

**INFORMATION UNDER SECTION 4 (1) (B)  
OF THE R.T.I ACT, 2005**

**ELECTION DEPARTMENT.**

**INTRODUCTION**

**1.1 *Background, objective and purpose of this Hand Book***

The Right to Information Act. 2005 (Central Act 22 of 2005) has been enacted to provide for setting out a practical regime of the right to information for citizens to secure access to information for citizens to secure access to information under the Control of Public authorities in order to promote transparency and accountability in the working of every Public Authority. This publication under section 4(1) of the Right to Information Act sets out the obligations of Public authorities concerned with electoral administration.

**1.2 *Intended users of this Book***

Members of public, political parties, officers and staff concerned with electoral administration will be the users of this Hand Book.

**1.3 *Organization of the Information***

The organization of the information in this Hand Book is given chapter-wise in the index.

**1.4 *Contact person***

Public Information Officer, i.e. Joint Chief Electoral Officer & Deputy Secretary to the Govt. of Assam Election Department, Dispur.

**1.5 *Procedure and Fee Structure for getting information***

Govt. Notification No. AR 78/2005/142 dtd. 2/1/06 on Assam Right to Information (Registration fee and Cost) Rules.

- (a) Every application for obtaining information under sub-section (1) of section 6 of the Act shall be accompanied by application fee of Rs 10/- by way of cash against proper receipt or by Demand Draft or Bankers Cheque payable to the Authorized Officer of the Public Authority.
- (b) For providing the information under sub-section (1) of section 7 of the Act, a fee shall be charged by way of cash against proper receipt or by Demand Draft or Bankers Cheque payable to the Authorized officer of the public Authority at the following rates:
  - (i) Rupees two for each page (A-4 or A-3 size paper) created or copied.
  - (ii) Actual charge or cost price of a copy in larger size paper
  - (iii) Actual cost or price for samples or models and
  - (iv) For inspection of records, no fee for the first hour, and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter.

(c) For providing the information under sub-section (5) of Section 7, the fee shall be charged by way of cash against receipt or by Demand Draft or Bankers Cheque payable to Authorized Officer of the Public Authority at the following rates:

- (i) For information provided in diskette or floppy Rs 50/- per diskette or floppy, and
- (ii) For information provided in printed form at the price fixed for such publication or Rupees two per page of photocopy for extracts from the publication.

### **PARTICULARS OF ORGANIZATION , FUNCTIONS AND DUTIES**

1. **Name & Address:** Election Department, Government of Assam, Assam Secretariat, Dispur, Guwahati-781006 under the Chief Electoral Officer and Commissioner & Secretary to the Govt. Of Assam, election Department, Dispur.

#### **2. Legal standing and creation:**

Under Article 324 of the Constitution, the Superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the parliament and to the Legislative Assembly of every State and the elections to the offices of President & Vice President are vested in the Election Commissioner and Election Commission which consists of the Chief Election Commissioner and Election Commissioners. At the state Level, the election work is supervised subject to the superintendence, direction and control of the Election Commission, by the Chief Electoral Officer (appointed by the Election Commission) and the officers and staff working under him. The Chief Electoral Officer is normally appointed from All India Service in the cadre of Secretary & above. The Chief Electoral Officer is, therefore, designated as Chief Electoral Officer and Secretary to Government, Election Department. Field administration at the district level and sub divisional level is run by the District Election officers (DEOs) generally the Deputy Commissioners and Sub-divisional Officers (Civil), Electoral Registration Officers (EROs), AEROs and BLOs (for preparation and maintenance of electoral rolls) (generally officers in the level of Circle Officers and BDOs) Returning Officers (ROs) and AROs (for conduct of elections) and other officials like Presiding and Polling Officers). Electoral Officer was set up in Assam before the first general Elections in independent India in 1952, in accordance with Section 13 A of the Representation of People Act. 1950 for carrying out the following:

#### **3. Functions and Duties**

- (i) Conduct of elections/ bye-elections to
  - The 126 Assembly Constituencies in Assam Legislative Assembly.
  - The 14 Lok Sabha seats allocated to Assam.

Note: These two elections are direct elections where the people of the country directly participate and exercise their franchise

- The 7 (Seven) Rajya Sabha seats allocated to Assam.
- The office of the President of India.

- The office of the Vice President of India.

