

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 1227 OF 2023

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

CITIZEN FOR DEMOCRACY
THROUGH ITS SECRETARY

...PETITIONER

VERSUS

ELECTION COMMISSION OF INDIA
AND OTHERS

...RESPONDENTS

I.A.NO. _____ OF 2023

APPLICATION SEEKING EX-PARTE AD-INTERIM RELIEF

PAPER BOOK

(KINDLY SEE INDEX INSIDE)

.....
ADVOCATE FOR THE PETITIONER

VIPIN NAIR
ADVOCATE- ON-RECORD

NEW DELHI
FILED ON: 11.10.2023

RECORD OF PROCEEDINGS

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Ramesh Kandula

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PROFORMA FOR FIRST LISTING

SECTION- WP

The case pertains to (Please tick/check the correct box):

- Central Act : (Title) ARTICLE 32 IN THE CONSTITUTION OF INDIA
- Section : _____N/A_____

- Central Rule : (Title)_____N/A_____
- Rule No(s) : _____N/A_____
- State Act : (Title) _____N/A_____
- Section : _____N/A_____
- State Rule : (Title) _____N/A_____
- Rule No(s) : _____N/A_____
- Impugned Interim Order : (Date) _____NA_____
- Impugned Final Order/Decree : (Date)
- High Court: (Name) N/A
- Names of Judges: N/A
- Tribunal/Authority : (Name) NA

1. Nature of Matter : ✓ Civil Criminal

(a)Petitioner/appellant : CENTRE FOR DEMOCRACY THROUGH ITS SECRETARY

(b) E-mail ID : _____N/A_____

(c) Mobile phone number : _____N/A_____

3 (a) Respondent: ELECTION COMMISSION OF INDIA AND ORS.

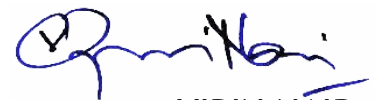
b) E-mail ID : _____N/A_____

(c) Mobile phone number : _____N/A_____

4. (a) Main category classification : _____

(b) Sub classification : _____

5. Not to be listed before : _____NO_____
6. a) Similar disposed of matter with citation, if any, & case details: _____
b) Similar pending matter with case details: NO SIMILAR MATTER PENDING
7. **Criminal Matters :**
- (a) Whether accused/convict has surrendered: es N
- (b) FIR No.NO Date : NO
- (c) Police Station: NO
- (d) Sentence Awarded : NO
- (e) Sentence Undergone : NO
- (f) Period of sentence undergone including period of
Detention/Custody Undergone : _____NO_____
8. **Land Acquisition Matters:**
- (a) Date of Section 4 notifications : _____N/A_____
- (b) Date of Section 6 notifications : _____N/A_____
- (c) Date of Section 17 notifications: _____N/A_____
9. **Tax Matters :** State the tax effect : _____N/A_____
10. **Special Category (first petitioner/appellant only):** N/A
- Senior citizen >65 years SC/ST Woman/child
- Disabled Legal Aid case In custody
11. **Vehicle Number (in case of Motor Accident Claim matters):** N/A



VIPIN NAIR
ADVOCATE-ON-RECORD
FOR THE PETITIONER
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Registration No. 1295
Mob:9891061111

NEW DELHI
FILED ON:-11.10.2023

SYNOPSIS

This Writ Petition (PIL) is being filed by Ramesh Kumar (IAS Rtd.) a former State Election Commissioner. The writ is being filed to maintain the sanctity in the electoral process and to restrain Andhra Pradesh State Government's blatant interference in the preparation of the electoral rolls for the Parliamentary and Assembly election process through involvement of Gram Volunteers/Ward Volunteers and Village Secretariats/Ward Secretariats, who are basically the party cadre of the ruling party, instead of involving the teachers, in the process of registration of voters.

The Petitioner is a Non-Profit Organization working towards imparting knowledge about importance of election process, free and fair elections/transparent elections, rights of voters, adult franchise etc. to the general public. The main aims of the organization are:

- i. To impart knowledge about the importance of democratic institutions especially the electoral process and the role of citizens in it.
- ii. To strive for strengthening of institutions crucial for functioning of democracy.

- iii. To promote pro-active citizenship to strengthen grass-root democracy.

The petitioner had also sent a representation to the Election Commission in this regard and the same is annexed hereto and marked as **ANNEXURE P - 2**.

The State government is employing its own party cadre in making of the electoral roll as indicated below :

MODUS:

STEP 1: INDUCTION OF PARTY CADRE INTO A GOVERNMENT DUTIES

- On 22.06.2019, The Government issued G.O.Ms. No. 104 wherein Village volunteers were appointed (1 per 50 houses).
- In terms of the aforesaid GO, lakhs of volunteers-primary party members of the ruling YSRC Party were appointed by the State Government.
- GO. RT No. 2 dated 14.08.2020, constituted a committee headed by Chief Secretary to Govt. of State of Andhra Pradesh to delegate the authority.

- The Department of Gram Volunteers/Ward Volunteers and Village Secretariats/Ward Secretariats has been created vide G.O. MS. No. 33 dated 13.04.2020.
- Village Volunteer system brought in vide the above impugned GO is a parallel body to the existing Panchayat Raj system and is posing a serious threat to the effective functioning of local Self-governance institutions as envisaged under the 73rd Constitutional Amendment.

2ND STEP : USAGE OF THESE VOLUNTEERS FOR ELECTORAL DUTIES AND COLLECTION OF DATA

- It may be noted that these party cadre/volunteers were given additional duties of collecting sensitive personal data in garb of many governmental schemes as well as *inter alia*, issuing in the Election Photo Identity Card (EPIC), seeding AADHAR with EPIC etc.

STEP 3: USING THE SETUP MACHINERY TO INFLUENCE AND MODIFY ELECTIONS

- In the name of RTGS (Real-time Governance Society), the State of Andhra Pradesh has created a profiling tool, which is being misused for anti-democratic activity to influence voters and elections.

