



Election Department
Government of Sikkim
Office of the Chief Electoral Officer

**Publication under Section 4(1) of
The Right to Information Act, 2005**

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2014

**PUBLICATION UNDER
RIGHT TO INFORMATION ACT, 2005**

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

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 to the 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 obligation 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. Addl. Chief Electoral Officer and District Collector and Additional District Collector to Government and Assistant Public Information Officer, i.e. Joint Director, Election Department and Sub Divisional Magistrate to the Government.

1.5 Procedure and Fee Structure for getting information

(Notification No.230/Gen/DOP, Department of Personnel & Training, Dated 22.12.2005)

- (a) A request for obtaining information under sub-section (1) of section 6 shall be made to the concerned State Public Information Officer preferably in the prescribed application form accompanied by an application fee of Rs.10/- by way of Bank Receipt to be deposited under Major Head 0070.OAS (E) RTI Fee.

The competent authority shall duly acknowledge the receipt of the application in the prescribed form.

(b) For providing the information under sub- section (1) of section 6 and Rule 5 under these rules, the fee shall be charged by way of Bank Receipt under Major Head 0070.OAS (E) RTI Fee payable to the public authority at the following rates, namely-

- | | |
|---|---|
| A. (a) When the concerned department has already fixed the price of some samples, documents, model, maps, etc | The price so fixed plus postal charges. |
| (b) When the information is readily available, either by way of photocopying or by other way (copy). | (i) Rupees 10 (ten) for each page (in A-3 or A-4 size paper) Created or copied plus postal charges, or
(ii) actual charge or cost price of a copy in large size paper plus postal charges. |

B. for inspection of records, no fee for the first hour, and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter:

Provided that no postal charge shall be charged if the applicant collects the information personally.

Provided further that if on a particular day it is not administratively feasible the matter of inspection may be postponed.

(c). For providing the information under sub- section (5) of section 7, the fee shall be charged by way of bank receipt payable to the public authority at the following rates-

- (a) For information provided in printed form at the price fixed for such publication or rupees five per page of photocopy for extracts from the Publication plus Postal charges. The above charges are to be

accompanied by a bank receipt deposited under Major Head 007
OAS (E) RTI Fee

Provided that no postal charge shall be charged if the applicant collects the information personally.

- (d). Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by an order of the State Public Information Officer may, within thirty days from the date of receipt of the order of the State Public Information Officer, prefer an appeal to the Law Secretary who shall be the Appellate Authority under Section 19(1) of the Right to Information Act, 2005, which shall be accompanied by an appeal fee of Rs.100.00 (Rupees One Hundred) by way of bank receipt to be deposited under Major Head 0070. OAS (E) RTI Fee payable to the public authority with a copy of such order appealed against.
- (e). Any person aggrieved by an order of the appellate authority under sub-section (1) of Section 19, may within ninety days from the date of receipt of the order of the appellate authority, prefer a second appeal to the State Information Commission on plain paper in the prescribed format which shall be accompanied by an appeal fee of Rs. 100.00 (Rupees One Hundred) by way of bank receipt to be deposited under Major Head 0070. OAS (E) RTI Fee payable to the State Information Commission.

Persons below the poverty line are exempted from the payment of fee mentioned in the above paragraphs 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 the government will be the basis for claiming the concessions and the certified extract of the list will be sufficient to avail this concession.

Particulars of Organization, functions and duties

1. **Name & Address:** Office of the Chief Electoral Officer, Top Floor,
Car Parking Complex, Near Vajra Cinema, Gangtok.

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 of every State and the elections to the offices of President & Vice- President are vested in the 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. Chief Electoral Officer is, therefore designated as Chief Electoral Officer. Field administration at the district level is run by the District Election Officers (DEOs) (generally the Collectors or District Magistrates, Electoral registration Officers (EROs) & AEROs (for preparation & maintenance of electoral rolls) (generally officers in the level of Sub- Divisional Magistrates), Returning Officers (ROs) & AROs (for conduct of Elections) and other officials (like Personal Assistant (Elections) to the Collectors, Presiding and Polling officers) appointed for the conduct of elections. The Office of the Chief Electoral Officer was set up in Sikkim in accordance with Section 13A of the Representation of People Act, 1950, for carrying out of the following:

3. Functions and Duties

- (i) Conduct of election/ bye- elections to
 - The 32 Assembly Constituencies in Sikkim Legislative Assembly
 - the 01 Lok Sabha seat allocated to Sikkim