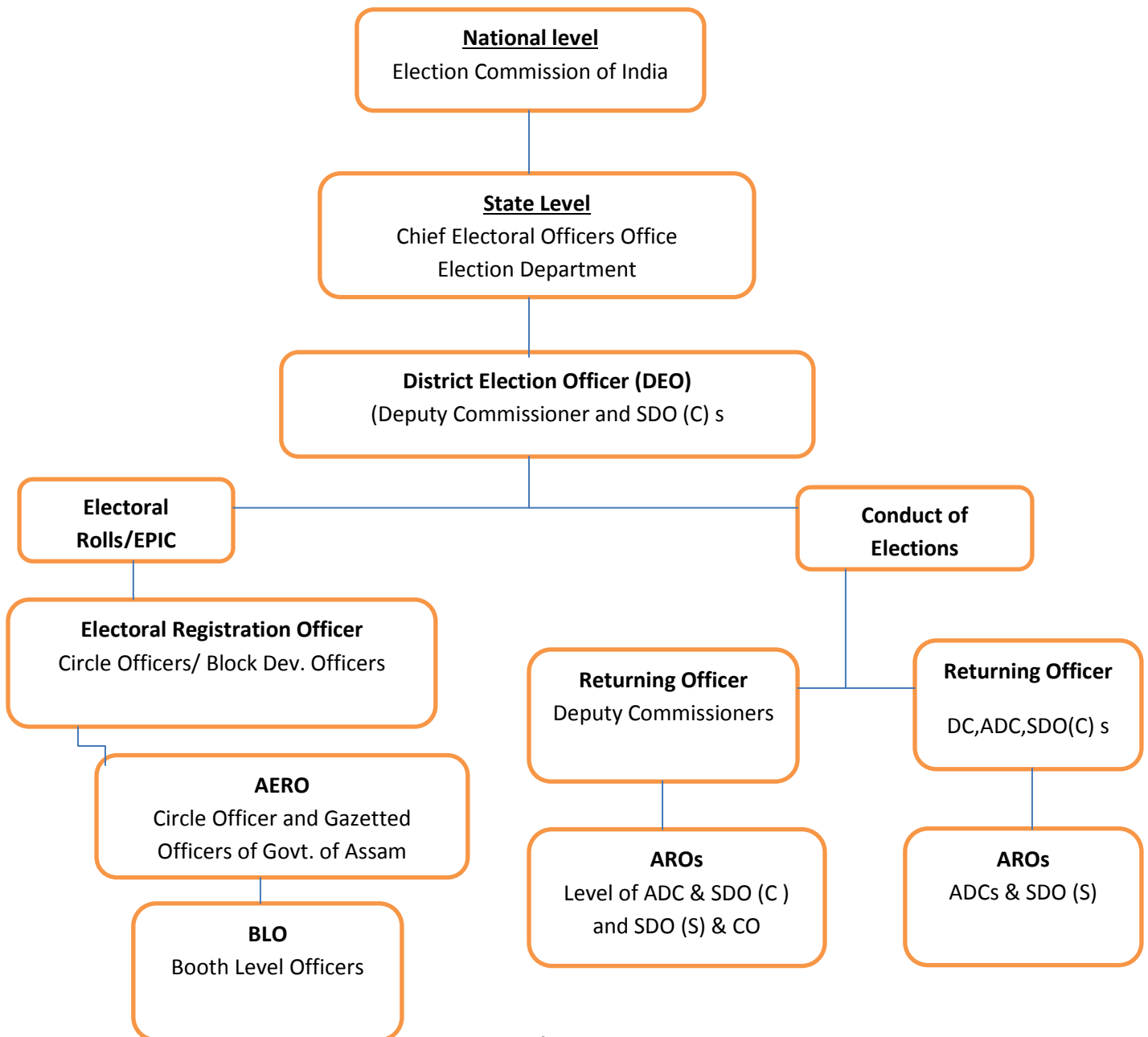
Note: The elections to these offices are indirect elections through their elected representatives in Parliament and in Assam Legislative Assembly.

(ii) It is the duty of all election related officers to ensure that the elections are conducted in a free and fair manner and in accordance with all relevant Acts, Rules and executive directions of the Election Commission of India

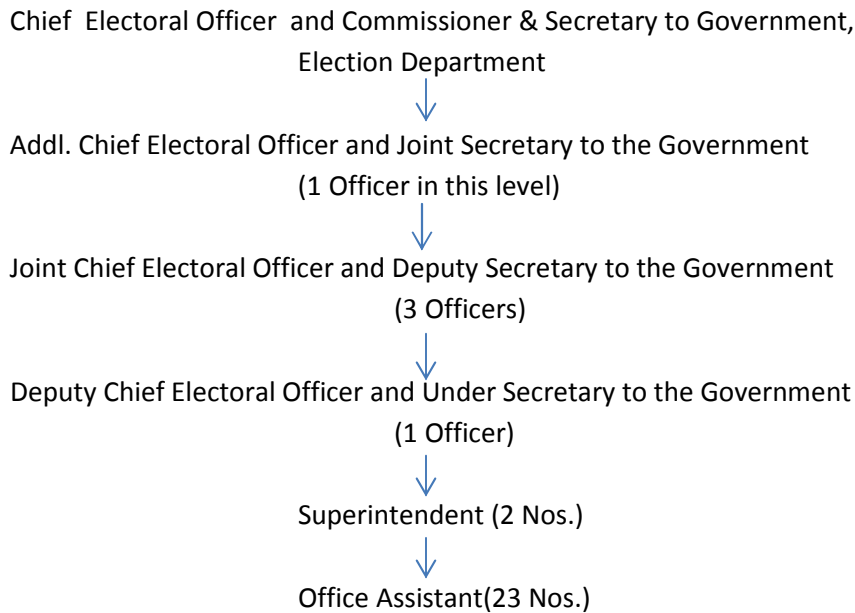
(iii) Preparation of an error free electoral roll.

#### 4. Structure

##### 4 (a). General Structure



#### 4 (b). Structure of the State Level Department



#### 4 (c). Structure at the District level

All District Election Officers, Returning Officers and Assistant Returning Officers are notified by Election Commission of India in consultation with the State Government.

District Election Officers	Deputy Commissioner-27 Nos. and SDO (C)-23 Nos.
Election Officers	Created in 27 districts and 23 Civil Subdivisions.
Election Assistants	DEO (DC) -101 DEO (SDO-(C)) – 68

4 (d). Below the district level, except for the permanent Election Assistants, the regular revenue/local body staff look after routine election related work.

#### 5. Working hours for office

The working hours for all offices are from 10.00 hours to 17.00 hours with no break on all working days during the months April to October and from 10.00 hours to 16:15 hours in the months November to March.

(Note: Applications/petitions under the Right to Information Act/Rules will be accepted during office hours on the working days only.)

## **6. Grievance Redressal Mechanism**

The representations/genuine grievances relating to the subject of elections from the citizens of Assam are received in the Office of the Chief Electoral Officer and also in the offices of the District Election officers during working hours on all working days.

