corporation - Municipal Council - Zilla Parishad - Gram Panchayat	
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	



# ODISHA



## STATE ELECTION COMMISSION, ODISHA

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single
2	Tenure of SEC	5 years or 65 years of age whichever is earlier any other.
3	State Election Commissioner is appointed by the Governor on the recommendations of	CM
4	Minimum qualification prescribed for SEC	No Such Rank
5	Salary drawn by SEC equivalent to	Judge of High Court
6	Details of State Election Commissioners appointed so far :	
	<b>Sr. No Name</b> <b>From.. to...</b>	<b>Last post held</b> <b>Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)</b>
1.		
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State Collector on the schedule given by State Government
2	Who does the reservation of seats?	
	Seat of	
	Members / Councillors	State Government
	Mayor of Corpn.	State Government
	President of Municipal Council	State Government
	President of ZP/PS	State Government
3	How many months before the expiry of the term it is done	Demarcation No Specific time made in acts/rules either rural or urban local bodies
		Reservation No Specific time made in acts/rules either rural or urban local bodies





4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	The elections to ULBs became due since September 2018 onwards. This could not be done as delay in non-completion of demarcation/reservation by Govt. due to High Courts order on reservation & other cases in Supreme Court
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No It is done as per State Act - Requested State Govt - to expedite, if other impediments like order of stay from any court is there

CHANGE OF RULES (e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.) BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.	
1 Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2 If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	
3 If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No

ELECTION EXPENDITURE	
URBAN	
1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government On the proposal submitted by the Commission, State Government allocate funds in the budget & releases the same to Commission. The Commission allots funds to Collectors
2 Is this expenditure, 'charged' or 'voted'?	Voted
3 Any upper limit of expenditure for the local body - If yes, how much	No such limit of expenditure fixed by Commission
4 - If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No. is borne by State Govt. No The Commission after getting justification from Districts, allots funds for settlement of pending arrears
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	No such cases arises
6 These arrears were paid in how much time?	6 months to 1 year





## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government On the proposal submitted by the Commission, State Government allocate funds in the budget & releases the same to Commission. The Commission allots funds to Collectors
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	No such limit of expenditure fixed by Commission
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No. is borne by State Govt. No. The Commission after getting justification from Districts, allots funds for settlement of pending arrears
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	No such cases arises
6	These arrears were paid in how much time?	6 months to 1 year

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3	If no, how does SEC get additional budget?	In case of any Contingency additional requirement supplementary Budget provision can be made on request to Finance Department
4	Is SEC required to take approval before incurring any expenditure?	No
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes, but in certain expenditure viz; Drawal of funds in AC Bill/ payment of Honorarium Finance Department concurrence is obtained
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	Yes, sometime activities curtailed due to inadequate budget. But normally it happens rare & on request Govt. make provision in Supplementary Budget

## SEC'S STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	42 7
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2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes  Indicative
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  In case of poor performance SEC can request Govt. to transfer the officer
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No  It takes more than 6 months in normal times when there is no election
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	Yes

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes Any officer & employees of the State Government made available to Election Commission pursuant to clause(3) of Article 243-K of the Constitution of India for the discharge of the function conferred on the Election Commission by clause (1) of that Article, when appointed by the Election Commission as Election Officer, Presiding Officer, Polling Officer etc.
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Yes Recommends to parent department





5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	As soon as the Commission recommends, the Department take prompt action against delinquent officers / staff
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	No

GENERAL		
1	Has SEC issued orders under its Plenary powers - If yes, details	Yes
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	Yes / No
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	State Govt. changed rules, area / boundaries of local bodies within 6 months
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	Commission uses plenary power on filing of affidavit, celling of expenditure by contesting candidate, banning of political party in election of Sarpanch, Ward member & P.S. Member election which are fought on non-political party basis
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	No
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	No No No No No
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	No