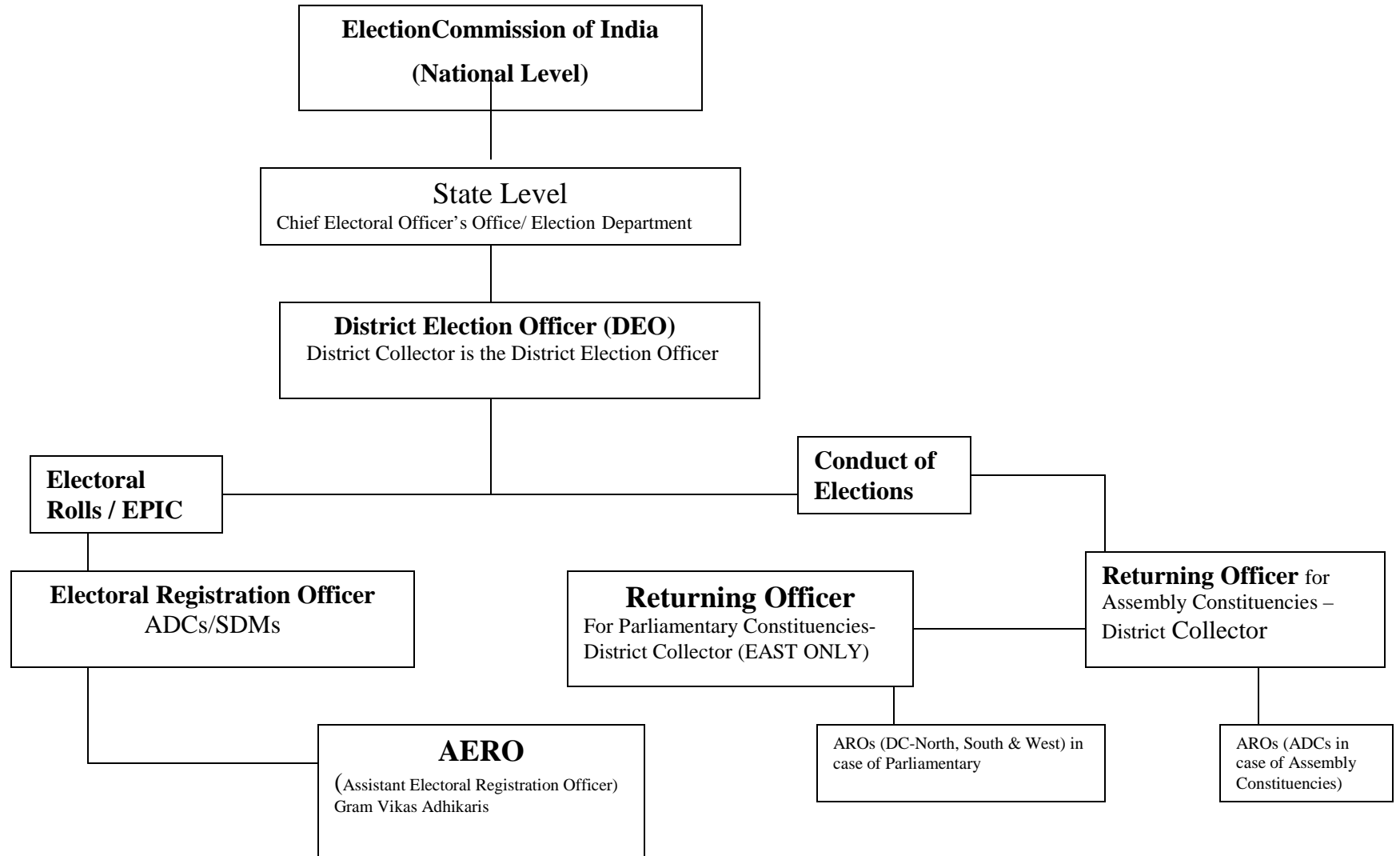
Note: These two elections are direct elections where the people of the country directly participate.

- The 01 Rajya Sabha seat allocated to Sikkim
- The Office of the President of India
- The Office of the Vice- President of India.

