



भारत निर्वाचन आयोग
Election Commission of India

निर्वाचन सदन
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ASHOKA ROAD, NEW DELHI - 110 001

No. 37/LC/INST/ECI/FUNC/ERD/ER/2016

Dated: 5th September, 2016

To,

The Chief Electoral Officers,

1. Andhra Pradesh ,Hyderabad
2. Telangana, Hyderabad
3. Bihar, Patna
4. Karnataka, Bangalore
5. Uttar Pradesh, Lucknow
6. Maharashtra, Mumbai

Subject: - Preparation of Electoral Rolls of Graduates' and Teachers' Constituencies of the Legislative Councils - Revised instructions -regarding.

Sir,

I am directed to state that prior to 2007, electoral rolls of Graduates' and Teachers' constituencies of Legislative Councils, were being prepared de-novo under rule 31 of the Registration of Electors Rules, 1960 immediately before every election requiring all eligible persons including those electors already enrolled in the then existing electoral rolls to apply afresh in Form 18/Form19, as the case may be, to the concerned EROs along with copy of relevant documents.

2. A writ petition [WP (C) No. 6084 of 2007 – *Sh. Praful Jagannath Hurne vs. Election Commission of India & Others*] was filed before Bombay High Court [Aurangabad Bench]. The High Court, by its Order dated 20.12.2007, held that the relevant Act and Rules do not confer jurisdiction or power on the Election Commission to order for preparation of electoral rolls afresh every time an election is held to Graduates'/Teachers' constituencies. The Court further directed that the Commission should not ask for a copy of eligibility documents from the electors already enrolled in the previous electoral rolls of such constituencies.

3. The Commission filed an SLP (c) No. 8017 of 2008 in the Supreme Court. At that time, the Supreme Court declined to grant stay against the Bombay High Court's above said order. The above-said SLP was pending in the Supreme Court, so the Commission issued guidelines for compliance of the said orders of the Bombay High Court. The ECI guidelines issued, inter alia, provided that the existing roll has to be used as draft rolls and only additions, corrections and deletions are required to be made.

4. Later, some other High Courts also gave orders on various issues relating to electoral rolls of council constituencies. In the light of Court's decisions and also experience gained in this regard, the Commission vide its letter No. 37/LC/2013-ERS, dated 27th May 2013, issued comprehensive instructions on the subject.

5. Now, the Supreme Court disposing of the said SLP (c) No. 8017 of 2008 mentioned as Civil Appeal No. 178 of 2016, has delivered its decision on 12th January, 2016, settling the law relating to preparation of electoral rolls for Graduates' and Teachers' Constituencies. As mentioned above, the appeal was filed by the Election Commission against the impugned final judgment and Order dated 20.12.2007 passed by the High Court of Bombay at Aurangabad in Writ Petition No.6084 of 2007, whereby it had, inter alia, struck down one of the clauses

[Clause 5 (f)] of the public Notice dated 01.10.2007 issued in the format devised by the Commission under Rule 31 (3) of the Registration of Electors Rules, 1960, by the Electoral Registration Officers of Nagpur, Pune and Aurangabad Division Graduates' constituencies, inviting fresh applications in prescribed statutory Form 18 appended to the Registration of Electors Rules, 1960, from all electors eligible for inclusion of their names in the electoral roll of these Graduates' constituencies with reference to 1st November, 2007 as the qualifying date. In Para 5 (f) of that notice, it was stated that a mere reference to an entry in the earlier roll relating to the applicant shall not be taken into account for determining the eligibility for enrolment in the electoral rolls and the applicant will have to produce his degree or certificate, in original, for verification by the Designated Officer. The High Court had struck down the above clause as being without any legal authority or sanction. It held that the relevant Act and Rules do not confer jurisdiction or power on the Election Commission to order for preparation of electoral rolls afresh every time an election is held to Graduates' / Teachers' constituencies. It directed the Commission that the roll should be revised by publishing the existing roll as draft roll and not to ask for any documents from the electors, already enrolled in the electoral rolls of Graduates' / Teachers' constituencies. The Apex Court has considered the above question as to whether in matters of revision of the electoral rolls for graduates' / teachers' constituencies a fresh roll is to be prepared every time or the existing roll is to be revised and published after inviting claims and objections. It has held that the clear legislative intent of the provisions of Sections 21 and 22 of the Representation of the People Act 1950 and Rule 31 of the Registration of Electors Rules, 1960, in the context of revision of electoral rolls for graduates' and teachers' constituencies, is that it shall be prepared afresh every time as per the procedure embodied in Rule 31 of the 1960 Rules. It further held that the requirement of an eligible voter to submit fresh application in prescribed Form 18 in case of Graduates' constituency and in Form 19 in case of Teachers' constituencies every six years adequately takes care of the requirement spelt out by Section 22 of the 1950 Act that an eligible voter shall not be deleted from the electoral roll without an opportunity. The Apex Court thus upheld the validity of Clause 5 (f) of the impugned notice as being in conformity with the requirements of sub-rule (4A) of rule 31 of 1960 Rules and that any contrary view taken would be erroneous.

6. Since, the Hon'ble Supreme Court has held that the law contemplates preparation of the electoral rolls for Graduates' and Teachers' Constituencies afresh every time, the Commission, taking all the factors including the above-said judgment of the Supreme Court, has decided to issue fresh comprehensive instructions, in supersession of its earlier instructions dated 27th May 2013 referred to above, which are as follows:-

1. LEGAL PROVISIONS –

As per clause (3) of Article 171 of the Constitution of India, the composition of the Legislative Council of a State will be as under:-

a) As nearly as may be, one-third of the total members shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may, by law, specify;

b) As nearly as may be, one-twelfth of the total members shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;

c) As nearly as may be, one-twelfth of the total members shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament ;

d) *As nearly as may be, one-third of the total members shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;*

e) *The remainder of the total members shall be nominated by the Governor and shall consist of persons having special knowledge or practical experience in respect of such matters as the following:— Literature, Science, Art, Co-operative Movement and Social Services.*

(ii) It is clear from the above, that there are three types of constituencies of Legislative Councils, called council constituencies, for which electoral rolls are prepared. These are: -

- I. Local Authorities' Constituency;
- II. Graduates' Constituency;
- III. Teachers' Constituency.

