

Dr. N. RAMESH KUMAR, IAS (Retd.)
State Election Commissioner
Andhra Pradesh



Ph : 0866 - 2970024
0866 - 2970023

Letter No.221/SEC-PESHI/2020,

Date: 18.03.2020

To
The Home Secretary,
Government of India,
New Delhi.

Sir,

Sub: Seeking Central protection for the State Election Commissioner – Reg.

In the State of Andhra Pradesh, the much litigated and delayed elections to the Local Bodies schedules were announced on 07.03.2020 and it was envisaged to complete the election by 31st March 2020 in three spells so as to assist the State to access 14th Finance Commission grants.

Before declaring the election, I held a series of meetings with the State and District officials, viz., District Collectors and Superintendents of Police as well as senior functionaries at the State headquarters, viz., Chief Secretary and the Director General of Police and other senior contingent.

I wrote to the State Government and got categorical assurance from the State Government that requisite security forces will be deployed to safeguard against any possible poll violence.

However, these expectations were completely belied at the completion of stage one elections itself which had witnessed unprecedented violence and intimidation by the ruling party with the active connivance of Police personnel as alleged by all the opposition parties big and small in one voice. There were about 35 incidents of prevention of nominations, 23 incidents of forceful withdrawals and 55 instances of violence targeting the principal opposition parties, i.e., Telugu Desam Party and the Bharatiya Janati Party-Janaseena combine. The norms of peaceful and orderly conduct of elections was completely vitiated. There is an unprecedented spike in unanimous elections as below.

S.No.	Name of the Office	Year 2014 No. & Percentage	Year 2020 No. & Percentage
1.	MPTC Members	346 out of 16,589 (2%)	2362 out of 9696 (24%)
2.	ZPTC Members	1 out of 1096 (0.09%)	126 out of 652 (19%)

Contd...2..

The scenario of unanimous elections in the Chief Minister's district of YSR Kadapa and his constituency is as below.

S.No.	Name of the Office	YSR Kadapa District - No. & Percentage
1.	MPTC Members	439 out of 553 (79% Unanimous)
2.	ZPTC Members	38 out of 50 (76% Unanimous)

In YSR Kadapa district, there is a piquant situation with the Zilla Praja Parishad bagged by ruling YSR Congress Party through unanimous elections that witnessed unheard of violence even before a single ballot was cast. The repeated and categorical assurances of the State Government have become a complete mockery.

It is the unanimous view of the contending opposition groups and stakeholders that the Chief Minister's clear and unmistakable message on the eve of elections that the Ministers would lose their berths if they do not deliver an emphatic result and the MLAs will be denied seats in the next elections for poor performance.

This had spurred the Ministers, MLAs and party cadres into frenzy and indulge in large scale violence and intimidation indulged with impunity and widely captured both in electronic and print media leaving the citizens aghast!

The State Election Commission was getting a spate of complaints almost by the hour and all our efforts to mitigate the situation by exhorting the poll Observers who are senior State IAS Officers was of little avail. The entreaties to Collectors and SPs had been futile despite the constant exhortation and persuasion to mend the situation. The daily situation reports from these functionaries were completely distorted and whitewashed oblivions of ground level realities.

The State Government had brought in a draconian Ordinance – A.P. Ordinance No. 2 of 2020 which provides for imprisonment of 3 years and fine upto Rs.10,000/- as well as penalty of disqualification in cases of "offenders" even after winning elections, if they were found to be harbouring liquor and money as inducements.

The opposition has termed this as a completely partisan and draconian measure tailor-made to target opposition outfits. Notwithstanding the express caveat of the SEC not to misuse this ordinance and be impartial, cases have actually come to light where liquor had been planted by ruling party goons and leading the police parties to arrest the opposition party leaders and contestants.

The political parties were apprehensive to campaign and the public at large are in the grip of psychological terror due to acts of violence encompassing the elections at every stage highlighting of its unprecedented menace. The actual polling percentages would definitely have hit the abysmal rock bottom. The upper and elite groups are in no mood to congregate at the polling booths given the present fears of "Corona" virus.

Contd...3..

Besides, there is a scarier scenario ahead particularly in the last leg of Gram Panchayat elections where the stakes are even higher as well as incidents of violence traditionally. The Gram Panchayat elections are fought on non-party lines and were scheduled for the last phase (3rd Phase). A scarier scenario of upto 70% unanimous elections is allegedly the game plan of the ruling party as alleged by the opposition groups.

In this background, the State Election Commission was actively deliberating stringent measures to check the unabated violence and to bring about course correction. The declaration by Government of India that the Corona virus as a notified disaster and the strict health advisories against public gatherings had cast a shadow on the ongoing election scenario!

The advisories ramping up preventive measures had resulted in lock down in neighbouring Karnataka and Telangana partially. In case of State Election Commission, Andhra Pradesh had made an assessment that large movement of people across the States and the use of traditional printed ballot paper is a recipe for public health crisis.

After taking inputs from the higher echelon of the Government of India and health experts and guided by relevant information in public domain (WHO & Ministry of Health & Family Welfare), the State Election Commission had taken a well deliberated and correct decision to halt the election for six weeks and to take stock again in the fourth week of April, 2020. The State Election Commissioners of Maharashtra, West Bengal and Orissa followed the suit with postponement of elections in the next one to two days. This was widely welcomed across the board as the correct decision scare the ruling party which felt thwarted and determined to hold the elections as per their will rehearsed game plan. The State Government dissatisfied with the decision of the State Election Commission has chosen to go on appeal to the Supreme Court which heard the matter in W.P. (Civil) No. 437 dated 18.03.2020 and the Bench headed by Hon'ble Chief Justice of India upheld the authority and domain of the State Election Commission to take any election related matter and schedules. The State Election Commission's stand is completely vindicated. However, Supreme Court had given certain relief regarding continuation of Model Code of Conduct which was asked to be lifted with some important safeguards.