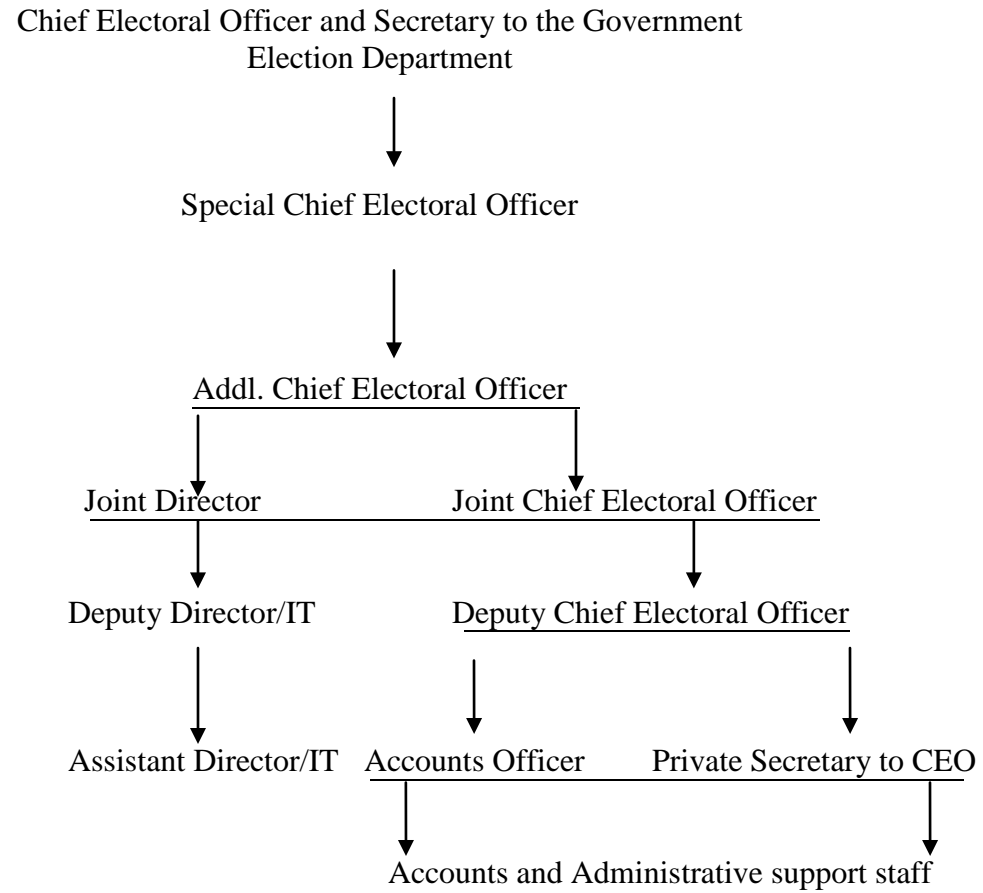
Note: The elections to these offices are indirect elections through their elected representative in Parliament and in Sikkim Legislative Assembly.

- (ii) It is the duty of the 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 the Election Commission of India in consultation with the State Government.

District Election Officers	04 (04 District Collectors)
Under Secretary(Election)	01 each in (04 Districts)

4(d) **Below the District level**, except for the permanent Election Assistants, one Election Clerk look after the routine election related work, except in the East District, where there are 03 Election Clerks and Peon each in four districts

5. **Working hours for office**

The working hours for all offices are from 10:00 hours to 16:00 hours

(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 Sikkim are received in the Office of the Chief Electoral Officer and also in the offices of the District Election Officers and Electoral Registration Officers during working hours on all working days.

Powers and duties of all 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 the Government or of a local authority 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. Annual updation of electoral rolls with qualifying date as 1st January of each year
- II. Preparation and issue of Electoral Photo Identity Cards
- III. Grievance Redressal related to electoral rolls & EPICs

The list of EROs notified vide Notification Nos. 02/2013/Elec dated 5th June, 2013 are available in the website www.ceosikkim.nic.in under caption Notifications.

(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, be competent to perform all or any of the functions of the Electoral Registration Officer. The list of AEROs notified vide Notification Nos. 03/2013/Elec dated 5th June, 2013 and No.05/2013/Elec dated 17th Sept, 2013 are available in the website www.ceosikkim.nic.in under caption Notifications.

(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 that state, designate or nominate a District Election Officer who shall be an officer of the Government to co-ordinate 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 and council constituencies within the district. The District Electoral 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 the Electoral Registration Officer in regard to claims and objections

- II. Grievance redressal related to elections
- III. Certain duties related to conduct of elections
- IV. Co-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 the Government or of a local authority.

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

- Drawing up the programme and detailed arrangements for the poll;
- Selection and setting up of polling stations;
- 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;
- 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 Election Commission;
- Transport and storage of ballot boxes 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 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.

(f) 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 function 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 pooling 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 or less and 4

polling officers if the number of electors is more than 1200. At a simultaneous election, the polling party consists of a Presiding Officer and 5 Polling Officers.

(g) Duties of CEO's Office

In accordance with the provisions of the Representation of the People's Act, 1950, for each state, an officer of the 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 the Election Commission of India, the preparation, revision and correction 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 Representation of People's Act, 1950.

- I. Facilitating and coordinating all above works, at the state level so that all the instructions / directions of the election Commission of India, is carried out without any omission or commission.
- II. Functioning as the appellate authority to certain decisions of the Electoral Registration Officers / District Election Officer.

Procedure followed in 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 set out earlier.

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

(i) Eligibility for inclusion in the electoral roll.

- 1) Should have completed 18 years as on the qualifying date – 1st January of that year.
- 2) Should be a citizen of India.
- 3) Should be ordinarily resident in the area from where application is made.
- 4) Should not be of unsound mind (If he/ she is of unsound mind and stands declared by a competent 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 the same / any other part / any other constituency within the territory of India.
- 3) 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.
- 4) 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 relevant forms are available with the service heads. If no intimation regarding the appointment of proxy is received by the Returning Officer latest by the last date of filing nominations, prior to the conduct of elections, the postal ballot will be automatically sent to them.