(iii) For election to Legislative Council by MLAs, the list of such MLAs needs to be kept updated and the same is used as electoral roll for the election. This list should include the name of the nominated members, if any, of the Legislative Assembly.

(iv) The relevant legal provisions for electoral rolls for above said three categories of council constituencies of a Legislative Council are provided in Section 27 of Representation of the People Act, 1950 and Rules 30 and 31 of Registration of Electors Rules, 1960.

1.1. Local Authorities' Constituencies –

According to Section 27 (2) (a) of Representation of the People Act, 1950, the electorate shall consist of members of such local authorities exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to that State in the Fourth schedule of the said Act.

- 1.1.1 Clause (b) of Section 27 (2) provides that every member of each such local authority within a Local Authorities' constituency shall be entitled to be registered in the electoral roll.
- 1.1.2 Clause (d) of Section 27 (2) provides that in order to enable the Electoral Registration Officer to maintain the electoral roll corrected up-to-date under clause (c) of Section 27(2), the Chief Executive Officer of every local authority (by whatever designation such officer may be known), shall immediately inform the Electoral Registration Officer about every change in the membership of that local authority ;and the Electoral Registration Officer shall, on receipt of the information , strike off from the electoral roll the names of persons, who have ceased to be, and include therein the names of person who have become, members of that local authority.
- 1.1.3 Clause (e) of Section 27 (2) provides that the provisions of sections 15, 16, 18, 22 and 23 of Representation of the People Act, 1950 shall apply in relation to Local Authorities' constituencies as they apply in relation to Assembly Constituency.
- 1.1.4 Rule 30 (1) of Registration of Electors Rules, 1960 provides that the roll for every Local Authorities' constituency shall be prepared and maintained in such form, manner and language as the Election Commission may direct.
- 1.1.5 Rules 26 [except sub-rules (3) and (4)] and Rule 27 of Registration of Electors Rules, 1960 shall apply in relation to Local Authorities' constituencies as they apply in relation to an Assembly Constituency provided that an application for inclusion of name in the roll of local authorities' constituency shall be made in Form-17 instead of Form 6.

1.2 Graduates' Constituencies –

Qualifications/eligibility-The eligibility of a person for enrolment in a Graduates' Constituency is to be determined having regard to provision of Article 171 (3) (a) of the Constitution and Sections 27 (3) (a), 27 (5) (a) and 27 (6) of the R. P. Act 1950. Accordingly, a person who has been, for at least three years before the qualifying date, a graduate of any University in the territory of India or has been in possession of equivalent qualifications as prescribed and is ordinarily resident of the concerned constituency is entitled to be registered as an elector in a Graduates' Constituency.

According to Section 27 (5) (a) of Representation of the People Act, 1950, a person must fulfill the following conditions for being entitled to be registered in electoral roll of a Graduates' Constituency -

- 1.2.1. Should be ordinarily resident in the Graduates' Constituency.
- 1.2.2. Should have, for at least three years before the qualifying date, been either a graduate of a University in the territory of India or in possession of any of the qualifications specified under clause (a) of sub-section (3) of section 27 of Representation of the People Act, 1950, by the State Government concerned, with the concurrence of the Election Commission, as qualifications which shall be deemed to be equivalent to that of a graduate of a University in the territory of India.
- 1.2.3. Section 27 (6) of Representation of the People Act, 1950 stipulates that the qualifying date shall be the 1st day of November of the year in which the preparation or revision of the electoral roll is commenced.
- 1.2.4. The provisions of Sections 15, 16, 18, 21, 22 and 23 of Representation of the People Act, 1950 shall apply in relation to Graduates' constituencies' as they apply in relation to assembly constituencies, as mandated by section 27(4).
- 1.2.5. Rule 31(1) of Registration of Electors Rules, 1960 provides that the roll for every Graduate's constituency shall be prepared in such form, manner and language or languages as the Election Commission may direct.
- 1.2.6. Under rule 31(5), the provisions of Rules 10 to 27, except clause (c) of sub-rule (1) and clause (c) of sub-rule (2) of Rule 13, of Registration of Electors Rules, 1960 shall apply in relation to Graduates' constituencies as they apply in relation to assembly constituencies. The claim application for inclusion in the roll of a Graduates' constituency shall be made in Form 18.

1.3 Teachers' Constituencies –

Eligibility/qualification-According to Section 27 (5) (b) of Representation of the People Act, 1950, a person must fulfill the following conditions for being entitled to be registered in electoral roll of a Teachers' Constituency-

- 1.3.1. Should be ordinarily resident in the Teachers' Constituency.
- 1.3.2. Within the six years immediately before the qualifying date, for a total period of at least three years, should have been engaged in teaching in any of the educational institutions specified under clause (b) of sub-section (3) of Section 27 of Representation of the People Act, 1950 by the State Government concerned, with the concurrence of the Election Commission, as educational institutions within the State not lower in standard than that of a secondary school.
- 1.3.3. Section 27 (6) of Representation of the People Act, 1950 stipulates that the qualifying date shall be the 1st day of November of the year in which the preparation or revision of the electoral roll is commenced.