- These data collected is processed by Field Operating Agency (FAO) i.e., M/s. Raminfo Limited, Vijaywada along with 2 Consortium Members M/s Vupadhi Techno Services Pvt., Ltd., and M/s Max Detective and Guarding Services Pvt., Ltd. The employees of these companies were former employees of Indian Political Action Committee (IPAC), an agency associated with the ruling YSRC Party, for delivering Government services to people. The illegal data collected through the Volunteers are analysed and made use in elections etc., one example is in form of deletion of voter from the list etc.

It is perplexing that more than Rs. 68 crores of public money was funneled into these companies, without there being any knowledge of the terms of the contract or the data sharing arrangements.

An issue came into light from the Uravakonda Assembly Constituency, wherein an inquiry revealed that 2,912 deletion cases across the five mandals of Uravakonda, which is under the Anantapuram district, were made without following the prescribed procedure, due to which both the officers who acted as chief executive officers of the Anantapuram Zilla Parishad were suspended.

These kind of incidents are occurring all over the state and there is fear of further misuse of the data that is being illegally collected by the Volunteers.

It is submitted that, there has been an increasing trend of gathering personal data of the citizen by the governments across the country in the garb of administration and governance. In the light of upcoming census, the State will be gathering massive data of citizens. Without the existence of any guidelines, or proportionate analysis of what extent of data should be collected and what shall the purpose and future usage of the same, the citizens stand at the grave risk of losing self-autonomy. Therefore, the Petitioner has approached this hon'ble court under Article 32 of the Constitution of India, seeking protection of fundamental rights through the checks of balances of an uniform guidelines.

It is submitted that; innocent citizens cannot exercise the right to refusal of personal information as they cannot weigh in the significance of a particular information. It is therefore the duty of the courts and the state to safeguard the interest of the citizens by

formulating guidelines about the collection, storage, and usage of personal data. This must include a proportionality analysis of the extend of encroachment of the citizens fundamental right under Article 21 of the Constitution of India, versus the necessity of the state in gathering personal information.

- *Modus operandi* of these organization is to collect the big data illegally and create profiles of voters- their choices and then to manipulate the election. The conspiracy is kept under wraps by keeping the same a secret, without transparency/accountability.

DATE	PARTICULARS
30.05.2019	The new government came into power in the state through fresh elections.
22.06.2019	The ruling govt. of the state launched a scheme vide order G.O.Ms.No.104, of appointing village and ward volunteers in the state with an aim of helping the govt. in providing necessary information to the citizens, which is illegal,

	arbitrary and against the constitution of India.
03.04.2020	The General Administration (Cabinet II) department of Govt. of Andhra Pradesh vide order G.O.MS.No. 33 created a new department i.e., “Department of Gram Volunteers/Ward Volunteers and Village Secretariats /Ward Secretariats”.
14.08.2020	The Department of Gram Volunteers/Ward Volunteers and Village Secretariats /Ward Secretariats of Andhra Govt. passed an Order G.O.RT.No. 2 for the constitution of a committee for delegation of authorities to the staff of Village/Ward Secretariats by different departments for providing services to the citizens at their door steps effectively.
25.03.2021	The govt. vide order G.O.MS.No. 2 made various changes in the executive and administrative functions of the department by appointing various positions in the department.
31.05.2021	The Department of Gram Volunteers/Ward Volunteers and Village Secretariats /Ward Secretariats of Andhra Govt. passed an Order G.O.RT.No. 13 for awarding the services to M/s Raminfo Limited, as FOA for Training, Coordinating and

	Monitoring Volunteers & Secretariat functionaries in AP at the cost of Rs.68,62,84,585 for a period of One year.
29.07.2021	The department extended the contract period of Raminfo Ltd. for one more year from 01.03.2021 to 28.02.2022 through an Order G.O.RT.No. 16.
19.09.2022	A report published in the Hindu, a leading Indian Newspaper covered this story with the headline, "Village, ward secretariat staff 'burdened' by Aadhaar, voter card seeding" in which they stated how the government is threatening them to link their AADHAR with the Voter card.
28.10.2022	A report published in the Article 14 website which disclosed many facets of the ground reality of these schemes by the Andhra Govt. The Report also disclosed the various fraudulent schemes of govt. along with data breach and appointment of village volunteers.
05.07.2023	The Hans India, a leading newspaper of the country published an article stating how Andhra Govt. is diluting the Panchayat Raj System.
08.09.2023	The ECI themselves vide LetterNo.1350/Elecs.B/A1/2023-

	2,admitted that there are some serious anomalies, like large number of electors being enrolled in a single door number, electors being enrolled without any door number.
11.10.2023	Hence this writ petition is being filed before this Hon'ble Court.

Ramesh Kandula

IN THE SUPREME COURT OF INDIA**CIVIL ORIGINAL JURISDICTION****WRIT PETITION (CIVIL) NO. _____ OF 2023****[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]****IN THE MATTER OF:**

CITIZENS FOR DEMOCRACY
REGD. VIDE 313 OF 2023, SOCIETIES ACT,
REGISTERED OFFICE: 4-2-5/6, 2ND FLOOR
RAMANNAPETA, 1ST LINE, KORATIPADU,
GUNTUR - 522007
REPRESENTED BY ITS SECRETARY,
DR. N. RAMESH KUMAR,
S/O N. RAVINDRANATH CHOUDARY,
AGED ABOUT 67 YEARS,
R/O RAILPETA, DUGGIRALA VILLAGE,
GUNTUR,
ANDHRA PRADESH, 522007

...PETITIONER

VERSUS

1. THE ELECTION COMMISSION OF INDIA,
REPRESENTED BY ITS
CHIEF ELECTION COMMISSIONER,
NIRVACHAN SADAN,
ASHOKA ROAD,
NEW DELHI-110001
2. STATE OF ANDHRA PRADESH,
REPRESENTED BY
THE CHIEF SECRETARY,
SECRETARIAT BUILDINGS,
VELAGAPUDI, AMARAVATI,
ANDHRA PRADESH, 522503
3. THE CHIEF ELECTORAL OFFICER,
ANDHRA PRADESH
BUILDING NO.5, SECRETARIAT,
VELAGAPUDI, AMARAVATI,
ANDHRA PRADESH, 522503