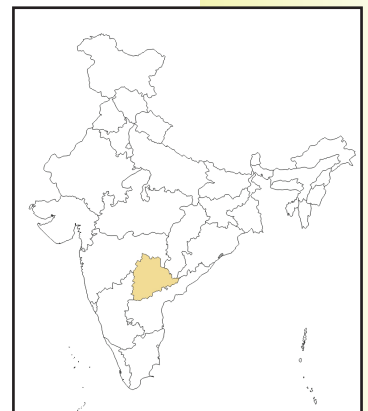
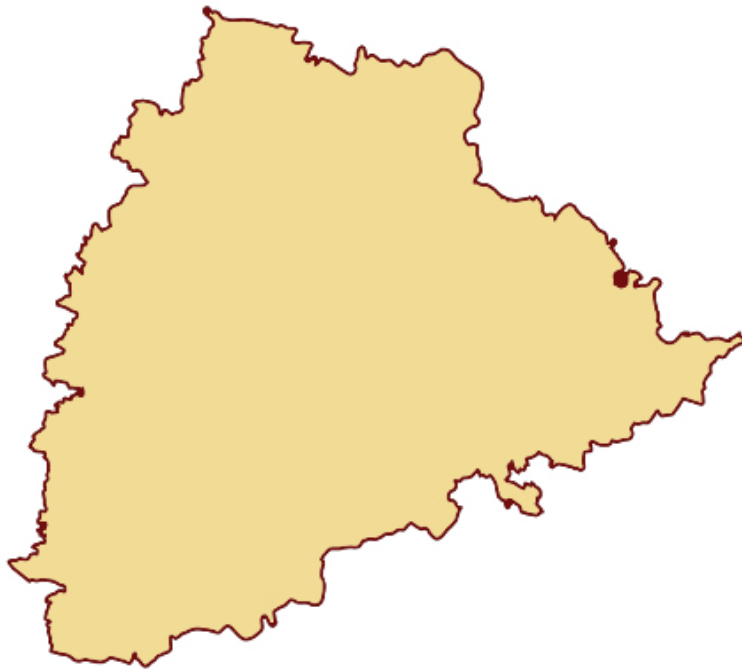


8	Give names of Acts governing Local Bodies	
-	Municipal Corporation	The Odisha Municipal Corporation Act 2003
-	Municipal Council	The Odisha Municipal Act 1950
-	Zilla Parishad	The Odisha Zilla Parishad Act 1991
-	Gram Panchayat	The Odisha Gram Panchayat Act 1964
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	The Superintendence, direction & control of the preparation of electoral rolls for & the conduct of all elections to Gram Panchayat shall be vested in the Election Commission





# TELENGANA





## STATE ELECTION COMMISSION, TELENGANA

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single / Multi		
2	Tenure of SEC	5 Years		
3	State Election Commissioner is appointed by the Governor on the recommendations of	CM		
4	Minimum qualification prescribed for SEC	Not below the rank of Addl.Secretary(Govt. of India level)		
5	Salary drawn by SEC equivalent to	Judge of High Court		
6	Details of State Election Commissioners appointed so far :			
Sr. No	Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. V.Nagi Reddy, IAS (Retd.)	15.04.2015 To 14.04.2020	Prl. Finance Secretary to Government	Addl.Secretary to Government of India.
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State Government
2	Who does the reservation of seats?	
	Seat of	
	Members / Councillors	State Government
	Mayor of Corpn.	State Government
	President of Municipal Council	State Government
	President of ZP/PS	State Government
3	How many months before the expiry of the term it is done	Demarcation      Reservation No set Date
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	1. GHMC Elections, 2016 2. Grama Panchayat Elections, 2018





5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	Yes / No - Requested the State Govt. - Filed Writ Petition in High Court
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<b>CHANGE OF RULES</b> <b>(E.G. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)</b> <b>BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.</b>		
1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	NA

<b>ELECTION EXPENDITURE</b>		
<b>URBAN</b>		
1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Concerned Local Body: The internal expenditure of State Election Commission is borne by the State Government
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	As per actuals
4	- If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	Yes
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	None
6	These arrears were paid in how much time?	-







## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	As per actuals
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	None
6	These arrears were paid in how much time?	NA

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	No
3	If no, how does SEC get additional budget?	Seeks Re-appropriation of budget at later stage
4	Is SEC required to take approval before incurring any expenditure?	No
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes, As per the budget classification/purpose Yes  None till date
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	-

## SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	36 10
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes Rigid
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No





4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  By accepting only good quality staff
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	Yes
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	Yes, In case of directly appointed positions.
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes  NA
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	NA

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	Yes
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Yes
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	-
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	No

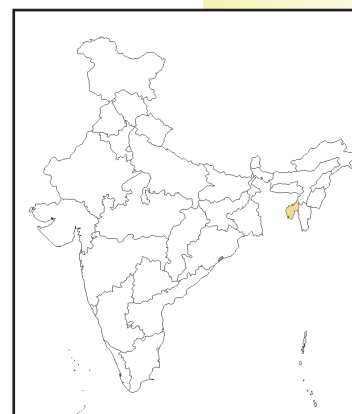
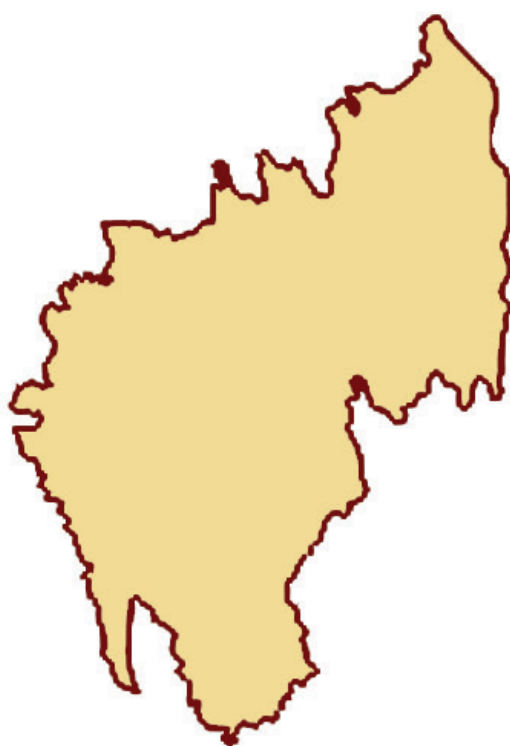