- 1.3.4. The provisions of Sections 15,16,18,21,22 and 23 of Representation of the People Act, 1950 shall apply in relation to Teachers' constituency as they apply in relation to assembly constituencies.
- 1.3.5. Rule 31(1) of Registration of Electors Rules, 1960 provides that the roll for every Teachers' constituency shall be prepared in such form, manner and language or languages as the Election Commission may direct.
- 1.3.6. Under rule 31(5), the provisions of Rules 10 to 27 except clause (c) of sub-rule (1) and clause (c) of sub-rule (2) of Rule 13 of Registration of Electors Rules, 1960 shall apply in relation to Teachers' constituency as they apply in relation to assembly constituencies. The claim application for inclusion in the roll of the Teachers' constituency shall be made in Form 19.

2 PROCEDURE FOR PREPARATION OF ELECTORAL ROLLS / ENROLMENT –

2.1 For Local Authorities' Constituencies –

- 2.1.1 In the case of Local Authorities' constituencies, there is no qualifying date.
- 2.1.2 Electoral Rolls of Local Authorities' constituencies are not revised. But they are kept up to date by the Electoral Registration Officer concerned, by making such corrections in mother list as are brought to his notice by the Executive Officers of the Local Authorities concerned. In order to enable the Electoral Registration Officer to maintain electoral rolls corrected up-to-date, the Chief Executive Officer of every local authority (by whatever designation such officer may be known) shall inform the Electoral Registration Officer each change in the membership of that local authority immediately after its occurrence. The Electoral Registration Officer shall, on receipt of the information, strike off from the electoral roll the names of persons who have ceased to be, and include therein the names of persons who have become, members of that local authority. Electoral Registration Officer should obtain, once in a quarter by the 15th January, 15th April, 15th July and 15th October, from the Chief Executive Officers of the local authorities in his jurisdiction, a certificate to the effect that all corrections have been duly intimated by them. The format of certificate is given at Annexure –1. Ordinary residence is not a condition for being an elector in elections to local authorities' constituencies.
- 2.1.2 Ex-officio and nominated members, if any, of the Local Authorities are entitled to be included in the Electoral Rolls along with elected members. In the case of members of one Local Authority, some of whom are ex-officio members of other Local Authorities, their names should appear only once where they are members.

Clarification- However, the facility of being enrolled in electoral rolls and voting in elections extended to the ex-officio and nominated members is subject to the conditions provided in the state laws pertaining to the said Local Authorities in the concerned state.
- 2.1.3 According to Rule 30 of Registration of Electors Rules 1960, a person can apply for enrolment in a Local Authorities' constituency in Form 17. When such an application is received by the Electoral Registration Officer, he shall refer the application to the Chief Executive Officer of the Local Authority concerned and on receipt of information in relation thereto from the Chief Executive Officer, the Electoral Registration Officer shall act in accordance with clause (d) of sub-section (2) of Section 27 of Representation of the People Act, 1950.
- 2.1.4 **Before every election from a Local Authorities' constituency, the electoral rolls shall be published by the Electoral Registration Officer in his office and also in the offices of the Local Authorities comprised in the said Local Authorities' constituency, immediately inviting claims and objections by giving a minimum of seven days for the purpose. Any claims (in Form 17) and objections (in Form 7) received**

within the time fixed, shall be disposed of by the Electoral Registration Officer within a period of three days after referring it to the Chief Executive Officers of the local authorities concerned. On receipt of information relating thereto from the Chief Executive Officer of the said local authority, Electoral Registration Officer shall take further necessary action for inclusion / deletion / correction of entries. Every subsequent correction in the rolls, whether by way of addition / deletion / modification shall be authenticated by full signature of the Electoral Registration Officer. The roll shall be again published after incorporating the claims and objections accepted within three days thereafter and in any case before the last date for filing of nominations for election. The provisions of Section 23(3) of Representation of the People Act, 1950 will also apply in this case, i.e. no addition/deletion/amendment shall be made in the electoral roll after 3.00 P.M. on the last date for filing of nominations for election.

2.2 For Graduates' and Teachers' Constituencies –

- 2.2.1 The electoral rolls shall, **be prepared, afresh**, in the prescribed manner, with reference to the qualifying date before every biennial election or before every bye-election to fill a casual vacancy in any year. Provided further that if the electoral rolls are not prepared afresh, as aforesaid, the validity or continued operation of the existing electoral rolls shall not thereby be affected. The qualifying date for this is 1st day of November of the year in which the preparation or revision of rolls is commenced.
- 2.2.2 The de-novo preparation should be done before every Biennial /bye election is due from the constituency.
- 2.2.3 Accordingly, Chief Electoral Officer should prepare well in advance the draft schedule for preparation of electoral rolls of Graduates' and Teachers' constituencies, well before the date of publication of notice for enrolment on 1st October of the year in which de novo preparation of the roll of the concerned constituency is to be undertaken and send it for approval of the Commission.
- 2.2.4 As mentioned in the preceding paragraphs, the qualifying date for being enrolled in these constituencies is 1st day of November of the year in which the preparation or revision of the electoral rolls is commenced (please refer to Section 27 (6) of the Representation of the People Act, 1950).
- 2.2.5 According to Rule 31 of Registration of Electors Rules, 1960, the Electoral Registration Officer shall issue a public notice (Annexure-A or B, as the case may be) on or before 1st October calling upon every person entitled to be registered in that roll to send to or deliver at his office before the 7th day of November next following an application in Form 18 or Form 19, as the case may be, for inclusion of name. The said notice shall be published in two newspapers having circulation in the constituency and republished in them once on or about 15th October and again on or about 25th October in a summarized format given as Annexure.A-1 or B-1 as the case may be. Care should be taken that this abstract notice is printed in a separate box column in an attractive and prominent manner, preferably colour shaded inside a box so as to draw attention of readers to it. In addition to this, the public notice should be displayed at some specified places also for knowledge of public and other stakeholders. Copies of the notice should be circulated to all recognized and registered political parties. EROs of Teachers' Constituency should address a letter to all educational institutions whose teachers are qualified for registration as elector in Teachers' Constituency for their cooperation in the matter. The EROs of Graduates' Constituency should address similar letters to all educational institutions, officers' associations, banks, firms, clubs, etc. located in the constituency requesting for full cooperation in the matter. A copy each of the public notice published in newspapers should also be forwarded to the Commission.
- 2.2.6 Eligible persons should apply for enrolment of their names in the prescribed Forms (Form 18 for Graduates' and Form 19 for Teachers' Constituencies) along with supporting documents which are available on the Commission's website at the links http://eci.nic.in/eci_main/forms/Form_18E.pdf and http://eci.nic.in/eci_main/forms/Form_19E.pdf.