4. THE STATE OF ANDHRA PRADESH,
 REP. BY ITS PRINCIPAL SECRETARY,
 DEPARTMENT OF GRAM
 VOLUNTEERS/ WARD VOLUNTEERS
 & VILLAGE SECRETARIATS/ WARD SECRETARIATS
 A.P SECRETARIAT,
 VELAGAPUDI, 522503
 GUNTUR DISTRICT

5. RAMINFO LIMITED, REP. BY ITS
 MANAGING DIRECTOR,
 L SRINATH REDDY,
 3-225/SH/401, 4TH FLOOR,
 STERLING HEIGHTS
 MAHINDRA MINDSPACE,
 KAVURI HILLS,
 GB PET PHASE 2 ROAD,
 HYDERABAD, 500033

...RESPONDENTS

(ALL ARE CONTESTING/RESPONDENTS)

AND IN THE MATTER OF:

**WRIT PETITION UNDER ARTICLE 32 OF
 THE CONSTITUTION OF INDIA**

TO,

THE HON'BLE CHIEF JUSTICE AND
 HIS COMPANION JUSTICES OF THE
 HON'BLE SUPREME COURT OF
 INDIA.

THE WRIT PETITION OF THE
 PETITIONER ABOVE-NAMED.

MOST RESPECTFULLY SHOWETH:

This Writ Petition has been preferred in public interest seeking inter alia an appropriate writ, order or direction in the nature of a mandamus to declare the G.O.Ms.No.104, PANCHAYAT RAJ & RURAL DEVELOPMENT (MDL-I) DEPARTMENT dated 22.06.2019 issued by the 1st Respondent – State of A.P., for Positioning of Village Volunteers @ one per around 50 households in the entire state of Andhra Pradesh as being illegal, arbitrary,

unconstitutional and violative of Articles 21, Article 243 of the Constitution of India. The legal representative of the Petitioner Dr. N Rameshkumar, son of Late N Ravindranath Choudry, aged 67 years, resident of Railpeta, Duggirala Village and Mandal Guntur District, Andhra Pradesh, legal representative of *Citizens for Democracy*, Guntur, Andhra Pradesh, registered vide Reg. No. 313 of 2023 under Andhra Pradesh Societies Act, The Petitioner has no Civil, criminal or revenue litigation involving the Petition, which could have a legal nexus with the issues involved in the present Writ Petition (PIL). The Petitioner has no personal or private interest in the matter. The PAN Number of the Petitioner is AADTC3604K. The Petitioner's annual income in last AY is Rs. 25,00,250/-.Petitioner Email id is citizensfordemocracy23@gmail.com and Mobile number is 9989038383. A true copy of the Byelaws of Citizens of Democracy of the Petitioner is annexed hereto and marked as **ANNEXURE P-1** (Page No. 54-68) do hereby solemnly affirm and say as follows:

1. The Petitioner is a Non-Profit Organization working towards imparting knowledge about the importance of election process, free and fair elections/transparent elections, rights of voters, adult franchise etc. to the general public. The main aims of the organization are:
 - i. To impart knowledge about the importance of democratic institutions especially the electoral process and the role of citizens in it.
 - ii. To strive for strengthening of institutions crucial for functioning of democracy.

iii. To promote pro-active citizenship to strengthen grass-root democracy.

2. That, Dr. N Rameshkumar is the legal representative of the Petitioner Organization *Citizens for Democracy* and had worked as the State Election Commissioner for the state of Andhra Pradesh in the past and hence is well versed with the election laws and elections, and after reaching every avenue the petitioner is locked to approach this Hon'ble Court. A copy of the letter by the legal representative of the Petitioner to the Election Commission is annexed hereto and marked as **ANNEXURE P-2**.(Page No.69-70)

3. The Petitioner does not have any personal interest or personal gain or private motive or any other oblique reason in filing this Writ Petition in Public Interest. The Petitioner has not been involved in any other Civil or Criminal Litigation, which could have legal nexus with the issues involved in the present Petition. No similar Petition has been filed before this Court or any other High Court.

4. The Respondent 1 is the Election Commission of India represented by the Chief Election Commissioner, which is the

appropriate office dealing with the matters related to the Political parties, election laws & Policies.

5. The Respondent 2 is the State of Andhra Pradesh, represented by the Chief Secretary, which is the appropriate office dealing with safeguarding the Policies and Laws made for the people of Andhra Pradesh.
6. The Respondent 3 is the Chief Electoral Officer of the state of Andhra Pradesh, which is the appropriate office dealing with controlling the actions of the political parties of the state.
7. The Respondent 4 is the state of Andhra Pradesh represented by the Principal Secretary, which is also the appropriate office dealing with safeguarding the Policies and Laws made for the people of Andhra Pradesh.
8. The Respondent 5 is the Private Company Raminfo Ltd. Represented by the Managing Director, which is involved in dealing with all the data which the govt. is collecting through various schemes.

9. The present Writ Petition Civil in the nature of Public Interest Litigation is filed under Article 32 of the Constitution of India by the Petitioner to enforce the followings:

- a) Questioning the G.O.Ms.No.104, PANCHAYAT RAJ & RURAL DEVELOPMENT (MDL-I) DEPARTMENT dated 22.06.2019 issued by the 1st Respondent – State of A.P., for Positioning of Village Volunteers @ one per around 50 households in the entire state of Andhra Pradesh as being illegal, arbitrary, unconstitutional and violative of Articles 21, Article 243 of the Constitution of India and Consequently to set aside the impugned G.O.Ms.No.104, PANCHAYAT RAJ & RURAL DEVELOPMENT (MDL-I) DEPARTMENT dated 22.06.2019.
- b) To Restrain/Prohibit the functionaries of the illegally recruited and partisan based Village and Ward Volunteer functionaries from involvement in the process of preparation of Electoral Related functions.
- c) To Direct the Election Commission of India to utilize the services of the employees of the Government and teachers for the preparation of Electoral Rolls and for the Conduct of a Free and Fair Elections.
- d) To constitute an empowered technical committee to examine the allegations of data breach and profiling by the State Government of Andhra Pradesh through

collection of data by Gram Volunteers/ward volunteers and the involvement of certain organizations such as M/s. IPAC and M/s. Raminfo Pvt. Ltd.