### **Powers and duties of Officers and Employees**

## **7. Nature of duties**

### **(a) Electoral Registration Officers**

The electoral roll for each assembly constituency shall be prepared and revised by an Electoral Registration Officer who shall be an officer of Government as the Election Commission may, in consultation with the Government of the State, in which the constituency is situated, designate or nominate in this behalf.

- (i) Continuous updation of electoral rolls is required to be made with qualifying date as 1<sup>st</sup> of January of each year. During office hours a citizen can claim for inclusion of his/her name in Electoral (ERO).

### **(b) Assistant Electoral Registration Officers**

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

### **(c) District Election Officers**

For each district in a state, other than a Union territory, the Election Commission of India shall, in consultation with the Government of the State, designate or nominate a District Election Officer who shall be an Officer of Government to coordinate and supervise, under the superintendence, direction and control of the Chief electoral Officer, all work in the district or in the area within his jurisdiction in connection with the preparation, revision and correction of the electoral rolls for all parliamentary, assembly constituencies within the district. The District Election Officer shall coordinate and supervise all work in the district or in the area within his jurisdiction in connection with the conduct of all elections to Parliament and the legislature of the State. The District Election Officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief Electoral Officer.

- (i) Functioning as appellate authority for certain decisions taken by Electoral Registration Officer in regard to claims and objections.
- (ii) Grievance redressal related to elections.
- (iii) Certain duties related to conduct of elections.
- (iv) Coordinating and facilitating EROs work.

### **(d) Returning Officers**

For every constituency, for every election to fill a seat or seats in the Lok Sabha, Legislative Assembly, Council of State etc., the Election Commission shall, in consultation with the Government of the State, designate or nominate a Returning officer who shall be an officer of Government or of a local authority.

The Returning Officer is primarily responsible for the conduct of elections form his constituency. His functions (as well as those of the District Election Officer) are:

- Drawing up the programme and detailed arrangements for the poll;
- Procurement of election materials;
- Selection and setting up of polling stations;
- Appointment and training of polling personnel (including reserve);
- Receipt of nominations papers, security deposit, intimation from parties about candidates;
- Handling over a copy of instructions for lodging account of election Expenses and Register, etc.;
- Scrutiny of nomination papers;
- Allotment of symbols;
- Publication of notice of nominations, list of validly nominated candidates and contesting candidates;
- Printing of postal ballot papers and dispatch parties to ensure free, fair and smooth elections and enforcement of model code of conduct;
- Ensuring the presence of polling parties for the conduct of poll and supply of ballot papers and other election materials;
- Supervision of poll and sending reports to Election Commission;
- Transport and storage of ballot boxes and electronic voting machine after poll under security arrangements;
- Fixing place of counting and actual counting;
- Declaration of result;
- Safe custody of election papers and materials after counting;
- Scrutiny of accounts of election expenses of contesting candidates and submission of their returns to the Commission;
- Overall supervision of election work.

**(e) Assistant Returning Officer**

The Election Commission may appoint one or more **Assistant Returning Officers** to assist any Returning Officers in the performance of his functions. Every Assistant Returning officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer. However, the Assistant Returning Officer cannot perform any of the functions of the Returning Officer relating to scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

**(f) Presiding and Polling Officers**

The Returning Officer shall appoint a **Presiding Officer** for each polling station and such polling officer or officers as he thinks necessary but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election. A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer. If he presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by

such polling officer as has been previously authorized by the district election officer to perform such functions during any such absence.

The general duty of the presiding officer at a polling station is to maintain order and to ensure that the poll is fairly taken. He enjoys full legal power to control the proceedings in the polling station under his charge. The duty of the polling officers at a polling station is to assist the presiding officer in the performance of his functions. The polling party generally consists of a Presiding Officer and, at a single election, 3 polling officers if the number of electors attached to a polling station is 1200. At a simultaneous election, the polling party consists of a Presiding Officer and 5 Polling Officers.

**(g) Duties of CEOs Office**

In accordance with the provisions of the Representation of People act, 1950, for each State, an officer of Government is designated or nominated in consultation with that Government by the Election Commission of India as the **Chief Electoral Officer** to supervise under the superintendence, direction and control of all electoral rolls in that State. The Chief Electoral officer of each State shall, subject to the superintendence, direction and control of the Election commission, supervise the conduct of all elections in the State under the Representations of the People Act, 1951.

(i) Facilitating and coordinating all the above works, at the state level so that all the instructions/directions of the Election Commission of India are carried out without any omission of Commission.

(ii) Functioning as the appellate authority to creation decisions of the Electoral Registration Officers/District Election Officer.

**Procedure followed to decision-making process including channels of supervision and accountability & the norms set for discharge of functions.**

The discharge of functions and duties mentioned above, are governed by the various election laws rules & orders contained in the Manual of Election Law (2 Volumes) and the various Handbooks listed out later.

The major areas of decision –making relevant to the public and the norms followed in those areas are set out below. The channels of supervision and enforcing accountability generally follow the hierarchy specified in the organizational structure setout earlier.

**A. Inclusion in the electoral roll and right to vote**

**(i) Eligibility for inclusion in the electoral roll**

- 1) Should have completed 18 years as on the qualifying date-1<sup>st</sup> January of that year.
- 2) Should be citizen of India.
- 3) Should be ordinarily resident in the area from where applications is made



4) Should not be of unsound mind (if he/she is of unsound mind and stands declared by a competent court then not eligible to be registered as voter)

5) Should not have been disqualified from voting under provisions of any law relating to corrupt practices and other offences in connection with election i.e. **171E, 171F of IPC & section 8A (1), 125 135, 136(2)(a) of Representation of people Act, 1951.**

**(ii) Eligibility to vote**

1) Name should find place in the correct part of the electoral roll.

2) Name should not be included in the electoral roll in same/any other part, of same/any other constituency within the territory of India.