2.2.7 In teachers' constituencies, where the application forms are not received through the Heads of Institutions, the same should be got verified by the EROs from the Heads of Institutions.

2.2.8 Form 18 (For Graduates' Constituency) and Form 19 (For Teachers' Constituency) for inclusion of names should be got printed on one side of the page only and acknowledgement receipt printed thereon should be detached and furnished to all the applicants through the Heads of the Institutions or directly, as the case may be.

2.2.9 Graduates' Constituencies–

2.2.10 Before de-novo preparation of electoral rolls of the concerned Graduates' constituency, the Chief Electoral Officer should obtain a copy of all Notifications issued by the State Government, with the concurrence of the Commission, under Section 27 (3) (a) of Representation of the People Act, 1950 specifying the qualifications which shall be deemed to be equivalent to that of a graduate of a University in the territory of India. The Chief Electoral Officer should then prepare an updated list of such specified qualifications and send a copy of the list to every Electoral Registration Officer. It should be uploaded in CEOs' portal for information of all stakeholders. Wide publicity should be given to the list of specified qualifications for information of the Public.

2.2.11 As a person has to apply (in Form 18) for enrolment in Graduates' constituency, in addition to verification of the ordinary resident status of the applicant, it is necessary to verify that the applicant is in possession of the required educational qualifications for at least three years prior to the qualifying date.

Clarification- The three year period for which a person should be a graduate before registration will count from the date on which the result of the qualifying degree examination was declared and published by the university or an authority concerned and not from the date of convocation.

The applicant shall have to submit documentary proof of having such an educational qualification to the satisfaction of the Electoral Registration Officer or the Assistant Electoral Registration Officer concerned. The Electoral Registration Officer or the Assistant Electoral Registration Officer concerned should make such verification of the documentary proof as he considers necessary. A copy of degree or mark-sheet of the required educational qualification attested by a Gazetted officer should normally be considered adequate documentary proof of possessing that educational qualification.

2.2.12 The eligible persons should apply for enrolment of their names in the prescribed Form 18 along with any of the documents listed below-

- a) The degree/diploma certificate, in original, issued by the University or Institution concerned or a copy thereof, duly authenticated by the Designated Officer/Additional Designated Officer/Gazetted Officer of the District concerned, after due verification of the same with the original degree/ diploma certificate; or
- b) A copy of an entry in the Government record or a certificate issued to a Graduate employee by the Gazetted Head of Office/Institute 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 ; or
- c) An attested copy of the card of registration as Registered Graduate issued by the University, a certified copy of the relevant entry in the list of Registered Graduates', the Roll of Advocates, the Register of Medical Practitioners, the Register of Chartered Accountants, the Register of Engineers maintained by Institute of Engineers, etc.; or
- d) An Affidavit by the claimant, supported by certificate from the Registrar of the University, or the Principal of the College affiliated to University or from the Head of the Department of such College under whom he had studied; or

- e) The mark sheet, in original, issued by the University or Institution concerned or a copy thereof, duly authenticated by the Designated Officer/Additional Designated Officer/Gazetted Officer of the District concerned/Notary Public, after due verification of the same with the original mark-sheet, provided that there is a clear indication that the claimant has passed the relevant examination.
- 2.2.13 The applications can also be sent by post to the Electoral Registration Officer/ Assistant Electoral Registration Officer/Designated Officer, enclosing a copy of applicants' degree/diploma certificate/mark sheet or other requisite document, duly authenticated by the Designated Officer /Additional Designated Officer/ Gazetted Officer of the district concerned /Notary Public, after due verification of the same with the original degree/ diploma certificate/ mark-sheet other requisite document.
- 2.2.14 In case the applicant submits his application in person before the ERO/Assistant Electoral Registration Officer or Designated Officer, duly appointed for the purpose, he will produce the original degree/ diploma certificate/ mark sheet before them. The officer will scrutinize the degree/ diploma certificate/ mark sheet or requisite document submitted with the application and after satisfying himself and record either "Verified with original and found correct" or "Verified with original and found not correct – Rejected". He will then-affix his signature, full name and PIN number (in case of Designated Officer) on the application as mark of a summary enquiry and forward the application to the Electoral Registration Officer, where it is presented to AERO/Designated Officer.
- 2.2.15 Any application where the above procedure is not followed will summarily be rejected by the Electoral Registration Officer as incomplete.
- 2.2.16 As the electoral rolls for the Graduates'/Teachers' constituencies are required to be prepared afresh every time before a biennial/bye-election, all persons whose names are included in the existing rolls should also submit fresh application in the prescribed Form.
- 2.2.17 Every application in prescribed Form 18 by a person seeking enrolment in Graduates' constituency shall be accompanied by requisite documents/certificate. It may be noted that mere reference to an entry in the existing electoral roll will not be repeat will not be taken into account for determining the eligibility of a person for enrolment in the electoral rolls.
- 2.2.18 Section 20(4) of the RP Act, 1950 does not apply for the purpose of electoral rolls for Graduates' constituency. Therefore, the facility of enrolment of declared office holders in native place by the declaration in Form I is not available in the case of Graduates' constituency. They can get their name enrolled, if eligible, in the place where they are ordinarily resident for the time being.
- 2.2.19 Applications in bulk whether submitted in person or by post, shall not be considered for inclusion by the Electoral Registration Officer.