- e) To initiate appropriate criminal action against erring officials for privacy breach of lakhs of citizens of State of Andhra Pradesh.
- f) Pass such other appropriate relief which this Hon'ble Court may deemed fit in the facts and circumstances of the case.

BRIEF FACTUAL BACKGROUND

10. It is submitted that the Respondent 2 herein issued G.O.Ms.No.104, PANCHAYAT RAJ & RURAL DEVELOPMENT (MDL-I) DEPARTMENT dated 22.06.2019 deploying Volunteers in rural areas for delivering Government Services at doorstep of all eligible households. The main objective of the system as per the GO is positioning Village Volunteers to ensure timely and transparent services, to eliminate corruption at all levels of administration. It was further stated that Village Volunteers will identify the problems being faced by anybody in his jurisdiction and the same will be brought to the notice of Gram Panchayat and then get them resolved. It

is pertinent to note that the said GO was issued by the Department of Panchayat Raj without invoking any of the provisions of A.P Panchayat Raj Act,1994 or the Rules made under the said Act. A copy of the order *vide* G.O.Ms.No.104, PANCHAYAT RAJ & RURAL DEVELOPMENT (MDL-I) DEPARTMENT dated 22.06.2019 is annexed hereto and marked as **ANNEXURE P – 3**.(Page No.71-73)

11. It is submitted that the General Administration (Cabinet II) department of Govt. of Andhra Pradesh vide order G.O.MS.No. 33 dated 13.04.2020 created a new department i.e., “*Department of Gram Volunteers/Ward Volunteers and Village Secretariats / Ward Secretariats*”. In the exercise of the powers conferred by the clauses (2) and (3) of article 166 of the Constitution of India, read with sub rule (2) of rule 5 of the Andhra Pradesh Government Business Rules, 2018 the Governor of Andhra Pradesh approved the amendment to add the above-mentioned department. A copy of the order G.O.MS.No. 33 dated 13.04.2020 issued by the General Administration (Cabinet II) department of Govt. of Andhra Pradesh is annexed hereto and marked as **ANNEXURE P - 4**.
(Page No. 74)

12. It is further submitted that the Department of Gram Volunteers/Ward Volunteers and Village Secretariats /Ward Secretariats of Andhra Govt. passed an Order G.O.RT.No. 2 dated 14.08.2020 for the constitution of a committee for delegation of authorities to the staff of Village/Ward Secretariats by different departments for providing services to the citizens at their door steps effectively. A copy of the order of the Department of Gram Volunteers/Ward Volunteers and Village Secretariats /Ward Secretariats of Andhra Govt. Order G.O.RT.No. 2 dated 14.08.2020 is annexed hereto and marked as **ANNEXURE P - 5**.(Page No. 75-76)

13. It is submitted that the Govt. of Andhra Pradesh appointed various Private Tech Companies as field operating agencies for training the volunteers. The Department of Gram Volunteers/Ward Volunteers and Village Secretariats /Ward Secretariats of Andhra Govt. passed an Order G.O.RT.No. 13 dated 31.05.2021 for awarding the services to M/s Raminfo Limited, Vijayawada, as Field Operating Agency (FOA) for Training, Coordinating and Monitoring Gram Ward Volunteers/Secretariat functionaries in AP at the cost of

Rs.68,62,84,585/- inclusive of taxes for a period of One (01) year. A copy of the order of the Department of Gram Volunteers/Ward Volunteers and Village Secretariats /Ward Secretariats of Andhra Govt. Order G.O.RT.No. 13 dated 31.05.2021 is annexed hereto and marked as **ANNEXURE P - 6.** (Page No. 77)

14. It is further stated that the Department of Gram Volunteers/Ward Volunteers and Village Secretariats/Ward Secretariats of Andhra Govt. passed an Order G.O.RT.No. 16 dated 29.07.2021 by which the govt. further extended the Contract period of M/s Raminfo Limited for one more year from 01.03.2021 to 28.02.2022. A copy of the Order of the Department of Gram Volunteers/Ward Volunteers and Village Secretariats/Ward Secretariats of Andhra Govt. Order G.O.RT.No. 16 dated 29.07.2021 is annexed hereto and marked as **ANNEXURE P -7.**(Page No.78-79)

15. It is stated that the Andhra Govt. did not satisfy with this much of manpower and data power that they brought changes in the executive and administrative functions of the department by appointing Panchayat Secretary as Executive

Officer of the Gram Panchayat and who shall function as a Link Officer between Gram Panchayat and Village Secretariat(s). Further, the govt. stated that the Panchayat Secretary (I to V) shall act as a Drawing and Disbursement Officer (DDO), Village Revenue Officer (VRO) shall act as a DDO for all the Functional Assistants in the Village Secretariat including Digital Assistant, except the Panchayat Secretary (Grade I to V), VRO shall act as a Drawing and Disbursement Officer for drawing and disbursing of honorarium to the Grama Volunteers and VRO shall also act as a Coordinator for activities related to service delivery of Government Schemes and shall ensure effective implementation of State Government schemes/services being rendered by Village Secretariats with some administrative functions as well. A copy of the order G.O.MS.No. 2 dated 25.03.2021 which passed the above mentioned order is annexed hereto and marked as **ANNEXURE P - 8**. (Page No. 80-81)

16. It is respectfully submitted that the Village Volunteer system brought in vide the above impugned GO is a parallel body to the existing Panchayat Raj system and is posing a serious threat to the effective functioning of local Self-governance

institutions as envisaged under the 73rd Constitutional Amendment. The Village Volunteers are undertaking functions by interfering into the functions of the constitutionally mandated role of panchayats and are actively interfering into the roles of democratically elected representatives. The act of the Village Volunteer is system trespassing on the existing functions expected of Panchayats in its administrative and financial functions is unconstitutional and requires interference by this Hon'ble Court.