- 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 service 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 own or her own vote against his or her own identity and another for the person for who 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 a special / Service voter
- Voters of Election Duty / Cooks- Peons- Drivers on duty
- Electors subject to preventive detention
- Police personnel on preventive detention
- Polling personnel
- Candidates' polling agents, except Service Personnel, others should apply in Form 12 to the Returning Officer at least 07 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 candidature of their destination.

(v) Overseas Electors

Under Section 20A of Representation of People (Amendment) Act 2010 special provision for citizens of India residing outside India who is absenting from his place of ordinary residence in India owing to his employment, education or otherwise outside India (whether temporarily or not) shall be entitled to have his name registered in electoral roll in the Constituencies in which his place of residence in India as mentioned in his Passport is located.

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 / is a citizen of another country.

A. Inclusion in the Electoral Rolls

Statutory authority for deciding	Action to be taken by the applicant	Purpose	Who can submit	Documents to be submitted along with application	Time during which and places where application 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 the District Electoral Registration Officer's office)	Inclusion in the electoral roll	The elector concerned or any member of his / her family, but Form 6 should be signed by elector himself / herself	1. Proof of shifting or death or underage, if any 2. proof of age for those between 18 – 20 years. Also for shifted cases, old address must be furnished, so also EPIC number if EPIC was issued earlier.	1. Any time of the year in the EROs' / AEROs' offices 2.Period for submitting claims during summary revision every year (October-November) usually in EROs' AEROs' offices and designated centers (like post offices, polling station buildings etc.)	After 7 th 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 the 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' & 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 the Electoral Registration Officer lies with CEO

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

B. Deletion in the Electoral Rolls

Statutory authority for deciding	Action to be taken by the applicant	Purpose	Who can submit	Documents to be submitted along with application	Time during which and places where application can be submitted	Minimum and maximum time 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 7(Form 7 can be obtained from the District Electoral Registration Officer's office and Chief Electoral Officer's Office)	Deletion in the electoral roll	1. Self 2. Objector whose name is already included in the roll. 3. ERO has suo moto powers of deletion if he / she is otherwise satisfied	1. Proof of shifting or death or underage, if any	1. Any time of the year in the EROs' / AEROs' offices 2. Period for submitting claims during summary revision every year (October-November) usually in EROs' AEROs' offices and designated centres.	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 the relevant part belongs.* No bulk applications can be presented.	1. Receipt of Form 2. Publication of list of application in Form 10 3. Notice to be issued 4. Passing of orders by Electoral Registration officer 5. Preparation of Manuscript	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 the 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 voter 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 the applicant	Purpose	Who can submit	Documents to be submitted along with application	Time during which and places where application can be submitted	Minimum and maximum time 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	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) / details	1. Any time of the year in EROs' / AEROs' offices 2. 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 the applicant	Purpose	Who can submit	Documents to be submitted along with application	Time during which and places where application can be submitted	Minimum and maximum time 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 8A	-----	The person concerned	Sufficient proof for the shift in residence	1. Any time of the year in the EROs' / AEROs' offices 2. Period for submitting claims during summary revision every year (October-November) usually in EROs' AEROs' offices and designated centres.	-----	-----	Electoral Registration officer to pass orders during the disposal period	-----

E. Mode of publication of electoral roll, claims and objections and polling stations.

- (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 Form 6 received for inclusion in Form 9

Consolidated list of Form 7 received for deletion in Form 10

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

Consolidated list of Forms 8A 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, will also be published along with the draft publication.

- (iii) 2 copies (one hard and one soft) 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.

- (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.ceosikkim.nic.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 and Chief Electoral Officer on request made by the individual. For the copies of the Electoral Rolls that relates to previous years, the individual should apply to the Chief Electoral Officer and he will issue orders to the Electoral Registration Officers concerned to give the extracts of the previous Electoral Rolls.

(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 fixed by the Election Department.

- a) Copies of extract of Electoral Rolls at Rs. 10/- per record.
- b) PS CD ROM containing the Electoral Rolls data Rs. 100/- (If all the assembly Constituencies under the jurisdiction of a District Election Officer do not fit into one CD , then that may be split into more than one CD with each CD sale price being fixed at Rs. 100/-)

F. Elector's Photo Identity Card (EPIC)

After the inclusion of name in the Electoral Roll of the concerned Assembly Constituency, the Elector will be eligible for issue of Photo Identity Card. For the first time, provided other formalities are completed, the card will be issued free of cost. For issue of Identity Card, in case of loss or mutilation, shifting of electors, the duplicate card can be obtained on furnishing a declaration that the card was lost and a deposit of Rs. 25/- paid by the elector. The individual has also to furnish a proof of his present residence.

G. Conduct of Elections.

There are 32 Assembly Constituencies and 01 Parliamentary Constituency in Sikkim. For every Constituency, for every election to fill a

seat or seats of Sikkim Legislative Assembly or Parliament, the Election Commission designates or nominates a Returning Officer (who shall be an officer of the Government) in consultation with Government of Sikkim. The Election Commission may appoint one or more persons, officer of Government to assist any Returning Officer in the performance of his functions. It should be 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 the Act and rules or orders made there under.

