

(Regd., Public Charitable Trust No 599 / 94--95 IV)

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7th July 2019

Sri Sanjiv Kumar, IAS

Chief Electoral Officer

Karnataka

Nirvachana Nilaya

Seshadri Road

Bengaluru

Dear Sir,

**Subject: Our suggestions for better implementation of the RP Act and the Preparation of Electoral Rolls**

Thank you for calling a meeting of civil society organizations to improve the electoral roll preparation work. Please find attached our suggestions for better implementation of the **RP Act and the preparation of electoral rolls.**

Thanking you.

Yours sincerely,

Sd.

Kathyayini Chamaraj

Executive Trustee

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**Our suggestions for better implementation of the Representation of the People (RP) Act and the Preparation of Electoral Rolls**

1. **Post offices best suited for maintaining up-to-date electoral rolls**

**U**rban local bodies have been proven to be not the best choice for maintaining and updating the electoral rolls, given the deficiencies that have been exposed in the electoral rolls. Since ULB officials have multiple tasks to perform, they are unable to constantly update electoral rolls and the updation is done only during the summary or intensive revision.

A practice employed in Switzerland, Germany and Austria, which is worth emulating in a country of 1.3 billion persons, is the registration system. The onus is on the citizen to register himself and inform about any change in his/her address. Since post offices are already being informed whenever a citizen leaves or enters a neighbourhood, and they know where everyone lives, it would be the most logical step to ask them to perform the task of maintaining electoral rolls and continuously updating them. This will make the task of annual revision redundant or reduce it considerably.

The registration system consists of a single data-base which is used for bringing people into the electoral rolls, tax net, into the compulsory education and vaccination systems, insurance systems, etc. Births and deaths are also automatically conveyed to this registry.   Without registering at the local registration office, no one can rent a house, get employment or get enrolled in a school.

1. **Elected representatives should not receive applications**

It has come to our notice that elected representatives are receiving Forms 6, or applications for voter ID cards, etc., **without giving acknowledgements for receipt of same**. It becomes impossible to track the status of such applications. A GO should be issued forbidding them from collecting any application which is an executive function to be performed by officials only.

1. **Ward offices to be empowered to maintain registers, digitise applications and provide acknowledgements with tracking numbers**

The Handbook for EROs says that “ERO should get all forms computerized in ERMS as soon as they are received so that they become visible on the CEO website and can be tracked by the applicant on the website and by SMS”

However, it has come to our notice, that many ward offices are distributing and accepting Forms 6, 7, 8 and 8A, etc., without entering them immediately in any register or issuing acknowledgements. They claim that these tasks will be performed only when the computer operator enters them into the central database at the AERO or EROs offices and status can be tracked once they are digitised at those offices. **Thus an applicant will have no record of his submission and no means of tracking the status of his application if he submits them at the ward office.** This can be the reason why so many applicants end up submitting their applications again and again with no results. Applications submitted at AEROs or EROs offices at times other than that of the summary or intensive revision also meet the same fate. All are not capable of using the on-line systems.

In the interim, until post offices are mandated to perform this function, and in the interest of decentralised governance as per the 73rd and 74th Constitutional Amendments, **ward offices in urban areas and GPs in rural areas should be mandated to maintain registers of all incoming applications date-wise, and provide acknowledgements with tracking numbers on the spot.** One should move towards digitisation of the application right there as a step towards ‘work-flow automation’.

1. **Applications without address-proof being rejected often**

The Handbook for EROs clearly says, “In case of non-availability of any document the Designated Officer /BLO may receive the application and record thereon “No document attached”. (In such cases local enquiry shall be got conducted by the ERO and decision taken in accordance.)” and “For homeless persons, residence proof may not be insisted upon”.

Several urban poor living in slums and migrants lack clear address proof. However, it has come to our notice that the applications of several urban poor and migrants are rejected for lack of address-proof even without being accepted, denying them their Fundamental Right to Vote.

Section 20 of the RPA 1950 says: ‘ordinarily resident’ persons, “even persons living in sheds and persons living on pavements without any roof are eligible for enrolment provided they are ordinarily resident in the sheds or on pavements in a particular area, and do not change the place of residence and are otherwise identifiable”.

**A direction needs to be issued to all concerned officials that no application should be rejected for want of address-proof and that they should be received and “No document attached” recorded thereon**.