17. It is further submitted that, The Hans India, a leading newspaper of the country published an article in their newspaper stating that the current ruling party diluted the Panchayat Raj System in the state which was alleged by the Central Ruling Party BJP. A copy of the Hans India Newspaper Report dated 25.07.2023 is annexed hereto and marked as **ANNEXURE P - 9**. (Page No. 82)

18. It is submitted that the present Village Volunteer system is undermining the role and functions of Panchayati Raj Institutions. The functional domain of the Village Volunteers system grossly overlaps with that of the panchayats. They greatly hinder the decision-making powers and the effective

functioning of the Panchayats in areas which are constitutionally demarcated to Panchayats, as per the 73rd Amendment Act.

19. It is submitted that the concept of democratic decentralization can be traced back from the era of the nomadic people in the early stage of civilization. Even the Indus valley civilization also had a very well managed local self-governance system. The basic idea behind the democratic decentralization is to distribute the power to each and every level of the governance starting from the very basic pillar of democracy i.e., the people of India. From the unearthed Indus valley civilization to the Aryan and Vedic period, we can find traces of town planning and the local governance, where the common people took part in the decision-making process.

20. It is submitted that, Sri Mahatma Gandhi propagated the basic idea of decentralized governance, citing the villages as the soul of the democratic structure. Although, the makers of Indian Constitution didn't consider the Gandhian idea and subsequently put these local self-governance bodies under the Part IV of the Constitution, which is a non-enforceable part of

the Constitution and is generally known as the Directive Principles of the State Policy. It is further submitted that in order to officially recognize the efforts of the government regarding the democratic decentralization, a committee was appointed in the year 1956 at the starting of the second five-year plan.

21. It is further submitted that, during the first five-year plan, in the year 1952, the first ever development plan was introduced by the then congress government. It was named as Community Development Programme, 1952. Its main objective was to increase the participation of the people. All the districts were converted into the district blocks and a block development officer was appointed for each such block. Village level workers were appointed to work from the ground level. The community development organization was the deciding authority and the community development research council was the other body for the research purposes. This program failed drastically, causing much burden on the exchequer. Thereafter the Government of India, took steps to initiate another program called the National Extension Services which also resulted in failure.

22. It is submitted that, in order to curb the shortcomings of the above two programs, the government appointed a committee in order to find out the possible ways to reach to the people through the process of democratic decentralization. This committee was headed by Balwant Rai G Mehta, who is also considered the father of Panchayati Raj in India. It submitted its report in November 1957. The said Report contained the following few Recommendations;

- a) The committee for the first time recommended the three tier Panchayati raj system in India i.e., Zila Parishad at the District Level, Panchayat Samiti at the Block/ Tehsil/ Taluka Level and Gram Panchayat at the Village Level
- b) The report further recommended that at the block level, an elected self-governing institution should be set up with its jurisdiction co-extensive with a development block. The panchayat samiti should be constituted by indirect elections from the village panchayats.
- c) The first point of decentralization below the State level should be the district. Next to the district, Panchayat will have to be the hub of developmental activities.
- d) Each of the municipalities lying as enclaves within the jurisdiction of a block should elect from amongst its own

members one person as a member of the panchayat samiti. State Government may convert predominantly rural municipalities into panchayats.

- e) The functions of the panchayat samiti should cover the development of and agriculture in all its aspects, improvement of cattle, and promotion of local industries, public health, and welfare work, administration of primary schools and collection and maintenance of statistics. It should also act as an agent of the State Government in executing special schemes of development entrusted to it.
- f) The technical officers of the samiti should be under the technical control of the corresponding district level officers but under the administrative and operational control of its chief administrative officer.
- g) A certain amount of control should inevitably be retained by the Government, e.g., the power of superseding a panchayat samiti in public interest.
- h) The budget of the village panchayat will be subject to scrutiny and approval of the panchayat samiti, chief officer of which will exercise the same power in regard to the village panchayat as the collector will in regard to the panchayat samiti. No village panchayat should, however,

be superseded except by the State Government who will do so only on the recommendation of the zila parishad.

- i) If this experiment of democratic decentralization is to yield maximum results, it is necessary that all the three tiers of the scheme, viz., village panchayat, panchayat samiti and zila parishad should be started at the same time and operated simultaneously in the whole district.
- j) Persons elected or aspiring to be elected to local bodies should be provided with some training in administrative matters so that they are equipped with a certain minimum of knowledge of this machinery which is growing more and more complex.
- k) Within the block, the panchayat samiti or the block advisory committee should break the integrated plan into smaller units, e.g., Gram Sewak circles, villages and families.
- l) A closer link should be established between the Gram Sewak and the village panchayat immediately. As development secretary of the village panchayat, the Gram Sewak should submit his progress reports to the village panchayat at the time of each monthly meeting and the latter should forward its comments to the Block Development Officer.

- m) The Panchayat Samiti should be the executive body while the Zila Parishad should be the advisory, coordinating and supervisory body.
- n) The District Collector should be the Chairman of the Zila Parishad.
- o) Age limits for direct recruits as Gram Sewak should be 18 to 30 years. The departmental candidates should be taken purely on the basis of merit and the age limit relaxed up to 40 years.
- p) It should be the function of Gram Sewika and of Gram Sewak to persuade people to send their children to schools in areas where primary education is not compulsory.
- q) The aim of social education should be (a) to acquaint people of the meaning of citizenship and the way democracy functions, (b) to induce citizens to learn how to read and write, (c) to impart proper training for refinement of emotions and (d) to instill a spirit of toleration among citizens.
- r) Political parties should be allowed to participate effectively at all levels.
- s) There was not much enthusiastic response (to Nyaya Panchayats), though many advocated their relevance and revival to settle petty disputes. The dilemma facing the rural people seems to be that, while they want justice at

their doorsteps, their experience does not encourage them to place faith in Nyaya Panchayats as constituted today.

