

## **ELECTIONS / URGENT**

**TELANGANA STATE ELECTION COMMISSION**  
**1<sup>st</sup> Floor, DTCP Building, Opp: PTI Building, A.C.Guards, Hyderabad – 500 004.**

### **NOTIFICATION**

**No.275/TSEC-PR/2019**

**Dated:29 .01.2019**

Whereas, in the reference No.363/TSEC-PR/2018, dated 01.01.2019, the State Election Commission issued notification for conduct of ordinary elections to Gram Panchayats in three phases in the State and also notified election programme in connection therewith.

And whereas, it has come to the notice of State Election Commission that, in certain Gram Panchayats, vested interests in the guise of village committees/caste associations are thwarting the election process by employing money power/ undue influence and manufacturing "unanimous elections" through auction of posts. This is considered as denial of electoral rights of both the voters and potential contestants and discriminating the financially weak and fostering the tyranny of a few over the majority. The State Election Commission issued Notification No. 103/TSEC-PR/2019, dated 08.01.2019 with a view to counter this illegal practice of auctioning of posts of Sarpanch and Ward Member of Gram Panchayats by vested interests.

And whereas, the Mallapur Gram Panchayat and Mandal in Jagitial District was notified for election in 2<sup>nd</sup> phase. In pursuance of the said notification, the Returning Officer concerned issued election notice on 11.01.2019 for conduct of elections to Mallapur Gram Panchayat and Mandal in Jagitial District.

And whereas, in the Eenadu daily news paper dated 20.01.2019, it was reported that, in Mallapur Gram Panchayat of Jagitial District, price was fixed for the post of Sarpanch at Rs.20.00 Lakhs and draw of lots conducted for the said post and aggrieved by the same, one Sri Enugu Venkat Reddy and some others attempted to commit suicide.

And whereas, enclosing the said news paper report clipping in Lr.No.275/TSEC-L/2019, dated 20.01.2019, the State Election Commission requested the Collector & District Election Authority, Jagitial District and General Observer Jagitial District to enquire into the matter, take appropriate action and send report to the Commission immediately.

And whereas, in Lr.No.A1/2083/2018-Pts, dated 24.01.2019, the Collector & District Election Authority, Jagitial reported that, enquiries were got conducted through the Joint Collector / Additional District Election Authority, Jagitial and Superintendent of Police, Jagitial.

The following are the findings of the enquiry conducted by the Superintendent of Police, Jagitial.

“as per the advice of their caste elders, they went for ‘draw of lots’ and the petitioners withdrew their nomination subsequently, after losing the draw/lottery and further revealed that, there was no forcible capture or criminal intimidation as alleged by the petitioner”.

The enquiry conducted by the Joint Collector and Additional District Election Authority, Jagitial revealed that there were total of (5) members who filed nominations for the post of Sarpanch out of them a SC candidate, the rest four belongs to Reddy Community. They are as follows:

1. Kyatham Jeevan Reddy
2. Sandhireddy Srinivas Reddy
3. Gopidi Raji Reddy
4. Kyatham Aruna
5. Akuthota Narsaiah belongs to SC community

Since the Mallapur Gram Panchayat is reserved for OC General, all the other (4) Reddy community candidates requested the SC candidate for withdrawal since it was

opportunity for OC General and the SC candidate named Sri Akuthota Narasaiah was compelled to withdraw. Out of remaining (4) others, there is a couple i.e., wife and husband and subsequently the wife withdrew leaving (3) candidates, who after initial deliberations came to the conclusion that there shall be only one candidate who has to provide the expenditure for temple and the expenditure of the withdrawing candidate. According to the deposition of one Sri Muddam Sharath there was a discussion about the auction of Sarpanch post for a cost of Rs. 20.00 Lakhs, out of that Rs. 15.00 Lakhs is to be set apart for development of Temple and Rs. 5.00 Lakhs for the benefit of withdrawing candidates.