GENERAL	
1 Has SEC issued orders under its Plenary powers - If yes, details	Yes 1. Registration of Political parties 2. Countermanding of elections in case of a ward in GHMC elections,2016
2 How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	Yes/No
3 Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	1. GHMC Elections,2015 2. Grama Panchayat Elections,2018 1. GHMC Election,2016 No No
4 Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	Yes
5 Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	No
6 Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	No No No No No
7 Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	Nil
8 Give names of Acts governing Local Bodies	
- Municipal Corporation	1. The GHMC Act,1955 2. The Municipal Corporations Act, 1994
- Municipal Council	1. The Telangana Municipalities Act,1965
- Zilla Parishad	The Telangana Panchayat Raj Act,2018
- Gram Panchayat	The Telangana Panchayat Raj Act,2018
9 Provisions relating to Elections (attach)	
10 Are they in notion of constitution?	Yes



# TRIPURA





## STATE ELECTION COMMISSION, TRIPURA

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

### ANNEXURE - I

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	2 Years at a time, up to 65 years		
3	State Election Commissioner is appointed by the Governor on the recommendations of	CM		
4	Minimum qualification prescribed for SEC	Not below the rank of (Govt. of India level)-Joint Secretary		
5	Salary drawn by SEC equivalent to	Secretary to Government of India		
6	Details of State Election Commissioners appointed so far :			
	Sr. No Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. G.Kameswara Rao	13-10-2015 To 12-10-2019	Chief Secretary, Tripura	Secretary of Govt. of India level
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State	
2	Who does the reservation of seats?		
	Seat of		
	Members / Councillors	State Government	
	Mayor of Corpn.	State Government	
	President of Municipal Council	State Government	
	President of ZP/PS	State Government	
3	How many months before the expiry of the term it is done	Demarcation No time frame	Reservation No time frame
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	No such Instance	





5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No such situation in the last 25 years
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<b>CHANGE OF RULES</b> <b>(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)</b> <b>BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.</b>		
1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	Does not arise
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	Does not arise

<b>ELECTION EXPENDITURE</b>		
<b>URBAN</b>		
1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government
2	Is this expenditure, 'charged' or 'voted'?	✓ Charged ✓ Voted
3	Any upper limit of expenditure for the local body - If yes, how much	No upper limit
4	- If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	Does not arise since Govt. bears the expenditure
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Payment of pending Bills is the responsibility of Govt. Departments, not SEC
6	These arrears were paid in how much time?	-





## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	No Upper Limit
4	- If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA Does not arise since Govt. bears the expenditure
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Payment of pending bills is the responsibility of Govt. Dept. not SEC
6	These arrears were paid in how much time?	-

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	✓ Charged ✓ Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes / No.
3	If no, how does SEC get additional budget?	
4	Is SEC required to take approval before incurring any expenditure?	Yes / No
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes / No Yes / No
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	-

## SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	All staffs are deputations.
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	No Indicative / Rigid
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No





4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No more than 6 months
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	No Yes / No
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	No

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	No Recommended to State Govt. for disciplinary action. SEC has power to remove from duties of any staff (ROs, DEOs, SPs)
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Recommends
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	Follow up action is taken
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	No





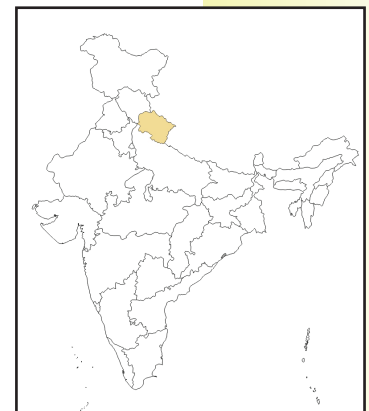


GENERAL	
1 Has SEC issued orders under its Plenary powers - If yes, details	Issued based on ECI guidelines.
2 How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3 Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	Not happened so far
4 Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	
5 Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	No such incidence
6 Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	
7 Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	No such case
8 Give names of Acts governing Local Bodies	
- Municipal Corporation	
- Municipal Council	
- Zilla Parishad	
- Gram Panchayat	
9 Provisions relating to Elections (attach)	
10 Are they in notion of constitution?	