23. Thereafter, various other Committees were appointed by various governments over the years such as, The Ashok Mehta Committee (1978); the committee was appointed in 1977 to suggest measures to revive and strengthen the declining Panchayati Raj system in India. Further the G V K Rao Committee (1985); the committee was appointed by the planning commission in 1985. It recognised that development was not seen at the grassroot level due to bureaucratisation resulting in Panchayat Raj institutions being addressed as 'grass without roots' . The L M Singhvi Committee (1986); the committee was appointed by the Government of India in 1986 with the main objective to recommend steps to revitalize the Panchayati Raj systems for democracy and development.

24. It is submitted that after various committees were appointed and their recommendations furthered the argument that panchayats can be very effective in identifying and solving local problems, involve the people in the villages in the developmental activities, improve the communication between

different levels at which politics operate, develop leadership skills and in short help the basic development in the states without making too many structural changes. It is pertinent to note that Rajasthan and Andhra Pradesh were the first to adopt Panchayati raj in 1959, other states followed them later.

25. It is submitted that thereafter, putting an end to the various differences in the functioning of the Panchayat system in the various states and to minimize the difficulties, The Government of India enacted the 73rd Constitutional Amendment Act, 1992 on 24.04.1993 and thereby adding a new part IX to the Constitution of India. 1950 and Part IX of the Constitution of India consisted of Articles 243 to 243-O, along with the Part IX of the Constitution of India the 11th Schedule was added to the Constitution as described in Article 243-G for the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the 11th Schedule.

26. It is further submitted that, the state government vide order G.O.RT. No. 2 dated 14.08.2020 passed an order of constituting a committee for delegation of authorities to the

staff of village/ward secretariats by different departments for providing services to the citizens at their doorsteps effectively.

27. It is submitted that the Village volunteer system claims to increase the beneficiary participation in the government schemes. However, in actual practice, the Village Volunteer System is working independently of the Panchayat system even though Eleventh Schedule as referred to in Article 243-G of the Constitution clearly specifies that all those subjects come under the exclusive purview of Panchayats, the Village Volunteers have taken over the roles and duties along with the powers granted to the Panchayat Raj System by the Constitution of India.

28. It is submitted that for effective implementation of development programs of Panchayats, various Standing Committees are set up by each tier of Panchayats under Section 40 of the A.P Panchayat Raj Act, 1994. Bypassing the roles of the Standing Committees, the Village Volunteers are now performing these very functions which are to be performed by the Panchayat Committees.

29. The Respondent2 State while setting up the Village Volunteer system failed to consider that such initiatives should be done via the constitutionally mandated Gram Panchayats. Therefore, because of the village volunteer system brought in by the Respondent2, the village Panchayats fail to possess any control over the implementation of Government schemes. The

Village Volunteer system now has more financial resources than the village Panchayats with most of the funds being diverted to them by the Respondent² State. The Village Volunteer System being a flagship program of the Chief Minister of Andhra Pradesh is receiving most of the funds which are allocated for the Panchayat Raj Department in the state budget. The Village Volunteer system, while implementing and supervising the work, highly depends on state funds.

30. It is submitted that while the 73rd Amendment to the Constitution was brought in by the Parliament on 24.04.1993, Article 243N was introduced specifically to deal with such acts or provisions which are inconsistent with the provisions of Part IX of the Constitution of India. The said Article is extracted below:

“Article 243N: Continuance of existing laws and Panchayats’ states *“Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier”.*

31. The purpose of the above Article 243N is to remove any such law which is inconsistent with the provisions under Part IX of

the Constitution. The Respondent 2 herein vide the impugned GO has brought in the Village Volunteer System which is inconsistent with the Part IX of the Constitution of India and is interfering into the powers of the Gram Panchayats and its autonomy. This exercise of similar functions parallelly by Gram Panchayats as well as Village Volunteers has created confusion and mis-trust in the minds of people especially against the democratically elected Panchayats.

32. It is further submitted that there is no concept of accountability for the Village Volunteers and the work done by them. Strangely, neither the impugned GO nor the rules framed thereafter mention to whom the Village Volunteers are accountable. The Village volunteer system is not part of the Panchayati Raj Act nor the Rules. There is no statutory backing to their accountability if the same is enforced on them.

33. It is therefore submitted that, all the local issues related to the functioning of local institutions and implementation of government schemes now come under the purview of the Village Volunteer system, thus substituting the functions of Gram Panchayat. The Panchayat Raj members are not consulted either for planning or for implementation even though on paper Panchayat Secretary is added as an authority for coordination.

34. It is further submitted that the major challenge for effective functioning of the Gram Panchayat's have been lack of sufficient funds. The Gram Panchayats either fail to generate

sufficient income on their own or fail to receive adequate funds from the state for the purpose of implementation of government schemes. The major sources of State funds are now being diverted to Village Volunteer System. The Creation of a parallel mechanism with the same set of duties and responsibilities is weakening the constitutionally created Gram Panchayats.

35. It is submitted that Article 243-G of the Constitution empowered the State Governments to make laws granting the Panchayats with such powers and authority and as may be necessary to enable them to function as institutions of self-government. Further, the provision ordains that the State Government should grant the Panchayat powers for implementation of schemes for economic development and social justice in relation to the matters listed in the Eleventh Schedule. The Respondent² State has enacted A.P Panchayat Raj, 1994 in accordance with the said Article of the constitution and endowed such powers on the Gram Panchayats in the entire state.

36. It is submitted that Section 268 of the Panchayat Raj Act, 1994 specifically deals with the Power of the Government to make rules for the purposes of the AP Panchayat Raj Act, 1994. However, after making any such rules under the said provision, the Respondent² State has to mandatorily publish the same in the Andhra Pradesh Gazette as Section 268(3) of the AP Panchayat Raj Act, 1994. Thereafter, as per Section 268(4), the same should be laid before the Legislative Assembly of the State.

