

## **MUNICIPAL CORPORATION OF HYDERABAD (REGISTRATION OF ELECTORS) RULES, 1978**

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## **MUNICIPAL CORPORATION OF HYDERABAD (REGISTRATION OF ELECTORS) RULES, 1978**

In exercise of the powers conferred by sub-section (1) of Section 585 of the Government Municipal Corporation Act, 1955 (Act II of

1956), read with Sections 9, 11, 12 and 70 of the said Act the Governor of Andhra Pradesh hereby makes the following rules, the same having been previously published, as required by Sub-section (3) of Section 585 of the said Act, namely

#### PART 1

##### Preliminary

### **1. Short title :-**

(1) These rules may be called the Municipal Corporation of Hyderabad (Registration of Electors) Rules, 1978.

(2) They shall come into force at once.

### **2. Definitions :-**

In these rules unless the context otherwise requires --

(a) "Act" means the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956);

(b) "declared office" means an office declared by the President to be an office to which the provisions of sub-section (4) of Section 20 of the Representation of People Act, 1950 apply;

(c) Electoral Authority means such authority as may be authorised by the \*[State Election Commission];

(d) "Form" means a Form appended to these rules and in respect of any division, includes a translation thereof in the language or any of the languages in which the electoral roll for that division is prepared;

(e) "registration officer" means the electoral registration officer of a division and includes an assistant electoral registration officer thereof;

(f) "roll" means the electoral roll for the Corporation;

(g) "section" means a section of the Act;

(h) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

#### PART 2

##### Electoral Rolls for the Corporation

### **3. Form and Language of roll :-**

The roll shall be prepared in such form and in such language or

languages as the Government may direct.

#### **4. Preparation of roll :-**

(1) The roll shall be prepared and revised by the electoral registration officer who shall be such officer of the Government or of the Municipal Corporation of Hyderabad as the electoral authority may designate or nominate in this behalf.

(2) The electoral registration officer may subject to such restrictions as may be imposed by the Government employ such persons as he thinks fit for the preparation and revision of the roll.

(3) The Electoral Authority may appoint one or more persons as assistant electoral registration officers to assist any electoral registration officer in the performance of his functions.

(4) Every Assistant Electoral Registration Officer shall, subject to the control of the electoral registration officer, perform all or any of the function of the electoral registration officer.

(5) The roll shall be divided into as many lists as there are divisions.

(6) The last list of the roll shall contain the names of every person having a service qualification and of his wife, if any, who are entitled to be included in that roll by virtue of a statement made under rule 6.

(7) The names of any person holding a declared office and of his wife, if any, who are entitled to be included in the roll by virtue of a statement made under rule 6 shall be included in the list of the roll pertaining to the locality in which they would, according to that statement have been ordinarily resident.

#### **5. Order of names :-**

(1) The names of electors in each list of the roll shall be arranged according to house number, unless the electoral authority, subject to any general or special instructions issued by the Government, determines that the alphabetical order is more convenient or that the names shall be arranged partly in one way and partly in the other.

(2) The names of electors in each list of the roll shall be numbered, so far as practicable consecutively with a separate series of numbers beginning with the number one.

**6. Statement by persons who hold declared office or service qualifications :-**

(1) Every person who holds a declared office or has a service qualification and who but for holding such office or having such qualification, he would have been ordinarily resident, in the city and who desires to be registered in the roll shall submit to the registration officer a statement in such one of the forms 1, 2, 3 and 4 as may be appropriate.

(2) Every statement submitted under sub-rule (1) shall be verified in the manner specified in the Form.

(3) Every such statement shall cease to be valid when the person making it ceases to, hold a declared office on as the case may be, have a service qualification.

**7. Information to be supplied by occupant of dwelling houses :-**

The registration officer may, for the purpose of preparing the roll, send letters of request in Form 5 to the occupants of dwelling houses in the division or any part thereof; and every person receiving any such letter shall furnish the information called for therein to the best of his ability.

**8. Access to certain registers :-**

For the purpose of preparing any roll or deciding any claim or objection to a roll, any registration officer and any person employed by him shall have access to any register of births and deaths and to the admission register of any educational institution and it shall be the duty of every person in charge of any such register to give to the said officer or person such information and such extracts from the said register as he may require.

**9. Publication of roll in draft :-**

As soon as the list for a division is prepared the registration officer shall publish it in draft by making a copy thereof available for inspection and displaying a notice in Form 6 at his office.

**10. Further publicity to the roll and notice :-**

The registration officer shall also--

(a) make a copy of each separate list of the roll, together with a copy of the notice in Form 6 available for inspection at a specified place accessible to the public and in or near the area to which that

list relates;

(b) give such further publicity to the notice in form 6 as he may consider necessary; and

(c) supply free of cost two copies of each separate list of the roll to every political party for which a symbol has been exclusively reserved by the Government.