(1) Right to vote is not exercisable if the elector is confined in a prison (under a sentence of imprisonment or transportation or otherwise) or in the lawful custody of the police except for those under preventive detention.

(2) There should be no disqualification under 4 or 5 in the criteria for inclusion in the electoral roll given above.

**(iii) Service Voters**

Service voters can be enrolled in the place where they would have been ordinarily resident had they not been in service i.e. Place of permanent address. They can exercise their franchise either through postal ballot or proxy method. Their application for inclusion in the relevant part of the roll and also information regarding appointment of proxy voter should be forwarded to CEO/DEO/ERO through proper channel (the head of their department).

- The ECI has permitted proxy voting for the Classified Service Voters, viz Army, Navy, Air Force and Para Military Forces. The proxy should be a registered elector of the same constituency.
- Wives of such services voters are not entitled for this facility.
- CSV for the Classified Service Voter (CSV) will be indicated in the last part of the Electoral Roll against their names.
- A sub-list of such CSV will be sent to the polling station concerned.
- For proxy person, indelible ink should be marked in the left middle finger.
- A proxy voter can cast two votes-one his or her own vote against his or her own identity and another for the person for whom he/she is appointed as proxy.

**(iv) Voting by postal ballot Paper**

Facility of voting by Postal Ballot Paper is available to following categories of voters

- ✓ Special voters.
- ✓ Service voters.
- ✓ Wife of special/service voters.
- ✓ Voters on Election Duty/ Cooks-Peons-Drivers on duty

- ✓ Electors subjected to preventive detention
- ✓ Police personnel on election duty.
- ✓ Polling Personnel.
- ✓ Candidates polling agents, except Service Personnel, others should apply in Form 12 to the Returning Officer at least 7 days before actual date of the poll for postal ballot paper.

For Service Voters, the Postal Ballot Papers will be dispatched within 48 hours from the withdrawal of candidates to their destination.

## **B. Deletion from the electoral roll**

### (i) **Reasons**

1. Not ordinarily resident/shifted residence.
2. Name available in more than one place.
3. Death
4. Under aged as on the qualifying date.
5. Attracting disqualification under 4 and / or 5 of the criteria for inclusion.
6. Not a citizen of India/as a citizen of another country.

### A. Inclusion in the Electoral Rolls

Statutory authority for deciding	Action to be taken by applicant	Purpose	Who can submit	Documents to be submitted along with application	Time during which and places where applications can be submitted	Minimum statutory period for passing orders	Any bar on receiving Form	Procedure followed	Provision for appeal
1	2	3	4	5	6	7	8	9	10
Electoral Registration Officer	Submission of fully filled in Form 6 (Form 6 can be obtained from Election Officer or Electoral Registration Officer)	Inclusion in the Electoral Roll	The electoral concerned or any member of his/her family, but Form 6 should be signed by elector himself/herself.	1. Proof of residence 2. Proof of age for those between 18-20 years. Also for shifted cases, old address must be furnished.	1. Any time of the year in EROs offices 2. Period for submitting claims during summary revision every year (October-November) usually in EROs/ AEROs offices and designated center (like post offices, polling station buildings etc)	After 7 <sup>th</sup> day of receipt of application	From the last date of filing nominations till the completion of election process in the assembly or parliamentary constituency to which relevant part belongs. Applications will not be received in bulk.	1. Receipt of Form 2. Publication of list of claims received in Form-9 3. Field verification by verifying officials or summary enquiry if necessary 4. Check by higher officials 5. Passing of orders by ERO 6. Preparation of Manuscript 7. Data Entry and publication of final roll in EROs and AEROs offices and designated centers as per the schedule drawn by the Election Commission of India.	Appeal against the decision of the Electoral Registration Officer on the disposal of claims and objections during the revision period lies with District Election Officers, During non-revision period, appeal against the decision of Electoral Registration Officer lies with CEO.

During intensive revision of rolls, fresh enumeration is done door –to-door and no claims forms received during the period of door-to-door verification before draft of publications of fresh rolls.

## B. Deletion of Electoral Rolls

Statutory authority for deciding	Action to be taken by applicant	Purpose	Who can submit	Documents to be submitted along with application	Time during which and places where applications can be submitted	Minimum statutory period for passing orders	Any bar on receiving Form	Procedure followed	Provision for appeal
1	2	3	4	5	6	7	8	9	10
Electoral Registration Officer	Submission of fully filled inForm6(Form6 can be obtained from Election Officer or Electoral Registration Officer)	Deletion in the Electoral Roll	<ol style="list-style-type: none"> <li>1. Self</li> <li>2. Objector whose name is already included in the roll</li> <li>3. ERO has suo moto powers of deletion if he/she is otherwise satisfied.</li> </ol>	1. Proof of shifting or death or underage, if any	<ol style="list-style-type: none"> <li>1. Any time of the year in EROs /AEROs offices</li> <li>2. Period for submitting claims during summary revision every year(October-November) usually in EROs/ AEROs offices and designated centers</li> </ol>	7 days minimum after sending notice to appear for enquiry.	From the last date of filing nominations till the completion of election process in the assembly or parliamentary constituency to which relevant part belongs. No bulk applications can be presented.	<ol style="list-style-type: none"> <li>1. Receipt of Form</li> <li>2. Publication of list of application in Form 10</li> <li>3. Notice to be issued</li> <li>4. Passing of orders by Electoral Registration Officer</li> <li>5. Preparation of manuscript</li> </ol>	Appeal against the decision of the Electoral Registration Officer on the disposal of claims and objections during the revision period lies with District Election Officers, During non-revision period, appeal against the decision of Electoral Registration Officer lies with CEO.

During intensive revision of rolls, house-to –house enumeration is done and no claim forms are received during the period of door-to-door verification before draft of publication of fresh rolls.