37. It is submitted that however, the Respondent 2 State herein introduced the Village Volunteer System through G.O.Ms.No.104, PANCHAYAT RAJ & RURAL DEVELOPMENT (MDL-I) DEPARTMENT dated 22.06.2019 without invoking any of the powers under the AP Panchayat Raj Act, 1994 or general rule making power under Section 268 of the AP Panchayat Raj Act, 1994. Neither the Constitution nor the A.P Panchayat Raj Act, 1994 or any Statutory rule empowers the Respondent 2 State to introduce such a system which directly intrudes into the functions of the Panchayat. The Respondent 2 after issuing the impugned GO has transferred the entire system of 'implementation of welfare schemes' to the Village Volunteers by substituting the Gram Panchayats and its machinery already existing and operating in the said area.

38. It is therefore submitted that the impugned GO by which the present Village Volunteer system has been brought is illegal, arbitrary and contrary to Part IX of the Constitution of India and the provisions of the AP Panchayat Raj Act, 1994.

39. It is further submitted that the Respondent 2 State with the help of the Village Volunteers deployed all through the state are collecting personal information of voters and are using the said data to add or delete names from voters list based on their political affiliation. The Village Volunteers have an undue advantage of access to the personal data of the people under guise of the implementation of welfare schemes of the Government. The general public are oblivious to the fact that the Village Volunteers are not empowered to deal with their

Voter IDs or carry out any election related work. There have been various news articles as well as reports regarding massive addition and deletion in the Voter List in the state of Andhra Pradesh as the revision of voter lists have already started in view of the upcoming General Elections in 2024. The Respondent 1 herein is not taking any action in spite of newspapers reports which are being regularly published. The said action of the Village Volunteers being involved in election related data collection is illegal, arbitrary and also in violation of the right to privacy as sensitive data is being secured and used without the express consent of the public. Copy of the Quint Newspaper report dated 13.07.2023 is attached hereto and marked as **ANNEXURE P – 10.** (Page No.83-92)

40. It is submitted that, the Respondent 2, developed a system of village volunteers similar to banking correspondents or Common Service Centre agents, who provide digital government services. Unlike Common Service Centers or Aadhaar Kendra's, where one has to go to apply for Direct Benefit Transfer (DBT), these volunteers go door to door to collect personal data and provide ration and pension. Every volunteer is equipped with a smartphone and a biometric reader to do Aadhaar-based e-KYC of residents. There are 2.5 lakh volunteers, with each volunteer being assigned about 50-70 households belonging to a cluster of villages to collect data. These volunteers then map every household and the members of the household. Even if there is migration of one member of the family from the household, it is updated within a month

by the volunteers. They are the point of contact for each household to apply for government welfare schemes.

41. It is humbly submitted that, the current ruling party in the State of Andhra Pradesh, has effectively institutionalized this setup by hiring politically inclined party members as village volunteers within the government. All the data collected by volunteers is now officially being shared with the members of the ruling party as part of their door-to-door outreach programs i.e., “Gadapa Gadapaki Mana Prabhutvam”.

42. In effect and terms, 2.66 lakhs card carrying primary party members of the Yuva Jana Sramika Rythu Congress Party (Ruling Party) came to be in masses appointed as propaganda agents under the guise of appointing volunteers to take the government services to the public. This is evident from the statements made by the Mr. Vijaya Sai Reddy, Member of Parliament, Ambati Ram Babu, Minister of Irrigation & Water Resources, Government of AP, Mr. Dadiseti Ramalingeshwara Rao (Raja), Minister for Roads & Buildings, Adimulapu Suresh, Minister for Municipal Administration, Mr. Botsa Satyanarayana, Minister for Education, MLA Mr. Rapaka Vara Prasad Rao and senior party functionaries, apart from many other party functionaries stating the same. A news broadcast was made on ETV on this subject, along with audio clippings of the ministers. Placing on record the copy of the conversation recorded in audio visual clipping of ministers and MLAs of the ruling party claiming that the volunteers appointed are the party workers of YSR Congress Party. A true copy of the

English translations of the leaked conversation is annexed hereto and marked as **ANNEXURE P-11**. (Page No. 93-102)

43. It is further stated that a report published on a website namely *Article 14* by Vidheesha Kuntamalla dated 28.10.2022 by taking interviews on ground level, disclosed many facets of the ground reality of these schemes by the Andhra Govt. The Report also disclosed the various fraudulent schemes of the government along with data breach and appointment of village volunteers, the report also covered the aspect of the above-mentioned leader's acceptance that the scheme is for the interest of the ruling party only. A copy of the Article 14 news website Report dated 28.10.2022 is annexed hereto and marked as **ANNEXURE P - 12**. .(Page No. 103-116)
44. It is further submitted that, the lack of safeguards around this data collection allows it to be used and abused by the ruling party for electioneering. The Election Commission of India (ECI) has already failed with the issue of this information being used in the 2019 elections to target voters and delete them. It is further submitted that the real danger is in this information being used by the police. All this information is being shared with police departments and intelligence departments to keep track of opposition activists, and anyone who will question authority of the ruling party. This scale of surveillance that is being used for governance poses a direct threat to democracy and democratic participation.

45. It is further submitted that, beyond this basic welfare data collection, the government is using 50 odd mobile applications where volunteers of different kinds – Anganwadi workers, ASHA volunteers, education assistants, animal husbandry assistants, agriculture assistants, and other existing government staff – are required to collect real-time information. Further, the volunteer system is not just about welfare schemes. The data collected by village and ward volunteers is now used for day-to-day governance as well. Volunteers have been roped in to carry out varied surveys related to COVID-19, education, health, livestock etc. usually carried out by individual departments for governance activities. The volunteers use an app for these surveys, the Grama Ward Sachivalayam Volunteer Mobile Application shows the kind of data they have been authorized to gather. Each of the 50 (or more) households allocated to the volunteer are listed on the app, with the volunteers expected to reverify the household details once every 6 months using Aadhaar e-KYC. Each household member's information is collected with their name, household ID, Aadhaar number (UID), date of birth, mobile number, gender and door number.
46. It is further submitted that the volunteers are also authorized to collect photos of the household members, geotagged with GPS location as part of these surveys. The volunteers are also able to gather details of citizens' religion, caste and even sub-caste. As part of the education survey, the volunteers were able to gather details of individuals' marital status along with other personal data already being collected. The education

survey collected the following details of individuals' education and employment status, educational qualification, whether they know how to read and write, whether they have dropped out in the middle of their education and their reason for doing so.