Clarification- However, the Heads of the Institutions may forward the applications of all their eligible staff together. Similarly, a person may also submit Forms 18 in respect of other eligible members of his family, residing at the same address and may get the certificate verified by producing original certificates in respect of each such member. Any bulk applications submitted by political parties, Booth Level Agents or Resident Welfare Associations shall not be considered

2.3 Teachers' Constituencies—

- 2.3.1 Before de-novo preparation of electoral roll in the year in which the election is due from the constituency, the Chief Electoral Officer should obtain a copy of all Notifications issued by the State Government, with the concurrence of the Commission, under Section 27 (3) (b) of Representation of the People Act, 1950 to specify the educational institutions within the State not lower in standard than that of a secondary school. The Chief Electoral Officer should then prepare an updated list of such specified educational institutions and send a copy of the list to every Electoral Registration Officer. Wide publicity should be given to the list of specified educational institutions for information of the Public.

- 2.3.2** As the electoral rolls for the Graduates'/Teachers' constituencies are required to be prepared afresh every time before a biennial/bye-election, all persons whose names are included in the existing rolls should also submit fresh application in the prescribed Form.
- 2.3.3** Every application in prescribed Form 19 by a person seeking enrolment in Teachers' constituency shall be accompanied by requisite documents/certificate. It may be noted that mere reference to an entry in the existing electoral roll will not be repeat will not be taken into account for determining the eligibility of a person for enrolment in the electoral rolls.
- 2.3.4** Enrolment in Teachers' constituency requires that the elector should have, within the six years immediately before the qualifying date for a total period of at least three years, been engaged in teaching in any of the specified educational institutions.

Clarification - (1). The engagement of a person in teaching in the specified educational institutions for at least three years within the preceding six years may be either in one continuous spell or in broken spells and further, may be either in one institution or more institutions, but all such institutions must be specified by the State Government. Therefore, it is immaterial whether a person, who has been so engaged in teaching for a total period of three years in one or more specified educational institutions, has been employed in those institutions as teacher on regular basis or on ad-hoc basis but he should be whole time teacher (even if there is no sanctioned post) and not engaged on a part-time basis as the condition for three years engagement in teaching cannot be fulfilled by a part-time teacher. Part-time teachers are not eligible for enrolment in the electoral rolls for Teachers' constituency.

(2). In the light of the order of the Hon'ble High Court of Allahabad (Lucknow Bench) dated 5th March 2008, in Writ Petition No. 1269 (M/B) of 2008 (Madhyamik Vitta Viheen Vidyalaya Prabandhak Mahasabha Vs State of Uttar Pradesh), the name of such teacher of unaided private school (if it is covered by the list of specified educational institutions) shall also be included in the electoral roll who intends to get his/her name enrolled in the voter list (i.e. electoral roll) of the Teachers' Constituency and approaches the ERO, after getting a certificate/counter signature from the District Inspector of Schools that he/she is a bonafide teacher of the specified educational institution having the required length of service and , whose standard is not below the standard of the secondary school.

- 2.3.5** Every person applying for enrolment (in Form-19) in Teachers' constituency must submit documentary proof of having been engaged in teaching in any of the specified educational institutions for a total period of at least three years within six years immediately before the qualifying date. The Electoral Registration Officer or the Assistant Electoral Registration Officer concerned should make such verification of the documentary proof as he considers necessary. A certificate by the Head of the teaching institution should normally be considered adequate documentary proof of possessing that teaching qualification. The certificate from the Head of the Institution shall be in the Format at Annexure-2

Clarification - If any person, who has applied for inclusion of his name in a teachers' constituency, has been engaged in teaching in more than one specified educational institutions in the last six years, the certificate from the Head of institution of each of such educational institution will be required for the period for which he was engaged in teaching in that educational institution.

- 2.3.6** As soon as Electoral Registration Officer receives list of specified educational institutions obtained by the Chief Electoral Officer from State Government, he should collect information about all persons who are eligible for enrolment in Teacher's Constituency from heads of specified educational institutions. He should further check whether all such eligible persons are enrolled in the draft electoral rolls being prepared by him or not. If the Electoral Registration Officer finds that an eligible person is left out, he should send a blank Form 19 to the concerned person with a request to fill the application form and send it to the Electoral Registration Officer through the head of the institution, in which the applicant has been working.

- 2.3.7 Section 20(4) of the R.P. Act, 1950 does not apply for the purpose of electoral rolls for Teachers' constituency. Therefore, the facility of enrolment of declared office holders in native place by the declaration in Form I is not available in the case of Teachers' constituency. They can get their name enrolled, if eligible, in the place where they are ordinarily resident for the time being.

Clarification- It is not necessary that the educational institution in which an eligible elector is employed should also fall within the same Teachers' constituency. The eligibility to be enrolled in a particular Teachers' constituency should be determined on the basis of the applicants' place of ordinary residence and not on the basis of his place of work.

- 2.3.8 Applications in bulk whether submitted in person or by post, shall not be considered for inclusion by the Electoral Registration Officer. However, the Heads of the Institutions may forward the applications of all their eligible staff together. Similarly, a person may also submit Forms 19 in respect of other eligible members of his family, residing at the same address and may get the certificate verified by producing original certificates in respect of each such member. Any bulk applications submitted by political parties, Booth Level Agents or Resident Welfare Associations shall not be considered.