# UTTARANCHAL





## STATE ELECTION COMMISSION, UTTARANCHAL

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	5 years or 65 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Government		
4	Minimum qualification prescribed for SEC	Not below the rank of (Govt. of India) level - Joint Secretary		
5	Salary drawn by SEC equivalent to	Judge of High Court		
6	Details of State Election Commissioners appointed so far :			
Sr. No	Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. Durgesh Joshi	30.06.2001 To 16.01.2005	Not available	Not available
2.	Shri. R.K. Verma	17.01.2005 To 03.04.2008	Secretary	Not available
3.	Shri. Vipin Chandra Chandola	04.04.2008 To 17.09.2010	Secretary	Not available
4.	Shri. Harish Chandra Joshi	18.09.2010 To 15.08.2013	Secretary	
5.	Shri. Subardhan	04.09.2013 To 18.06.2018	Secretary	Not available
6.	Shri. Chandra Shekhar Bhatt	11.07.2018 To (Continuing)	Secretary	Not available
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State
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2	Who does the reservation of seats? Seat of		
	Members / Councillors	State Government	
	Mayor of Corpn.	State Government	
	President of Municipal Council	State Government	
	President of ZP/PS	State Government	
3	How many months before the expiry of the term it is done	Demarcation Sufficient Time (not specified )	Reservation Sufficient Time (not specified )
4	Details where elections could not be held on time Government (Instances of last two years)	Election for ULB's was supposed to have been done before 04-04-2018 but due to delayed demarcation, the elections were held in the month of November.	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No.  as per Article 243-K as final	

CHANGE OF RULES (E.G. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.) BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.			
1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No	
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	-	
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	Yes / No.	

ELECTION EXPENDITURE URBAN			
1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government Routed through SEC	
2	Is this expenditure, 'charged' or 'Voted'?	Voted	



3	Any upper limit of expenditure for the local body - If yes, how much	Constituency-wise
4	If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	NA

### ELECTION EXPENDITURE

#### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government Routed through SEC
2	Is this expenditure, 'charged' or 'voted'?	Voted
3	Any upper limit of expenditure for the local body - If yes, how much	Constituency-wise
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	NA
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	NA

### BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Voted
2	If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3	If no, how does SEC get additional budget?	
4	Is SEC required to take approval before It is a major issue of concern. incurring any expenditure?	No
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	NA



### SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	18 02 15
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes. Rigid
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	Yes
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	In certain cases yes.
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	Yes
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	NA

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Yes
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Recommends to the parent Dept.



5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	NA
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	NA

GENERAL		
1	Has SEC issued orders under its Plenary powers - If yes, details	Yes Enforcing the model code of conduct.
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3	Incidences when General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	(a), (b) , (c) Please refer to demarcation of wards and reservation of seats point 4.
4	Incidences when SEC had to use plenary powers - If yes, details	SEC has issued executive orders regarding NOTA and registration & allotment of symbols to political parties.
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	NA
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	NA
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	NA





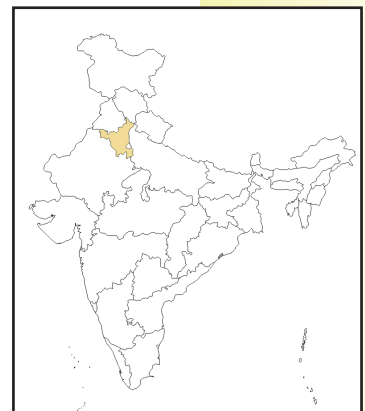
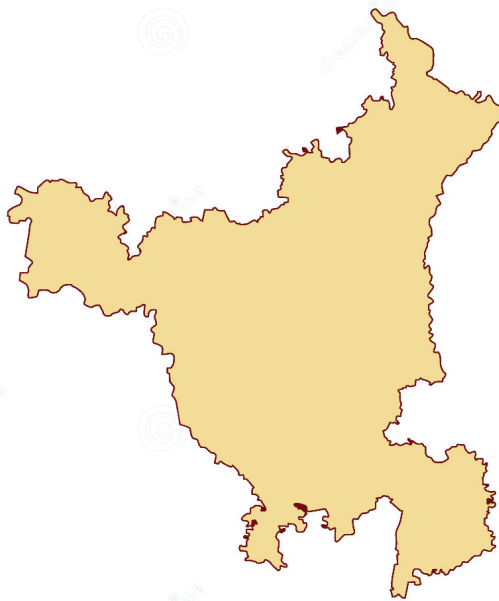
8	Give names of Acts governing Local Bodies	
-	Municipal Corporation	UP Municipal Corporation Act ,1959
-	Municipal Council	UP Municipalities Act,1916
-	ZillaParishad	Uttarakhand Panchayati Raj Act 2016
-	Gram Panchayat	Uttarakhand Panchayati Raj Act 2016
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	Yes







