

**Andhra Pradesh Legislative Council / Immediate
Council Rolls Circular - 3**

GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (ELECTIONS) DEPARTMENT

Memo No.3597/Elecs.E/A2/2006-8

Dated:10-10-2006

Sub: A.P. Legislative Council – Revision of Electoral Rolls, 2006 – Certain clarifications
- issued - Reg.

- Ref: 1. Council Rolls Circular-1 (Memo No.3604/Elecs.E/A2/2006-1, Dt.14.9.2006).
2. Election Commission of India Lr.No.290/A.P/2006-PLN-III-Vol.II,
Dt.25.09.2006.
3. Election Commission of India Lr.No. 37/AP-LC/2006-PLN III,
Dt: 27-9-2006
4. Election Commission of India Lr.No.22/2/2006-PLN-III/3748, Dt.04.10.2006
5. Election Commission of India Lr.No. 37/AP-LC-2006-PLN-III, Dt.07.10.06
6. Govt. Memo No.3597/Elecs.E/A2/2006-4, Dt.04.10.2006
7. Election Commission of India Lr.No.37/A.P-LC/2006/PLN-III, Dt.09.10.2006
8. Council Rolls Circular-2 (Memo No.3604/Elecs.E/A2/2006-10, Dt.09.10.2006

-:-

All the Collectors & District Election Officers (except Hyderabad) and the Commissioner, Municipal Corporation of Hyderabad & District Election Officer, Hyderabad are informed that the Election Commission of India, vide their letters second, fourth, fifth and seventh cited, have clarified certain issues with regard to Revision of Electoral Rolls of Andhra Pradesh Legislative Council Constituencies, as below. These clarifications are in supercession of any related instructions issued earlier in the Election Commission guidelines as well as instructions issued from this office. These clarifications also address issues raised by Collector, Visakhapatnam, Collector, Krishna and District Revenue Officer, Guntur.

- i) **Languages of Electoral Rolls and Ballot Paper:** The draft and final Electoral Rolls and ballot papers of Local Authorities, Graduates and Teachers constituencies shall be printed in Telugu and English languages. The required direction under Rules 30 & 31 of Registration of Electors Rules, 1960 with regards to the languages of Electoral Rolls has been issued by the Election Commission of India vide the reference fourth cited.
- ii) **Parts of Electoral Rolls :** Since at present there are no polling stations for the Council Constituencies, the roll should be prepared Mandal wise at draft stage and thereafter it would be broken up in convenient parts according to the polling stations, as and finalized, before final publication. Returning Officers should also ensure that the final list of polling stations is sent to this office for obtaining approval of the Election Commission of India before 24th December, 2006. This list should be

furnished after due consultation as mentioned in the Hand Book for Returning Officers.

- iii) **Eligibility of non voting members of Local Authorities:** The Commission has clarified that the members who do not have right to vote in the Local Authority, are not entitled to be included in the roll for Local Authorities Constituency as per the Kanataka High Court's observation in L.Shivana Vs State of Karnataka & Ors. (86 ELR 336). The High Court observed that the voting rights of the members are dependent on the State Local Bodies Act, if they have the right to vote in their respective Local Bodies as per the Act, then, they shall be deemed to be electors for Local Authorities Constituency. Hence, the members who do not have voting right in the Local Authority should not be enrolled as electors in that particular Local Authority Constituency.
- iv) **Applicability of Model code of conduct:** Model Code of conduct is not applicable to any elections to the State Legislative Councils.
- v) **Filing of claims for objection/deletion, correction & transposition:** Under sections 27(2)(e) and 27(4) of Representation of the People Act, 1950, the provision of sections 15, 16, 18, 22 & 23 of the said Act shall apply in relation to Council Constituencies as they apply in Assembly Constituencies. Hence a person who seeks to apply for objection/deletion, correction and transposition of the entries in the draft rolls of the Council Constituencies can apply in the Forms 7, 8 & 8A respectively under Rule 13 (2), 13(3), 13(4) and 26 of the Registration of Electors Rules, 1960.
- vi) **Identification of elector:** The compulsory identification of the elector of the Graduates' and Teachers' Constituency during the conduct of voting can be made by means of EPIC/documents specified by the Commission earlier.
- vii) **Signature of Electoral Registration Officer on notice:** All the notifications that are being published by the Electoral Registration Officer in his notice board and the Offices of District Election Officer, Assistant Electoral Registration Officer, MRO etc., must contain the signature of the Electoral Registration Officer concerned.
- viii) **Intimation of action taken:** The applicant must be intimated of action taken on their claims in Form 18 or 19 especially when they have been rejected, so that they avail of their right to file appeal under rule 23 of Registration of Electors Rules, 1960. Such intimation giving reason for rejections should be sent as soon as possible after the Electoral Registration Officer has taken decision on individual cases as and when they are taken, without waiting for final publication of the roll.
- ix) **Submission of bulk applications by persons/Institutions other than Educational Institutions:** Applications in bulk whether submitted in person or by post from persons/institutions other than educational institutions should not be considered for inclusion by the Electoral Registration Officer and should be summarily rejected.
- x) **Submission of Bulk applications by Educational Institutions:** Heads of Educational Institutions can directly send Form 19 certifying the eligibility of the applicant. Each of these applications must be accompanied by a certificate from the head of the educational institution in the format prescribed by the Commission. Further the application should be forwarded by the Head of the Educational