3 SPECIAL GUIDELINES FOR COLLECTING EPIC NUMBERS –

- 3.1 Since electoral rolls for Graduates'/Teachers' constituencies are to be prepared afresh before every biennial/bye election after inviting fresh applications in Form 18/Form 19 followed by disposal thereof and publishing a draft roll accordingly, there should not be any reference of existing electoral roll in the draft electoral roll prepared afresh.
- 3.2 The Commission had decided to prepare photo electoral rolls for Graduates' and Teachers' constituencies. So the Chief Electoral Officers should issue instructions to collect photographs of all electors enrolled in Graduates' and Teachers' constituencies. For this purpose, EPIC numbers of the electors, who have not provided photograph in the Form, should be collected through Booth Level Officers. Since EPIC coverage in assembly constituencies is very high, it should not be difficult to collect EPIC number of almost all persons enrolled in Graduates' and Teachers' constituencies. After collecting this information, entries in electoral rolls of Graduates' and Teachers' constituencies should be linked with the entries in electoral rolls of assembly constituencies and merged with electoral rolls of Graduates' and Teachers' constituencies to prepare photo electoral rolls for council constituencies. There is no need to issue a separate EPIC for electors enrolled in Graduates' and Teachers' constituencies, but EPIC numbers already assigned to them in assembly constituencies should be entered in electoral rolls of Graduates' and Teachers' constituencies.

4. APPLICABILITY OF SECTIONS 17 AND 18 OF THE REPRESENTATION OF THE PEOPLE ACT, 1950 IN ENROLMENT IN COUNCIL CONSTITUENCIES –

The provisions of Sections 17 and 18 will apply in respect of enrolment in council constituencies also. A person cannot be registered as voter more than once in any Constituency or in more than one Constituency of the same category. But a person can, if duly qualified, be registered as a voter in Constituencies of different categories, namely, Graduates', Teachers' and Local Authorities'. For example a graduate teacher with the requisite qualification will be entitled to be registered both in the Graduates' constituency as well as in the Teachers' constituency.

Clarification- However, in the case of members of one Local Authority, some of whom may be ex-officio members of other local authorities, their names should appear only once where they are members.

5. FORMAT OF ELECTORAL ROLLS OF COUNCIL CONSTITUENCIES –

According to Rules 30(1) and 31(1) of the Registration of Electors Rules, 1960 the electoral rolls for Local authorities', Graduates' and Teachers' constituencies shall be prepared and maintained in such form,

manner and language or languages as the Election Commission may direct. The Commission has directed that -

Format of the roll:-

- a. The electoral rolls shall be Photo Electoral Rolls(PER) for Local Authorities', Graduates' and Teachers' constituencies.
- b. The electoral Rolls for Local authorities', Graduates' and Teachers' constituencies shall be maintained electoral part wise. One electoral part will have 800 to 1400 electors. Ordinarily, each electoral part will have one polling station.
- c. The part will be further divided into sections. Each section will ordinarily have 70 to 100 electors.
- d. The rolls of Local Authorities' constituencies should be prepared Local Authorities-wise each section covering one Local Authority. Each section should be printed in different pages depending upon different types of Local Authorities comprised within that part whose members take part in the elections to Legislative Council.
- e. The names in each section should be arranged in alphabetical order. The names of members of Local Authorities in each section should be given serial numbers in one continuous series for the entire section. This number should be entered along with the name of the Local Authority at the top of the page relating to that Local Authority.
- f. The electoral rolls of Local Authorities', Graduates' and Teachers' constituencies shall be printed in the formats given at Annexure- 3, 4 and 5, respectively.
- g. The Commission has already issued its direction vide its letter no. 37/2013/-ERS, dated 24th September 2013 prescribing therein the Format for electoral rolls for Graduates' and Teachers' constituencies. [Given in Annexure-8].

NOTE- It may be seen that in the format of rolls, fields such as serial no. of elector, name of relation, date of birth, photo, EPIC number, no. and name of assembly constituencies and name of state have been provided. For collecting information for these additional fields, amendments in Forms 17, 18 and 19 would be required and for this purpose, the proposal has already been sent to the Ministry of Law and Justice.

7.1.2 Language of the roll:-

The electoral rolls of council constituencies shall be printed in the following languages:-

- a) Andhra Pradesh and Telangana - Telugu and English
- b) Bihar and Uttar Pradesh – Hindi and English
- c) Karnataka - Kannada and English; and
- d) Maharashtra – Marathi and English

Necessary direction has already been issued vide the Commission's letter No. 37/2013-ERS, dated 23rd September 2013. [See- Annexure-9].

NOTE- To sort out technical problems in converting the names in various languages, Unicode font should be used for electoral data base.

8 ELECTORAL MACHINERY FOR PREPARATION AND REVISION OF ELECTORAL ROLLS FOR COUNCIL CONSTITUENCIES-

- 8.1 **Electoral Registration Officers** – There shall be one separate Electoral Registration Officer for each Local Authorities, Graduates' and Teachers' constituency. Normally, the Divisional Commissioners/Deputy Commissioners are appointed as such Electoral Registration Officers of Graduates' and Teachers

'constituencies'. Electoral Registration Officers shall be officers of the State Government not below an Additional District Magistrate in rank.

