

## **Kerala Panchayat Raj (Registration Of Electors) Rules, 1994**

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## **Kerala Panchayat Raj (Registration Of Electors) Rules, 1994**

### **1. Short Title And Commencement :-**

- (1) These rules may be called the Kerala Panchayat Raj (Registration of Electors) Rules, 1994.
- (2) They shall come into force at once.

## **2. Definitions :-**

In these rules, unless the context otherwise requires,

- (a) "Ad" means the Kerala Panchayat Raj Act, 1994 (13 of 1994).
- (b) "Assistant Electoral Registration Officer" means the officer designated by the State Election Commission under section 15 of the Act.
- (c) "Form" means a Form appended to these rules.
- (d) "Registration Officer" means the electoral registration officer designated or nominated by the State Election Commission under section 14 of the Act.
- (e) "roll" means the electoral roll for a constituency.
- (f) "section" means a section of the Act.
- (g) Words and expressions used, but not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

## **3. Form And Language Of Roll :-**

The roll for each constituency shall be prepared in Form No. 1 either in Malayalam or in the regional language of the locality.

## **4. Preparation Of Roll In Parts :-**

The roll for each constituency may be divided into convenient parts which shall be numbered consecutively.

## **5. Order Of Names :-**

- (1) The names of electors in the roll or in each part of the roll, as the case may be, shall be arranged according to house number,
- (2) The names of electors in each part of the roll shall be numbered, so far as practicable, consecutively with a separate series of numbers beginning with the number one.

## **6. Information To Be Supplied By Occupants Of Dwelling Houses And Appointment Of Enumerators :-**

- (1) The registration officer may, for the purpose of preparing the roll, serve letters of requests in Form 2 to the occupants of dwelling houses in the constituency or any part thereof through his assistant who is authorised for the purpose and every person receiving any such letter shall furnish the information called for therein to the best of his ability to the person serving the letter who will call for it.

\* Published as S.R.O. No. 949/94 in K.G.Ex..No.694 dt. 7-7-1994,

- (2) In case any question arises as to whether a person is ordinarily

resident at a place at a relevant time, the instructions prescribed in Form No.2 of these Rules may also be considered by the State Election Commission for the determination of a persons ordinary residence.

(3) The Heads of Departments, Heads of Offices and Local Authorities shall provide on request from the Electoral Registration Officer, the services of as many teachers and the employees of the Government including teachers of aided schools and employees of Local Authorities as the case may be for working as Enumerators and Supervisors. The Enumerators and Supervisors may be allowed to work part time or whole time, so long as they complete the work within the prescribed period.

#### **7. 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.

#### **8. Publication Of Roll In Draft :-**

As soon as the roll for a constituency is ready, the registration officer shall publish it in draft by making a copy thereof available for inspection and displaying a notice in Form 3 at his office and in places as specified in sub-section (2) of section 16 of the Act.

#### **9. Further Publicity To The Roll And Notice :-**

The registration officer shall also,-

- (a) make a copy of each separate part of the roll, together with a copy of the notice in Form 3 available for inspection at a specified place accessible to the public and in or near the area to which that part relates;
- (b) give such further publicity to the notice in Form 3 as the State Election Commission may specify; and
- (c) supply free of cost two copies of each separate part of the roll to every political party for which a symbol has been exclusively reserved in the State by the Election Commission of India.

#### **10. Period For Lodging Claims And Objections :-**

Every claim for the inclusion of a name in the roll and every objection to entry therein shall be lodged within a period of fifteen

days from the date of publication of the roll in draft under rule 8 :  
Provided that the State Election Commission may, by notification in the Gazette, extend the period in respect of the constituency as a whole or in respect of any part thereof.

### **11. Form For Claims And Objections :-**

(1) Every claim shall be-

(a) in Form 4;

(b) signed by the person desiring his name to be included in the roll, and

(c) countersigned by another person whose name is already included in the roll in which the claimant desires his name to be included.

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

(a) in Form 5;

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

(c) countersigned by another person whose name is already included in the roll in which the name objected to appears.

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

(a) in Form 6 ; and

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

### **12. 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 in this behalf; or

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

### **13. Procedure To Be Followed By The Designated Officers :-**

(1) Every officer designated for the purpose shall-

(a) maintain in duplicate a list of claims in Form 9, a list of objections to the inclusion of names in Form 10 and a list of objections to particulars in Form 11; and

(b) keep exhibited one copy of each such listen 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.