# UTTAR PRADESH



## STATE ELECTION COMMISSION, UTTAR PRADESH

### INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahemadabad Municipal Corporation)

### APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	6 years or 68 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	Not defined in rules		
4	Minimum qualification prescribed for SEC	Joint Secretary of Government of India level		
5	Salary drawn by SEC equivalent to	Any other (Rs. 2.25 Lakhs minus pension)		
6	Details of State Election Commissioners appointed so far :			
	Sr. No Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. R. D. Sonkar	24.04.1994 To 09.12.1996	Not available	Not available
2.	Shri. Yash Pal Singh	10.12.1996 To 09.12.2001	Secretary, Panchayati Raj, Govt. Of U.P.	Not available
3.	Smt. Aparmita P rasad Singh	10.12.2001 To 31.05.2007	Chairman Board of Revenue, U.P.	Not available
4.	Shri. Rajendra Bhonwal	01.06.2007 To 04.04.2012	Not available	Not available
5.	Shri. Satish Kumar Agarwal	11.04.2012 To 19.12.2017	Not available	Not available
6.	Shri. Manoj Kumar	18.01.2018 To (Continuing)	-	-
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	State
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2	Who does the reservation of seats?		
	Seat of	State Government	
	Members / Councillors	State Government	
	Mayor of Corpn.	State Government	
	President of Municipal Council	State Government	
	President of ZP/PS	State Government	
3	How many months before the expiry of the term it is done	Demarcation It depend upon State Government	Reservation It depend upon State Government No clear guideline in this regard.
4	Details where elections could not be held on time due to delayed demarcation or reservation by the Government (Instances of last two years)	No	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No	

## CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	Yes In year 2015 for Panchayats and year 2017 for Urban Local Bodies.
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	Yes Urban Local Bodies 2017 delimitation done again effective wards.
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No



## ELECTION EXPENDITURE

### URBAN

1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Government money routed through SEC
2 Is this expenditure, 'charged' or 'voted'?	Voted
3 Any upper limit of expenditure for the local body - If yes, how much	Norms decided by SEC
4 - If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No.
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	As per norms budget released by SEC to DEO's
6 These arrears were paid in how much time?	Some head 100% advance. In some cases 30-70% advance. Rest immediately after election or get it from the Government.

## ELECTION EXPENDITURE

### RURAL

1 Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Money routed through SEC
2 Is this expenditure, 'charged' or 'voted'?	Voted
3 Any upper limit of expenditure for the local body - If yes, how much	Through norms decided by SEC
4 - If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No.
5 Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	Payment already made as per norms of SEC
6 These arrears were paid in how much time?	NA

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1 Is it 'charged' or 'voted'?	Voted
2 If voted, does the Government provide budget as per the assessment and request by the SEC	Yes
3 If no, how does SEC get additional budget?	NA
4 Is SEC required to take approval before incurring any expenditure?	No



5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	Yes (for election) NA  NA
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	No

### SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	Officers by State Government / Staffs by Service Commission
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes  Rigid
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No  NA
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No  As per requirement of Commission
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No  As per requirement of Commission
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No  NA
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	No  NA
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	NA

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes  NA
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2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	No NA
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	No NA
4	Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	No Recommends to the parent department.
5	If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	By reminders, mostly Government honours SEC's recommendations.
6	Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	NA

### GENERAL

1	Has SEC issued orders under its Plenary powers - If yes, details	Yes Limit of maximum expenditure by candidates.
2	How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No filed.
3	Incidences when – - General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	NA NA NA NA NA
4	Incidences when SEC had to use plenary powers for filling the gaps in established Acts / Rules - If yes, details	Yes Order crimination in politics.
5	Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	No



