

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110 001

No.ECI/PN/28/2005

Dated: 8th June, 2005

PRESS NOTE

Subject: Special summary revision of electoral rolls in 165 Assembly Constituencies (not affected by Tsunami) in Tamil Nadu, 2005.

On consideration of the report submitted by the Commission's team consisting of Shri Tapas Kumar, Secretary, and Shri S.K. Mendiratta, Legal Advisor to the Election Commission, sent by the Commission to Tamil Nadu on 3rd June 2005 and which toured some of the districts of the State from 3rd to 5th June 2005, the Commission has issued a set of special instructions to the electoral registration authorities in the State for disposal of claims and objections received in connection with the ongoing revision of electoral rolls mentioned above. A copy of the detailed special instructions issued in this behalf is enclosed.

**(S.K. KAURA)
SECRETARY**

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Subject: Special summary revision of electoral rolls in 165 Assembly Constituencies (not affected by Tsunami) in Tamil Nadu, 2005.

Special Instructions for Disposal of Claims and Objections

1. Every ERO must prepare a complete list of all claims and objections received during the period from 10th May 2005 to 30th May 2005 – whether these claims and objections have been filed at the designated locations or at the ERO/AERO's office individually or in bulk. These lists should be prepared in Forms 9, 10, 11 and 11A, as may be relevant.
2. The preparation of these lists in Forms 9, 10, 11 and 11A must be completed by each ERO by 8th June 2005. Immediately after the preparation of these lists in the Forms 9 etc., a copy thereof should be prominently displayed on the notice board of the ERO.
3. As soon as may be after the preparation of these lists in Forms 9, 10, 11 and 11A, a copy each of these lists duly authenticated by the ERO should be supplied, free of cost, to each recognized political party in the State of Tamil Nadu. This supply should be made on the 8th June itself and, in any event, by the forenoon of 9th June with a notice to the parties that they may file their objections in respect of the claims

applications/objections latest by 20th June 2005. It should be further made clear in that notice that no objection in this behalf will be entertained from any party or individual after 20th June 2005.

4. While disposing of these claims and objections, the ERO shall reject summarily any application/objection which is not signed by the applicant/objector or does not carry his or her thumb impression in authentication of that application. The same position will obtain where the present address has been left completely blank in the application form.
5. The claim/objection in which the applicant has given his/her age which on the face of it shows that the applicant is below the age of 18 years on the 1st January 2005, shall also be summarily rejected.
6. In the case of the remaining claims and objections which have not been summarily rejected, each claim and objection shall be thoroughly scrutinized and locally verified by the verifying agencies which are normally utilized for the purpose. The signature (or thumb impression) of the applicant must be obtained again in the application to establish his identity. There may be a number of other omissions/gaps in the applications. During the field verification/enquiry, relationship details, numbers of old and new houses should be obtained. In case of shifted voters, the earlier address must be obtained and should be reflected in declaration (iv) of Part IV of Form 6 which is required for carrying out

corresponding deletion. Enquiry about their family members and whether they are registered elsewhere in the electoral rolls/or where they had voted in the last elections will also help to identify whether the applicant is a genuine person eligible for inclusion in the electoral roll and also give an idea of his age. A photocopy of the document in proof of place of present and previous residence should be obtained wherever available, and filed with the records.

7. A proper record of the applications/objections given to any verifying officer must be maintained by the ERO showing the date of delivery of those claims and objections to him and the date of their receipt back after verification through the supervisor.
8. Every verifying officer must give full particulars of the local verification made by him, i.e., the date and time of his visit to the household for an on-the-spot inspection, whether the applicant / objector / the person objected to was physically present at the time of local verification and other evidence collected by him from the members of the household or the neighbours in relation to the claim/objection. He must put his full name and signature on the report which he submits in relation to each claim/objection.
9. In the case of applicants who state their age to be 18, 19 or 20 years and claim to be applying for the inclusion for the first time, their claims with regard to their age must be thoroughly checked by the local

verifying officer with reference to school/college certificate, birth certificate, and with reference to entries in respect of the other family members. If after such verification, the ERO is not satisfied about the minimum qualifying age of the applicant, the application shall be rejected.

