

1) INTRODUCTION

Background, objective and purpose of this publication

The Government of India has enacted the Right of Information Act, 2005 (22 of 2005) to provide for setting out the practical regime of right 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 handbook is published as per provisions under section 4(1) of above act.

Updated information on all seventeen issues as mentioned in Section 4(1) (b) along with additional important and relevant information is consolidated in this handbook relating to the office of the Chief Electoral Officer, Maharashtra State.

This publication will be useful for members of public, political parties, organizations, officers and staff connected with the election administration

Procedure and fee for seeking information

In exercise of the powers conferred by sub-section (2) of section 27 of the Right of Information act, 2005 (22 of 2005), the Government of Maharashtra has made the Maharashtra Right to Information Rules, 2005. As per the provisions contained in these rules, a request for information under sub-section (1) of section 6 shall be made to the concerned State Public Information Officer on plain paper in the prescribed format and shall be accompanied by an application fee of rupees ten by way of cash against proper receipt or by demand draft or banker's cheque payable to public authority or by affixing a court fee stamp of rupees ten. When the information is readily available either by way of photocopying or by other way, the fee shall be

charged at the rate of rupees two for each page (in A-4 or A-3 size paper) created or copied plus postal charges or actual charge or cost price of a copy in large size paper plus postal charges .For inspection of records, no fee for the first hour and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter will be charged.

For providing the information under sub-section (5) of Section 7, the fee shall be charged by way of cash against proper receipt or by Demand Draft or Bankers cheque or by way of money order payable to public authority at the following rates :-

(a) for information provided in diskette or floppy , rupees fifty per diskette or floppy plus postal charges and

(b) For information provided in printed form at the price fixed for such publication or rupees two per page of photocopy for extracts from publication plus postal charges, provided that no postal charges shall be charged if the applicant collects the information personally.

Any person who does not receive a decision within the time specified or is aggrieved by an order of Public Information Officer, may prefer an appeal to the concerned appellate authority on plain paper in prescribed format, which shall be accompanied by fee of rupees twenty.

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2;) Particulars of Organization, functions and duties Office

Office of the Chief Electoral Officer,
General Administration Department. 5th
floor, Mantralaya, Mumbai-4000 32

Legal standing and functions/duties of Chief Electoral Officer,

The Election Commission of India, which has been set up in accordance with the provisions of Article 324 of Constitution of India holds the Elections to the both houses of Indian Parliament as well as State Legislatures. The Election Commission is an independent constitutional authority which plays a fundamental and critical role in strengthening the Democracy in India. The Election Commission of India designates or nominates an officer of the Government of State/Union Territory as the Chief Electoral Officer of that State or Union Territory as per provisions in section 13 A of the Representation of the People Act, 1950.

The general duties of the Chief Electoral Officer are mentioned in Section 13 (A) (2) of the Representation of the People Act, 1950 and Section 20 of the Representation of the People Act, 1951. As mentioned in Section 13 (A) (2) of the Representation of the People Act, 1950, the Chief Electoral Officer has to supervise the preparation, revision and correction of electoral rolls in State subject to the superintendence, direction and control of the Election Commission of India. As per Section 20 of the Representation of the People Act, 1951, the Chief Electoral Officer has to supervise the conduct of all elections to Lok Sabha (House of People), Rajya Sabha (Council of States), Vidhan Sabha (Legislative Assembly) and Vidhan

Parishad (Legislative Council) in the State subject to the superintendence, direction and control of the Election Commission of India.

To perform these duties, the State Government has made available sufficient staff and infrastructure to the Chief Electoral Officer, at State, district and tehsil level in that State.

State Level

At the State Level, following staff is available to assist the Chief Electoral Officer, Maharashtra State.

Sr. No.	Designation	No of Posts
1	Chief Electoral Officer	1
2	Addl. Chief Electoral Officer	1
3	Deputy Secretary and Joint Chief Electoral Officer	1
4	Under Secretary and Deputy Chief Electoral Officer	3
5	Section Officer	6
6	Assistant and other Staff	32

District Level

At district level, the Collector of each district is designated as the District Election Officer for that district. The Deputy District Election Officer and other staff help the District Election Officers to conduct elections in the respective districts, under the supervision of the Chief Electoral Officer.

There are 35 districts in this State, each having a District Election Officer, with head-quarter at district capital. The Election Branch of each district consists of following staff for 33 out of 35 districts in the State :-

Deputy District Election Officer	One
Naib Tehsildar	One
Awwal Karkun	One

Clerk-Typist	One
Peon	One

For remaining two districts i.e. Mumbai City and Mumbai Suburban districts, the staffing pattern is different considering the certain geographical/administrative conditions and large population. In the Election branch of Mumbai City and Mumbai Suburban district, No. of staff is 75 and 95 respectively.

Tehsil Level

At tehsil level, posts of one awwal karkun and one clerk are sanctioned for each tehsil in the office of the Tehsildar of concerned Tehsil for election related work.

