

TAMIL NADU STATE ELECTION COMMISSION

INFORMATION UNDER SECTION 4(1) OF THE RIGHT TO INFORMATION ACT, 2005

1. INTRODUCTION

1.1. Background, objective and purpose

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 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(a)(1) of the Right to Information Act sets out the obligations of public authorities concerned with Urban and Rural Local bodies elections

1.2. Intended users

Members of public, political parties, officers and staff concerned with Local body elections.

1.3. Information

The information about the organisation is given in chapter 2

1.4. Contact person

Public Information Officer: The Chief Administrative Officer, Tamil Nadu State Election Commission, is the contact person for relevant information. He / She will gather the information required by the petitioner which may be available in various sections in the Commission and furnish the same to the petitioner.

PIO address:

*Tmt. V. Mythili,
Public Information Officer / Chief Administrative Officer,
Tamil Nadu State Election Commission,
208/2, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam, Chennai-600 106.*

1.5. Appellate authority

The Legal Adviser of Tamil Nadu State Election Commission has been designated as the Appellate Authority as far as the Right to Information Act is concerned.

LA/AA address:

Thiru. K. Ravikumar,
Appellate Authority / Legal Adviser,
Tamil Nadu State Election Commission,
208/2, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam, Chennai-600 106.

1.6. Procedure and Fee Structure for getting information

(G.O. Ms. No.989, Public (Estt.I & Leg.) Department, dated: 07-10-2005)

- (a) Every application for obtaining information under sub-section (1) of the section 6 of the Act shall be accompanied by an application fee of Rs.10/- by way of cash or Demand Draft or Bankers Cheque payable in the head of account "0075 00 – Miscellaneous General Services – 800. Other receipts – BK. Collection of fees under Tamil Nadu Right to Information (Fees) Rules, 2005" (DPC 0075 00 800 BK 0006). The applicant may also remit the fee under the above head of account in the Treasury / Pay & Accounts Office / State Bank of India / Reserve Bank of India and produce the chalan to the Public Information Officer as an evidence for having remitted the fee.
- (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 in the above head of account, at the following rates:-
- i) Rupees two for each page (in 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 proper receipt or by Demand Draft or Bankers Cheque payable in the above head of account, 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 publication.

Persons below the poverty line are exempted from the payment of fee mentioned in the above para for seeking information under the Right to Information Act, 2005. The list of persons below the poverty line as approved by the Gram Panchayat and Local Bodies will be the basis for claiming the concessions and the certified extract of the list will be sufficient to avail this concession.

2.3. Working hours

The working hours of the Commission is from 10.00 hours to 17.45 hours with half an hour lunch break between 13.00 hours and 14.00 hours on all working days.

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

2.4. Grievance Redressal Mechanism

The representations/genuine grievances relating to the subject of Local Body elections from the citizens of Tamil Nadu are being received in the Tamil Nadu State Election Commission and also in the offices of the State Election Officers, District Election Officers and Electoral Registration Officers during working hours on all working days.

3. POWERS AND DUTIES OF ELECTION RELATED OFFICERS AND EMPLOYEES

3.1. State Election Officer (Rural)

The Director of Rural Development & Panchayat Raj is the State Election Officer. Under the superintendence, direction and control of the State Election Commission, the State Election Officer co-ordinates and supervises the preparation and publication of panchayat electoral rolls and also the conduct of election to the offices of the Rural Local Bodies, both direct and indirect elections.

3.2. State Election Officer (Urban)

The Commissioner/Director of Town Panchayat in the case of Town Panchayats and the Commissioner/Director of Municipal Administration in the case of Municipalities are the State Election Officers. Under the Superintendent, directions and Control of State Election Commission they co-ordinate and supervise the preparation and publication of electoral rolls and also conduct of all elections to the Town Panchayats, and Municipalities as the case may be.