\*\*\* A notice to be issued to the voter to appear for enquiry within 7 days with necessary documents. If the voters do not turn up for enquiry Electoral Registration Officer can take action to delete the name.

**C. Correction of particular(s) relating to an entry in the roll**

Statutory authority for deciding	Action to be taken by applicant	Purpose	Who can submit	Documents to be submitted along with application	Time during which and places where applications can be submitted	Minimum statutory period for passing orders	Any bar on receiving Form	Procedure followed	Provision for appeal
1	2	3	4	5	6	7	8	9	10
Electoral Registration Officer	Form 8 mutatis mutandis	Correction of particular(s) relating to an entry in the roll	Only the person whose particular(s) of entry need to be corrected	Sufficient proof of the correction of particular(s)/ corrected	<b>1.</b> Any time of the year in EROs/AEROs offices <b>2.</b> Period for submitting claims during summary revision every year (October-November) usually in EROs/ AEROs offices and designated centers.	-----	-----	Electoral Registration Officer to pass orders during the disposal period.	-----

**D. Transposition of entries from one part to another part of the electoral roll within the same  
Assembly Constituency**

Statutory authority for deciding	Action to be taken by applicant	Purpose	Who can submit	Documents to be submitted along with application	Time during which and places where applications can be submitted	Minimum statutory period for passing orders	Any bar on receiving Form	Procedure followed	Provision for appeal
1	2	3	4	5	6	7	8	9	10
Electoral Registration Officer	Form 8 mutatis mutandis	-----	The person concerned	Sufficient proof for the shift in residence	<b>1.</b> Any time of the year in EROs/AEROs offices <b>2.</b> Period for submitting claims during summary revision every year (October-November) usually in EROs/ AEROs offices and designated centers.	-----	-----	Electoral Registration Officer to pass orders during the disposal period.	-----

**E. Mode of publication of electoral roll, claims and objections and polling station (In case of summary Revision & Intensive Revision) of Electoral Rolls**

(i) During the period for filing claims and objections during the revision period the Electoral Registration Officer causes to be published in all designated locations on a daily basis, the following:

Consolidated list of Forms 6 received for inclusion in Form 9.

Consolidated list of Forms 7 received for deletion in Form 10.

Consolidated list of Forms 8 received for correcting entries in Form 11.

Consolidated list of Forms 8A received for transposition in Form 11A for public inspection and raising of objections.

(ii) The draft as well as the final electoral rolls are published in EROs and AEROs offices and designated centers (mostly polling stations, post offices etc.) during summary revision-draft rolls usually in November and final rolls in January/February-in order to facilitate inspection by public. The same is done during the period notified for the purpose during intensive revision. The supplementaries created during continuous revision, if any, also will be published along with the draft publication.

(iii) 2 copies (one hard and one soft copy) of the draft as well as the final electoral rolls will be given to all recognized political parties by the Electoral Registration Officer during revision periods.

The Returning Officer furnishes the political parties with the list of polling stations in English and the local language before every election.

(iv) Each contesting candidate shall be given a copy of the latest electoral roll by the Returning Officer, once the list of contesting candidates is finalized.

(v) The electoral rolls of all assembly constituencies are also available in the website- [www.eci.gov.in](http://www.eci.gov.in).

**(vi) Issue of copies of Extract of Electoral rolls/sale price of Electoral Rolls**

A certified copy of an entry of the name of person/persons in the current Electoral Roll will be issued by the Electoral Registration Officers concerned on request made by the individual.

(vii) On demand by the public/political parties, the copies of the Electoral Rolls available with the Electoral Registration Officers may be obtained on payment of the fees as detailed below:

(a) Copy of the Computerised current Electoral Rolls Rs. 2.00 per page.

(b) Copies of extract of Electoral Rolls at Rs. 5/- per record.

(c) PS CD ROM containing the Electoral rolls data Rs. 100/- (by payment through challan).

(If all the Assembly Constituencies under the jurisdiction of a District Election Officer do not fit in to one CD, then that may be split into more than one CD with each CD sale price being fixed at Rs. 100/-).

#### **F. Conduct of Elections**

There are 126 Assembly Constituencies and 14 Parliamentary Constituencies in Assam. Out of the Assembly Constituencies 16 LACs reserved for ST and 8 LACs reserved for SC. Out of the Parliamentary Constituencies two HPCs reserved for ST and one reserved for SC. For every constituency, for every election to fill a seat or seats of Assam Legislative Assembly or Parliament, the Election Commission designates or nominates a Returning Officer (Who shall be an Officer of government of local authority) in consultation with Government of Assam. The Election Commission may appoint one or more persons, officer of Government or a local authority to assist any Returning Officer in the performance of his functions. It should be general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Act and rules or orders made there under.

(i) A person shall not be qualified to be chosen to fill a seat in Parliament unless

- He is a citizen of India and
- Makes and subscribes before some person (authorized in that behalf by the Election Commission of India as Oath or affirmation according to the form set out for the purpose in the 3<sup>rd</sup> Schedule).
- To contest for a seat in the Council of States, he should not be less than 30 years of age and, for the Lok Sabha not less than 25 years of age.
- He should also possess such other qualifications as may be prescribed by or under any law made by parliament.
- A person shall not be qualified to be chosen as a representative of any State or Union Territory in the Council of States unless he is an elector for a Parliamentary Constituency in India.
- A person shall not be qualified to be chosen to fill a seat in the House of the People unless, in the case of a seat reserved for the Scheduled Castes/ Scheduled Tribes in any State, he is a member of any of the Scheduled Castes or of any of the Scheduled Tribes as the case may be, whether of that State or of any other State, and
- Is an elector for any parliamentary Constituency, and in the case of any other seat (i.e. a seat which is not reserved), he is an elector for any Parliamentary constituency.
- A Person shall not be qualified to be chosen to fill a seat in the Legislative Council of a state to be filled by election unless he is an elector for any Assembly Constituency in that State.
- A person shall not be qualified to be chosen to fill a seat in the Legislative assembly of a State unless, in the case of a seat reserved for the Scheduled Castes/ Scheduled Tribes of that State, he is a member of any of those castes/tribes, as the case may be, and