Parliamentary, Assembly and Council Constituencies

There are 48 Parliamentary (Lok Sabha) and 288 Assembly Constituencies in this State. In Maharashtra Legislative Council, there are 78 council constituencies. The Election Commission of India designates the Returning Officer for each Parliamentary! Assembly! Council Constituency in consultation with the State Government. The 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 election acts rules.

The Election Commission also designates the Electoral Registration Officer for each Assembly and Council Constituency in consultation with the State Government. The General duty of the Electoral Registration Officer is to prepare and revise the Electoral Roll of his Constituency.

Grievance redressal Cell

As per directions of the Election Commission of India, grievance redressal cells are created in the office of the Chief Electoral Officer as well as in the office of District Election Officer and Electoral Registration Officers to receive the grievances! Complaints relating to election.

3) POWERS AND DUTIES OF OFFICERS AND EMPLOYEES

Officers/Staff in the office of Chief Electoral Officer

As mentioned earlier, the Chief Electoral Officer has to supervise the preparation, revision and correction of electoral rolls as well as the conduct of all elections in State subject to the superintendence, direction and control of the Election Commission of India. The Chief Electoral Officer is also empowered to hear appeals against the orders passed by the Electoral Registration Officers under Section 24 of the Representation of the People Act, 1950. The officers and employees of the organization assist the Chief Electoral Officer in discharge of his duties.

District Election Officers

The District Election Officer co-ordinates and supervises all work in the district or in the area within his jurisdiction in connection with the preparation, revision and correction of the electoral rolls and the conduct of election of all elections including Lok Sabha, Legislative Assembly and Legislative Council, under supervision and control of the Chief Electoral Officer, Mumbai. In this State, 33 out of 35 District Election Officers are Returning Officers of concerned Parliamentary Constituencies, also Main functions of the District Election Officers are listed as follows:

Conduct of Elections

- Assessment and procurement of election material/ stationery
- Setting up of polling stations and physical verification thereof.
- Drafting of polling and counting personnel and their

Training

- Fixation of Counting Centre
- Necessary arrangement of poll at respective polling stations
- Implementation of all directions/orders and instructions of the Election Commission and Chief Electoral Officer and circulation thereof to concerned election authority including Returning Officers.
- Consolidation of information relating to nominations from Returning Officers and sending reports to the Chief Electoral Officer in this regard.
- Making necessary arrangement of security at polling / counting centers with the help of concerned police authorities.
- Meeting with political parties, candidates, government and local authorities, police authorities to ensure free and fair elections and implementation of model code of conduct.
- Assessment of Electronic Voting Machines, power packs (batteries) various seals /tags for EVMs and testing/checking of requisite No. of EVMs, in advance.
- Preparation of EVMs for elections.
- Transport and Storage of EVMs and other election stationery
- Keeping record of account of election expenses and sending the reports to the Commission
- Supervising the poll process on poll day and sending periodical report to the Commission regarding poll events.
- Supervising the counting of votes and sending necessary report to the Commission
- Safe custody of evms, election papers and materials after counting
- Voter Awareness Campaign
- Overall supervision and control of elections in his jurisdiction.

Preparation and revision of Electoral Roll

- Requisition of staff and vehicles for preparation / revision of electoral rolls
- Implementation of all directions/orders and Instructions of the Election Commission and Chief Electoral Officer and circulation thereof to concerned authorities including Electoral Registration Officers.
- Meeting with political parties to discuss various issues relating to electoral roll.
- Assessment and making demand of necessary forms and funds
- Grievances cell to receive the complaints regarding electoral roll and rectification thereof.
- Overall supervision on preparation /revision of electoral roll in his jurisdiction.

Apart from these works, the District Election Officers have to do various other duties regarding election including supervision and control the work of Electoral Photo Identity Cards, Photo Electoral Roll and computerization of Electoral Roll etc.

Returning Officers

Returning Officer of Parliamentary/Assembly/ Council Constituency is responsible for the conduct of elections in concerned constituency. In addition, the Election Commission also appoints one or more Assistant Returning Officers for each of the Constituency to assist Returning Officer in the performance of its functions in connection with the conduct of election.

Main functions of the District Election Officers and Returning Officers in connection with the conduct of elections are

Listed as follows:-

- Assessment and procurement of election material/
stationery through District Election Officer
- Training of polling personnel
- Necessary arrangement of poll at respective polling stations
- Issue of public notice of nomination on the day of notification
- Receiving Nomination Papers, scrutiny thereof and
preparation of list of nominated, validly nominated as well as
contesting candidates
- Allotment of Symbols to candidates
- Dissemination of information contained in

- Publishing information regarding assets and liabilities of
candidates on notice board
- Meeting with political parties, candidates, government and
local authorities, police authorities to ensure free and fair
elections and implementation of model code of conduct.
- Assessment of Electronic Voting Machines, power packs
(Batteries) various seals/tags for EVMs and
testing/checking of requisite No. of EVMs, in advance.
- Preparation of EVMs for elections.
- Transport and Storage of EVMs and other election
stationery
- Printing of Ballot Papers and checking hereof
- Printing of postal ballot papers and dispatching the same to
service voters
- Dispatching of polling parties well in advance to respective
polling stations
- Necessary facilities for polling personnel at polling stations

- Conducting poll on poll day and sending periodical report to the Commission regarding poll events.
- Conducting counting and sending necessary report to the Commission.
- Declaration of result.

