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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD

W.P. No. OF 2010

Between :

Dr.K.Krishna Kumar, s/o. K.Nagi Reddy,  
Hindu, aged 44 years, Occ: Veterinary Doctor,  
Dept. of Animal Husbandry, A.P.,  
Presently working at Animal Quarantine & Certification Services,  
Rajiv Gandhi International Airport, Shamshabad, Hyderabad.

.... Petitioner

A n d

1. The Secretary,  
Department of Animal Husbandry Dairying & Fisheries,  
Government of India, Room No. 231,  
Krishi Bhavan, New Delhi.
2. Returning Officer, Veterinary Council of India Elections 2009,  
Department of Animal Husbandry Dairying & Fisheries,  
Government of India, Room No. 398,  
Krishi Bhavan, New Delhi.

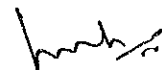
.... Respondents

AFFIDAVIT

I, Dr.K.Krishna Kumar, s/o. K.Nagi Reddy, Hindu, aged 44 years, Occ:  
Veterinary Doctor, Dept. of Animal Husbandry, A.P., Presently working at  
Animal Quarantine & Certification Services, Rajiv Gandhi International Airport,  
Shamshabad, Hyderabad, do hereby solemnly affirm and sincerely state on oath as  
follows :

1. I am the petitioner herein and as such I am well acquainted with the facts of  
the case.
2. It is humbly submitted that the Veterinary Council of India (hereinafter  
referred to as VCI for brevity) is a statutory body of Govt. of India established  
under the Indian Veterinary Act 1984, Dt.18.08.1984 to regulate veterinary  
practice and for maintenance of registers of the veterinary practitioners and for the

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matters connected therewith. The VCI consists of 27 members, out of which 12 members are nominated by Central Government; one member each nominated by ICAR and IVA; 2 members are *ex officio* and 11 members are elected by the registered veterinary practitioners.

3. I respectfully submit that I am one of the contestant with Serial No. 25 on the Ballot Paper in the VCI Elections 2009. I am a permanent employee of Department of Animal Husbandry, Andhra Pradesh and I am presently working on deputation at Animal Quarantine & Certification Services, Rajiv Gandhi International Airport, Shamshabad, Hyderabad.

4. It is submitted that the Election for the 11 members is conducted by the Govt. of India once in 3 years **through postal ballot** in accordance with the IVC Act 1984 and IVC Rules 1985. Elections are due in 2009. After publication of the Final Electoral Roll by VCI, the Returning Officer issued the Election Notification on 12.10.2009 and scheduled of Election is as following:

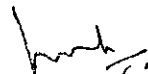
i.	Date of Election Notification in the Gazette of India	12.10.09
ii.	Last date for submission of Nominations	19.10.09
iii.	Date of Scrutiny of Nominations	24.10.09
iv.	Last date for Withdrawl of Nominations	26.10.09
v.	Posting of Ballot Papers at New Delhi by the Returning Officer	31.10.09
vi.	Scheduled Date of Poll	30.11.09

The time gap between the date of posting of Ballot papers at New Delhi and the Scheduled date of poll is **30 days only**. In this mean time the posted Ballot papers should reach the electors all over India including North-Eastern States and the same have to be returned after voting, to the Returning Officer at New Delhi before 30.11.09 by the elector.

5. It is humbly submitted that the A.P.Veterinary Association, Andhra Pradesh and the A.P.Veterinary Council, Andhra Pradesh have received thousands of

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complaints from the Registered Veterinary Practitioners of A.P. regarding the non-receipt of ballot papers. Then both the Bodies have represented to the Returning Officer on 17.11.2009 (i.e.16 days after the posting of ballot papers at New Delhi and 14 days prior to the scheduled date of poll) about the non-receipt of ballot papers and also expressed their suspicion of rigging the election process. But the response is nil from the Returning Officer for such representations. After observing the insensitiveness towards the issue, the petitioner who is one of the contestant from A.P. has approached this Hon'ble Court by filing a writ petition in W.P. No. 25775/2009 (i.e., 21 days after the posting of ballot papers at New Delhi and 7 days prior to the scheduled date of poll) regarding the non-receipt of ballot papers by majority of the Registered Veterinary Practitioners of Andhra Pradesh. This Hon'ble Court was pleased to pass orders Dt.29.12.2009 directing the 2<sup>nd</sup> respondent therein to update the addresses of electors of Andhra Pradesh and to send fresh ballot papers to the updated addresses of Registered Veterinary Practitioners of Andhra Pradesh. The same is filed herewith as Ex.P1. Aggrieved by the orders of this Hon'ble Court, the respondents herein filed writ appeal in W.A.No.74/2010 and the Secretary, VCI who was the 2<sup>nd</sup> respondent in writ petition filed W.A.No.120/2010. The Division Bench of this Hon'ble Court dismissed the W.A.No.74/2010 and a positive direction was given by the Division Bench in W.A.No.120/2010 to implement and comply with the Single Judge Order. The same is filed herewith as Ex.P2. Aggrieved by the orders in W.A.No.120/2010 dt.15.2.2010, the then Secretary, VCI has filed SLP in No.8698/2010 before the Hon'ble Supreme Court of India. The Apex Court dismissed the SLP by its order Dt.5.4.2010. The same is filed herewith as Ex.P3. Even after the directions of Hon'ble Apex Court neither the Returning Officer nor the Secretary, VCI had initiated any action to implement the orders of this Hon'ble Court and contrary to implementing the orders of this Hon'ble Court, they have