(i) Qualifications and Disqualifications for Election

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 3rd 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 the 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 from 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 of that State.
- Notwithstanding anything contained above a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim(deemed to be the Legislative Assembly of that State fully constituted under the Constitution) unless:-
- In the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly Constituency in the State other than the constituency reserved for the Sanghas.
- In the case of a seat reserved for Sikkimese of Nepali origin, he is a person of Nepali origin and is an elector for any Assembly constituency in the State;
- In the case of a seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim Subjects Act, 1974 and is an elector for any Assembly constituency in the State; and
- In the case of seat reserved for Sanghas, he is an elector of the Sangha constituency.

- Notwithstanding anything contained above, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of the State of Sikkim, to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1980 (8 of 1980) unless-
 - (a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas;
 - (b) in the case of a seat reserved for Scheduled castes, he is a member of any of those castes in the State of Sikkim and is an elector for any Assembly constituency in the State;
 - (c) in the case of a seat reserved for Sanghas, he is an elector of the Sangha Constituency; and
 - (d) in case of any other seat, he is an elector for any Assembly constituency in the State.
- Explanation.- In this sub-section “Bhutia” includes Chumbipa, Dophapa, Dukpa, Kahatey, Sherpa, Tibetan, Tormopa and Yolmo
- A person shall be disqualified from being chosen as, and for being a member of 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 Parliament by law not to disqualify its holder;
 - b) If he is of an 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 a citizenship of a foreign state or is under any acknowledgement 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 a 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 the People
- d) If he holds any office of profit under 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 said Governments.

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 for the Union of for any state.

Election as Vice- President

The qualifications for elections as Vice – President are the same as 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 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 171E	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 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 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)	Section 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 or polling papers from the polling stations or
	Section 135a	Offence of Booth capturing
	Clause (a) of sub- section (2) of Section 136	Offence of fraudulently defacing or fraudulently destroying any nomination paper; or
(j)	Section 6 of the Places of 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 or profiteering; or
- b) Any law relating to the adulteration of 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 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 under section 99 of the Representation of 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 People or the Council of States, the Sectary- 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 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 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 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 into 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 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 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 by or under the Act, and
- b) Has no good reason or justification of 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 an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure 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 meetings, vehicles, 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 lakhs 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 exp[enses which shall be a true account of the account kept by him or his election agent under Section 77).

Removal or reduction of period of disqualification

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

(i) Duties of DEOs with relation to elections

1. Selection (and, at the appropriate time, setting up) of polling stations, with previous approval of the Election Commission.
2. Formation of polling parties and appointment of Presiding Officer and polling officer for each polling station;
3. Imparting intensive training to the polling personnel (including those on reserve duty)

4. Building awareness about the use and working of Electronic Voting Machine among the general public, political parties, candidates and media.
5. Printing of postal ballot papers for service voters and their dispatch to the service voters.
6. Scrutiny of accounts of election expenses of contesting candidates and submission of returns to the Commission.
7. Safe custody of all voting machines, election papers and election materials after the completion of election and during the period specified for the purpose.

(ii) Outlines of duties of a Returning officer.

1. Drawing up, well in advance, a programme and plan of detailed arrangements for the poll;
2. Procurement of voting machines and election materials in sufficient quantity
3. Issue of public notice of election in Form 1 of the Conduct of Elections Rules, 1961 on the day on which the notification calling the election is issued
4. Reception of nomination papers, security deposits, etc
5. Administration of oath or affirmation to candidates after they have filed their nomination papers
6. Dissemination of information contained in the affidavits filed by the candidates
7. scrutiny of nomination paper.
8. Recording of reasons in brief for rejecting any nomination paper
9. Receipt of notices for withdrawal of candidature
10. Allotment of symbols to contesting candidates
11. Preparation and publication of notice of nominations, list of validly nominated candidates and list of contesting candidates
12. Assessing the requirements of (i) ballot papers for use in the balloting units of the voting machines (ii) postal ballot papers for service voters and voters on election duty, etc., and(iii) tendered ballot papers and arranging the printing and supply thereof;
13. Preparing the lists of classified service voters who have appointed proxy voters

14. Establishing contact with the contesting candidates and political parties to ensure free, fair and smooth election
15. Convening of meeting to discuss common problems relating to conduct of election, review of law and order situation, enforcement of code of conduct for political parties, etc;
16. Preparation and commissioning of voting machines about one week on advance before the date of poll
17. Transport arrangements for voting machines and election materials
18. Dispatch of polling materials for the conduct of poll and supply of voting machines, tendered ballot papers
19. Effective supervision of the poll
20. Appointment of counting staff
21. Transport and storage of voting machines after the poll, under strict security arrangements
22. Fixing of date, time and place of counting and actual counting of the votes
23. Declaration of results
24. Transportation of all voting machines, election papers and election materials after declaration of results, to the District Election Officer for safe custody
25. Overall supervision of election work

Nomination of Candidate

For nomination, a candidate has to make deposit as indicated below:-

	General	S.C	S.T
Rajya Sabha	Rs. 25000/-	Rs.12500/-	Rs.12500/-
Lok Sabha	Rs. 25000/-	Rs.12500/-	Rs. 12500/-
Assembly	Rs. 10000/-	Rs. 5000/-	Rs. 5000/-
Sangha			Rs. 5000/-

Refund of Deposit

The deposit amount will be returned if the candidate receives more than one-sixth of the total number of valid votes polled.