Electoral Registration Officer

Under Section 13 B of the Representation of the People Act, 1950, the Election Commission of India in consultation with State Government nominates/designates an officer of Government/ Local Authority as Electoral Registration Officer for each Assembly/Council Constituency. The Commission also appoints one or more persons as Assistant Electoral Registration Officers to assist the concerned Electoral Registration Officer.

The general duty of the Electoral Registration Officer is to prepare the defect-free Electoral Roll for his constituency and revision of that electoral roll, time to time as per directions of the Election Commission of India. He has to carry out all procedures in respect of electoral roll including preparation and revision of rolls, inclusion of names, deletions, corrections of entries in electoral rolls, preparation and distribution of Electoral Photo-Identity Cards and computerization of Electoral Rolls as per provisions contained in election Acts/Laws.

Presiding Officers and Polling Officers

Under Section 26 of the Representation of the People Act, 1951, the District Election Officer appoints a presiding officer and polling officer/s for each polling station to conduct the poll procedure at respective polling station.

4) Procedure followed in decision-making process

Including channels of supervision and accountability

The various election acts/rules including the Representation of the People Act, 1950 and 1951, Conduct of Election Rules, 1961, Electoral Registration Rules, 1960 etc. as enacted/framed by the Parliament of India are consisted in the Manual of Election Law, a publication of Election Commission of India. Apart from these acts/rules, the Commission has published various handbooks e.g. hand book for Returning Officers, Electoral Registration Officers, Presiding Officers, Polling Officers, Candidates etc. on the basis of above rules /acts. Apart from this publication, the Election Commission of India issues the directions/ instructions regarding any subject relating to conduct of elections or preparation and revision of electoral rolls, time to time. The Chief Electoral Officer as well as other election officer as mentioned in previous chapter have to act accordingly.

All policy decisions regarding election are taken at the level of the Election Commission of India and the implementation of these decisions is done through this office with the assistance of election related staff at district and tehsil level. Fixing the dates of elections, recognizing or de-recognizing political parties, allotment to or freezing the symbols of political parties, declaring the dates for intensive and summary revision of electoral rolls etc. are some of the policy decisions taken at the level of the Election Commission of India.

Decisions required to implement the orders of the Election Commission of India are taken at the level of the Chief Electoral Officer. Fixing agencies for procurement of material or services required for conduct elections, controlling activities of the political parties under the model code of

Conduct framed by the Election Commission of India act. Are some of the decisions to be taken by the Chief Electoral Officer.

The Chief Electoral Officer and the entire machinery working under him works under the direction, supervision and control of the Election Commission of India and is accountable to the Election Commission of India for all the actions.

Some of the important criteria/ norms fixed for certain election related procedures relevant to public are as follows:-

A) Preparation and Revision of Electoral Rolls

Eligibility for registration in all Electoral Roll of Assembly Constituency

- A person should be citizen of India
- He/She must have completed 18 years on qualifying date
- He/She should be ordinarily resident of in concerned Constituency
- He/She should not be of unsound mind.
- He/she should not have been disqualified from voting under the provisions of any law relating corrupt practices and other offences in connection with elections.

Eligibility for registration in an Electoral Roll of Council Constituency of Legislative Council

Local Authorities Constituencies

- The electorate consists of members of such local authorities exercising jurisdiction in any place or area within the limits of that constituency
- Every member of each such local authority be entitled to be registered in the electoral roll for that constituency
- The Electoral Registration Officer for every local authority constituency maintains in his office corrected and updated electoral roll of concerned constituency.
- For Maharashtra State, Municipalities (Municipal Corporations/Municipal Councils), Zilla Parishads and Cantonment

Boards are Local Authorities for purpose of elections to the Legislative Council.

- A person should be citizen of India
- He! She should not be of unsound mind.
- He/she should not have been disqualified from voting under the provisions of any law relating corrupt practices and other offences in connection with elections.

Graduates Constituencies

- Every person who ordinarily resident in a Graduate's Constituency and has at least three years before the qualifying date been either a graduate of a university in the territory of India or is possession of any equivalent qualification specified by State Government.
- A person should be citizen of India
- He! She should not be of unsound mind.
- He/she should not have been disqualified from voting under the provisions of any law relating corrupt practices and other offences in connection with elections.

Teachers' Constituencies

- Every person who ordinarily resident in a teachers' Constituency and has at least three years before the qualifying date been engaged in teaching in any of the educational institutions within the state not lower in standard than that of secondary school.
- A person should be citizen of India
- He! She should not be of unsound mind.
- He/she should not have been disqualified from voting under the provisions of any law relating corrupt practices And other offences in connection with elections.