It is further reported that the elders of the community of the remaining candidates decided that, there shall be only one person in fray and other contesting candidates have to withdraw otherwise their family will be expelled from the community. For this privilege, the person remaining in the fray has to pay Rs.20.00 lakhs towards the development of the Temple and withdrawing candidates. On this decision of the Community, one Gopidi Raji Reddy withdrawn and remained two persons namely Sri Sandhireddy Srinivas Reddy and Kyatham Jeevan Reddy were left in the fray. Thereafter, the Village elders have taken surety from both the candidates for an amount of Rs. 20.00 Lakhs and lottery was conducted that went in favour of Sri Kyatham Jeevan Reddy. As per the agreement, Sri Sandhireddy Srinivas Reddy withdrew from Sarpanch elections and only one valid nomination of Kyatham Jeevan Reddy was remaining in the fray. This issue was reported in all media.

And whereas, the Collector & DEA, Jagtial in his report finally stated that, keeping in view of the depositions recorded from the witnesses and others and circumstances explained in the report of the Joint Collector, two issues emerged; that, due to the pressure of leaders of a community, one SC community candidate Akuthota Narsaiah was compelled to withdraw. The next issue is that the unanimous election was arranged for a significant financial consideration and finalized the candidate through a lottery for an amount of Rs. 20.00 Lakhs by threatening others that they will be expelled from the community if did not obey their decision, which makes it clear that

there was intimidation as well as auction of the post of Sarpanch for Rs.20.00 lakhs, and violation of Model Code of Conduct was established.

And whereas, in Lr.No. 001/GP/Observer-Jagitial/2019, dated 28.1.2019, the General Observer of Jagitial District also sent a report reiterating the same as reported by the Collector and District Election Authority, Jagitial.

And whereas, auctioning of posts and intimidation of contestants is an offence under Section 211 of Telangana Panchayat Raj Act, 2018 and also an electoral mal practice under Section 171 B and 171 C of Indian Penal Code. It subverts the democratic election process by denying freedom of choice to voters by excluding potential candidates from the contest on financial grounds. This, if allowed, could lead to imposition of tyranny of a few over majority of the people.

And whereas, the report of the C&DEA, Jagitial reveals that, there is a prima facie evidence of auctioning of post of Sarpanch of Mallapur Gram Panchayat in Jagitial District.

And whereas, the State Election Commission, after careful consideration of all relevant information, decided to declare the election process so far held to the office of the Sarpanch of Mallapur Gram Panchayat and Mandal in Jagitial district in pursuance of the election notification No.363/TSEC-PR/2018, dated 01.01.2019 as void as the process was vitiated by illegal activity of auctioning of Sarpanch post by vested interests thwarting the electoral rights of both the potential candidates and the voters of the Gram Panchayat thus viciously undermining the free and fair nature of the election process and hence decide to re-notify fresh election schedule for conduct of election to the office of Sarpanch of the said Gram Panchayat.

Now, therefore, in exercise of the powers conferred under Article 243 K of Constitution of India and also Section 196 (1) and 197 (1) of Telangana Panchayat Raj Act, 2018, the State Election Commission, hereby, voids the election process so far held

to the office of the Sarpanch of Mallapur Gram Panchayat and Mandal in Jagitial district in pursuance of the election notification No.363/TSEC-PR/2018, dated 01.01.2019. Fresh notification for conduct of election to the office of Sarpanch of Mallapur Gram Panchayat will be issued separately.

Election to the office of Upa-Sarpanch of Mallapur Gram Panchayat of mallapur Mandal in Jagitial District shall be conducted only after completion of election and declaration of results of office of Sarpanch of said Gram Panchayat.

**(BY ORDER AND IN THE NAME OF THE STATE ELECTION COMMISSIONER)**

**Sd/- M. Ashok Kumar  
Secretary**

To

The Returning Officer of Mallapur Gram Panchayat and Mandal through the Collector & District Election Authority, Jagitial district.

The Collector and District Election Authority, Jagitial.

The District Panchayat Officer, Jagitial,

Copy to

The Commissioner of Panchayat Raj & Rural Employment and Election Authority for follow up action.

The General Observer, Jagitial District.

**// Attested //**

*N. Jayaram*  
Joint Secretary  
*29/01/19*