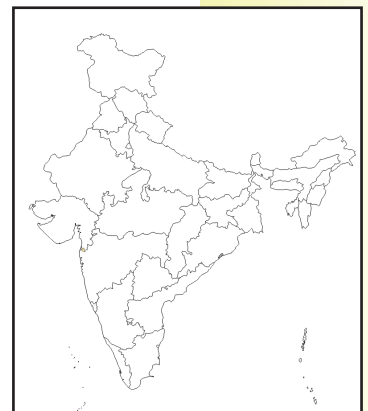
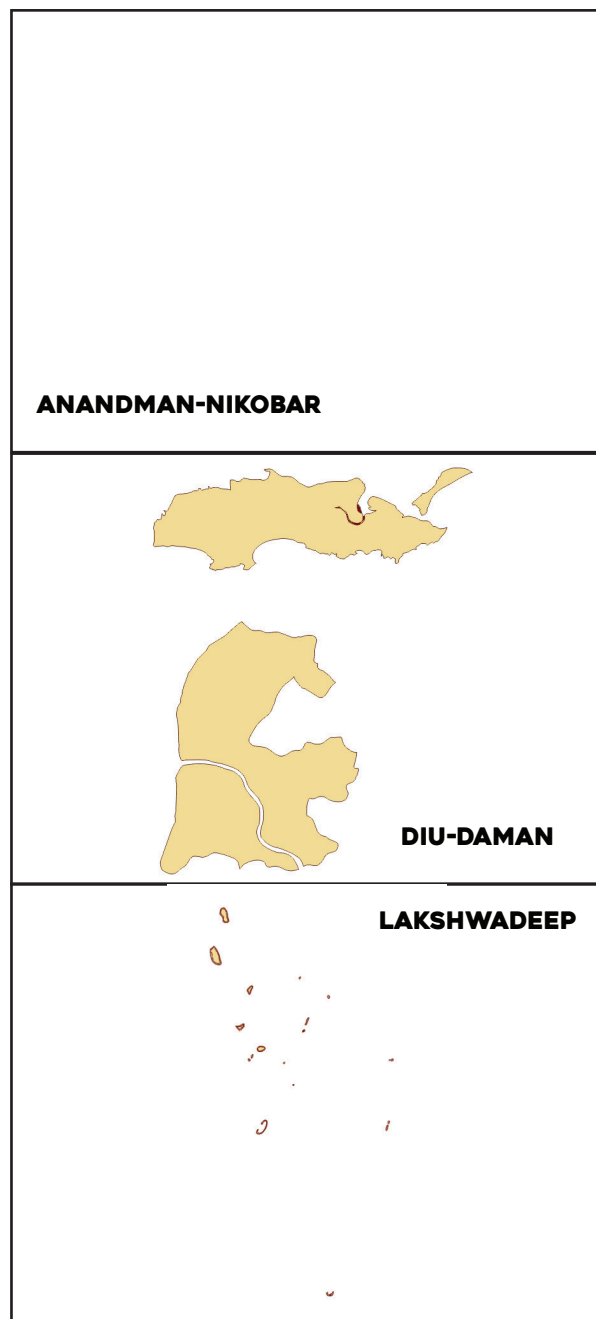
6	Incidences when Govt. tried to curtail the powers of State Election Commissioner by –	No
	a. keeping the post vacant	Yes
	b. appointing person below the prescribed qualifications	No
	c. reducing conditions of service to his disadvantage after his appointment	No
	d. appointing more than one Election Commissioner	No
	e. not providing required staff / and financial resources.	No
7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	No
8	Give names of Acts governing Local Bodies	
	- Municipal Corporation	U.P. Municipal Corporation Act 1959
	- Municipal Council	U.P. Municipalities Act 1916
	- Zilla Parishad	Chhetra Panchayat and Zila Panchayat Act 1961
	- Gram Panchayat	Sanyukt Prant Panchayat Raj Act, 1947
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	No





# UNION TERRITORIES

## ANDAMAN-NIKOBAR, DIU-DAMAN, LAKSHWADEEP





# STATE ELECTION COMMISSION, UNION TERRITORIES ANDAMAN-NIKOBAR, DIU-DAMAN, LAKSHWADEEP

## INDEPENDENCE OF SEC

**State Election Commissions, independent of the Government,  
are at par with Election Commission of India**

(Refer Article 243K and Supreme Court decision in the case between Kishansing Tomar Vs. Ahmedabad Municipal Corporation)

## APPOINTMENT

1	Number of Members in Commission - If Multi Member – how many members?	Single		
2	Tenure of SEC	6 years or 65 years of age whichever is earlier		
3	State Election Commissioner is appointed by the Governor on the recommendations of	SEC(UTs) is appointed by the President of India		
4	Minimum qualification prescribed for SEC	Not defined		
5	Salary drawn by SEC equivalent to	Secretary to Government of India		
6	Details of State Election Commissioners appointed so far :			
Sr. No	Name	From.. to...	Last post held	Last salary drawn (equivalent to Joint Secretary / Additional Secretary / Secretary at Government of India level.)
1.	Shri. I.P.Gupta, IAS (Retd.)	17.10.1994 To 04.02.1996		Secretary to Gol.
2.	Shri. P. Rohmingthangha, IAS (Retd.)	25.10.1996 To 24.10.2002		Secretary to Gol.
3.	Shri. R.D.Kapur IAS (Retd.)	25.10.2002 To 12.09.2007		Secretary to Gol.
4.	Smt. Renu Sahni Dhar, IAS (Retd.)	29.10.2007 To 02.10.2012		Secretary to Gol.
5.	Smt. Bhupinder Prasad, IAS (Retd.)	03.10.2012 To 19.08.2017		Secretary to Gol.
6.	Shri. Narendra Kumar, IAS (Retd.)	01.11.2017 To (Continuing)		Secretary to Gol.
7	Whether any SEC removed from office before expiry of term - If Yes, details thereof	No		
8	Whether any SEC resigned from office before expiry of term - If Yes, details thereof	No		

### DEMARCATON OF WARDS AND RESERVATION OF SEATS

1	Who does the demarcation of wards?	SEC	
2	Who does the reservation of seats?		
	Seat of		
	Members / Councillors	State Government	
	Mayor of Corpn.	State Government	
	President of Municipal Council	State Government	
	President of ZP/PS	State Government	
3	How many months before the expiry of the term it is done	Demarcation between 3 – 6 months	Reservation 3 months prior to expiry of term
4	Details where elections could not be held on time Government (Instances of last two years)	Never	
5	Is demarcation and / or reservation by the Govt, not against the provisions of the Constitution. - If Yes, what steps has the State Election Commission taken to rectify it.	No	