Apart from above council constituencies , nearly one third members of Maharashtra Legislative Council are elected from members of Maharashtra Legislative Assembly and reminder are nominated by the Governor from persons having special knowledge or practical experience in respect of one of the following matters :- Literature, Science, Art, Cooperative Movement and Social Services.

Whose names can be deleted from the Electoral Roll

- Names of dead persons
- Persons who have ceased to be or are not ordinarily resident in the Constituency
- Persons disqualified from voting.

Correction of entries in Electoral Roll

- defective or erroneous particulars are corrected
- Transposition of entry from one place to other place in roll due to changing of place of ordinary residence in same constituency
- No amendment, transposition or deletion of any entry can be made after the last date for making nomination for an election from that constituency.

Service Voters

Service voters can be enrolled in the place where they would have been ordinarily resident had they have not been in service i.e. place of permanent address. They can exercise their franchise either through postal ballot papers or proxy voting.

IMPORTANT FORMS RELATING TO ELECTORAL ROLL

- 1) Form 6 Claim application for inclusion of name
- 2) Form 7 Objection to inclusion of name

- 3) Form 8 Objections to particulars in any entry
- 4) Form 8A

B) Conduct of Election

Qualification for membership of Lok Sabha/

Legislative Assembly

- A person shall be citizen of India.
- He/She shall not be less than 25 years.
- He/She should not hold any office of profit under the Government of India or State Government.
- He/She shall not be of unsound mind
- He /She shall not be an undischarged insolvent.
- He/She shall not be disqualified by or under any law made by Parliament.

Qualification for membership of Rajya Sabha/

Legislative Council

- A person shall be citizen of India.
- He/She shall not be less than 30 years.
- He/She should not hold any office of profit under the Government of India or State Government.
- He/She shall not be of unsound mind
- He /She shall not be an undischarged insolvent.
- He/She shall not be disqualified by or under any law made by Parliament.

Criteria for setting up of polling stations

- The District Election Officer is responsible for the provision of polling stations and the publication of list of polling stations, under section 25 of the Representation

Of the People Act, 195 1.

- No. of voters assigned to each polling station normally may not exceed 1500 electors. However, in exceptional cases, it can be exceed 1500, maximum up to 1600.
- When the number of voters exceeds 1600, an auxiliary polling station to original polling station is set up, generally in same building or in same locality.
- Polling Stations can be set up for weaker sections of the society for voters less than 500, also.
- Maximum distance that voter has to travel to reach the polling station shall not generally exceed 2 KMs. In sparsely populated, hilly or forest area, this rule can be relaxed.
- Normally polling stations shall be in same polling area.
- Normally, polling stations shall be located in Schools, Government or Semi-Government Buildings. However, in unavoidable circumstances, polling station can be situated in private building or premises, with proper control of Returning Officer.
- No polling station shall be situated in Police Station, Hospital, Temple or places of religious significance.
- As far as possible, polling station shall be in pucca structure. Temporary pedals with full security can be allowed in exceptional cases.
- Separate polling station can be set up for voters suffering from leprosy in a leprosy sanatorium.
- District Election Officer or officer appointed on behalf of Him shall physically verify the location of polling stations and publish the draft list of polling stations

For general information.

- Considering the claims and objections received from public and representatives of public and political parties, the District Election Officer can amend the list, if necessary.
- After above procedure, District Election Officer sends the draft list along with necessary enclosures to the Chief Electoral Officer, for seeking necessary approval of Election Commission of India.
- The Chief Electoral Officer after scrutinizing the same, forwards it to the Election Commission of India with recommendations.
- After receipt of approval for draft list of polling stations, the District Election Officer finally publish the list of polling stations for public information.
- Only printing or clerical mistakes can be rectified by the District Election Officer, after final publication.

Persons to be allowed inside the polling stations

- The Electors
- The Polling Officers
- Each Candidate, his election agent and one polling agent of each candidate at a time
- Persons authorized by the Commission
- Public Servant on duty
- A Child in arms accompanying an elector
- A person accompanying a blind or an infirm voter
- Such other persons as the Presiding Officer may from time to time admit for the purpose of identifying voters or
Otherwise.

Electors deciding not to vote

If an elector, after his electoral roll number has been duly entered in the Register of Voters (Form 1 7A) and he has put his signature /thumb impression on that register, decides not to record his vote, he shall not be forced or compelled to record his votes. A remark to that effect shall be made in the remarks column against the entry relating to him in the Register of Votes.