3.3. District Election Officer / District Collector

The respective District Collector is the District Election Officer. Under the superintendence, direction and control of the State Election Commission, the District Election Officer co-ordinates and supervises the preparation of Local Body electoral rolls and also the conduct of elections to the Rural and Urban Local Bodies in his/her jurisdiction. In respect of Chennai Corporation, the Commissioner Corporation, Chennai is the District Election Officer.

3.4. Duties of District Election Officers/District Collectors

- (1) Approval of Polling Stations in their respective districts based on the proposals received from Returning Officers.
- (2) Approval of the list for the appointment of Presiding Officer and Polling Officers for each polling station;

- (3) Imparting intensive training to the polling personnel (including those on reserve duty)
- (4) Creating awareness about the use and working of Electronic Voting machine among the general public, political parties, candidates and media where EVM's are to be used.
- (5) Arrangements for printing of postal ballot papers for voters on Election Duty and their despatch to the voters
- (6) Scrutiny of accounts of election expenses of contesting candidates and submission of returns to the Commission
- (7) Safe custody of all Ballot Boxes, Electronic voting machines, election papers and election materials after the completion of election and during the period specified for the purpose.
- (8) It is the statutory duty of the District Election Officer/Returning Officer to report the occurrence of Casual Vacancy in Urban & Rural Local Bodies within a week to the State Election Commission.

3.5. Panchayat Electoral Registration Officer (Rural)

The Panchayat Union Commissioners/Block Development Officers (Block Panchayat) have been designated as the Panchayat Electoral Registration Officer under sub-section (2) of section 30 of the said Act for the purpose of preparing and publishing Panchayat Electoral Rolls in respect of the wards of the Panchayats in the respective jurisdiction.

3.6. Electoral Registration Officer (Urban)

The respective Executive Officer of Town Panchayats and Commissioner of Municipalities/Corporations and the Revenue Officer of the Chennai City Municipal Corporation shall be the Electoral Registration Officer for the purpose of preparing and publishing the Electoral Rolls of the Town Panchayats or the Municipalities or the City Municipal Corporations as the case may be in respect of the wards of jurisdiction.

3.7. Returning Officers

For every Local body, for every election, to fill a seat, the State Election Commission/District Election Officer shall, 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 from his local body. 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 with the prior approval of District Election Officer;
- ❖ Appointment and training of polling personnel (including reserve);

- ❖ Receipt of nomination papers, security deposit, intimation from parties about candidates;
- ❖ Handing over a copy of instructions for lodging 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 despatch to voters on Election Duty;
- ❖ Meetings / contact with candidates, political parties to ensure free, fair and smooth elections and enforcement of model code of conduct;
- ❖ Ensuring the presence of polling parties for the conduct of poll and supply of ballot papers and other election materials;
- ❖ Supervision of poll and sending reports to District Election Officer/State Election Commission;
- ❖ Transport and storage of ballot boxes after poll under security arrangements
- ❖ Fixing place for counting of votes.
- ❖ 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

3.8. Assistant Returning Officer

The State Election Commission may require the District Election Officers to appoint one or more Assistant Returning Officers to assist any Returning Officer in the performance of his functions. Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer. 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.

3.9. Presiding and Polling Officers

The District Election 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 the Presiding officer, owing

to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised 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.

4. ELECTORAL ROLLS

4.1. The Electoral Rolls of the Local Bodies shall be the same as the current Electoral Rolls of the Tamil Nadu Legislative Assembly constituency pertaining to the Local Body area. The Electoral Roll for the Legislative Assembly Constituency is prepared and revised in accordance with the provisions of the Representation of People Act, 1950 and the Registration of Election Rules, 1960. By adopting the entries in the Legislative Assembly Electoral Rolls pertaining to the area covered by each and every local body, the Electoral Registration officer of the Local Body concerned prepares the Local Body Electoral Rolls and publish the same in accordance with the Rules.