#### **14. Procedure To Be Followed By The Registration Officer :-**

The registration officer also shall-

- (a) maintain in duplicate the three lists in Forms 9,10 and 11 entering thereon the particulars of every claim or objection as and when it is received by him whether directly under Rule 12 or on being forwarded under Rule 13; and
- (b) keep exhibited one copy of each such list on a notice board in his office.

#### **15. 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.

#### **16. Acceptance Of Claims And Objections Without Inquiry :-**

If the registration officer is satisfied as to the validity of any claim or objection, he 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 14:

Provided that where before any such claim or objection 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.

#### **17. Notice Of Hearing Claims And Objections :-**

(1) Where a claim or objection is not disposed of under rule 15 or rule 16, the registration officer shall-(a) specify in the list exhibited by him under clause (b) of rule 14 the date, time and place of the hearing of the claim or objection; and

(b) give notice of the hearing-

(1) in the case of a claim, to the claimant in Form 12;

(ii) in the case of an objection to the inclusion of a name, to the objector in Form 13 and to the person objected to in Form 14; and

(iii) in the case of an objection to a particular or particulars in an entry, to the objector in Form 15.

(2) A notice under this rule may be given either personally or through a person duly authorised in this behalf or by registered post or by affixing it to the persons residence or last known residence within the constituency.

#### **18. 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 17 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 person 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; to appear in person before him;

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

### **19. Inclusion Of Names Inadvertently Omitted :-**

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.

### **20. Deletion Of Names :-**

If it appears to the registration officer at any time before the final publication of the roll that owing to inadvertence or error or otherwise, the names of dead persons or of persons who have ceased to be, or are not, ordinarily residents in the constituency or of persons who are otherwise not entitled to be registered in that roll, have been included in 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 in his office copy of the list together with a notice as to the time and place at which the question of deletion of these names from 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 deleted from the roll:

Provided that before taking any action under this rule in respect of any person on the ground that he has ceased to or is not, ordinarily resident in the constituency, or is otherwise not entitled to be registered in that roll, the registration officer shall make every endeavour to give him a reasonable opportunity to show cause why the action proposed should not be taken in relation to him.

## **21. Final Publication Of Roll :-**

(1) The registration officer shall thereafter-

(a) prepare a list of amendments to carry out his decisions under rules 16, 18, 19 and 20 and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll;

(b) publish the roll, together with the list of amendments by making a complete copy thereof available for inspection and displaying a notice in Form 16 at his office; and

(c) subject to such general or special directions as may be given by the State Election Commission, supply free of cost, two copies of the roll, as finally published, with the list of amendments, if any, to every political party for which a symbol has been exclusively reserved by the Election Commission of India.

(2) On such publication, the roll together with the list of amendments shall be the electoral roll of the constituency.

(3) Where the roll (hereafter in this sub-rule referred to as the basic roll), together with the list of amendments, becomes the electoral roll for a constituency under sub-rule (2) the registration officer may, for the convenience of all concerned, integrate, subject to any general or special directions issued by the State Election Commission in this behalf, the list in to the basic roll by incorporating inclusion of names, amendments, transportation or deletion of entries in the relevant parts of the basic roll itself, so however that no change shall be made in the process of such integration in the name of any elector or in any particulars relating to any elector, as given in the list of amendments.

## **22. Appeals From Orders Deciding Claims And Objections :-**

(1) An appeal shall lie from any decision of the registration officer under rule 18, rule 19 or rule 20 to such officer of Government as the State Election Commission 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 appeal.

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

(a) in the form of a memorandum signed by the appellant, and accompanied by a copy of the order appealed against and a fee of Rs.2 (Rupees two) to be paid-

(i) by means of non-judicial stamps, or (ii) in such other manner as may be directed by the State Election Commission, 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.

(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 insofar 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. Special Provision For Preparation Of Rolls On Redelimitation Of Constituencies :-**

(1) If any constituency is delimited anew in accordance with law and it is necessary urgently to prepare the roll for such constituency, the State Election Commission may direct that it shall be prepared-

(a) by putting together the rolls of such of the existing constituencies or parts thereof as are comprised within the new constituency; and

(b) by making appropriate alterations in the arrangement, serial numbering and headings of the rolls so compiled.

(2) The roll so prepared shall be published in the manner specified in rule 21 and shall, on such publication be the electoral roll for the new constituency.

### **24. Revision Of Rolls :-**

(1) The roll for every constituency shall be revised under sub section (2) of section 22 of the Act either intensively or summarily



or partly intensively and partly summarily as the State Election Commission may direct.