Persons to be allowed inside the polling stations

- Counting supervisors and counting assistants
- Persons authorized by the Election Commission
- Public servants on duty in connection with the election
- Candidates, their election agents and counting agents

Persons entitled to vote by post For Parliamentary/ Assembly Elections

- Special Voters
- Service Voters
- Voters on election duty
- Electors subjected to preventive detention

For Council Constituencies

- Voters on election duty
- Electors subject to preventive detention
- Electors in the whole or any specified parts of the constituency if directed by the Election Commission of India For an election by assembly members
- Electors subject to preventive detention

- All electors if directed by the Election Commission of India

Important Forms relating to conduct of elections

1	Form 1	Notice of Election
2	Form 2A	Nomination Paper for Lok Sabha Elections
3	Form 2B	Nomination Paper for Vidhan Sabha
4	Form 2C	Elections Nomination Paper for Council of States
5	Form 2D	Nomination Paper for Legislative Council by the members of Legislative Assembly
6	Form 2E	Nomination Paper for Legislative Council from a Council Constituency
7	Form 4	List of validly nominated candidates
8	Form 7B	List of contesting candidates
9	Form 20	Final Result Sheet

Registration of Political Parties with Election

Commission of India

- Any association or body of individual citizens of India may make an application to the Election Commission of India for it's registration as a political party
- Every such application shall be signed by the Chief Executive Officer of that organization (he may be known as Secretary or by any other designation) and may be presented or sent to the Secretary to the Election Commission of India.
- Every such application shall contain the following particulars :-
 - (a) the name of the association or body
 - (b) the state in which its head office is situated
 - (c) the address to which letters and other communications meant for it should be sent
 - (d) the names of its president, secretary, treasurer and other

Office- bearers

- (e) the numerical strength of its members , and if there are categories of its numbers , the numerical strength in each category
 - (f) Whether it has any local unit, if so, at what level
 - (g) Whether it is represented by any member or members in either House of Parliament or of any State Legislature, if so, number of such members.
- Such application shall be accompanied by a copy of the memorandum or rules and regulations of the association or body

Election Petition

- No election shall be called in question except by an election petition presented as per provisions in laws.
- Election Petitions shall be submitted in High Court only.
- Election Petitions must be submitted within 45 days from the date of election of returned candidate.
- Only elected candidates and other contesting candidates against whom allegations of any corrupt practice are made, can be made the respondents in the Election Petition.
- Election Commission of India, Chief Electoral Officer, District Election officer, Returning Officer or any other government officials cannot be made party in the array of respondents in the Election Petition.

Corrupt Practice & Certain Election Offences

Corrupt Practice

- Bribery
- Undue influence
- The appeal by a candidate or his agent or by any other person with

Consent of candidate or his election agent to vote or refrain from voting.

- Promotion of enmity or hatred between two different classes of citizens
- Propagation of the practice or the commission of sati or its glorification
- Publication of any statement which is false in relation to personal character or conduct of any election
- Hiring or procurement of any vehicle by candidate or his agent or any person with the consent of candidate or his agent , for transporting electors to/from polling station.
- Incurring or authorizing of expenditure in contravention of section 77
- Obtaining or procuring or abetting or attempting for furtherance of the prospects of election from any person in the service of Government.
- Booth Capturing by a candidate or his agent or other person

Electoral Offences

- Promoting enmity between classes in connection with election
- Taking public meetings during period of forty-eight hours ending with hours fixed for conclusion of poll
- Disturbances at election meetings
- Offence connected with the printing of pamphlets, posters etc.
- Maintenance of secrecy of voting
- Doing any act for the prospects of the election of a candidate by election officers
- Canvassing in or near polling stations
- Disorderly conduct in or near polling station

- Misconduct at polling station
- Failure to observe procedure for voting
- Illegal hiring or procuring of conveyance at elections
- Breaches of official duty in connection with election
- Government servant acting as election agent, polling agent or counting agent
- Going arms to or near polling station
- Removal of ballot papers from polling station to be an offence
- Other offences as mentioned in election laws/acts

C) Disqualification 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:-

Indian Penal Code	
Section 153 A	Offence of promoting 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 171F	Offence of undue influence or personation at an election or
Sub-Section (1) or (2) of Section 376 or 376 A or 376 B or 376 C or 376 D	Offences relating to rape or
Section 498	A Offence of cruelty by husband or relative of 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
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 there from or
Section 11 of the Customs Act, 1962	Offence of importing or exporting prohibited goods or
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
The Foreign Exchange (Regulation) Act, 1973 or	
The Narcotics Drugs and Psychotropic Substances Act, 1985 or	
The Terrorists and Disruptive Activities (Prevention) Act, 1987	
Section 3	Offence of committing terrorist acts or
Section 4	Offence of committing disruptive activities or
Section 7 of the Religious Institutions Act, 1988	Offence or contravention of the provision of Sections 3(Prevention of Misuse) to 6 or
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) of sub - section (2) of Section 136	Offence of fraudulently defacing or fraudulently destroying any nomination
Section 6 of the Places of Worship (Special Provisions) Act, 1991	Offence of conversion of a place of worship or
Prevention of Insults to National Honor 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 or 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 or 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 8 A of the Act, the case of every person found guilty of a corrupt practice by an order under 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 offence 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 the State shall be conclusive proof of that fact. Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

Disqualification for office under Government Company

According to Section 10 of the Act, a person shall be disqualified if, and so long as, he is a managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate

Government has not less than 25% share.