conducted elections for the posts of President and Vice-President of VCI. At this stage, the petitioner herein filed a contempt petition in C.C.No. 1087/2010 in W.P.No. 25775/2009 before this Hon'ble High Court. This Hon'ble Court has directed the Secretary, Govt. of India to conduct elections within 30 days pertaining to the Registered Veterinary practitioners of Andhra Pradesh. The same is filed herewith as Ex.P4.

6. It is humbly submitted there are similar complaints from other States of India such as Karnataka, Gujarat, Uttar Pradesh etc., that the majority of Registered Veterinary Practitioners of such States have not received ballot papers and such facts were confirmed by the Returning Officer and the Secretary, Govt. of India in their Counter Affidavit submitted to this Hon'ble Court. The respondents herein in their counter affidavit in the W.P.No. 25775/2009 admitted that "in view of a large number of complaints about non-receipt of ballot papers and incorrect addresses, the allegation against the VCI may not be entirely baseless. Therefore, the Veterinary Council of India needs to perform their task more diligently." The counter affidavit is filed herewith as Ex.P5.

7. It is submitted that now as per the directions of this Hon'ble Court in C.C.No.1087/2010 in W.P.No. 25775/2009 Dt.29.10.2010, fresh elections are being conducted to Andhra Pradesh State only and the voted ballot papers received by the Returning Officer from rest of India remain valid for counting. A fresh schedule of election was announced by the Returning Officer and as per latest notification:

(a) The fresh scheduled date of poll for the registered veterinary practitioners of Andhra Pradesh is 25.11.2010.

(b) The scheduled date of counting of votes of entire country is 26.11.2010.

8. It is humbly submitted that for any election, identity of the voter is very important. Regarding General Elections, the identity of the voter will be confirmed by examining the identity proof (anyone of the 15 types of prescribed documents) of the voter before issuing the ballot paper to the voter to avoid rigging. Whereas in this election there are only two sources to confirm the identity of the voter :

- a. Postal Address of the elector
- b. Signature of the elector attested on the Declaration Paper which is sent to the Returning Officer along with the voted Ballot Paper.

9. It is humbly submitted that with regard to **'Postal Address of the elector'**- it is an admitted fact by the Secretary, VCI that the updation of the changed addresses of the electors has not taken place in case of Andhra Pradesh in his Counter Affidavit submitted to this Hon'ble Court. But the remarks made by the Returning Officer and the Secretary, Govt. of India, the respondents herein in their Counter affidavit submitted to this Hon'ble Court, the preparation of electoral rolls was not done properly by the Veterinary Council of India due to which several complaints were received from all parts of the country about the non-receipt of ballot papers. This confirms that the Postal addresses of the majority of voters are at stake.

10. It is humbly submitted that with regard to the **'Signature of the elector attested on the Declaration Paper which was sent to the Returning Officer along with the voted Ballot Paper'**- there is no mechanism or no specimen signatures of the voters with the Returning Officer to verify the signature of the voter attested on the Declaration Paper whether it is genuine or not. This is not limited to the voters of Andhra Pradesh only but also to all the voters all over India. It is clearly evident that the genuinity to establish the identity of the elector

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is by only above two sources which are not adopted by the respondents in all earnestness and sincerity. Therefore, without having the specimen signatures of the voters or without a mechanism established for verifying the genuinity of the signature of the elector attested on the Declaration paper, there is no option left to the 2<sup>nd</sup> respondent herein to comply the Rule 18(3) of IVC Rules 1985.

11. It is humbly submitted that no accountability lies over the 2<sup>nd</sup> respondent/Returning Officer or on Postal authorities regarding the undelivered ballot papers since the ballot papers are sent under Certificate of Posting. Hence there is each and every possibility of rigging of votes by unauthorizedly forging the signature of the elector on declaration paper or even by grabbing the undelivered ballot papers by managing the Postal authorities at New Delhi.

