
S-6510

Agartala, 15th October, 2022

Notification by State Election Commission on Village Committee Election

The State Election Commission had notified the programme for draft and final publication of the Electoral Roll of Village Committees in consultation with the State Government and the Executive Committee of TTAADC, as per Rules, vide Notification No.F.7(18)-SEC/VC/GEN-ELEC/2020/1015-1098 dated 12.09.2022. Accordingly, the draft Electoral Roll has been prepared by the Electoral Registration Officers based on the respective part of State Assembly Electoral Roll, for the time being in force, with due care to include all eligible voters in the draft roll and also keeping in mind the observations of the Hon'ble High Court of Tripura in case No. WP (C) (PIL) 8 of 2022 that no eligible voters of TTAADC areas is denied of the right to franchise. The draft electoral roll of Village Committees was published on 16.09.2022 inviting claims & objections, if any, for preparation of final roll which was notified to be published on 30.09.2022.

2. However, in view of another order passed by the Hon'ble High Court of Tripura on 26.09.2022 in case No. WP (C) 833 / 2022 for inclusion of the names of all the eligible persons belonging to Bru (Reang) Community in the Electoral Rolls of Village Committees, the State Election Commission had to defer the final publication of the Electoral Roll of Village Committees till 15.10.2022 vide Notification No. F.7(18)-SEC/VC/GEN-ELEC/2020/1322-1401 Dated, 27.09.2022 due to the obligation to include the name of all eligible persons belonging to Bru(Reang) Community in the Electoral Roll of Village Committees as per order of the Hon'ble High Court. The Hon'ble High Court has also observed in its order the commitment of the State Government to take necessary steps to include the names of resettled eligible Bru(Reang) migrants in electoral rolls to treat them as a citizen of Tripura and to ensure their right to exercise their franchise as per clause 4.9 of the quadripartite agreement signed on 16.01.2020.

3. In view of above, the State Election Commission had immediately requested the Chief Electoral Officer, Tripura to take necessary steps to include the eligible Bru-migrant voters in the State Assembly Electoral Rolls vide Commission's letter No.F.7(50)-SEC/VC/GEN-ELEC/2020/1409 dated 29.09.2022 so that the Commission is in a position to include them in the Electoral Rolls of the Village Committees accordingly.

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4. Thereafter, the Commission has received a report from the office of the Chief Electoral Officer, Tripura on 12.10. 2022 vide his letter No. F18(34)-CEO/ Bru-Reang/ 2018/10775-76 , dated 12.10. 2022 about the steps taken for enrollment of left out eligible Bru- migrants in the electoral rolls and the up-to-date status of their enrollment in the State Assembly Electoral Rolls. It is informed that the following actions have been taken for immediate enrollment of the Bru- migrants voters:-

- i) The Electoral Registration Officers directed to send daily reports to CEO's Office regarding the enrollment of Bru- Migrants.
- ii) Under no circumstances enrollment forms shall be kept pending at any level. A team headed by the ERO has already been formed at all the concerned ERO Offices. It is also directed that Special Camps and Special hearings shall also be conducted on a regular basis to speed up the enrollment process of Bru migrants. Filled in enrollment forms shall be digitized in ERO Net within 24 hours of receiving the same.
- iii) Special arrangements also made for providing RoR immediately to the bru migrants once the house construction gets completed / family reported at the rehabilitation locations as per the Quadrilateral Agreement.

5. However, in spite of the said efforts by the Chief Electoral Officer, Tripura, it is reported that only 6052 Nos Bru-migrants could be enrolled till date out of 21703 eligible voters. Therefore, a large number of eligible Bru-migrants voters are yet to be enrolled in the Electoral Rolls of State Assembly Constituencies.

6. The Chief Electoral Officer, has also indicated that delay in the process of enrollment of the Bru voters may be overcome on reporting of left out Bru migrants to the resettlement camps, early construction of their houses and issue of RoR to them which are necessary as per guidelines framed by the Election Commission of India for registration of electors.

