

## **STATE ELECTION COMMISSION**

3<sup>rd</sup> Floor, Buddha Bhavan, M G Road, Secunderabad – 500 003

### **ORDER**

**No. 887/SEC-B2/2013-1**

**Date: 09.7.2013**

Sub:- 4<sup>th</sup> ordinary elections to Gram Panchayats – Delegation of powers to the Collectors & District Election Authorities to order for fresh poll (repoll) or continuation of adjourned poll – Orders – Issued.

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The Andhra Pradesh Panchayat Raj Act, 1994 contains provisions covering different situations where continuation of an adjourned poll or a fresh poll (repoll) has to be ordered. Under section 225B where election proceedings are obstructed by any riot or open violence, the Presiding Officer shall announce adjournment of the poll and inform the Returning Officer. The Returning Officer in turn has to report the circumstances to the District Election Authority and the State Election Commission. Thereafter, with the previous approval of the State Election Commission, the Returning Officer has to appoint the day on which the poll shall recommence.

Under section 225C where ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained or any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning officer shall forthwith report the matter to the State Election Commission who shall after taking all material circumstances into account either declare the poll at the Polling Station as void or order a fresh poll (repoll).

Under section 225D, if any time before the counting of votes is completed any ballot papers used at a Polling Station are unlawfully taken out of the custody of the Returning Officer or accidentally or intentionally destroyed or lost or damaged or tampered with to such an extent that the result of the poll at the polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the State Election Commission and State Election Commission shall after taking all material circumstances into account direct the counting of votes shall be stopped and declare the poll at the polling station to be void and fix the day and hours for taking fresh poll (repoll).

Under section 231 where booth capturing takes place, the Returning Officer shall forthwith report the matter to the State Election Commission who in turn after considering the report of the Returning Officer either declare the poll at that polling station as void and appoint a day and fix the hours for taking fresh poll (repoll) or where the large number of polling stations are involved in booth capturing even countermand the election in that Gram Panchayat.

The State Election Commission in its Notification No. 390/SEC-F/2000-1, dated 3.3.2000 (Page 159 to 161 of the Compendium of Instructions) assumed powers to order for a repoll in the polling stations where tendered votes are not less than 2% of the total number of votes polled in any polling station. In such cases, the Returning Officer is required to report to the Commission the polling stations where the tendered votes are not less than 2% of the total number of votes polled and on receipt of such report it shall be competent to the Commission to order repoll in such polling stations.

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In rule 54 & 55 of the APPR (Conduct of Elections) Rules, 2006 procedural instructions were issued regarding continuation of the adjourned poll and fresh poll (repoll).

Ordinary elections to Gram Panchayat is a massive exercise involving about 21,491 offices of Sarpanch and 2,17,578 Wards for which 2,19,753 polling stations were set up in all the Gram Panchayats in the State. It would be extremely difficult for the Presiding Officers and Returning Officers to send the report to the Commission and seek orders under various provisions of law referred to above.

Therefore, it is considered that the powers of the State Election Commission under Article 243K of the Constitution of India and Sections 225B, 225C, 225D and 231 of APPR Act, 1994 should be delegated to the Collectors & District Election Authorities, so that the Presiding Officer/Returning Officers will be able to quickly communicate with the Collectors & District Election Authorities concerned and seek their orders under various provisions of law referred to above.

In the above circumstances and in exercise of the powers conferred under Article 243K of the Constitution of India and section 232 of APPR Act, 1994 the State Election Commissioner, hereby, delegates the powers conferred on him under sections 225-B, 225-C, 225-D and 231 of the APPR Act, 1994 to the Collectors and District Election Authorities to take decisions to order for continuation of adjourned poll or fresh poll (repoll) at any polling station located in the Gram Panchayats within their district after considering the report of the Presiding Officer/Returning Officer and to notify the date and time as deemed convenient for such continuation of adjourned poll or for taking a fresh poll (repoll) in contingencies described in the said sections.

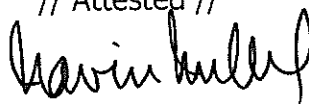
The Collectors & District Election Authorities shall send intimation to the State Election Commission in respect of every case of continuation of adjourned poll or fresh poll (repoll) immediately.

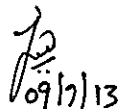
**Sd/- P. Ramakanth Reddy**  
**State Election Commissioner**

To  
All the Collectors and District Election Authorities.

Copy to:  
The Commissioner of Panchayat Raj & Rural Employment & Election Authority.  
All the District Panchayat Officers.

// Attested //

  
**SECRETARY**

  
09/11/13