**11. Period for lodging claims and objections :-**

Every claim for the inclusion of a name in the roll and every objection to an entry therein shall be lodged within a period of 15 days from the date of publication of the roll in draft under rule 9; \*

[Provided that the Electoral Authority may, by notification published in the Andhra Pradesh Gazette, extend or reduce the said period upto such date as may be specified therein].

**12. Form for claims and objections :-**

(1) Every claim shall be--

(a) in Form 7;

(b) signed by the persons desiring his name to be included in the roll; and

(c) \*[.....]

(2) Every objection to the inclusion of name in the roll shall be--

(a) in Form 8;

(b) preferred only by a person whose name is already included in that roll; and

(c) \*[.....]

(3) Every objection to a particular or particulars in an entry in the roll shall be--

(a) in Form 9; and

(b) preferred only by the person to whom that entry relates.

**13. Manner of lodging claims and objections :-**

Every claim or objection shall--

(a) either be presented to the registration officer or to such other officer as may be designated by him in this behalf; or

(b) be sent by post to the registration officer.

**14. Procedure to be followed by designated officers :-**

(1) Every officer designated under rule 13 shall--

(a) maintain in duplicate a list of claims in Form 12, a list of objections to the inclusion of names in Form 13 and a list of objections to particulars in Form 14; and

(b) keep exhibited one copy of each such list on a notice board in his office.

(2) where a claim or objection is presented to him, he shall, after complying with the requirements of sub-rule (1), forward it with such remarks, if any, as he considers proper to the registration officer.

**15. Procedure to be followed by registration officer :-**

The registration officer also shall--

(a) maintain in duplicate the three lists in Forms 12, 13 and 14 entering thereon the particulars of every claim or objection as and when it is received by him whether directly under rule 13 or on being forwarded under rule 14, and

(b) keep exhibited one copy of each such list on a notice board in his office.

**16. Rejection of certain claims and objections :-**

Any claim or objection which is not lodged within the period, or in the form and manner, herein specified, shall be rejected by the registration officer.

**17. Acceptance of claims and objections without enquiry :-**

If the registration officer is satisfied as to the validity of any claim or objection, he may allow it without further inquiry after the expiry of one week from the date on which it is entered in the list exhibited by him under clause (b) of rule 15:

Provided that where before any such claim or objections has been allowed a demand for inquiry has been made in writing to the registration officer by any person, it shall not be allowed without further inquiry.

\*

[Provided further that the electoral Authority may, by notification in

the Andhra Pradesh Gazette, extend or reduce the said period upto such date as may be specified therein]

**18. Notice of hearing claims and objections :-**

(1) Where a claim or objection is not disposed of under rule 16 or rule 17 the registration officer, shall--

(a) specify in the list exhibited by him under clause (b) of rule 15 the date, time and place of the hearing of the claim or objection; and

(b) give notice of the hearing--

(i) in the case of a claim to the claimant in Form 15;

(ii) in the case of an objection to the inclusion of a name, to the objector in Form 16 and to the person objected to in Form 17; and

(iii) in the case of an objection to a particular or particulars in an entry, to the objector in Form 18.

(2) A notice under this rule may be given either personally or by a registered post or by affixing it to the person's residence or last known residence within the division.

**19. Inquiry into claims and objections :-**

(1) The registration officer shall hold a summary inquiry into every claim or objection in respect of which notice has been given under rule 18 and shall record his decision thereon

(2) At the hearing, the claimant or as the case may be, the objector and the person objected to and any other persons, who, in the opinion of the registration officer, is likely to be of assistance to him, shall be entitled to appear and be heard.

(3) The registration officer may in his discretion--

(a) require any claimant, objector or person objected to appear in person before him, and

(b) require that the evidence tendered by any person shall be given on oath and administer an oath for the purpose.

**20. Inclusion of names inadvertently omitted :-**

(1) If it appears to the registration officer that owing to inadvertence or error during preparation, the names of any electors

have been left out of the roll and that remedial, action should be taken under this rule, the registration officer shall--

- (a) prepare a list of the names and other details of such electors;
  - (b) exhibit on the notice board of his office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the roll will be considered, and also publish the list and the notice in such other manner as he may think fit; and
  - (c) after considering any verbal or written objections that may be preferred, decide whether all or any of the names should be included in the roll.
- (2) If any statements under rule 16 are received after the publications of the roll in draft under rule 9, the registration officer shall direct the inclusion of the names of the electors covered by the statements in the appropriate lists of the roll.

## **21. Final publication of roll :-**

- (1) The registration officer shall thereafter:
- (a) prepare a list of amendments to carry out his decisions under rules 17, 19 and 20 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll; and
  - (b) publish the roll, together with the list of amendments at, by make a complete copy thereof available for inspection and displaying notice in Form 19 at his office.
- (2) On such publication, the roll together with the list of amendments shall be the electoral roll.