12. It is humbly submitted that as per the unofficial sources, the pattern of receipt of voted ballot papers by the Returning Officer at New Delhi is as follows :

- From 01.11.2009 to 26.11.2009 (26days).....2,000 ballots (approximately)
- On 27.11.2009 (single day) .....5,000 ballots (approximately)
- On 28.11.2009 (being a postal holiday).....1,000 ballots (approximately)  
through courier
- On 29.11.2009 (being a public holiday).....NIL ballots
- On 30.11.2009 (being the last day of polling)..12,000 ballots (approximately)

It is apparent that more than 16,000 ballots papers received from 27.11.2009 to 30.11.2009 are posted at New Delhi itself and all of them are suspected to be forged and leading to the establishment of suspicion of rigging of election as expressed by the A.P.Veterinary Council, Andhra Pradesh and the A.P.Veterinary Association, Andhra Pradesh in their representations Dt.17.11.2009.

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*[Handwritten signature]*

13. It is humbly submitted that here the modus operandi was that VCI prepared electoral roll and submitted to the Govt. of India and the Govt. of India appointed Returning Officer and Assistant Returning Officers to conduct the elections. The Returning Officer sent the ballot papers to the electors to their respective addresses under Certificate of Posting as mentioned in the electoral roll. Since the postal addresses were not updated by the VCI in the electoral roll since years, most of the ballot papers were not delivered to the electors and were returned as undelivered post. Some of the contestants knew pretty well that there are no specimen signatures available with the Returning Officer to cross verify the genuinity of signatures of electors and they managed the postal authorities in grabbing the thousands of undelivered ballot papers. After grabbing the undelivered ballot papers, these contestants filled the declaration papers with the details available on the outer cover except IVPR page number and simply attested some signature which is not at all relevant or even coincide macroscopically with the original signature of the elector. Then they sealed the covers and posted in various post boxes in New Delhi and also sent through courier and speed-post service from New Delhi itself. All the information except signature of the elector and IVPR page number required to fill the declaration paper (Form III) was available on the outer cover of the undelivered ballot paper cover sent by the Returning Officer, which made their task easy to carry out the rigging of votes successfully.

14. It is humbly submitted that after coming to know about this and modus operandi of such contestants, specific representations were made in this regard by Sri Ponnam Prabhakar, MP, Lok Sabha, Sri M.Anjan Kumar Yadav, MP, Lok Sabha and Sri Kotla Surya Prakash Reddy, MP, Lok Sabha and the petitioner along with Dr. Kuchewar A Sitaram, one of the Contestant from Maharashtra State submitted representation Dt. 25.02.2010 to the 1<sup>st</sup> respondent and also to the



Hon'ble Union Minister for Agriculture for implementing this Hon'ble Court orders and to establish a mechanism/procedure to verify the genuinity of signatures of the electors attested on the Declaration papers before the date of counting of votes. Association of Indian Zoo and Wildlife Veterinarians, Uttar Pradesh has also submitted a specific representation on 01.12.2009 informing the discrepancies and malpractices raising the doubt about the genuinity with regard to the signatures of electors and rigging of votes at New Delhi. But till today both the respondents herein are non-reactive to such specific representations and have not initiated any action to get the specimen signatures of the electors from any part of the country leading to a doubt regarding the genuinity of the respondents herein in conducting the elections in a fair manner. The representations of the M.P.s, Lok Sabha is filed herewith as Ex.P6. The representation dt. 25.2.2010 made by the petitioner herein is filed herewith as Ex.P7. The representation Dt.1.12.2009 of the Association of Indian Zoo and Wildlife Veterinarians, Uttar Pradesh is filed herewith as Ex.P8. The complaints made by the Karnataka Veterinary Association & Gujarat Veterinary Council are filed herewith as Ex.P9.

15. It is humbly submitted that as per Indian Veterinary Council Rules 1985:
- i) **Rule 16(8)** states that "Every elector desirous of recording his vote shall, after filling up the declaration paper(Form III) and the voting paper(Form II) according to the directions given in the letter intimation(Form IV),enclose the voting paper in the voting paper cover, stick up and enclose the said cover along with the declaration paper in the outer envelope addressed to the Returning Officer and send the outer envelope by post at the elector's own cost or by hand to the Returning Officer, so as to reach him not later than the appointed time for closure of voting on the date fixed for the poll"







ii) **Rule 16(10)** states that “ On receipt by post or by hand of the envelope containing the declaration paper and the closed cover containing the voting paper the Returning Officer shall endorse on the outer envelope the date and hour of receipt”

iii) **Rule 18 (1)** states that “A voting paper cover shall be rejected by the Returning Officer if-