(2) Where the roll or any part thereof is to be revised intensively in any year, it shall be prepared afresh and rules 3 to 22 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 part 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 publish the roll together with the list of amendments in drafts; and the provisions of rules 7 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) or of the roll and list of amendments under sub-rule (3) and the final publication of the same under rule 21 any names have been directed to be included in the roll for the time being in force under section 24 of the Act, 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.

## **25. Correction Of Entries And Inclusion Of Names In Electoral Rolls :-**

(1) Every application under section 23 or sub-section (1) of section 24 of the Act shall be made in duplicate in such one of [he Forms 4, 6, 7 and 8 as may be appropriate and shall be accompanied by a fee of two rupees.

(2) Every such application as is referred to in sub-rule (1) shall be presented to the registration officer in such manner as the State Election Commission may direct.

(3) Every application for inclusion presented in pursuance of sub-rule (2) shall be countersigned, where necessary, by another person whose name is already included in the roll in which the claimant desires his name to be included.

(4) The fee specified in sub-rule (1) shall be (a) paid by means of non-judicial stamps ; or

(b) paid in such other manner as may be directed by the State Election Commission.

(5) The registration officer shall, immediately on receipt of such application, direct that one copy thereof be displayed in some conspicuous place in his office together with a notice inviting

objection to such application within a period of seven days from the date of such display.

(6) The registration officer, shall, as soon as may be after the expiry of the period specified in sub-rule (5), consider the application and objections thereto, if any, received by him and shall, if satisfied, direct the inclusion, deletion, correction or transposition of entries in the roll, as may be necessary :

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.

## **26. Appeals From Orders :-**

fl) Every appeal under section 25 of the Act shall be ta) in the Form of a memorandum signed by the appellant;

(b) accompanied by a copy of the order appealed against and a fee of ten rupees to be .-

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

(ii) paid in such other manner as may be directed by the State Election Commission; and

(c) presented to the District Election Officer within a period of fifteen days from the date of the order appealed against or sent by registered post so as to reach him within that period Provided that the District Election Officer may condone the delay in the presentation of the appeal to him, if he is satisfied that the appellant had sufficient cause for not presenting it within the time prescribed.

(2) For the purpose of sub-rule (1) an appeal shall be deemed to have been presented to the District Election Officer, when the memorandum of appeal is delivered by, or on behalf of, the appellant the District Election Officer himself.

## **27. Custody And Preservation Of Roll And Connected Papers :-**

(1) After the roll for a constituency has been finally published, the following papers shall be kept in the office of the registration officer or at such other place as the District Election officer may by order specify until the expiration of one year after the completion of the next intensive revision of that roll-

(a) one complete copy of the roll;

(b) statements submitted to the registration officer under rule 6;

(c) register of enumeration forms;

- (d) application in regard to the preparation of the roll;
  - (e) manuscript parts prepared by enumerating agencies and used for compiling the roll;
  - (f) papers relating to claims and objections;
  - (g) papers relating to appeals under rule 22; and
  - (h) applications under sections 24 and 25 of the Act,
- (2) One complete copy of the roll for each constituency duly authenticated by the registration officer shall also be kept in such place as the District Election Officer may specify, as permanent record.

## **28. Inspection Of Electoral Rolls And Connected Papers :-**

- (1) Every person shall have the right to inspect the papers relating to electoral roll referred to in rule 27 and to get attested copies thereof on payment of such fee as may be fixed by the District Election Officer.

## **29. Disposal Of Electoral Rolls And Connected Papers :-**

- (1) The papers referred to in rule 27 shall, on the expiry of the period specified therein, and subject to such general or special directions, if any, as may be given by the State Election Commission in this behalf, be disposed of in such manner as the District Election Officer may direct.
- (2) Copies of the electoral roll for any constituency in excess of the number required for deposit under rule 27 and for any other public purpose shall be disposed of at such time and in such manner as the State Election Commission may direct and until such disposal shall be made available for sale to the public.

## **30. Use Of Old Forms :-**

If, at any time, during a period of six months from the date on which any amendment to a Form for making any claim, objection or other application to the registration officer under these rules takes effect, a person makes, such claim, objection or, as the case may be, other application in the Form as it stood before such amendment, the registration officer shall deal with such claim, objection or other application and he may, for this purpose, require such person, by notice in writing, to furnish such additional information being the information which would have been furnished if the amended Forms had been used within such reasonable time as may be specified in the notice.