10. In the case of every claim application in Form-6, item IV of declaration in Part IV of the form must be got completed by the applicant to declare that either he is not registered as an elector anywhere or he should declare the previous address where he was residing earlier to ensure the deletion of the entry relating to him in the earlier roll, failing which the application shall be rejected.
11. If the address of the applicant is incomplete (like street name mentioned but not the house number), a doubt may arise on whether the application is genuine. This will be ascertained in field inquiry and complete address should be recorded on the application. If complete address cannot be ascertained after due enquiry, such application shall be rejected.
12. Form-7 applications need to be scrutinized carefully so as to ensure that these are not used to delete of genuine electors. In any case, no objection should be accepted and the name of the person objected to deleted unless the person objected to has been given a proper notice in the prescribed form in relation to the action proposed to be taken

and he had been given a reasonable opportunity of being heard before passing the order.

13. In doubtful cases and in the case of applicant not found at the residence at the time of verification, the EROs should, as provided in the Handbook for Electoral Registration Officers published by the Election Commission of India (1993) (page 33), send a notice to the applicant (in Forms 12 to 15) to appear in person before him or AERO at a place near his/her residence which can be decided in advance to deal with a number of such cases involving a number of villages/localities. The applicants must be asked to bring relevant documents in proof of residence and age. As people may find it inconvenient to travel to the ERO's office, the enquiry in such cases by the EROs could be held in Taluk/zonal offices etc. on appointed dates.

Supervisory Checks

14. A sufficient number of supervisors shall be appointed in each constituency to carry out supervisory checks in respect of the work done by the verifying officers. The supervisors should carry out sample check of the work done by the verifying officers by visiting door to door and in no case it should be less than 40% of the total verification made.
15. It will be the duty of the supervisor to check compliance of the above mentioned guidelines and to this effect he has to sign all applications disposed of under his jurisdiction and he should record his observation

in specific in those cases which have been verified by him under 40% quota mentioned above. Such supervisory checks should be carried out by each supervisor in different parts of the area under his jurisdiction and not confined to any particular area or locality.

16. Under no circumstances he will seek assistance of influential persons or persons with political lineage of the locality and if at all any assistance is required, it should be sought from immediate neighbours of the applicant.
17. All cases of claim applications/objections constituting part of bulk applications, which are found to be not genuine either on local verification or after initial scrutiny under para 4 should be referred to the ERO for filing necessary FIRs with the police against the office bearers of the party who had filed those applications, for penal action under sec.31 of the R.P. Act, 1950.

Action by the ERO/AERO

18. After receipt of duly verified forms from the field through the Supervisors and after such further enquiry as considered necessary in the case of any claim/objection, necessary order for inclusion/deletion should be recorded by the ERO on each such application by him separately.
19. All claims/objections must be disposed of by the ERO in every constituency, not later than 15th July 2005.

20. On the basis of the orders passed by the ERO accepting a claim or objection, necessary supplements shall be prepared polling station wise.
21. A list of names of persons included, with all details as are available in the electoral roll i.e. age, relationship, address, EPIC No., if any, and complete address of previous residence, should be prepared area-wise and should be segregated district-wise by the ERO. Such list shall be sent by the ERO as soon as may be after its preparation to the District Election Officer of his district who shall obtain such lists from the EROs of all the constituencies within his jurisdiction. The DEO shall then forward these lists to the DEOs of the other concerned districts for getting the names of these persons deleted from the rolls of those other districts where their names may have been enrolled earlier.
22. The DEOs receiving such list should initiate action for deletion of the names of these persons from the earlier rolls by the EROs concerned and intimate the same to the DEO from whom the list has been received. The receiving DEO should intimate the action taken by him to the DEOs from whom he received the aforementioned list. Where the names of any persons included in the list could not be traced in the electoral rolls in his district, he shall intimate the details of such cases to the DEO from whom he had received the aforementioned list, for following up the matter with the applicant at the new place and in this

regard notice may also be issued to solicit further information at a later stage.

Further Supervisory Checks by CEO and Election Commission

23. In order to ensure that all claims and objections have been disposed of by EROs in accordance with law and the relevant instructions and directions of the Election Commission, including the present instruction herein, the Chief Electoral Officer shall depute a number of supervisory teams from his office to test check the field work done by the verifying officers and supervisors and the actions taken by the EROs.
24. Over and above these teams from the office of the Chief Electoral Officer, the Election Commission will also send a team of its own officers from its headquarters at New Delhi to further test check the work done by the electoral registration authorities. Strict action shall be taken against any official/officer for any dereliction of duty on his part in the performance of his functions. The Commission would like to remind them that all officials/officers deployed in connection with the revision of electoral rolls are subject to the superintendence, control and discipline of the Commission under section 13CC of the Representation of the People Act 1950.
25. No electoral roll shall be finally published by any ERO without the previous approval of the Election Commission.

**(TAPAS KUMAR)
SECRETARY**