Disqualification for failure to lodge account of election expenses

According to Section 10 A 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 by 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-

every candidate 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 agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

- (1) The account shall contain particulars such as expenditure incurred on vehicles, meetings, publicity etc. The total of the said expenditure shall not exceed limit of Rs.25 lakhs in the case of Parliament and Rs.10 lakhs in the case of Legislative Assembly.
- (2) 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 agent under Section 771).

Removal or reduction of period of disqualification

The Election Commission may, for reasons to be recorded, remove any disqualification except under Section 8 A or reduce the period of such disqualification.

D) Electronic Voting Machines (EVM)

The Election Commission of India has provided nearly 150 thousand Electronic Machines to this State. All elections including General and Bye elections, held after the year 2000 are conducted with help of the EVMs. The most important advantage of EVM is that printing of millions of ballot papers could be dispensed with, as only one ballot paper is required for fixing on the Balloting Unit at each polling station instead of one ballot paper for each individual elector. This has resulted in huge savings by way of cost of paper, printing, transportation, storage and distribution.

Secondly, counting has become very quick and easy and the result can be declared within 3 hours as compared to 30-340 hours, on an average, under the conventional system.

Thirdly, there are no invalid votes under the system of voting under EVMs. The importance of this can be better appreciated, if one knows that in many constituencies, the

Number of invalid votes is more than the winning margin between the winning candidate and the second candidate. To this extent, the choice of the electorate is more correctly reflected due to use of EVMs.

EVMs can record a maximum of 3840 votes. As normally the total number of electors in a polling station will not exceed 1500, the capacity of EVMs is more than sufficient. EVMs are designed to accommodate up to 16 candidates as there are 16 buttons on the Balloting Unit of the EVM. In case of more than 16 candidates in a Constituency, two or more Balloting Units can be attached with one Control Unit of the EVM.

The people in Maharashtra have accepted the EVM very well and the percentage of poll has increased after the introduction of EVMs, which are found to be user friendly and hassle free.

(5) Norms set for the discharge of functions

The norms of all the important functions of the Chief Electoral Officer, e.g. conducting elections, preparing and revising electoral rolls, preparing election photo identity cards are fixed by the Election Commission of India. The deadlines for each activity and the detailed procedure are declared by the Commission. The Election Commission of India publishes different hand books from time to time, detailing the procedure to be followed by different election functionaries. Detailed guidelines are also issued by the Commission for various activities like revision of electoral rolls, implementation of model code of conduct etc.

(6) Rules, regulations, instructions, manuals and Records, held or under the control of Chief Electoral

Officer used by its employees for discharging its functions.

All the activities of the organization of the Chief Electoral Officer are governed by the Manual of Election Laws, Vol- I and II, which contain extracts of the Constitution of India, the Representation of the People Act, 1950 and 1951, the Conduct of Election Rules, 1961, the Electoral Registration Rules, 1960 and Other relevant acts and rules. The Election Commission also publishes various Hand Books and guidelines from time to time describing the step by step procedure to be followed by the election staff.

7) Statement of the categories of documents that are held by Chief Electoral Officer or under his control

The list of members of Lok Sabha and Rajya Sabha

- The list of Members of Maharashtra Legislative Assembly! Council • CDs of Electoral Roll of 288 Assembly Constituencies. Hard copies available with Collectors and District Election Officers
- Affidavits filed by the Candidates along with their nomination papers in general elections to Lok Sabha/ Maharashtra Legislative Assembly are available on this office web-site '<http://ceo.maharashtra.gov.in>'. Hard copies are available the District Election Officers! Returning Officers.
- Poll statistics of the last General Elections to Lok Sabha / Maharashtra Legislative Assembly

- Search facility for Elector's name in the Electoral Rolls of 22 cities having Municipal Corporations (on internet)
Various downloadable forms
- A-B as well as AA-BB forms for political parties

8) 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 administration thereof

Consultations are held with the representatives of political parties and the NGOs at various levels before all major events like conduct of elections, revision of rolls etc. There is, however, no formal committee or forum where Representatives of public are included.

9) Statement of the boards , councils, committee and other bodies Consisting of two or more persons constituted as its part or for the purpose of its advice and as to whether meeting of those boards , councils, committees and other bodies are open to the public or the minutes of such meeting are accessible for public.

There are no such boards, councils or committees at the level of the Chief Electoral Officer or under it. Policy decisions are taken by the Election Commission of India and are implemented by the office of the Chief Electoral Officer with the assistance of the election machinery at the district level.

10) Manner of execution of subsidy programmes Including the amounts allocated and the details of beneficiaries of such programme.

There are no subsidy programmes carried out in the office of Chief Electoral Officer.

11) Particulars recipients of concessions, permits or authorizations granted.

No concessions, permits etc. are given by office of the Chief Electoral Officer.