Under Section 33 of the Representation of the People Act, 1951, in respect of candidates set up by recognized political parties, it should be subscribed by the elector of the constituency as proposer. In the case of candidate not set up by recognized political party, it should be subscribed by 10 electors of the constituency as proposer.

Documents to be submitted along with nomination:

1. Affidavit (Stamp paper value Rs. 20/-) (Details about conviction, case pending in courts)
2. Affidavit in Form 26
3. Form A & B in case of recognized and registered political parties.
4. Candidate should be registered as a voter in any of the Assembly Constituencies within Sikkim
5. Certified copy of Electoral Roll if he is a voter of another constituency

Registration of new Political Party:

New political party can be registered with the Election Commission of India under Section 29A of the representation of People Act, 1951 in the prescribed proforma. The proposal should be sent to the Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi 110001.

Election Petition

Any election can be called in question only through the Election Petition, which should be filed before the High Court within 45 days from the date of declaration of results.

LIST OF OFFICERS WITH CONTACT DETAILS OF ELECTION DEPARTMENT

Name	Designation	Telephone No.				EPBX	EXTN.
		Office	Res.	Mobile	Fax	NO.	NO.
Shri D.Anandan,IAS	C.E.O.	207855	203045	9434241341	204725	202539	21
Shri L.P.Pandey,SCS	Spl.CEO	203673		9434028141	204725	202539	23
Sh.M.N.. Dhakal,SCS	Addl. C.E.O.	203721		9434241481	204725	202539	25
Ms Urbashi Poudyal	Joint CEO	203660		9434184194		202539	27
Sh.T.T. Bhutia	Joint Director	202539	225066	9434117169	204725	202539	30
Shri Kishore Pradhan	Dy.C.E.O.	203660		9434750552	204725	202539	40
Sh.D.K.Chettri	Dy.Director/IT	203778	-	9474767861	204725	202539	31
Ms. Pratiba Gurung	A.O.	202539	-	9609872610		202539	33
G.Jayachandran	PS to CEO	207855		9434241659	204725	202539	22
Shri Ashim Tamang	AD/IT	-	-	9474350330	203725	202539	32

District Election Officers' Phone Numbers / Fax Numbers and the list of Returning Officers for the Parliamentary Constituencies

District	Designation of District Election Officer	Returning Officer of Parliamentary Constituency	STD Code	Office Phone Number	Fax Number
West	District Collector	District Collector	03595	250888	250730
South	District Collector	District Collector	03595	263734	264734
East	District Collector	District Collector	03592	202922	205650
North	District Collector	District Collector	03592	234856	234234

List of Returning Officers for Assembly Constituencies in Sikkim

No. and Name of the Assembly Constituency	Designation of the Returning Officer
01.Yoksam-Tashiding(BL)	District Collector, West District
02. Yangthang	District Collector, West District
03.Maneybong Dentam	District Collector, West District
04.Gyalshing-Barnyak	District Collector, West District
05.Rinchenpong(BL)	District Collector, West District
06.Daramdin(BL)	District Collector, West District
07.Soreng Chakung	District Collector, West District
08.Salghari-Zoom(SC)	District Collector, West District
09.Barfung(BL)	District Collector, South District
10. Poklok-Kamrang	District Collector, South District
11.Namchi-Singhithang	District Collector, South District

12.Melli	District Collector, South District
13. Namthang-Rateypani	District Collector, South District
14. Temi-Namphing	District Collector, South District
15. Rangang-Yangang	District Collector, South District
16. Tumen Lingi(BL)	District Collector, South District
17. Khamdong-Singtam	District Collector, East District
18. West Pendam(SC)	District Collector, East District
19. Rhenock	District Collector, East District
20. Chujachen	District Collector, East District
21.Gnathang-Machong(BL)	District Collector, East District
22.Namcheybung	District Collector, East District
23. Shyari(BL)	District Collector, East District
24.Martam-Rumtek(BL)	District Collector, East District
25.Upper Tadong	District Collector, East District
26.Arithang	District Collector, East District
27.Gangtok(BL)	District Collector, East District
28.Upper Burtuk	District Collector, East District
29.Kabi Lungchuk(BL)	District Collector, North District
30. Djongu(BL)	District Collector, North District
31.Lachen Mangan(BL)	District Collector, North District
32. Sangha	District Collector, North District