### CHANGE OF RULES

**(e.g. CHANGE OF BOUNDARIES / AREAS OF THE LOCAL BODY ETC.)  
BY THE STATE GOVERNMENT WITHIN 6 MONTHS OF THE EXPIRY OF THE TERM.**

1	Has SEC issued any directions to State Government not to change rules, boundaries and/or areas within 6 months of expiry of the period of local body which may affect the election schedule adversely.	No
2	If yes, Details of the cases in which the State Government has changed rules, boundaries and / or areas within 6 months which has adversely affected the conduct of elections on time	NA
3	If Govt. has not obeyed the directions of SEC as mentioned in 1 above has SEC filed Writ in High Court - If yes, details thereof	No

### ELECTION EXPENDITURE

#### URBAN

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	Respective U.T Administration
2	Is this expenditure, 'charged' or 'Voted'?	Charged



3	Any upper limit of expenditure for the local body - If yes, how much	No
4	If urban local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	NA

## ELECTION EXPENDITURE

### RURAL

1	Who bears the election expenses - If Government, is this money routed through SEC or given directly to DEOs	U.T Administration through Director of Panchayat & Municipal Elections
2	Is this expenditure, 'charged' or 'voted'?	Charged
3	Any upper limit of expenditure for the local body - If yes, how much	No Limit
4	If rural local body bears the expenditure, does the body make adequate provisions in advance? - If no, does it lead to accumulation of arrears	No
5	Details of arrears of the last two general elections. (due to non-payment of expenses either by Govt. or Local Body)	NA
6	These arrears were paid in how much time?	NA

## BUDGET FOR THE OFFICE EXPENSES OF THE STATE ELECTION COMMISSION

1	Is it 'charged' or 'voted'?	Charged
2	If voted, does the Government provide budget as per the assessment and request by the SEC	No
3	If no, how does SEC get additional budget?	Becomes difficult to pursue UT Administration
4	Is SEC required to take approval before It is a major issue of concern. incurring any expenditure?	Yes
5	Is SEC free to incur any expenses on its own? - If no, does it not amount to compromising with the Independence and Constitutional Status of SEC? - If yes, what steps SEC has taken to rectify it?	No Yes  UT Administration has been asked to separate budget for SEC and make it an independent establishment.
6	Instances where planned activities could not be undertaken and/ or had to be curtailed due to inadequate budget	-



### SEC's STAFF

1	Total recruited by SEC On deputation / secondment /from Govt. etc. Any other	Nil Secondment from the UTs- 05 None
2	Has the Govt. prescribed any staffing pattern for SEC? - If yes, Is it indicative in nature or rigid?	Yes. Rigid
3	Can SEC recruit or take people over and above the staffing pattern as per its' requirement? - If yes, how	No
4	Does Govt. provide panel of names before appointing officers/ staff on deputation to SEC? - If no, how the quality of the people are ensured.	No No way to ensure this.
5	Does Govt. consult SEC before appointing and/or transferring officers / staff on deputation to SEC? - If no, how fast the resultant vacancy is filled.	No
6	Is SEC free to appoint relevant people as per its choice? - If yes, details thereof	No
7	Does SEC have the full powers in administrative matters (like promotion, release of increment etc.) over its own staff (not Govt) - If no, does the file go to Govt. for approval	No Yes
8	If the files go to Govt., does it not amount to compromising with the Independence and Authority of SEC?	Yes

### STAFF FOR ELECTION DUTIES

1	Does the State Govt. provide staff as per the assessment of SEC e.g. Secretaries, Collectors, Municipal Commissioners, Police Officers and Field Level Officers. - If not, how the staff is arranged during elections?	Yes
2	Has SEC requisitioned the staff of Central Govt. departments for any activity so far? - If yes, give details.	Yes,  Central Govt. employees posted in Lakshdweep were appointed observers during General Election to Panchayats in 2017
3	Does SEC has power to take disciplinary action against officers / staff for dereliction of duty and not obeying its orders in election related matters? - If no, how the SEC ensures proper functioning of the various officers / staff during the elections?	Not possible to ensure.



4 Does SEC take disciplinary action against erring / delinquent officers / staff on its own or recommends to the parent department	Recommends to the U.T. Administration
5 If it recommends to the parent department, how does it ensure timely penal action against the delinquent staff?	No way to ensure
6 Incidences of non-availability of staff and/ or unwanted staff being posted which has hampered the smooth conduct of elections?	Officers recommended for Election duties are not agreed to in many cases.