- (a) the outer envelope contains no declaration paper outside the voting paper cover ,or
- (b) the declaration paper is not the one sent by the Returning Officer,Or
- (c) the declaration paper is not signed by the elector, or
- (d) the voting paper is placed outside the voting paper cover, or
- (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

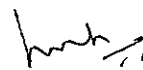
iv) **Rule 18 (2)** states that “In each case of rejection the word ‘rejected’ shall be endorsed on the voting paper cover and the declaration paper. The reasons for rejection shall also be recorded in brief, on voting paper cover”

v) **Rule 18 (3)** states that “After satisfying himself that the electors have affixed their signatures to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody pending disposal under Rule1”

vi) **Rule19 (1)** states that “on the date appointed for counting, the voting paper covers, other than those rejected under Rule 18,shall be opened and the voting papers taken out and mixed together”

The above referred Rules are filed herewith as Ex.P10.

16. It is humbly submitted that the entire process of conduct of elections will be construed to be held in a proper and fair manner only and only if the 2<sup>nd</sup> respondent collects the specimen signatures of the electors from the respective



State Veterinary Councils of the country before the date of counting of votes i.e. 26.11.2010 or if the 2<sup>nd</sup> respondent instructs the Registrars or their authorized representatives of all State Veterinary Councils of the country to be present on the day of counting of votes i.e. 26.11.2010 to verify the genuinity of signatures of the electors since all the State Veterinary Councils are possessing the specimen signatures of the electors of their respective states. It is submitted that the 2<sup>nd</sup> respondent should verify all the Declaration Papers (Form III) which does not contain IVPR Page numbers for the genuinity of the signature of the elector and also the 2<sup>nd</sup> respondent should strictly follow the Rule 18(1)(c), Rule 18(3) of IVC Rules 1985. If these measures are not followed by the respondents herein in the conduct of the elections to the Veterinary Council of India, the petitioner and also the genuine contestants in the Country will be put to irreparable loss and injury.

17. In the circumstances stated above, the petitioner has no efficacious alternative remedy, except to approach this Hon'ble Court under Article 226 of the Constitution of India. The petitioner has not filed any writ petition, suit or other proceedings for the relief or relieves sought herein.

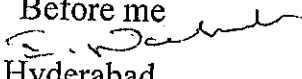
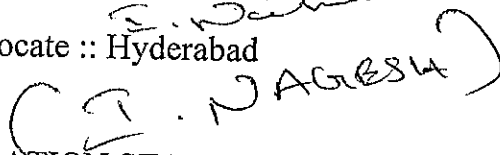
18. For the reasons mentioned above it is therefore humbly prayed that the Hon'ble Court may be pleased to issue Writ of Mandamus or any appropriate writ, order or direction, declaring the inaction of the respondents herein in adopting the procedure contemplated under Rule 18(1) (c) and Rule 18 (3) of IVC Rules 1985 while scrutinizing the declaration paper for rejection of voting paper cover by verifying the signatures macroscopically attested on the declaration papers with the original specimen signatures of the respective electors by considering the representation Dt. 25.2.2010 as illegal, null and void and for a consequential order to follow the procedure as contemplated under Rule 18(1) (c) and Rule 18 (3) of IVC Rules 1985 while scrutinizing the declaration papers at the time of counting

of votes on 26.11.2010 and to pass such other order or orders as this Hon'ble Court deems fit and proper.

19. It is also prayed that the Hon'ble Court may be pleased to direct the 2<sup>nd</sup> respondent to follow the procedure contemplated under Rule 18(1) (c) and Rule 18(3) of IVC Rules 1985 by verifying the signatures macroscopically attested on the declaration papers with the original specimen signatures of the respective electors while scrutinizing the declaration papers (Form III) at the time of counting of votes on 26.11.2010, pending disposal of the above writ petition and to pass such other order or orders as this Hon'ble Court deems fit and proper.

Solemnly and sincerely affirm this the day of 7<sup>th</sup> day of November, 2010 and signed his name in my presence.

  
DEPONENT

Before me  
  
Advocate :: Hyderabad  


VERIFICATION STATEMENT

I, Dr.K.Krishna Kumar, s/o. K.Nagi Reddy, Hindu, aged 44 years, Occ: Veterinary Doctor, Dept. of Animal Husbandry, A.P., Presently working at Animal Quarantine & Certification Services, Rajiv Gandhi International Airport, Shamshabad, Hyderabad, being the petitioner/ person acquainted with the facts do hereby verify and state that the contents of paras 1 to 16 etc., of the Affidavit filed in support of the Writ Petition are true to my personal knowledge, those of paras 17 to 19 etc., are based on legal advice believed to be correct.

Verified at Hyderabad on this the 7<sup>th</sup> day of November, 2010

  
Advocate

  
Deponent