47. It is submitted that the G.O.Ms.No.104, PANCHAYAT RAJ & RURAL DEVELOPMENT (MDL-I) DEPARTMENT dated 22.06.2019 issued by the Respondent 2 bringing in the Village Volunteer System, transgresses into the Constitutional limits of Part IX of the Constitution of India. The Respondent 2 State is under an obligation to respect the Constitutional mandate and that it cannot act at its whims and fancies by creating a parallel system.

48. It is further submitted that, Elections in India are conducted according to constitutional provisions, and supplemented by laws made by Parliament. The Representation of the People Act, 1950 lays out standards and procedures for the preparation and revision of electoral rolls, the carrying out of elections, and for post-election disputes. The Election Commission of India (ECI) is the permanent constitutional body responsible for overseeing elections in India. One of the functions of the ECI is to prepare electoral rolls of registered voters in all assembly constituencies in India and more recently, to issue photo identity cards (EPIC) to all voters. For the purpose of preparing the electoral rolls, a registration officer may access and request copies of the Register of Births and Deaths and the admission register of any educational institution in any area. The current method of preparing the

electoral rolls in India is through house-to-house collection and verification of information. Registration is thus based on locale, and an individual is only permitted to register in one place. The complete electoral rolls – containing details such as full name, relatives, age, sex and EPIC number - are required by law to be available for inspection at the office of the registration officer, and copies of the rolls must be supplied to every political party under Rule 22 of the Registration of Elector Rules, 1960. The Election Commission has placed the complete electoral rolls on its website so the complete list is open for inspection by any person with an internet connection. Rule 33 of the Act provides that all citizens may obtain copies of extracts of the rolls pertaining to themselves upon payment of a fee. Copies of the rolls, including photo rolls, requested by citizens under the Right to Information Act may be provided only if they do not deal with specific third-party individuals. For example, it is possible to requisition a specific page of the roll , but it is not possible to specifically requisition the portion of the rolls on which a specific name appears.

49. It is further submitted that, the Hindu, a leading Indian Newspaper covered this story with the headline, “Village, ward secretariat staff ‘burdened’ by Aadhaar, voter card seeding” in which they stated how the government is threatening them to link their AADHAR with the Voter card. A copy of the Hindu Newspaper Report dated 19.09.2022 is attached hereto and marked as **ANNEXURE P - 13**. (Page No. 117-118)

50. It is further submitted that, the instant action of the Respondent 2 in creating a parallel system to the Panchayat system and then further collecting private data of citizens on such a large scale is only a method of interfering with the voter list and to ensure that voters who are sympathizers of opposition parties be deleted from the Voter database as the ruling party is creating a massive database with the help of these volunteers. It is a very dangerous precedent and it is also pertinent to note that various members of the ruling party are also openly calling the volunteers, Brand ambassadors of the Ruling party in the State of Andhra Pradesh.

51. It is further submitted that most recently, an issue came into light from the Uravakonda Assembly Constituency, wherein an inquiry revealed that 2,912 deletion cases across the five mandals of Uravakonda, which is under the Anantapuram district, were made without following the prescribed procedure, due to which both the officers who acted as chief executive officers of the Anantapuram Zilla Parishad were suspended. These kinds of incidents are occurring all over the state and there is fear of further misuse of the data that is being illegally collected by the Volunteers.

52. It is further submitted that the Comptroller and Auditor General of India, in its report of 2023 had made a few pertinent observations concerning the ward secretariat functioning in the performance audit report on efficacy of 74th CAA. The Para No.3 of the executive summary is extracted, which reads as:

“Ward committees were not formed, Instead Government of Andhra Pradesh, introduced in July

2019, the system of ward secretaries with an intention of decentralized governance. The ward secretariats were formed without participation of elected representatives at ward level. The formation of ward secretariat at ward level without formation of ward committees diluted the spirit of constitution as envisaged for local governance. We recommend that Govt should form ward committees and integrate ward Secretariats with ward committees and Area Sabhas to realize self-governance.”

53. It is submitted that the above observation inter alia would hold good for 73rd CAA & village secretariats formed there under. The functionaries of these Secretariats were recruited in an opaque manner without following principles of equity and affirmative action. The ward & Village Volunteers are non-transferrable. It is further submitted that, Further, the Government of Andhra Pradesh have erased the traces of the recruitment process of the volunteers from public domain. It is submitted that Even queries under RTI act fail to throw light on the recruitment process and how the particular individuals were selected into the post of Volunteers.

54. It is submitted that by and far the secretariat staff are known to harbor political proclivities. They act to further the political interests of the ruling regime of which they are the beneficiaries. Their performance is not perceived to be fair and objective by the public at large. The travesty of the matter is

their lack of accountability to elected representatives of local self-governments which was brought out by Comptroller and Auditor General in its report of the year 2022-23. It is further submitted that there is another category of volunteers who on record are actively aligned to the interests of the ruling regime. It is pertinent to note that High level functionaries in the Govt have gone on record that volunteers are sympathizers of the ruling party and are working for the ends of bringing the Government back to power, the high-level leaders of the Ruling regime have even gone to the extent of calling the brand ambassadors of the ruling party.

55. It is further submitted that, it is reliably learnt that between the dates of 28.09.2023 to 11.10.2023, a political outreach program with the sole object of “educating” the voters as to why it is necessary to bring back the present Ruling party to power is planned with a name “Jagananna Kavali”. The mainstay of the program is to educate the public at large that there is no alternative to the present CM. Further, on 09.10.2023 a massive meeting with all the key functionaries of the government is planned to unveil this agenda of the program and to give it a big push. It is submitted that, the