GENERAL	
1 Has SEC issued orders under its Plenary powers - If yes, details	No
2 How SEC filed Writ of Mandamus - If yes, details with reasons & outcomes Thereof	No
3 Incidences when General elections had to be postponed due to a. Demarcation of wards not completed by Govt. in time b. Reservation of wards not completed by Govt. in time c. State Govt. changed rules, area / boundaries of local bodies within 6 months d. Non-availability of adequate and timely budget. e. Non-availability of staff / vehicle as per assessment of SEC ( ✓ )	Never Never Never No No No
4 Incidences when SEC had to use plenary powers - If yes, details	Never
5 Incidences when Govt. has challenged the orders passed by SEC under its plenary powers - Give details.	Never
6 Incidences when Govt. tried to curtail the powers of State Election Commissioner by – a. keeping the post vacant b. appointing person below the prescribed qualifications c. reducing conditions of service to his disadvantage after his appointment d. appointing more than one Election Commissioner e. not providing required staff / and financial resources.	Yes Qualification not prescribed  No No Yes





## UNION TERRITORIES

STATE ELECTION COMMISSION

7	Incidences when SEC had to challenge Govt. for ensuring its independent constitutional authority. Give details	As per note attached.
8	Give names of Acts governing Local Bodies	
	- Municipal Corporation	
	- Municipal Council	
	- ZillaParishad	
	- Gram Panchayat	
9	Provisions relating to Elections (attach)	
10	Are they in notion of constitution?	



## CONTACT DETAILS OF STATE ELECTION COMMISSIONS

Sr. No.	State	STD Code	Office Tel. No.	E-Mail Address	Website
1	Assam	0361	2266118 / 2264920	secassam@gmail.com	<a href="https://www.secassam.in/">https://www.secassam.in/</a>
2	Bihar	0612	2506826	secbihar@gmail.com	<a href="http://sec.bihar.gov.in/ovc.aspx">http://sec.bihar.gov.in/ovc.aspx</a>
3	Chattisgarh	0771	2236235 / 4031555	cgec.cg@nic.in	<a href="http://www.cgsec.gov.in">www.cgsec.gov.in</a>
4	Goa	0832	2232631 / 32	comm-gsec.goa@nic.in	<a href="http://www.sec.goa.gov.in/">http://www.sec.goa.gov.in/</a>
5	Gujarat	079	23252888 / 23252327 / 23252888	sec-sec@gujarat.gov.in/ commi-sec@gujarat.gov.in	<a href="https://sec.gujarat.gov.in/">https://sec.gujarat.gov.in/</a>
6	Haryana	0172	2584904	sec@hry.nic.in	<a href="http://secharyana.gov.in/web/">http://secharyana.gov.in/web/</a>
7	Himachal Pradesh	0177	2620154	secysec-hp@nic.in	<a href="https://himachal.nic.in">https://himachal.nic.in</a>
8	Jharkhand	0651	2284012	secjharkhand@gmail.com / secjharkhand@yahoo.co.in	<a href="http://secjharkhand.nic.in/">http://secjharkhand.nic.in/</a>
9	Karnataka	080	22205182	karsec@gmail.com	<a href="https://karsec.gov.in/">https://karsec.gov.in/</a>
10	Kerala	0471	2328157 / 2320348	electionker@gmail.com	<a href="http://sec.kerala.gov.in/">http://sec.kerala.gov.in/</a>
11	Madhya Pradesh	0755	2553623 / 2551535	parasuram.secmp@gmail.com	<a href="http://mplocalelection.gov.in/">http://mplocalelection.gov.in/</a>
12	Maharashtra	022	22023437 / 22026329	sec.mh@gov.in	<a href="http://www.mahasec.com">www.mahasec.com</a>
13	Mizoram	0389	2300378	sec.mizoram@yahoo.in/ sec_mizoram@yahoo.com	<a href="https://sec.mizoram.gov.in/">https://sec.mizoram.gov.in/</a>
14	Odisha	0674	2573426	stateelectioncommission.odisha@gmail.com	<a href="http://www.secodisha.nic.in/">http://www.secodisha.nic.in/</a>
15	Telangana	040	29801521 / 22 / 23	sec.telangana@gmail.com	<a href="https://tsec.gov.in/">https://tsec.gov.in/</a>
16	Tripura	0381	2314248	sk.rakesh@nic.in/ stateelectioncommissoin5@gmail.com	<a href="https://sec.tripura.gov.in/">https://sec.tripura.gov.in/</a>
17	Uttaranchal	0135	2673011 / 2671671	secua_ddun@yahoo.co.in	<a href="http://sec.uk.gov.in/">http://sec.uk.gov.in/</a>
18	Uttar Pradesh	0522	2630104	secup32@gmail.com / sec_foruts@yahoo.com	<a href="http://sec.up.nic.in/site/">http://sec.up.nic.in/site/</a>
19	UTs (Andaman & Nicobar Island, Lakshadweep, Dadra & Nagar Haveli & Daman & Diu )	011	23382554 / 23384919	secpdy.pon@nic.in	

