



**RAMA
UNIVERSITY**

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FACULTY OF JURIDICAL SCIENCES

COURSE: BALLB/BBALLB

SEMESTER SUBJECT:

ELECTION LAWS

SUBJECT CODE: BALLB

1004/BBALLB 1004

NAME OF FACULTY: PANKHURI SRIVASTAVA

Lecture-12



LECTURE 12: ADMINISTRATIVE MACHINERY FOR CONDUCTING ELECTIONS

Part IV provide for delegation of functions of Election Commission i.e. the functions of the **Election Commission under the Constitution, the Representation of the People Act, 1950**, and Representation of the People Act, 1951 Act or under the rules made there under may be performed also by a Deputy Election Commissioner or by the Secretary to the Election Commission on the basis of directions as may be given by the Election Commission in this behalf.

Chief Electoral Officer: The Election Commission of India nominates or designates an Officer of the Government of the State/Union Territory as the Chief Electoral Officer in consultation with that State Government/Union Territory Administration.

Chief Electoral Officer of a State/ Union Territory is **authorized to supervise the election work in the State/Union Territory subject to the overall superintendence, direction and control of the Election Commission.**

District Election Officer: The EC nominates an Officer of the State Government as the District Election Officer in consultation with the State Government.

The district election officer is **authorized to 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 subject to the **superintendence, direction and control of the chief electoral officer.**

With the previous approval of the Election Commission, DEO provides a sufficient number of polling stations for every constituency the whole or greater part of which lies within his jurisdiction, and publishes a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

Observer: The Election Commission may nominate an Observer who shall be an officer of Government to **watch the conduct of election or elections in a constituency or a group of constituencies.** Earlier, the appointment of Observers was made under the plenary powers of the Commission.

But with the amendments made to the Representation of the People Act, 1951 in 1996, these are now statutory appointments. They report directly to the Commission. The Observer has the power to direct the returning officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in his opinion booth capturing has taken place.

In case of stopping the counting of votes or non-declaration of result, a report shall be sent by the Observer to the EC, which issue appropriate directions.

Returning Officer: The Election Commission of India nominates or designates an officer of the Government or a local authority as the Returning Officer for each of the assembly and parliamentary constituencies in consultation with the State Government/Union Territory Administration.

Same person can be appointed as the returning officer for more than one constituency. In addition, the Election Commission of India may appoint one or more Assistant Returning Officers for each of the assembly and parliamentary constituencies to assist the Returning Officer in the performance of his functions in connection with the conduct of elections. Every such person must be an officer of Government or of a local authority.

Every assistant returning officer, subject to the control of the returning officer, is competent to perform all or any of the functions of the returning officer except functions which relate the scrutiny of nominations unless the returning officer is unavoidably prevented from performing the said function. While Returning officer may always include an assistant returning officer in performing any function which he is authorized to perform him.

It is 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 RPA, 1951 and rules or orders made there under.