- 8.2 **Assistant Electoral Registration Officers** - There shall be as many Assistant Electoral Registration Officers for each Graduates' and Teachers' constituency as may be required. Electoral Registration Officers and Assistant Electoral Registration Officers of all the assembly constituencies falling within the concerned Graduates' /Teachers' constituency shall be designated as the Assistant Electoral Registration Officers for said Council Constituency. There shall be at least one Assistant Electoral Registration Officer at Tahsil / Taluka level. The Assistant Electoral Registration Officer shall be an officer of the State Government not below a Tehsildar in rank. Generally, Assistant Electoral Registration Officers are not appointed in any of the Local Authorities' constituencies.
- 8.3 **Designated Officer** – Electoral Registration Officers shall appoint one Designated Officer for each polling station of Graduates' and Teachers' constituency during the period of receiving claims and objections. Designated Officers shall be available at polling stations during working hours on all working days to receive claims and objections. Electoral Registration Officers can also appoint Designated Officers for verifying the applications received by them and also for authentication of the documents to be submitted by the applicants. Designated Officer will be of the rank of a Deputy Collector / Sub Divisional Officer / Revenue Officer / Block Development Officer within the limits of the Constituency. The Designated Officer will be assigned a PIN No. and this will be mentioned by him in all correspondence with the Electoral Registration Officer as well as on the copies of the applications where verification has been done by him. The names of the Designated Officers along with the offices where they will be located and the days on which they will be present to receive applications in person shall be notified by the Electoral Registration Officers as part of the notice issued under rule 31 (3) of the Registration of Electors Rule, 1960 in the First Schedule, to that notice. All Designated Officers shall, without fail, attend to the duties from the time of issue of public notice under Rule 31 (3) upto the last date of receipt of applications. The Designated Officer will do supervisory checks with regard to status of ordinary residence of an elector during the period of disposal of claims and objections. Assistant Electoral Registration Officers and Electoral Registration Officers will make further supervisory check by conducting visits to offices of the Heads of Institutions/households of the applicants, as the case may be. These supervisory checks shall not be less than 12%, 8% and 4% respectively of the verifications made by the respective field officers.
- 8.4 **Additional Designated Officers:** Electoral Registration Officers can appoint Additional Designated Officers for the purpose of attesting the documents of the electors. The officers of the following ranks can be appointed as the Additional Designated Officer :- (a) Tehsildars; (b) Principal of the Govt. Degree Colleges / inter Colleges; (c) Principals of the Govt. Girls Degree Colleges / Girls Inter Colleges; (d) Joint Block Development Officers of all Blocks; and (e) Executive Officers (Gazetted) of Nagar Palikas / Nagar Panchayats. Post Masters of Post Offices also can be appointed as Additional Designated Officers for the purpose of attesting the documents of the electors of the district in which the post office is situated.
- 8.5 **Booth Level Officers**– Electoral Registration Officers can use Booth Level Officers of polling areas in assembly constituencies for verification of entries of Graduates' and Teachers' constituencies including the status of ordinary residence of electors with regard to their respective areas.

9. SPECIAL EFFORTS TO ENROLL ALL ELIGIBLE PERSONS –

Chief Electoral Officers must make all efforts including the following to ensure that each and every eligible person is duly enrolled and no eligible person is left out from enrolment: -

- 1 Adequate publicity should be given to the process of revision of electoral rolls through print and electronic media in addition to the newspapers advertisements which are mandatory under the rules.
- 2 Special counters for collection of Forms should be arranged at every tehsil, block office, office of every District Election Officer, Electoral Registration Officer, Assistant Electoral Registration Officer.
- 3 Voter Registration Centers made for assembly constituencies should also be used as Voter Registration Centers for council constituencies.
- 4 Facility for on-line filing of application forms should be provided on the website of Chief Electoral Officers.
- 5 Arrangements should be made for distribution of blank application forms for enrolment in Teachers' constituencies to all specified educational institutions. Heads of such educational institutions should be asked to collect filled application forms and send to the Electoral Registration Officers concerned.

10. INSTRUCTIONS RELATED TO TRANSPARENCY-

The Commission has issued detailed instructions with respect to transparency of revision process for assembly constituencies. These instructions shall apply to Graduates' and Teachers' constituencies as well. At the time of draft publication and final publication of the electoral rolls, polling stations wise electoral rolls of Graduates' and Teachers' constituencies shall be posted on the Chief Electoral Officer's website. These rolls shall not contain the images of electors. One soft copy and one hard copy of the electoral roll shall be given to all recognized political parties at the time of draft publication and final publication of electoral rolls; however, such soft copy of the rolls should not contain the images of the electors. A polling station wise list of claims and objections with drill down to individual application form without photograph shall also be put on the website of the Chief Electoral Officer, with facility for status checking of the application form. Further, Facility for searching the name in the electoral roll based on EPIC number and name of elector should be made available on the website of the Chief Electoral Officer. In the case of Graduates' constituencies, scanned copies of the Degree/Diploma Certificates, submitted by the electors along with applications may be uploaded in the computerized data base.

11. ELECTORAL ROLLS FOR COUNCIL CONSTITUENCIES TO BE COMPUTERIZED-

Electoral Rolls for council constituencies shall be computerized. Detailed instructions for computerization of these rolls are at Annexure-6. ERMS software for Graduates' and Teachers' constituencies would be developed in the Commission and made available to the Chief Electoral Officers as soon as it is developed.

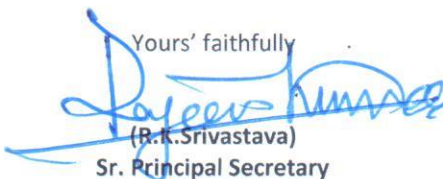
12. DATABASE STRUCTURE OF ELECTORAL ROLLS FOR GRADUATES' AND TEACHERS' CONSTITUENCIES-

The database of Graduates' and Teachers' constituencies shall be maintained according to the structure prescribed in Annexure-7. The Commission's instructions on security of electoral database of assembly constituencies will also apply to the electoral databases of Graduates' and Teachers' constituencies.

13. Data After final publication: - After the final publication of the electoral roll, a consolidated report in the proforma enclosed herewith at Annexure-C may be furnished to the Commission.

14. CONTINUOUS UPDATION-

The electoral rolls Graduates' and Teachers' constituencies shall be open for continuous updation under the provisions of Sections 22 and 23 of the Representation of the People Act, 1950 upto the last date of filing nominations in the election the roll is meant for. The qualifying dates shall continue to remain the same with reference to which the rolls were last prepared.