12) Details in respect of the information available to or held by Chief Electoral Officer, reduced in electronic form.

This office has its own website <https://ceo.maharashtra.gov.in> and a whole lot of information regarding elections as mentioned above can be easily accessed through Internet.

Information on the following topics is available on the official website of the Chief Electoral Officer.

General information

1)	Voters Helpline	To download various forms, electoral rolls information, Election statistics etc.
	Candidate	List of Assembly Constituencies and download nomination forms for candidates
	Election Officers Directory	List of District Election Officers and Deputy District Election Officers, Electoral Registration Officers, etc.
	Vidhan Sabha	Affidavits filed by candidates in the last elections, results of last Elections and the list of MLAs.
	Lok Sabha	Affidavits filed by candidates in the last elections, results of last

		elections and the list of MPs.
	Search Electoral Rolls	The facilities to search names and other information in the Electoral Rolls is available on link for all Municipal Corporation Areas. A link to Election Commission of India is also available to access detailed information on earlier elections, rules & regulations, notifications, orders of Election Commission of India and information regarding other states as well

13) The particulars of facilities available to citizens for obtaining information including the working hours of a library or regarding room, if maintained for public use:

This office has its own website '<https://ceo.maharashtra.gov.in>' and a whole lot of information regarding elections as mentioned above can be easily accessed through internet. A link to Election Commission of India is also available to access detailed information on earlier elections, rules & regulations, notification, orders of Election Commission of India and information regarding other states as well.

14) The names, designations and other particulars of the Public Information officers:

Serial No.	Name and Designation of the Officers	Designated as
1	Deputy Secretary and Joint Chief Electoral Officer, Maharashtra State.	Appellate Authority
2	Under Secretary, office of the Chief Electoral Officer General Administration Department, Maharashtra State	Public Information Officer
3	Section Officer, office of the Chief Electoral Officer, General Administration Department, Maharashtra State	Assistant Public Information Officer

Election Commission of India
Chief Election Commissioner and Election
Commissioner

Name	Designation	Telephone	Fax	Email
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Dr. Sukhbir Singh Sandhu	Election Commissioner	23052137 23052138	23052139	ecgk@eci.gov.in
Shri Gyanesh Kumar	Election Commissioner	23052323 23052424		ecsss@eci.gov.in
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Shri. Anoop Kumar	Secretary	23052071		
Shri. Rakesh Kumar	Secretary	23052077		
Shri. Kumar Rajeev	Secretary	23052247		
Shri.	Secretary (EVM)	23052235		

Madhusudan Gupta				
Shri. Sujeet Kumar Mishra	Secretary	23052064		
Shri. Ajay Kumar Verma	Secretary	23052017		
Shri. Binod Kumar	Secretary	23052151		
Shri. Ashwani Kumal Mohal	Secretary	23052019		
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Shri. Rajiv Rajan	Secretary	23052164		
Shri. Amit Kumar	Secretary	23052097		
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Shri. Naresh Kumar	Under Secretary		314	
Shri. Brijesh Kumar	Under Secretary			
Ms. Guncha Batra Aneja	Under Secretary	23052072		
Shri. Anoop Kumar Khakhlary	Under Secretary	23052068		
Shri Manish Kumar	Under Secretary			
Shri Sanjay Kumar	Under Secretary			
Shri Anil Kumar	Under Secretary			
Ms. Anuradha Singh	Under Secretary			
Ms. Deepmala	Under Secretary			
Ms. Jusmeet Kaur	Under Secretary			
Shri Mannalal Meena	Under Secretary			
Shri Chander Parkash	Pay & Accounts Officer	23052165		
Shri Mukuesh Kumar	LIO			
Shri Niranjn Kumar Sharma	Section Officer Zone West II		286	
Sh. Rajesh Kumar	Section Officer			

OFFICE OF THE CHIEF ELECTORAL OFFICER
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Shri Kalpana Karande	SO	ceo_maharashtra@eci.gov.in		

Collectors & DEO's					
District	Name	Code	Office	Fax	Residence
Konkan Region					
Mumbai City	Shri Sanjay Yadav	22	22662440	2266423 2	
Mumbai Suburban	Shri Rajendra Kshirsagar	22	26514742	2655680 5	
Palghar	Shri Govind Maruti Bodke	252 5	253111		
Raigad	Shri Kishan Narayanrao Jawale	214 1	222001	222025	222002
Ratnagiri	Shri Devendra Singh	235 2	222301	226250	
Sindhudurg	Smt. Kishor Tawade	236 2	228844	228856	229029
Thane	Shri Ashok Shingare	22	25344041	2534920 0	2539191
Pune Region					
Kolhapur	Shri Amol Yedge	231	2654811	2650501	
Pune	Dr.Suhas Krishna Diwase	20	26114949/ 26114800	2612393 8	
Sangli	Dr. Raja Dayanidhi	233	2602001	2326710	
Satara	Shri. Jitendra Dudi	216 2	232750	230310	
Solapur	Shri Kumar Ashirvad	217	2731000	2621120	2731024
Nashik Region					
Ahmednagar	Shri Siddharam Salimath	241	2345001	2322432	2345000
Dhule	Shri. Abhinav Goel	256 2	288701	288715	2288702
Jalgaon	Shri. Ayush Prasad	257	2220400	2220500	2260401
Nandurbar	Smt Manisha Khatri	256 4	221001	222230	221002
Nashik	Shri Jalaj Sharma	253	2578500	2575703	2578600
Aurangabad Region					
Aurangabad	Shri Deelip Veerpakshappa Swami	240	2331200	2331100	233100
Beed	Smt Deepa Mudhol-Munde	244 2	222201/222494	222011	
Hingoli	Shri Jitendra Papalkar	245 6	221701	222400	220250
Jalna	Dr. Shrikrishna Panchal	248 2	224700	225326	225701
Latur	Smt. Varsha Thakur-Ghuge	238 2	224001	242330	
Nanded	Shri Abhijit Raut	246	237101	238500	253900