- Is an elector for any Assembly Constituency in that State, and, in the case of any other seat (i.e. a seat which is not reserved), he is an elector for any assembly Constituency in that State.
- A person shall be disqualified for being chosen as, and for being a member if either House of Parliament :-

**(a)** If he holds any office of profit under the Government of India or the Government of any State, other than an office declared by the Parliament by law not to disqualify its holder;

**(b)** If he is of unsound mind and stands so declared by a competent court;

**(c)** If he is an undischarged solvent;

**(d)** If he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgment of allegiance or adherence to a foreign State.

**(e)** If he is so disqualified by or under any law made by Parliament.

**Explanation:-** A person shall not be deemed to hold an office of profit by reason only that he is a Minister either for the Union or the State.

The Provisions for qualification and disqualification for membership of the state Legislature are similar except that the office of profit should have been so declared by Law by The State Legislature instead of the Parliament as not disqualifying its holder.

#### **Election as President**

No person shall be eligible for election as President

**(a)** Unless he is an Citizen of India;

**(b)** Unless he has completed the age of 35 years; and

**(c)** Unless he is qualified for election as a member of the House of People

**(d)** If he holds any office of profit under the Government of India or the Government of India or the Government of any State or under any local or other authority subject to the control of any of the aid Government.

**Explanation:** - A person shall not be deemed to hold any office of profit by reason only that he is the President or the Vice-President of the Union or the Governor of any State or is either for the Union or any State.

#### **Election as Vice-President**

The qualifications for election as vice-President are the same as for the President except that the Vice-President should be qualified for election as a member of the Council of States (instead of the House of the People).

## Disqualifications for Members of Parliament and State Legislatures

“Disqualified” means disqualified for being chosen as, and being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

### Disqualification on conviction for certain offences

According to section 8 of the Representation of the People Act, 1951, (1) a person convicted of an offence punishable under-

(a)	Indian Penal Code	
	Section 153 A	Offence of promotion enmity between different groups on ground of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony or
	Section 171 E	Offence of bribery or
	Section 171 F	Offence of undue influence or personation at an election or
	Sub –section (1) or (2) of Section 376 or 376A or 376B or 376C or 376D	Offences relating to rape or
	Section 498A	Offence of cruelty by husband or relative of a husband or
	Sub-section (2) or (3) of Section 505	Offence of making statement creating or promoting enmity, hatred or ill-will between classes or offence relating to such statement in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies; or
(b)	The Protection of Civil Rights Act, 1955	Which provides for punishment for the preaching and practice of “untouchability” and for the enforcement of any disability arising therefrom; or
(c)	Section 11 of the Customs Act, 1962	Offence of importing or exporting prohibited goods; or
(d)	Sections 10 to 12 of the Unlawful Activities (Prevention) Act, 1967	Offence of being a member of an association declared unlawful, offence relating to contravention of an order made in respect of a notified place; or
(e)	The Foreign Exchange (Regulation) Act, 1973; or	
(f)	The Narcotics Drugs and Psychotropic Substances Act, 1985; or	
(g)	The Terrorists and Disruptive Activities (Prevention) Act, 1987	
	Section 3	Offence of committing terrorist acts or
	Section 4	Offence of committing disruptive activities; or
(h)	Section 7 of the Religious Institutions (Prevention of Misuse) Act, 1988	Offence or contravention of the provisions of Sections 3 to 6; or
(i)	The Representation of the People Act, 1951	
	Section 125	Offence of promoting enmity between classes in connection with the election or
	Section 135	Offence of removal of ballot papers from polling papers from polling stations or
	Section 135a	Offence of booth capturing or

	Clause (a) or sub-section (2) of Section 136	Offence of fraudulently defacing or fraudulently destroying any nomination paper; or
(j)	Section 6 of the Places or Worship (Special Provisions) Act, 1991	Offence of conversion of a place of worship; or
(k)	Prevention of Insults to National Honour Act, 1971	
	Section 2	Offence of insulting the Indian National Flag or the Constitution of India or
	Section 3	Offence of preventing singing of National Anthem

Shall be disqualified for a period of 6 years from the date of such conviction. (The quantum of punishment is immaterial).

(2) A person convicted for the contravention of :-

- (a) any law providing for the prevention of hoarding of profiteering; or
- (b) any law relating to the adulteration of the food or drugs; or
- (c) any provisions of the Dowry Prohibition Act, 1961; or
- (d) any provisions of the Commission of Sati (Prevention) Act, 1987

and sentenced to imprisonment for not less than 6 months, shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of 6 years since his release.

(3) A person convicted of any offence and sentenced to imprisonment for not less than 2 years (other than an offence referred to in sub-section (1) or sub-section (2) above), shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of 6 years since his release.

(4) Notwithstanding anything in sub-section (1) or sub-section (2) or sub-section (3), a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a Member of Parliament of the Legislature of a State, take effect until 3 months have elapsed from the date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

#### **Disqualification on ground of corrupt practices**

According to Section 8A of the Act, the case of every person found guilty of a corrupt practice by an order Section 99 of the Representation of the People act, 1951 (made by the High Court at the conclusion of the trial of an Election Petition in case where a charge is made in an Election Petition of any corrupt practice having been committed at an election), shall be submitted, as soon as may be, after such order takes effect, by such authority as the Central Government may specify in this behalf, to the President for determination of the question as to whether such person shall be disqualified and if so, for what period. Provided that the period for which any person may be disqualified shall in no case exceed 6 years from the date on which the order made in relation to him under Section 99 takes effect.