Institutions through a forwarding letter signed personally by him along with the list of the applicants.

The applications in bulk cannot be accepted from any institution head other than an educational institution.

- xi) **Supporting documents for applications in Forms-18 & 19:** Supporting documents that would be enclosed along with Form-18 & 19 shall be as listed in the guidelines of the Commission in the reference second cited
- xii) **Verification of Claims in Form-18:** In the cases covered by para 4(iii)(b) of the Guidelines where the claim is supported by a copy of an entry in the Government record or a certificate issued to a Graduate employee by the Gazetted Head of Office on the basis of entries in Government records in his custody or a copy of an entry in the record of Statutory Bodies, Corporations or Public undertakings specifying the degree, diploma or certificate possessed by the claimant duly attested by the Head of the Office concerned, further verification by the Designated officer may be dispensed with. In other cases, where only the attested copies of the card of registration/certificate issued by the University/College and other institutions mentioned in Para 4 (iii) (c) & (d) are furnished by the applicant instead of the original certificates/registration cards, then the same are required to be verified by the Designated Officer.
- xiii) **Verification of Claims in Form-19:** The relevant extract of the Guidelines relating to Teachers' enumeration may be supplied to the Heads of Educational Institutions so that they understand the position before forwarding the names of teachers for enrolment. Thereafter no further verification is needed by the ERO provided that the ERO is satisfied about the genuineness/authenticity of the certificate.
- xiv) **Last date for receipt of Applications:** The notice u/s 31 (3) for Registration of Electoral Rolls for Graduates and Teachers Constituencies stands amended with the last date as 6th November 2006 instead of 5th November, 2006 published inadvertently earlier.
- xv) **Eligibility for Vidya Volunteers & Contract Teachers:** As already pointed out in the guidelines only those teachers of the specified Educational Institution who are appointed as a whole time teacher on regular basis or on ad-hoc basis against a sanctioned post are eligible for enrollment as electors in a teacher's constituency.
- xvi) **Polling Stations for Local Authorities' Constituencies:** In Local Authorities Constituencies, the Polling Stations may be set up in those buildings/premises where the Local Bodies concerned meet to transact their official business even though such locations may not be in the jurisdiction of the local body.
- xvii) **Filing of applications on Holidays:** The Commission has agreed for receiving applications for inclusions in the roll for Graduates / Teachers Constituencies on Sunday 29th October 2006 and 5th November 2006 apart from all working days between 29th September and 6th November 2006. Electoral Registration Officers should instruct the Assistant Electoral Registration Officers and Designated Officers to make necessary arrangements in this regard.

xviii) **Eligibility of tutorial college teachers:**

Para 38 of the ERO's handbook inter alia states as under:-

Teachers of tutorial colleges are not eligible to be registered as voters. Retired teachers, who satisfy the qualifications for inclusion of names as electors, i.e., those who had been engaged in teaching for a total period of at least three years within the six years immediately before the qualifying date in educational institutions of the prescribed standard are eligible for inclusion in the electoral roll.