1. **Verification procedure for those without address-proof often not being followed**

The Handbook for EROs requires the following procedure to be followed on receipt of applications without address-proof:

* An individual notice with date and time of hearing should be sent to the applicants in case of inquiry. The ERO has to give notice of hearing. The ERO has power to require any claimant, objector, person objected to, to appear in person before him for clarification and sub-rule (3) of rule 20 of RER, 1960, ERO can ask the information on oath / affidavit.
* ERO should get the facts verified by the verification officer where the verifying officer should submit full particulars of verification like date of visit, if the person was physically present, etc
* In doubtful cases, where persons are not found at home during verification, ERO should send an individual notice with a date and time of hearing either before ERO or AERO

The above procedures are not being followed always, especially with reference to slum-dwellers, migrants and homeless persons. **A direction needs to be issues to all concerned officials that the stipulated procedures above should be followed and “no citizen left behind”. Also it is necessary to authorise ward committees constituted under the 74th CA at ward level to do the verifications.**

1. **Need to display application forms at Ward/GP offices**

Section 19 of the EROs Handbook says “Forms 6,7 ,8 and 8A received by the BLOs and Designated officers shall be displayed in Form 9, 10, 11, and 11A respectively at the Designated Officer’s office for the area. A copy thereof shall be given to the concerned ERO who shall also make the similar list for forms received at his office and after including the list received from BLOs/Designated Officer publish the lists in the ERO office notice board.

However, not everyone will be visiting the DEO’s or ERO’s offices. Hence it is necessary to display the application forms at the Ward/GP offices and notify them as the designated offices for the convenience of voters. Also it is necessary to authorise ward committees constituted under the 74th CA at ward level to do the verifications.

1. **Appoint RWAs and NGOs as Booth-Level Volunteers**

The Rules say, “BLVs are volunteers appointed by the DEO to help the BLO in doing his work. They may be office bearers of RWAs, members of NGOs etc.” They are to:

* Assists people in filing claim/objection properly
* Verifies and conducts survey of the dead and shifted electors
* Understands and scrutinizes the Electoral Roll during meeting with BLO
* Helps continuous updating of the Electoral Roll
* Helps in ensuring purity of electoral rolls
* Helps in SVEEP programme

But the above provisions have mostly not been implemented and the EROs are depending only of Booth-Level Officers to assist them. But most BLOs are government officials who do not live in the areas allotted to them and they have their own other government work to do. Hence they are reluctant to take up these additional duties. **Hence appointing RWAs and NGOs as BLVs would help greatly as they live or work in those areas and know most of the persons living there.**

1. **There is no standardisation of how House Nos./Flat Nos. are to be shown:**

The Registration of Electors Rules, 1960, Section 6, Order of Names, says:

1. The names of electors in each part of the roll shall be arranged according to house number…..

But please find below, as an illustration, t**he myriad ways in which municipal house numbers/flat numbers are shown. There is no standardisation of how Flat Nos. within an apartment complex are to be shown:**

|  |
| --- |
| **Bengaluru Central – AC 163 – Part No. 110** |
| **Serial No** | **Name** | **House No.**  | **Remarks** |
| 1 | Sameena Parveen (deleted) | 000 | No house number shown |
| 21 | Rhea Padival | 51 and 54 | Two house numbers shown |
| 22 | Raajhesh Khanna | T1 | No such municipal house numbers exist. This must be a Flat No. It will be impossible to locate this voter using this house number. |
| 23 | Jairaj  | T1 | No such municipal house numbers exist. This must be a Flat No. It will be impossible to locate this voter using this house number. |
| 30 | Naeem Ahmed | 002 | Naeem and Ameen live in an apartment complex whose municipal House No. is 6, Berlie Street Cross. 002 is the flat no within the apartment building. Their parents, Sarah and Aijaz Ahmed’s names are shown in Serial Nos 210 and 211 under House No. 6/002 though they all live together. |
| 34 | Ameen Ahmed | 002 |
| 37 | Shaista Khan | T/2 | No such municipal number exists. This must be a Flat No. It will be impossible to locate this voter using this house number.  |
| 47 | Monika Phartyal | 003 | 003 is the Flat No. She lived in House No. 6 Berlie Street Cross, Flat No. 003 |
| 48 | P. Benedict | 03 | No such municipal number exists |
| 56 | Pushpa Menon | 3-1-7 | Myriad ways in which house numbers are shown which don’t make sense |
| 58 | Kavitha Menon | 3/1/7 |
| 65 | SMH Kirmani | 3/A1 |
| 128 | Amreen Zehra  | 3A/2 Flat003 |
| 172 to 174 | Firdosha Hanees, etc. | 5 | They do not live here  |
| 213 | Ramadevi Sekar | 6/103 | Deleted without giving notice |
|  |  |  |  |
| **Bengaluru Central – AC 163 – Part No. 114** |
| **Serial No** | **Name** | **House No.**  | **Remarks** |
| 1 | Deepak Chetry | Divyashree | No house number shown |
| 20 | Udakara Raj (Actual name Udhankar Raj) | 1A | Passed away |
| 23 | Sonam Ahuja | E-1, 5th floor | No such municipal number exists. This must be a Flat No. It will be impossible to locate this voter using this house number. |
| 24 | Sindhu K. | F-1 Bikaner Corner 24/6 | No such municipal number exists. This must be a Flat No. It will be impossible to locate this voter using this house number. |

Yours sincerely,

Kathyayini Chamaraj

Executive Trustee

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