(The **Central Government** has specified:-

**(a)** in relation to an election to the House of the People or the Council of States, the Secretary-General of the House of the People or the Council of States, as the case may be, and

**(b)** in relation to an election to the Legislative Assembly or to the Legislative Council of a State, the Secretary of the Legislative Assembly or the Legislative Council of a State, as the case may be, as the authority for the above purpose).

Before giving his decision on any question indicated above, the President/Governor shall obtain the opinion of the Election Commission and shall act according to such opinion.

#### **Disqualification for dismissal for corruption or disloyalty**

According to Section 9 of the Act, a person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of 5 years from the date of such dismissal. For this purpose, a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of any State has or has not been dismissed for corruption or for disloyalty to that State shall be conclusive proof of that fact. Provided that no certificate to the effect that person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity off being heard has been given to the said person.

Disqualification for Government contracts, etc.

According to section 9A of the Act, a person shall be disqualified if, and so long as, there subsists a contract entered in to by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

#### **Disqualification for office under Government Company**

According to section 10A of the Act, if the Election Commission is satisfied that a person:-

**(a)** has failed to lodge an account of election expenses within the time and in the manner required buy or under the Act, and

**(b)** has no good reason or justification for the failure,

The Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of 3 years from the date of the order.

**(According to Section 77):-**

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

(2) The account shall contain particulars such as expenditure incurred on vehicles, meetings, publicity, etc.

(3) The total of the said expenditure shall not exceed ceiling limit of Rs. 25 lakhs in the case of Parliament and Rs. 10 in the case of Legislative Assembly.

According to Section 78 of the Act, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates, lodge with the District Election Officer (Returning Officer in the case of a constituency in a Union Territory) an account of his election expenses which shall be a true account of the account kept by him or his election agent under Section 77).

**(v) Rules, Regulations, Instruction, Manuals and Records for discharging Functions**

SI No.	Name of the act rules regulations manuals etc.	Brief gist of the contents/reference no. if any	Price, if any (Rs)
1.	<b>Manual of Election Law, Volume-I</b>	<ol style="list-style-type: none"> <li>1. Extract from the Constitution</li> <li>2. Extract from the Indian Penal Code (45 Of 1860)</li> <li>3. The Representation of the People Act, 1950 (43 of 1950)</li> <li>4. The Representation of the People Act, 1951 (43 of 1951)</li> <li>5. Extract from the Government of National Capital Territory of Delhi Act, 1991 (1 of 1992)</li> <li>6. The Delimitation Act, 2002 (33 of 2002)</li> <li>7. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976)</li> <li>8. Officers before whom candidates may make or subscribe oath or affirmation.</li> <li>9. The Constitution(Scheduled Castes ) Order, 1950</li> <li>10. The Constitution (Scheduled Castes) Union Territories) order, 1951</li> <li>11. Law relating to removal of disqualification and other information.</li> </ol>	<b>605/-*</b>
2.	<b>Manual of Election Law, Volume-II</b>	<ol style="list-style-type: none"> <li>1. The Registration of Election Rules, 1960.</li> <li>2. The Conduct of Elections Rules, 1961</li> <li>3. The Election Symbols (Reservation and allotment Order,1968)</li> <li>4. List of political parties and symbols in relation to elections in all parliamentary and assembly constituencies other than assembly constituencies in the State of Jammu and Kashmir.</li> <li>5. The Delimitation of Council Constituencies Orders.</li> <li>6. Authorities specified under section 8A to accept petitions about corrupt practices.</li> <li>7. Officers before whom a candidate for election to fill a seat in the Legislative Assembly of a Union Territory shall make and subscribe oath or affirmation.</li> </ol>	* For both volumes
3.	<b>Handbook for candidates</b>	Salient provisions of Election law and procedures for standing as a candidate for a election.	<b>492/-</b>
4.	<b>Handbook for Candidates</b>	Salient provisions of Election law and procedures in relation to discharge of duty as Polling agent at polling station for a election.	<b>42/-</b>
5.	<b>Handbook for Counting Agents</b>	Salient provisions of Election law and procedures in relation to discharge of duty as Counting agent at Counting Centre for a election.	<b>28/-</b>
6.	<b>Political parties and election symbols</b>	It is the list of Political parties, registered and un-registered at National/State levels and list of symbols allotted to the parties.	<b>200/-</b>
7.	<b>List of persons disqualified under Section 8A,10A &amp; 11 A(2) of the Representation of People Act, 1951</b>	Consist list of persons disqualified by the Commission under different sections for violating election laws.	<b>200/-</b>
8.	<b>Electoral Rolls of Assembly Constituencies Extract Electoral Rolls</b>	Name of the electors, polling station-wise Assembly Constituency-wise (page-wise)	<b>Rs. 1 per page</b>

All the books above are available at the Election Commission of India, Nirvachan Sadan, New Delhi 110001 and can be purchased at this office. The contents of these booklets are also available at the website of Election Commission of India ([www.eci.gov.in](http://www.eci.gov.in)). The books Hand Books for candidates, Hand Book for Polling Agents and Hand Book for Counting Agents are also available with the District Election officers for sale during election time. The copies of Electoral Rolls are available with the respective EROs.

**(vi) A Statement of the Categories of Documents that are held by it under its control**

SI No.	Nature of records	Details of information available	Unit/Section where available	Retention period
1.	Electoral Rolls	Name of the electors Polling Station-wise, AC-wise	At the office of the concerned Electoral Registration Officers	As per the directions of Election Commission of India
2.	Election related records	Nomination papers along with affidavits, results Form 20, Form 21C, 21D, 21E etc.	At the office of the District Election officers	As per the directions of the Election Commission of India and also on the basis of the orders from any court.