## **22. Appeals from orders deciding claims and objections :-**

- (1) An appeal shall lie from any decision of the registration officer under rules 19 and 20 to such officer of Government or Municipal Corporation of Hyderabad as the Electoral Authority may designate in this behalf (hereinafter referred to as the appellate officer):

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representations to the registration officer on the matter which is the subject of the appeal.

- (2) Every appeal under sub-rule (1) shall be--



- (a) in the form of a memorandum signed by the appellant, and
- (b) presented to the appellate officer within a period of fifteen days from the date of announcement of the decision or sent to that officer by registered post so as to reach him within that period. \*

[Provided that the Electoral Authority may by notification in the Andhra Pradesh Gazette extend or reduce the said period upto such date, as may be specified therein]

(3) The presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the registration officer under rule 21.

(4) Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the registration officer, shall take effect only from the date of the decision in appeal.

(5) The registration officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this rule.

### **23. Revision of rolls :-**

(1) The roll shall be revised under sub-section (2) of Section 12 either intensively or summarily or partly intensively and partly summarily, as the Electoral Authority may direct;

(2) Where the roll of any list thereof is to be revised intensively in any year, it shall be prepared afresh and rules 4 to 25 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(3) When the roll or any list thereof is to be revised summarily in any year, the registration officer shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and published the roll together with the list of amendments in draft, and the provisions of rules 4 to 22 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(4) Where at any time between the publication in draft of the revised roll under sub-rule (2) of the roll and list of amendments under sub-rule (3) and the final publication of the same under rule 21, any name have been directed to be included in the roll for the time being in force under rule 25, the registration officer, shall

cause the names to be included also in the revised roll unless there is in his opinion, any valid objection to such inclusion.

**24. Correction of entries in electoral rolls :-**

If the registration officer, on application made to him or on his own motion, is satisfied after such enquiry as he thinks fit, that any entry in the electoral roll--

(a) is erroneous or defective in any particular;

(b) should be transposed to another place in the roll on the ground that the persons concerned has changed his place of ordinary residence within the city; or

(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident or is otherwise not entitled to be registered in that roll, the registration officer shall, subject to such general or special directions, if any, as may be given by the Government in this behalf, amount transpose or delete the entry:

Provided that before taking any action on any ground under clause (a) or clause

(b) or any action under clause (c) on the ground that the person concerned has ceased to ordinarily resident in the city or that he is otherwise not entitled to be registered in the roll, the registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

**25. Inclusion of names in electoral rolls :-**

(1) Any person whose name is not included in the roll may apply to the registration officer for inclusion of his name in that roll;

(2) The registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if the applicant is registered in the electoral roll of any other division, the electoral registration officer shall inform the electoral registration officer of that other division and that officer shall, on receipt of information, strike of the applicant's name from that roll.

(3) No amendment, transposition or deletion of any entry shall be

made under rule 24 and no direction for the inclusion of a name in the electoral roll shall be given under this rule, after the last date for making nominations for an election and before the completion of election.

## **26. Appeals :-**

(1) An appeal shall lie from any order of the registration officer under rule 24 or rule 25 to the electoral authority;--

(2) Every appeal shall be--

(a) in the form of a memorandum signed by the applicant;

(b) accompanied by a copy of the order appealed from and a fee of one rupee to be:--

(i) paid by means of non-judicial stamps; or

(ii) deposited in State Bank of Hyderabad in favour of the Electoral Authority; or

(iii) paid in such other manner as may be directed by the electoral Authority; and

(c) presented to the electoral authority within a period of fifteen days from the date of the order appealed from or sent by registered post so as to reach him within that period. \*

[Provided that the Electoral Authority may by notification in the Andhra Pradesh Gazette, extend or reduce the said period upto such date, as may be specified therein.]

(3) Where the fee is deposited under clause (b) (ii) of sub-rule (1), the appellant shall enclose with memorandum of appeal a bank receipt in proof of the fee having been deposited.

(4) For purposes of sub-rule (1), and appeal shall be deemed to have been presented to the electoral authority, when the memorandum of appeal is delivered by, or on behalf of, the appellant to the electoral authority himself or to any other officer appointed by him in this behalf.

## **27. Application for correction of entries and inclusion of names in electoral rolls :-**

(1) Every application under rule 84 or sub- rule (1) of rule 25 shall be made in duplicate in such one of the Forms 7, 9, 10 and 11 as may be appropriate \*[.....] \*[.....] (4) The registration

officer, shall, immediately on receipt of such application direct that one copy thereof be posted in some conspicuous place in his effect together with a notice inviting objections to such application within a period of seven days from the date of such posting. (5) The resignation officer, shall, as soon as may be after the expiry of the period specified in sub-rule (4) consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the roll, direct his name to be included therein:

Provided that when an application is rejected by the registration officer, he shall record in writing a brief statement of his reasons for such rejection.