		2			
Osmanabad/Dharashiv	Shri Sachin Ombase	247	224501	228018	
Parbhani	Shri. Raghunath Gawade	245	223555	223774	
Amravati Region					
Amravati	Shri. Saurabh Katiyar	721	2662522	2662843	2662112
Akola	Shri. Ajit Kumbhar	724	2424442	2424443	241441
Buldhana	Dr. Kiran Patil	726	242307	242289	
Washim	Smt Busvaneshwari S	725	233400	232858	233401
Yavatmal	Dr. Pankaj Ashiya	723	242501	242211	
Nagpur Region					
Nagpur	Dr. Vipin Itankar	712	2564973/2541511	2560543	2525925
Wardha	Shri. Rahul Kardile	715	240102	240533	240101
Bhandara	Shri Yogesh Kumbhejkar	718	254555/254777	252312	254666
Chandrapur	Shri Vinay Gowda	717	270700/255300	255500	2255500
Gadchiroli	Shri Sanjay Bhayyaji Daine	713	222001	222022	222002
Gondiya	Shri Prajit Prabhakaran Nair	718	236149	224161	236348

DEPUTY COLLECTOR & DY DISTRICT ELECTION OFFICERS

District	Name	Code	Office	Fax
Konkan Region				
Mumbai City	Shri Shamsundar Survase	22	22664238/22613264	25342125
Mumbai (Sub)	Shri Tejas Samel	22	26550070	26512303
Palghar	Smt. Aparna Somani	2525	250808	
Raigad	Smt. Sneha Ubale	2141	224131/222097/223632	227451
Ratnagiri	Shri Rahul Gaikwad	2352	222330	222330
Sindhudurg	Shri. Balaji Shewale	2362	228854	228854
Thane	Smt. Archana Kadam	22	25342125 / 25454142	22663453
Pune Region				
Kolhapur	Shri. Samadhan Shendge	231	2658316	2650501
Pune	Smt Minal Kalaskar	20	26133744/26123143	
Sangli	Smt Neeta Mahesh Shinde	233	2600700	2326200
Satara	Shri Bhagwan Kamble	2162	229605	230310
Solapur	Shri Ganesh Nirhali	217	2731005	

Nashik Region				
Ahmednagar	Shri Rahul Patil	241	2347623	2320330
Dhule	Shri Gangaram Talpade	2562	288716	288715/6
Jalgaon	Shri Arvind Aanturlikar	257	2217640	2220500
Nandurbar	Shri Pramod Bhamare	2564	210008	210041
Nashik	Dr. Shashikant Mangrule	253	2310523	2578652
Aurangabad Region				
Aurangabad	Shri Devendra Katke	240	2331211	
Beed	Shri Mahendra Kamble	2442	222185	
Hingoli	Shri Rameshwar Rodge	2456	221456	221456
Jalna	Shri Shashikant Hadgal	2482	225802	
Latur	Shri Bharat Kadam	2382	222362	
Nanded	Shri Rajkumar M. Mane	2462	235762/ 4955299	238500
Osmanabad	Shri Shirish RYadav	2472	227526	
Parbhani	Shri Janardhan Vidhate	2452	222154	
Amravati Region				
Amravati	Shri Shivaji Shinde	721	2662364	2662843
Akola	Shri Mahesh Parandekar	724	2438763	
Buldhana	Smt. Suhasini Gonewar	7262	243116	242289
Washim	Shri Kailas Deore	7252	232852	
Yavatmal	Shri Shrikant Umbarkar	7232	242105	
Nagpur Region				
Nagpur	Shri. Pravin Mahire	712	2541832 / 2540094	
Wardha	Shri Anil Gavit	7152	249776	
Bhandara	Shri. Prashant Pisal	7184	252798	
Chandrapur	Shri Subhash Chaudhary	7172	256588	
Gadchiroli	Shri Vivek Ghodke	7132	222011 / 222005	222301
Gondiya	Shri. Kiran Ambekar	7182	236148/ 236140	