List of elected members of the Sikkim Legislative Assembly, 2014

Name of Assembly Constituency	Name of the elected member	Party Affiliation (If any)
1-Yoksam-Tashiding (BL)	Sonam Dadul Bhutia	Sikkim Democratic Front
2-Yangthang	Chandra Maya Limboo (Subba)	Sikkim Democratic Front
3-Maneybung-Dentam	Narendra Kumar Subba	Sikkim Democratic Front
4-Gyalshing-Barnyak	Sher Bahadur Subedi	Sikkim Democratic Front
5-Rinchenpong(BL)	Karma Sonam Lepcha	Sikkim Democratic Front
6-Daramdin (BL)	Danorbu Sherpa	Sikkim Democratic Front
7-Soreng-Chakung	Ram Bahadur Limboo (Subba)	Sikkim Democratic Front
8-Salghari-Zoom(SC)	Arjun Kumar Ghatani	Sikkim Democratic Front
9-Barfung (BL)	Dorjee Dazom Bhutia	Sikkim Democratic Front
10-Poklok-Kamrang	Kedar Nath Rai	Sikkim Democratic Front
11-Namchi-Singhithang	Pawan Chamling	Sikkim Democratic Front

12-Melli	Tulshi Devi Rai	Sikkim Democratic Front
13-Namthang-Rateypani	Tilu Gurung	Sikkim Democratic Front
14-Temi-Namphing	Garjaman Gurung	Sikkim Democratic Front
15-Rangang-Yangang	Pawan Chamling	Sikkim Democratic Front
16-Tumen-Lingi (BL)	Ugen T. Gyatso Bhutia	Sikkim Democratic Front
17-Khamdong-Singtam	Som Nath Poudyal	Sikkim Democratic Front
18-West Pendam (SC)	Gopal Baraily	Sikkim Krantikari Morcha
19-Rhenock	Hemendra Adhikari	Sikkim Krantikari Morcha
20-Chujachen	Bikram Pradhan	Sikkim Democratic Front
21-Gnathang-Machong (BL)	Dorjee Tsh. Lepcha	Sikkim Democratic Front
22-Namcheybung	Bek Bahadur Rai	Sikkim Democratic Front
23-Shyari (BL)	Kunga Nima Lepcha	Sikkim Krantikari Morcha
24-Martam-Rumtek (BL)	Mechung Bhutia	Sikkim Krantikari Morcha
25-Upper Tadong	Timothy William Basnett	Sikkim Krantikari Morcha
26-Arithang	Shyam Pradhan	Sikkim Krantikari Morcha
27-Gangtok (BL)	Pintso Chopel	Sikkim Krantikari Morcha
28-Upper Burtuk	Prem Singh Tamang	Sikkim Krantikari Morcha
29-Kabi Lungchuk (BL)	Ugen Nedup Bhutia	Sikkim Krantikari Morcha
30-Djongu (BL)	Sonam Gyatso Lepcha	Sikkim Democratic Front
31-Lachen Mangan (BL)	Tshering Wangdi Lepcha	Sikkim Democratic Front
32-Sangha	Sonam Lama	Sikkim Krantikari Morcha

Rules, Regulations, Instruction, Manuals and Records for Discharging Functions

Sl.No.	Name of the Act, Rules, Regulations, Manual, etc.	Brief gist of the contents / reference no. if any	Price, if any (Rs.)
1.	Manual of Election Law, Volume –I	<ol style="list-style-type: none"> 1. Extract from the Constitution 2. Extract from the Indian Penal Code (45 of 1860) 3. The Representation of People Act, 1951 (43 of 1950) 4. The Representation of People Act, 1951 (43 of 1951) 5. Extracts from the Government of National Capital Territory of Delhi Act, 1991(1 of 1992) 6. The Delimitation Act, 2002 (33 of 2002) 7. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) 8. Officers before whom candidates may make or subscribe oath or affirmation 9. The Constitution (Scheduled Castes) Order, 1950 10. The Constitution (Scheduled Castes) Union Territories Order, 1951 11. Law relating to removal of disqualification and other information 	600/-
2.	Manual of Election Law, Volume – II	<ol style="list-style-type: none"> 1. The Registration of Electors Rules, 1960 2. The Conduct of Election Rules, 1961 3. The Election Symbols (Reservation and Allotment) Order, 1968 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 5. The Delimitation of Council Constituencies orders 6. Authorities specified under section 8A to accept petitions about corrupt practices 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 	For both volumes
3.	Handbook for candidates	Salient provisions of Election Law and Procedures for standing as a Candidate for a Election	603/-

4.	Handbook for Polling agents	Salient provisions of Election Law and Procedures in relation to discharge of duty as Polling agent at Polling station for a Election	42/-
5.	Handbook for counting agents	Salient Provisions of Election Law and procedures in relation to discharge of duty as Counting Agent at Counting Center for a election	50/-
6.	Political Parties and Election Symbols	It is the list of Political Parties, registered and un- registered at the Notional/ State levels and list of symbols allotted to the parties	75/-
7.	Lists of Persons disqualified under Section 8A, 10A & 11A(2) of the Representation of People Act, 1951	Consist list of persons disqualified by the Commission under different sections for violating election laws	200/-
8.	Electoral Rolls of Assembly Constituencies Extract of Electoral Rolls	Name of the electors, polling station-wise Assembly Constituency- wise (page-wise)	Re.1 per page Rs.5/- Rs. 200/- per book.