4.2. Qualification for an Elector (Rural Local Bodies)

The electoral roll of a panchayat shall be the same as the current electoral roll of the Tamil Nadu Legislative Assembly pertaining to the area covered by the panchayat, as prepared and revised in accordance with the provisions of the *Representation of people Act 1950* and the Registration of Electors Rules, 1960 (vide Sections 14, 23 and 30 of the said Act.) This means that a person whose name finds a place within a panchayat area in the electoral roll of the concerned Legislative Assembly Constituency is automatically included in the Panchayat electoral roll and consequently gets qualified to vote in the elections to that Panchayat.

4.3. Qualification for an Elector (Urban Local Bodies)

The electoral roll of an urban local body shall be the same as the current electoral roll of the Tamil Nadu Legislative Assembly pertaining to the area covered by the urban local body, as prepared and revised in accordance with the provisions of the *Representation of People Act 1950* and the *Registration of Electors Rules, 1960*. This means that a person whose name finds a place within an urban local body area in the electoral roll of the Legislative Assembly Constituency is automatically included in the electoral roll of the urban local body and consequently gets qualified to vote in the elections to the said urban local body.

5. ELECTIONS – THE ESSENTIALS

5.1. In simple terms, election is the process by which a person is chosen for a public office by the constituent body of electors. Elections can be Direct or Indirect. In a Direct election, the entire body of electors of the constituency has the right to vote whereas, in an Indirect election, the voting right is restricted to certain elected representatives of the electors. Elections are the very essence of democracy and fair and free elections are a primary requirement for its success.

The election process has the following ingredients:

1. the specification of the **office**;
2. a definition of the qualification of **candidates** for the office;
3. a clearly defined **constituency**, i.e., the body of electors; thus, a clear delimitation of constituencies and the maintenance of public register or list of electors is required; this implies that qualification for being included as an elector should be spelt out;
4. an **election authority** entrusted with the duty of conducting elections in case where there is a contest;
5. Publication of notification of the calendar of elections by the Tamil Nadu State Election Commission;
6. Issue of election notice by the Returning Officer;
7. Filing of nomination;
8. Scrutiny of nominations;
9. Withdrawal of candidature;
10. Final list of contesting candidates and allotment of symbols;
11. Poll;
12. Counting of votes;
13. Declaration of Results;
14. Assumption of office by the elected Presidents and members (Direct Elections);
15. Election of Chairpersons and Vice-Chairpersons; and Vice-Presidents(Indirect Elections).

6.THE OFFICES FOR WHICH ELECTIONS ARE HELD

6.1 Rural Local Bodies

Direct Elections

Members of Village Panchayat Wards
 Presidents of Village Panchayats
 Members of Panchayat Union Wards
 Members of District Panchayat Wards

Indirect Elections

Vice-President of Village Panchayats
 Chairpersons of Panchayat Union Councils
 Vice- Chairpersons of Panchayat Union Councils
 Chairpersons of District Panchayats
 Vice- Chairpersons of District Panchayats

6.2 Urban Local Bodies

Direct Elections

Members of Town Panchayat Wards
 Chairpersons of Town Panchayats
 Councillors of Municipalities
 Chairpersons of Municipalities
 Mayors of Municipal Corporations
 Councillors of Municipal Corporations

Indirect Elections

Vice- Chairpersons of Town Panchayats
 Vice- Chairpersons of Municipalities
 Deputy Mayors of Municipal Corporations
 Chairpersons of the wards Committee in Municipal Corporations.
 Members of the various statutory and Members/Chairman of Standing Committees of
 the respective Urban Local Bodies.