**(vii)** The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof.

***No such arrangement exists.***

**(viii)** A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public.

***No such arrangement exists.***

**(ix)** A directory of its officers and employees. As shown in **chapter X**.

**(x)** The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations.

SI No	Name of officers & Employee	Designation	Remuneration (Rs)
1.	Sri Vijayendra, IAS	CEO & Commr & Secy.	163057/-
2.	Sri Ali Aksar, ACS	Addl. CEO & Jt. Secy	80172/-
3.	Sri M.L. Sureka, ACS	Jt. CEO & Deputy Secy.	72217/-
4.	Sri Pradip Kr. Doley, ACS	Jt. CEO & Deputy Secy.	52726/-
5.	Sri B.N. Goswami	F.A.	54745/-
6.	Sri A.D. Purkayastha	F.A.O.	62534/-
7.	Sri M. Ahmed	Programmer	30468/-
8.	Sri A. Ahad	Superintendent	43077/-
9.	Sri B. Deka	Superintendent	41981/-
10.	Sri R.K. Das	Superintendent	36469/-
11.	Sri R.N. Sarma	Inspector of Statistics	38402/-
12.	Sri P. Barman	Inspector of Statistics	38153/-
13.	Sri P.K. Deka	Sr. A.A.	37930/-
14.	Sri K. Dasgupta	Sr. A.A.	59378/-
15.	Sri A. Chamad	Sr. A.A.	45790/-
16.	Sri S.P. Das	Sr. A.A.	42896/-
17.	Sri T.Gupta	Sr. A.A.(Accountant)	34808/-
18.	Sri N. Deka	Sr. A.A.	42648/-
19.	Sri D. Dutta	Sr. A.A.	36328/-
20.	Sri L. Basumatary	Jr. A.A.	25042/-
21.	Sri N. Kalita	Jr. A.A.	22922/-
22.	Sri D.J. Nath	Jr. A.A.	22922/-
23.	Sri J. Mochahary	Jr. A.A.	25361/-
24.	Sri T. Kr. Das	Jr. A.A.	25931/-
25.	Sri H. Deka	D.E.O.	18890/-
26.	Sri K. Pathak	Sr. Typist	30149/-
27.	Sri S. Hazarika	Sr. Typist	31175/-
28.	Sri M. Saikia	Typist	20409/-
29.	Sri A.K. Barman	Typist	20551/-
30.	Sri B. Sarma	R.M.O.	23159/-
31.	Sri S. Deka	Duftry	25178/-
32.	Sri U.C Das	Peon	21326/-
33.	Sri C. Devi	Peon	20687/-
34.	Sri H. Medhi	Peon	18294/-
35.	Sri C.K. Handique	Peon	17704/-
36.	Sri P. Medhi	Peon	20802/-
37.	Smt. H. Kalita	Peon	19983/-
38.	Smt. G. Swargiary	Peon	21986/-
39.	Sri B. Baishya	Peon	16845/-
40.	Sri M. Ali	Driver	23788/-
41.	Sri Z. Ali	Peon	22167/-
42.	Sri A. Laskar	Driver	26860/-
43.	Sri K. Sonar	Driver	21489/-
44.	Sri A. Mochahary	Driver	20505/-



(xi) The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made.

**The budget allocation under the major head 2015-Election for the financial year 2015-16 is Rs 16082.77/- Lakhs**

**(N.B:- The said allocation was received from Finance (Bt.) Department under ceiling for incurring non-plan nature of works such as salaries conduct of General Election to Parliament/Assembly/By-Election/preparation of Revision of Electoral Rolls and Issuance of Photo Identity Cards to voters).**

(xii) The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes.

**No such arrangement exists.**

(xiv) Details in respect of the information, available to or held by it, reduced in an electronic form.

**Details are available in the CEO, website i.e. [ceoassam.nic.in](http://ceoassam.nic.in)**

(xv) The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use.

**S.P.I.O. is available in the department during office hours in working days. Library and reading rooms are not maintained.**

(xvi) The names, designations and other particulars of the Public Information Officers.

**1. Sri Abdus Salam  
Under Secretary to the  
Govt. of Assam**

**-S.P.I.O**

**2. Sri Ali Askar, ACS  
Addl. Chief Electoral Officer, Assam and  
Joint Secretary to the Govt.  
of Assam, Election Department**

**-First Appellate Authority**

(xvii) **Such other information as may be prescribed**

(i) **General information about Conduct of Elections:-**

The Constitution of India has vested in the Election Commission of India, the superintendence, direction and control of the entire process for conduct of elections to parliament and Legislative of every State and to the offices of President and Vice-President of India.

Elections are conducted according to the constitutional provisions, supplemented by laws made by Parliament. The major laws are the Representation of the People Act, 1950, which mainly deals with the preparation and Revision of electoral rolls, the Representation of the People act, 1951, which deals, in detail, with all aspects of conduct of elections and post-election disputes. The Supreme Court of India has held that where the enacted laws are silent or make insufficient provision to deal with a given

situation in the conduct of elections, the Election Commission has the residuary powers under the Constitution to act in an appropriate manner.

For more information on election related activities, contents of Handbook published by election Commission of India, etc. can be obtained from the website of Election Commission of India, i.e. [www.eci.gov.in](http://www.eci.gov.in).

**(ii) General Information about Assam**

(a) Number of Constituencies

**\*Lok Sabha seats**

Type of Constituency	General	SC	ST	Total
No. of Constituency	11	1	2	14

**\*Legislative Assembly seats**

Type of Constituency	General	SC	ST	Total
No. of Constituency	102	8	16	126