The State Election Commission had a duty cast upon it to act against gross violations of electoral violence in the next phase and to establish credibility for the democratic process to ensure a level playing field which was farthest from this goal. The State Election Commission is determined not to cognize the aberrations that took place in Phase-I to repeat in the next two phases.

Simultaneously, the State Election Commission after obtaining reports, accessing the objective media accounts and complaints of political parties recommended to the Government to act against defaulting officers vide its Order dated 15.03.2020 ordering -

1. transfer of Collectors of Guntur and Chittoor Districts and Superintendents of Police of Guntur Rural and Tirupati Urban.
2. transfer of 2 Dy. SPs (Srikalahasti and Palamaneru).

Contd...4..

3. transfer of 3 Circle Inspectors of (Punganur, Rayadurgam and Tadipatri).
4. suspension of Circle Inspector of Macherla for gross failure and complicity (Incidentally Macherla Municipal election at the nomination stage itself had witnessed single valid nominations in majority of the wards after completion of scrutiny when the process was put on hold by the Commission)

Obviously, this is not to the liking of the Government of the day and these orders are yet to be given effect as the Government has gone on appeal to Supreme Court on the applicability of Model Code of Conduct by State Election Commission as stated earlier. A case is since instigated and filed in the High Court of Andhra Pradesh. The State Election Commission as stated above had successfully defended its stand. The detailed judgment is still awaited.

There is an unprecedented assault on me personally and the State Election Commission ever since postponing elections on 15.03.2020 by no less than the Chief Minister who had attacked me in most vitriolic and offending language casting aspersions and prejudice in his press meet on 15.03.2020.

Taking a cue from him, it has become the daily chore of the Cabinet Ministers including the Speaker of Assembly to heap choicest abuses and attributing malafides to me. The party leaders down the line, i.e., MLAs and other cohorts are mouthing most unbecoming, uncouth utterances against me.

I have been receiving repeated warnings and threats non-stop and even my family members are not spared of this ordeal. All this intimidation is meant to demoralize me and to force me to revisit the postponed elections for their sole political advancement!

I am standing my ground firmly adhering to the Constitutional safeguards and the empowering judgments of both Supreme Court and High Court to ensure free and fair elections at any cost. Now the Supreme Court had upheld my actions. But the road ahead is a testing time beset with challenges and acrimony as the Government of the day lacks in grace to treat Constitutional bodies with due dignity and deference.

The axing of partisan and inefficient bureaucrats and police officers was meant as a signal to bring home the necessary needed course correction and neutrality and fair play in the next phase of elections (stage 2 and 3 elections) from the poll machinery, but Government chose not to implement on the pretext of pending W.P. in the Supreme Court.

Any let up at this stage would completely weaken the election machinery and demoralize the opposition groups who will be hard but to give a semblance of fight. Needless to say, the stakes are very high for the ruling party to intimidate, coerce me and bringing me around forcibly to do their bidding which I am not prepared to do under any circumstances.

I have a long and distinguished track record in the State having worked as District Collector, the youngest Executive Officer of Tirumala-Tirupati Devasthanam, Tax Commissioner (nearly 4 years), Secretary/Principal Secretary to heavyweight Departments like Housing,

Contd...5..

Cooperation, Agriculture & Marketing, Finance (3 years). I was deputed to Raj Bhavan in 2009 and served with the doyen of Governors Sri E.S.L. Narasimhan for seven years as Principal Secretary and later as Special Chief Secretary. On superannuation, I was appointed as State Election Commissioner in 2016 at the behest of the Governor by the then State Government.

In this background, I am greatly disturbed and apprehensive for my safety and the security of family members. At this point of time, it also suits me to reside at Hyderabad which is relatively safe but not completely so as the adversaries have a long reach.

All through the elections, I have stayed ensconced in my office itself which is presently protected with a posse of State police. I dare not venture outside without full protection. Once the election process is over, I am completely vulnerable and will be my family.

I have been advised by well-wishers and colleagues who are well versed in security matters that the State mechanism is not equal to the threat perceptions I am facing. There are real apprehensions of physical threats, attacks directed against me and family members. Looking at the intolerant face of the top leadership of the present dispensation and their faction ridden background and known vindictive nature, I have come to the painful conclusion that my safety and my family's safety is in great peril.

Under the circumstances, I have no other recourse other than appealing to the Government of India and the Home Ministry to come to my rescue and provide a security cover through appropriate Central Police Force commensurate with the current risk perceptions. This would be necessary for extended duration this Government which is inimically disposed to me is in power and at the helm of the State with the vast of reach of resources and criminal gangs ready to their bidding. Their antecedents bear testimony to reach this conclusion painful as it is.

I beseech you to act swiftly and provide me with security cover so that the balance phase of elections at least will be held with a modicum of fair play. I am determined to do full justice with no let up to the Constitutional office of State Election Commissioner and to my call of duty and wish to adhere to rule of law and strengthen my hands in a timely manner.

I implore earnestly for early and favourable action to instill confidence and discharge my bounden duty with redoubtable energy and commitment.

Yours sincerely,



State Election Commissioner