Yours' faithfully

 (R.K. Srivastava)
 Sr. Principal Secretary

Annexure -1

C E R T I F I C A T E

Certified that all changes in the membership of _____(name of the local body concerned such as Municipalities/District Boards/Cantonment Boards/Notified Area Committee / Zilla Parishads / Panchayat Samitis / Mandal Panchayats etc.) during the quarter ending March/June/September/December, 20____ have been intimated to the Electoral Registration Officer vide letter No. _____ and date _____ mentioned below:—

- 1.
- 2.
- 3.

Chief Executive Officer

(name of the local authority concerned)

Date:

Annexure-2

'CERTIFICATE'

"This is to certify that Shri/Smt./Km. _____ has been teaching in _____ (name of the institution) for a total period of three years within the last preceding six years against a sanctioned post on regular / ad-hoc ** basis.

2. (a) **As per the records of the Institution, He / She has been engaged in this institution continuously from _____(date) to _____(date).

OR

(b) **As per the records of the Institution, He/She has been engaged in this institution for the following periods of service: -

From _____ to _____

From _____ to _____

From _____ to _____

(Signature, Name & Seal of the Head of Institution)

(** Strike out whichever is not applicable)

N.B: If any person, who has applied for inclusion of his name in a teachers' constituency, has been engaged in teaching in more than one specified educational institutions in the last six years, the certificate from the Head of institution of each of such educational institution will be required for the period for which he was engaged in teaching in that educational institution.

In the case of a person who is not engaged in teaching on the date of application, the Certificate should be signed by the Head of the Institution, in which he last served.

Format of Electoral Rolls of Local Authorities' Constituency

(Note: - Roll shall be published Part wise for each local authorities' constituency. Roll of each part will be published section wise. Separate inclusion, deletion and modification supplementary lists shall be published along with the mother roll till the electoral roll is integrated.)

Constituency Header

Part Header

Part No. of Electoral Roll

Part Summary

Constituency Summary

Each Part of the Electoral Roll shall be published sectionwise, in the following columns:-

Section No.....

Name of Local Authority.....

1. Serial Number in Part
2. First Name of Elector
3. Surname of Elector
4. Name of Relation
5. Surname of Relation
6. Relation Type (Father/Mother/Husband/Other)
7. Sex
8. Date of Birth
9. Whether literate(Yes/No)
10. Photo
11. EPIC Number
12. Name of State where elector is enrolled in Assembly Constituency (if enrolled in any assembly constituency)
13. No. of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
14. Name of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
15. No. of Part of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
16. Name of Part of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
17. Serial Number in Part where elector is enrolled (if enrolled in any assembly constituency)

Format of Electoral Rolls of Graduates' Constituency

(Note: - Roll shall be published Part wise for each graduates' constituency. Roll of each part will be published section wise. Separate inclusion, deletion and modification supplementary lists shall be published along with the mother roll till the electoral roll is integrated.)

Constituency Header

Part Header

Part No. of Electoral Roll

Part Summary

Constituency Summary

Each Part of the Electoral Roll shall be published in the following columns: -

1. Serial Number in Part
2. First Name of Elector
3. Surname of Elector
4. Name of Relation
5. Surname of Relation
6. Relation Type (Father/Mother/Husband/Other)
7. Sex
8. Date of Birth
9. Educational Qualification (The qualification on the basis of which elector is enrolled in the graduates' constituency)
10. Photo
11. EPIC Number
12. Name of State where elector is enrolled in Assembly Constituency (if enrolled in any assembly constituency)
13. No. of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
14. Name of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
15. No. of Part of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
16. Name of Part of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
17. Serial Number in Part where elector is enrolled (if enrolled in any assembly constituency)

Format of Electoral Rolls of Teachers' Constituency

(Note: - Roll shall be published Part wise for each teachers' constituency. Roll of each part will be published section wise. Separate inclusion, deletion and modification supplementary lists shall be published along with the mother roll till the electoral roll is integrated.)

Constituency Header

Part Header

Part No. of Electoral Roll

Part Summary

Constituency Summary

Each Part of the Electoral Roll shall be published in the following columns: -

1. Serial Number in Part
2. First Name of Elector
3. Surname of Elector
4. Name of Relation
5. Surname of Relation
6. Relation Type (Father/Mother/Husband/Other)
7. Sex
8. Date of Birth
9. Name(s) of specified educational institution(s) where engaged in teaching for three years out of last six years (names of all such educational institutions should be given in which the elector has been engaged in teaching in the last six years)
10. Photo
11. EPIC Number
12. Name of State where elector is enrolled in Assembly Constituency (if enrolled in any assembly constituency)
13. No. of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
14. Name of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
15. No. of Part of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
16. Name of Part of Assembly Constituency where elector is enrolled (if enrolled in any assembly constituency)
17. Serial Number in Part where elector is enrolled (if enrolled in any assembly constituency)

Detailed Instructions for Computerization of Electoral Rolls of Legislative Council

1. Separate tables to be created as specified below for each such constituency, part and electors along with the existing tables of Electoral Roll Management System.
2. The data for each such tables to be maintained in language English as well as in vernaculars of that constituency.
3. The naming convention maintained in existing control tables should be used for linking all such units. For Eg. (ST_CODE for State Code, AC_NO for Assembly Constituency No and PART_NO for Part)
4. All the Parts should be maintained separately for each constituency
5. Each Part for such constituency to be linked with districts using District No.
6. For maintaining electors details separate tables to be used for Graduate's and Teacher's constituency
7. The electors details can be linked with existing electoral roll of ERMS on the basis of the following fields :
 - a. State Code
 - b. AC No
 - c. Part No
 - d. EPIC No
8. The roll for each such constituency should be printed Part wise.
9. The prescribed format of existing electoral roll can be utilized for the printing of its roll along with the details of control tables.
10. The existing roll of ERMS can be utilized to identify all such electors.