7. DEPOSITS TO BE MADE BY THE CANDIDATES

Other than SC/ST candidates

Election	Deposit Amount Rs.
Corporation Mayor	4,000
Corporation Councillor	2,000
Municipality Chairman	2,000
Municipal Councillor	1,000
Town Panchayat Chairman	1,000
Town Panchayat Ward Member	500
District Panchayat Ward Member	1,000
Panchayat Union Ward Member	600
Village Panchayat President	600
Village Panchayat Ward Member	200

SC/ST candidates

Election	Deposit Amount Rs.
Corporation Mayor	2,000
Corporation Councillor	1,000
Municipality Chairman	1,000
Municipal Councillor	500
Town Panchayat Chairman	500
Town Panchayat Ward Member	250
District Panchayat Ward Member	500
Panchayat Union Ward Member	300
Village Panchayat President	300
Village Panchayat Ward Member	100

8. ELECTION EXPENSES

8.1. Rural

Any person who contests in any direct election for being elected to any of the offices in panchayats, whether held on party basis or other-wise, can incur expense towards the various items of his election, subject to the ceiling as prescribed in the rules. The provisions in sub-rule (1) of rule 121 of the Tamil Nadu Panchayats (Elections) Rules, 1995 prescribe the ceiling of election expenditure amount for each election as follows:

for election as ward member of a District Panchayat	Rs. 75,000/-
for election as ward member of a Panchayat Union	Rs. 37,500/-
for election as President of a Village Panchayat	Rs. 15,000/-
for election as ward member of a Village Panchayat	Rs. 3,750/-

As per sub-rule (2) of rule 121 of said Rules, any candidate, either by himself, or by his election agent, who has exceeded the amount mentioned above, shall be deemed to have indulged in a corrupt practice under the relevant section of the Tamil Nadu Panchayat Act, 1994.

Further, the accounts of election expenses should be maintained in the format prescribed by the Tamil Nadu State Election Commission and lodged with the officers concerned within thirty days from the date of declaration of the results.

8.2. The Officers with whom the accounts on election expenses shall be lodged are as follows:

Name of the Elections	Officers with whom the account of election expenses has to be lodged
Member of District Panchayat Ward	Secretary of the District Panchayat
Member of Panchayat Union Ward	Panchayat Union Commissioner concerned
President of the Village Panchayat	Panchayat Union Commissioner concerned

8.3. Urban

A candidate who stands for election to urban local body is permitted to incur maximum expenses for ward Councillor/Chairman/Mayor as noted below:

Name of the Elections	Expenditure Rs.
for Election as Councillor of a Town Panchayat / Third Grade Municipality	11,250
for Election as Chairman of a Town Panchayat / Third Grade Municipality	56,250
for Election as Councillor of Municipality (Second and First Grade)	22,500
for Election as Chairman of Municipality (Second and First Grade)	1,12,500
for Election as Councillor of Municipality (Selection and Special Grade)	56,250
for Election as Chairman of Municipality (Selection and Special Grade)	2,25,000
for Election as Councillor Corporation (Other than Corporation of Chennai)	33,750
for Election as Mayor of Corporation (Other than Corporation of Chennai)	5,62,500
for Election as Councillor of Corporation (Corporation of Chennai)	56,250
for Election as Mayor of Corporation (Corporation of Chennai)	11,25,000

Any candidate either by himself or by his election agent, who has exceeded the amount mentioned above or who has not kept a separate and correct account of all expenditure in connection with the elections as specified in rules or who fails to lodge an account of election expenses with the authority concerned within the period specified in the rules shall be deemed to have indulged in a corrupt practice under the relevant section of the Act.

Further, the accounts of election expenses should be maintained in the format prescribed by the Tamil Nadu State Election Commission and lodged with the officers concerned within thirty days from the date of declaration of the results.

The Officers with whom the accounts on election expenses shall be lodged are as follows:

Name of the Elections	Officers with whom the account of election expenses has to be lodged
Mayor / Councillor of Corporation	Commissioner of the concerned Corporation
Chairman / Councillor of Municipality	Commissioner of the concerned Municipality
Chairman / Ward Member of a Town Panchayat	Executive Officer of the concerned Town Panchayat

9. DISTRICT PLANNING COMMITTEE

9.1. District Planning Committee:

74th amendment to the Constitution of India have provided for the Constitution of District Planning Committee to every district, to have integrated planning body comprising both Rural and Urban Local Bodies. The Tamil Nadu Local Bodies (Election of Members to the District Planning Committee) Rules, 1999 entrust the Tamil Nadu State Election Commission for the preparation of voters list and conduct of election to the District Planning Committee.