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 the Election Commission of India(www.eci.gov.in). The books, Handbooks for the Candidates, Handbooks for the Polling agents and Handbook for Counting Agents are also available with the District Election Officers and Office of the Chief Electoral Officer for sale during election time. The copies of Electoral Rolls are available with the respective EROs and Office of the Chief Electoral Officer.

A Statement of the Categories of Documents that are held by it under its control

Sl.No.	Nature of Record	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	Nomination	At the office of	As per the

	records	papers along with affidavits, results, Form 20, Form 21C, 21D, 21E etc	the District Election Officers	directions of the Election Commission of India and also on the basis of the orders from any court.
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Monthly remuneration received by each of the officers and employees of the office of the Chief Electoral Officer

Sl.No.	Name of the post	Scale of post	Number of posts
1.	Chief Electoral Officer (IAS)	32000-60000+8700	1
2.	Spl. Chief Electoral Officer	32000-60000+9000	1
3.	Addl. Chief Electoral Officer	15600-39100+8700	1
4	Joint Chief Electoral Officer	15600-39100+7200	1
5.	Joint Director	15600-39100+7200	1
6.	Dy CEO/DS(Election)	15600-39100+6200	1+1
7.	Dy. Director/IT	15600-39100+6200	1
8	Under Secretary	9300-34800+5000	2
9	Asstt.Director/Accounts Officer	9300-34800+5000	1+1
10	Private Secretary to CEO	9300-34800+5000	1
11.	Office Superintendent /Sr.Accountant	9300-34800+4200	2+1
12.	Stenographer Gr-I	9300-34800+4200	1
13	Stenographer-II	5200-20200+3400	1
14	Computer Operator	5200-20200+3000	1
15	Head Assistant	5200-20200+3400	2
16	Accountant	5200-20200+3400	1
17	Upper Division Clerk	5200-20200+3000	04
18	Lower Division Clerk	5200-20200+2600	09
19	Accounts Clerk	5200-20200+2600	01
20	Driver	5200-20200+2400	3

21	Peon	5200-20200+2200	08
22	Safaikarmachari	5200-20200+2200	1

Budget Allocation

Funds are broadly required for Election Department for conducting various election related activities as shown below

1. Funds required for conducting Elections / Bye – Elections to seat / seats of Sikkim Legislative Assembly are borne by the Government of Sikkim.
2. Funds required for conducting election / bye – elections to seat / seats of Parliament are borne by Government of India
3. In case of simultaneous elections to Sikkim Legislative Assembly Lok Sabha, the funds are borne by the Government of India and Government of Sikkim on 50:50 basis.
4. Funds required for preparation / updation of Electoral Rolls prepared & issue of Photo Identity Cards to the Electors and maintaining establishment of election office are borne by the Government of India and Government of Sikkim on 50:50 basis.

The information on budget of Election Department under Non- Plan Head during the Financial Year 2013-14 is as follows:

NON- PLAN BUDGET

(in thousands)

Major Head	BE 2013-14	RE 2013-14	Expenditure in the last year 2013-14
102: Electoral Officers	22746	22746	26010
103: Preparation of printing of Electoral Rolls	2200	2200	805
104: Conduct of Elections to Lok Sabha and Legislative Assembly simultaneously	2	2	0
104: Conduct of Elections to Lok Sabha (Casual Vacancies)	-	-	-
105: Conduct of Elections to Lok Sabha (General)	2	0	0
106: Conduct of Elections to State Legislature	2	2	0
108: Issue of Photo Identity Card to voters	5800	5800	5800
Total	30752	30752	32615

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 Legislature 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 People Act, 1950, which mainly deals with the preparation and Revision of Electoral Rolls, the Representation of 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.

(ii) General Information about Sikkim

a) Number of constituencies

Lok Sabha seats

Type of constituency	General	SC	ST	Total
No. of Constituencies	01	Nil	Nil	01

Legislative Assembly seats

Type of Constituency	General	SC	ST	Sangha	Total
No. of Constituencies	17	02	12	01	32

(b) Representatives from Sikkim in the 16th Lok Sabha

No. and Name of the Parliament Constituency	Name of the Member	Party affiliations
01.Sikkim	Prem Das Rai	Sikkim Democratic Front

(c) Representatives from Sikkim in the Rajya Sabha

Sl.No.	Name of the Member	Party affiliation
01	Hisey Lachungpa	Sikkim Democratic Front