It is also informed that the Election Commission of India has already announced the Special Summary Revision of Photo Electoral Rolls w.r.t 01.01.2023 as the qualifying date for which the schedule of publication of integrated Draft Rolls is on 09.11.2022 and Final Publication of Electoral Rolls is on 05.01.2023.

7. It is beyond any doubt that the core component of our democratic polity, as flowing from the Constitution of India, has mandated that every citizen eligible to be a voter has to be enrolled for exercise of the right of Adult Franchise. No eligible voters should be denied of this democratic right and all efforts must be taken to protect their said right by inclusion of their names in the electoral roll of State Assembly Constituencies. Preparation of electoral roll in defiance of this core constitutional mandate may be against the right of voting of the eligible voters.

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The Rule 15 and 16 of the Tripura Tribal Areas Autonomous District Village Committee (Preparation of Electoral Roll) Rules, 1996 provides that so much of the electoral rolls of Assembly constituencies, for the time being in force, as relates to the area comprised within the Autonomous District, shall be the electoral rolls of Village Committees and no claim for inclusion of a name in the electoral roll of constituency shall be entertained except on the ground that the name of the person appears as an elector in that part of the electoral roll of the Assembly Constituency of the Village Committee. Therefore, it is evident that there is no scope for the State Election Commission to include any new voters in the electoral roll of Village committees unless the name of the said person appears in the Assembly Electoral roll now in force.

Since the electoral roll of Village Committees has been prepared by the State Election Commission based on the State Assembly Electoral Roll finally published by the Election Commission of India on 05.01.2022 with reference to 01.01.2022 as the qualifying date, the Rules do not permit for inclusion of names of any new voters including the Bru(Reang) migrants who have enrolled their names after 05.01.2022 and pending final publication of the integrated electoral roll by the Election Commission of India. As per Rules, the inclusions of their names in the electoral roll of Village Committees is only possible when the electoral roll of Village Committees is prepared based on the electoral roll of State Assembly Constituencies to be finally published on 05.01.2023 by the Election Commission of India following the ongoing Special Summary Revision Programme. Therefore, it will be sensible to await publication of State Assembly Electoral Roll by the Election Commission of India through ongoing revision programme and thereafter to treat the finally published electoral roll of assembly constituencies as the base electoral roll for preparation of electoral roll for the election of Village Committees.

8. Under the above circumstances, the Revenue Department, Government of Tripura may take all necessary steps for immediate settlement of all the Bru Migrants as per quadrilateral agreement and facilitate their enrolment in the State Assembly Electoral roll during the ongoing Special Summary Revision process already announced by the Election Commission of India for which draft publication will be done on 09.11.2022 and Final publication on 05.01.2023 and also encourage all such eligible voters to use the opportunities extended by the Chief Electoral Officer, Tripura specially for enrolment of Bru- migrant voters.

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9. In consideration of all above aspects and relevant legal provisions and also taking into account the obligation of the Commission to ensure the right to franchise and participation of all eligible voters including the Bru-migrants in the democratic process of Village Committees election and in view of the order passed by the Hon'ble High Court on 26.09.2022 in case No. WP (C) 833 / 2022, the Commission feels that the preparation of electoral roll of Village Committees now has to await compliance of aforesaid mandate contained in the Judgement & Order dated 26.09.2022 by way of inclusion of the name of the eligible left out Bru (Reang) voters by the Election Commission of India and preparation of Electoral Rolls of Village Committees based on the Electoral Rolls of State Assembly Constituencies to be finally published on 05.01.2023 by the Election Commission of India following the ongoing process of Special Summary Revision.

10. Therefore, in pursuance of Rule 14 and Rule 8 of the Tripura Tribal Areas Autonomous District Village Committee (Preparation of Electoral Roll) Rules, 1996, the programme earlier notified by the State Election Commission for publication of electoral roll of the Village Committees vide Notification No.F.7(18)-SEC/VC/GEN-ELEC/2020/1015-1098 dated 12.09.2022 is hereby kept in abeyance and to be re-notified later by the Commission, as per Rules.