10. ADJUDICATION OF ELECTION DISPUTES

10.1 Election Petitions:

Any Election held under the Rural/Urban Local Body Act shall not be called for in question except by an election petition prescribed in the Act or the rules, to the District Judge under whose jurisdiction the Panchayat/Urban or the District Planning Committee or other Statutory Committees fall, by any candidate or elector against the candidate who has been declared to have been duly elected.

10.2 Time limit for presenting election petitions:

An election petition shall be presented within forty five days from the date of publication of the result of the election.

Tamil Nadu State Election Commission

Contact Numbers

EPABX No.: 044-23635010 044 23635011

FAX: 044-23638282 044-23638283

E-Mail: tnsec@tn.nic.in

Designation	Office No.	Intercom No.
Tamil Nadu State Election Commissioner	23635030	2004
Secretary	23635050	2005
Principal Election Officer (Panchayats)	23635014	3000
Financial Adviser & Chief Accounts Officer	23635012	3001
Legal Adviser	23635013	2008
Chief Administrative Officer	23635016	3006
Principal Election Officer (Municipalities)	23635015	3004
Public Relation Officer	23635017	3002
Computer Programmer		2009
Assistant Accounts Officer		4002
Superintendent (Administration)		4003
Superintendent (Municipality Elections)		3008
Superintendent (Legal)		3003
Superintendent (Panchayat Elections)		4001
P.A. to Secretary	23635050	2006
Typist / P.A. to Commissioner	23635030	2003
Admin / PE / Legal		198
Despatch Section		199
ME Section		698
Accounts Section		3014
Computer Room		2009

District Election Officers Phone Numbers/Fax Numbers

District	Designation of District Election Officer	STD Code	Office Phone Number	Fax Number
Chennai	Corporation Commissioner	044	25381330	2538396
Coimbatore	District Collector	0422	2301114	2216630
Cuddalore	District Collector	04142	230999	230555
Dharmapuri	District Collector	04342	230500	230886
Dindigul	District Collector	0451	246119	2432132
Erode	District Collector	0424	2266700	2262444
Kanchipuram	District Collector	044	27237433	27238477
Kanniyakumari	District Collector	04652	279555	260999
Karur	District Collector	04324	257555	257800
Krishnagiri	District Collector	04343	239500	239300
Madurai	District Collector	0452	2531110	2533272
Nagapattinam	District Collector	04365	252700	254058
Namakkal	District Collector	04286	281101	281106
Perambalur	District Collector	04328	276300	277875
Pudukkottai	District Collector	04322	221663	221690
Ramanarhapuram	District Collector	04567	231220	231220
Salem	District Collector	0427	2452233	2400700
Sivaganga	District Collector	04575	241466	241581
Thanjavur	District Collector	04362	230102	230857
The Nilgiris	District Collector	0423	2442344	2443971
Theni	District Collector	04546	253676	251466
Thiruvallur	District Collector	044	27661600	27661200
Thiruvarur	District Collector	04366	223344	221033
Thoothukudi	District Collector	0461	2340600	2340606
Tiruchirappalli	District Collector	0431	2415358	2411929
Tirunelveli	District Collector	0462	2501222	2500224
Tiruvannamalai	District Collector	04175	233333	222148
Vellore	District Collector	0416	2252345	2253034
Villupuram	District Collector	04146	222450	222470
Virudhunagar	District Collector	04562	252525	252500

State Election Officers

Director of Rural Development & Panchayat Raj	044	24323794	24343205
Commissioner of Municipal Administration	044	28513259	28518079
Director of Town Panchayats	044	25340352	25358742

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