

Right to vote has hurdles to cross

Kathyayini Chamaraj, Feb 8, 2013

The Election Commission is briskly at work readying the electoral rolls for the Assembly elections due in Karnataka this year. But will voters really find their names on the roll on election day or will they come back disappointed without being able to exercise their fundamental right to vote – the very first step to participate in a democracy? Though the Representation of the People Act (RPA), 1950, says that anyone who is above 18 years, is ‘ordinarily resident’ in a constituency, is a citizen of this country, is not of unsound mind or convicted of certain crimes, has the right to vote, many are the hurdles being faced by several citizens to get the right to vote through inclusion of their names in the electoral roll.

Contrary to the view that slums-dwellers constitute vote-banks, a survey of 100 families conducted in 10 slums in six Assembly constituencies recently showed that out of 408 adults, 137 or 33 per cent of them were not on the electoral rolls and 45 per cent of those who were on the rolls did not have voter ID cards. This, though the RPA says that even persons living in sheds and pavements are eligible for enrolment, if they are identifiable.

Lack of proof

It was found that form 6 (applications for inclusion of names) of hundreds of slum-dwellers were not even being accepted by officials on the ground that they lacked proper proof of age or address. A complaint to the Chief Electoral Officer (CEO) in this regard elicited the response that all such persons should be enrolled by BBMP as per directions of the Election Commission of India (ECI) in its letter of August 8, 2012 regarding age-proof and of March 24, 2007 regarding address-proof. However, while the letter regarding age-proof has a ‘form of oath or affirmation’ to be filled by parents as to the age of their ward, no such ‘form of oath’ exists for those lacking address-proof.

Even when the form is accepted and its bottom half is given to the applicant as an acknowledgement, it carries no docket number. With no docket number, it is impossible to track these forms or pin accountability if they are lost. Half of the 100 slum-dwellers surveyed said that they did not receive an acknowledgement.

The RPA clearly says that where no document is available to show proof of address, the designated officer must receive the application and record ‘No document attached’ on it and the electoral registration officer (ERO) should get an enquiry conducted by himself or through a verifying officer like the booth level officers (BLOs). The ERO is required in all such cases to send “an individual notice to be served on the claimants” on Form 12 asking them to be physically present during the spot verification or at a summary enquiry “giving the person a reasonable opportunity of being heard” before taking a decision.

The handbook for BLOs prepared by the ECI requires BLOs to pay more than one visit at night to see whether these persons are 'sleeping' at their place of 'ordinary residence' which is considered sufficient evidence of their being 'ordinarily resident' there. 88 households out of 100 said that BLOs made no such site visits. Interviews of 15 BLOs also revealed that none of them had taken any action about the homeless and slum-dwellers lacking address-proof.

The ERO also has the power to administer oath and require any person to give on oath that the evidence tendered by him is true. The ERO is required to record his decision on Form 9 which is displayed on the notice board. Moreover he is required to provide intimation of 'action taken' on the application, either of acceptance or rejection, to the applicant by post within three days of taking a decision. Applications received in one month are to be disposed of within the next month.

Hardly any evidence exists about EROs following these procedures. Participants at a meeting of RWAs called by BBMP recently recounted vociferously that they had been submitting forms myriads of times and had received no notice of a hearing or intimation of decision taken or reason for rejection of their applications. The only remedy suggested by most officials to such complainants is to ask them to submit their forms all over again.

Some officials spoken to said they were wary of enrolling as voters those residing in slums or on pavements without address-proof as they feared that these persons were most likely to be ineligible migrants, foreigners or 'infiltrated terrorists'. But what if they are genuine citizens?