- xix) **Ban on transfers:** It is clarified that the ban on transfer of EROs/AEROs, ROs/AROs as well as Designated Officers – MROs, MDOs & MEOs will be applicable during the preparation of Electoral Rolls. The ban will also apply to Officers connected with Council Elections after they are notified.
- xx) **Mandal Officers as Designated Officers:** The Commission has received a number of petitions seeking to allow receipt of application at the Mandal level. Accordingly the Commission has authorized (1) Mandal Revenue Officer (2) Mandal Parishad Development Officer and (3) Mandal Education Officer be appointed as Designated Officers under the Registration of Electors Rules, 1960 for (a) receiving applications from Graduates' and Teachers in Form 18 and 19 and (b) verifying the educational qualification of graduates by comparing the xerox copy attached to the application with the original diplomas mark sheets etc., to be submitted in person by the applicant. All Electoral Registration Officers may formally appoint all Mandal Revenue Officers, Mandal Parishad Development Officers and Mandal Education Officers as designated officers under Rule 14 of the Registration of Electors Rules, 1960. They may also arrange to quickly arrange training programmes for them on their duties. The Designated Officers should follow the instructions provided in Para 4(v) of the Election Commission of India guidelines regarding verification procedure.
- xxi) **Definition of "Secondary School":** As reported by the School Education Department and confirmed by Law Department, the A.P. (Integrated) Educational Rules, 1966 defines "Secondary School" as Schools which imparts education from classes 6th to 10th or 11th. Therefore, all Government/Local Body High Schools and the High Schools recognized by the Government which imparts education from Classes VI to X can be regarded as Secondary Schools for the purpose of section 27(3)(b) of Representation of the People Act, 1950.
- xxii) **Teachers who have worked for 3 years in eligible schools during the past 6 years but are now teaching in ineligible schools:** For determination of the eligibility of an elector for a Teachers' Constituency, the teachers who are at present teaching in an ineligible institution should be treated at par with retired teachers and if they have already worked for three years in an eligible institution during the last six years, they will be eligible for enrollment. However, the applicant has to obtain certificate regarding his past service from the eligible institutions he worked with for proving his eligibility.

2. All the Electoral Registration Officers are requested to scrupulously follow the instructions regarding preparation and publication of electoral rolls for the council constituencies given in the Hand Book for Electoral Registration Officer (1993 edition) except to the extent modified in the references cited.
3. All Electoral Registration Officers should also confirm that instructions given in para 3 of the guidelines (issue of public notice, addressing all offices, educational institutions, banks, firms etc., as well as Heads of Institutions) have been scrupulously followed.
4. The Electoral Registration Officers should also ensure that the statement appended to the last page of the Election Commission of India guidelines (list of claims received, admitted, rejected) is sent on a weekly basis every Saturday by the concerned Electoral Registration Officer without fail to this office. The Electoral Registration Officers should also confirm that the supervisory checks mentioned in Para 7 of the Election Commission of India guidelines (reference third cited) and reiterated in Circular No.2 (reference eighth cited) are scrupulously followed. The results of the supervisory checks by the Designated Officers/ Assistant Electoral Registration Officers / Electoral Registration Officers should be informed weekly to this office
5. All the District Election Officers are also requested to circulate these instructions, immediately, to all the Electoral Registration Officers and Assistant Electoral Registration Officers and ensure that the instructions of the Commission are followed scrupulously.

V. BHASKAR,
CHIEF ELECTORAL OFFICER &
E.O. PRINCIPAL SECRETARY TO GOVERNMENT

To

All the Collectors & District Election Officers (except Hyderabad)

The Commissioner, Municipal Corporation of Hyderabad & District Election Officer, Hyderabad

Copy to:

All Joint Collectors through the Collector & District Election Officer concerned

All District Revenue Officers through the Collector & District Election Officer concerned

The Additional Commission (Elections), MCH through the Commissioner, Municipal Corporation of Hyderabad & District Election Officer, Hyderabad

All Revenue Divisional Officers/Sub Collectors through the Collector & District Election Officer concerned

SF/SCs

// FORWARDED :: BY ORDER //

SECTION OFFICER