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**COMPILATION OF SOME
IMPORTANT CIRCULARS OF ECI**

VOLUME - I

**(ELECTION MACHINERY,
ELECTION PREPARATION
AND
NOMINATION)**

**ELECTION DEPARTMENT
RAJASTHAN, JAIPUR**

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ELECTION MACHINERY

Requisitioning

ITEM NO. 1

Election Commission's Letter No. 62/84, dated 06.11.1984 to Chief Secretaries to State/Union Territories, all Chief Electoral Officers and Ministries of Home Affairs and Law and Justice.

Subject: General Elections/Bye-elections - Guidelines for the conduct of Government servants

I am directed to invite your attention to sections 129 and 134 of the Representation of the People Act, 1951, relating to the conduct of Government servants during elections and to say that the Government of India as well as the State Government have been, before conduct of a general election, issuing instructions regarding the conduct of Government servants in relations to an election, stressing that all the Government employees should maintain an attitude of strict impartiality.

2. The Government employees should not only be impartial but should also appear to be so in relation to the elections. They are required to conduct themselves in such a manner as to inspire confidence in the public in regard to their impartiality so that there might not be any occasion for the people to think that the elections would not be held in a free, fair and pure atmosphere. It should be stressed that they should avoid giving room for any suspicion that they are favouring any party or any candidate. They are not expected to take part in any election campaign or canvassing and should take scrupulous care not to lend their names, official position or authority to assist one individual as against another or one group as against another.
3. With particular reference to the tours that the Ministers might undertake on the eve of the elections, it is necessary that while Government Officers should make all the usual arrangements to enable the Ministers to carry out their responsibilities as Ministers, the Government Officers should not themselves organize any election meetings or be present in person during any such meetings except those who may have to be present to the extent necessary for maintaining law and order and making necessary security arrangements.

The question as to whether a public meeting addressed by a Minister is officially sponsored or is held for election propaganda has to be decided by the Minister himself. In the meeting, the arrangement for organizing it is to be made on the Minister's behalf unofficially and the expenditure in that connection is to be borne by him or his party.

It is further made clear that a public meeting held on the eve of an election is normally to be considered to be an election meeting and the expenses thereof are not to be borne from public funds. The preservation of law and order at every meeting will, however, be the responsibility of the Government officials responsible for law and order.

4. In this connection I am also to enclose a copy of the Ministry of Home Affairs' O.M. No. 25/44/49- Ests, dated 10th October 1949, which clarifies the position regarding the participation of Government servants in political activities vis-a-vis the attendance by Government servants at political meetings, for your information. The contents of the said O.M.

- may also be brought to the notice of all Government servants for their guidance.
5. In the matter of election meetings in a public place, the Government officers should not make any distinction between one political party and another in granting permission to hold such meetings. If more parties than one apply for holding a meeting at any place on the same day and at the same hour, the party which applies first should be given preference.
 6. Further your attention is specially invited to the provisions of section 134-A of the Representation of the People Act, 1951, which reads as follows:
"134-A Penalty for Government Servants for acting as Election Agent, Polling Agent or Counting Agent:
If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months with fine, or with both."
 7. In this connection, I am also to forward herewith an extract of rule 5 of the Central Civil Service (Conduct) Rule, 1964, which inter alia prohibits the Government servants from taking part in politics and elections. It is presumed that similar provisions exist in the rules governing the conduct of Government servants of your State.
 8. I am, therefore, to request that necessary instructions in the above regard may kindly be issued by the State Governments emphasizing upon the Government servants that any disregard of instructions would be considered by the Government as a serious act of indiscipline and that in cases of doubt a Government servant should not hesitate to consult his superior officer.
 9. A copy of the instructions issued by the State Government may be forwarded for the Commission's record.

The receipt of this letter may please be acknowledged.

[The Commission's letter No. 62/79, dated the 13th November 1979 is hereby superseded.]

COPY

Ministry of Home Affairs O.M. No.25/44/49-Estts. dt. 10th October 1949

Subject: Participation by Government servants in political activities-attendance by Government servants political meeting

Attention is invited to the Ministry of Home Affairs Office Memorandum No. 25/44/49-Estt., dated the 17th September 1949 dealing with the scope of rule 23 (i) of the Government Servant's Conduct Rules which lays down that no Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in India.

2. Enquiries have been received as to whether attendance by a Government Servant at public meetings organized by political parties would amount to

participation in a political movement within the meaning of the rule referred to. Even in regard to this narrower question the position must necessarily remain as stated in the Office Memorandum referred to in paragraph I, viz :

- (i) that whether or not the conduct of any particular nature amounts to participation in a political movement is a question of fact to be decided on merits and in the circumstances of each particular case; and
- (ii) that the responsibility for the Government servant's conduct must rest squarely on his shoulders and that a plea of ignorance or misconception as to Government's attitude would not be tenable.

3. The following observations may, however, be of assistance to Government servants in deciding their own course of action :-

- (1) Attendance at meetings organized by a political party would always be contrary to rule 23 (i) of the Government Servant's Conduct Rules unless all the following conditions are satisfied:
 - (a) that the meeting is a public meeting and not in any sense a private or restricted meeting.
 - (b) that the meeting is not held contrary to any propitiatory order or without permission where permission is needed, and
 - (c) that the Government servant in question does not himself speak, at or take active or prominent part in organizing or conducting the meeting.
- (2) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as a participation in a political movement, frequent or regular attendance by a Government servant at meetings of any particular political party is bound to create the impression that he is a sympathizer of the aims and objects of that party and that in his official capacity he may favor or support the members of that particular party. Conduct which gives cause for such an impression may well be construed as assisting a political movement.
- (3) Government servants have ample facilities through the medium of the press to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic right, e.g. the right to vote at elections to Legislature or Local Self-Government institutions.

4. I am to request that Government servant under the control of the Ministry of Finance etc., may be informed accordingly.

To

All Ministries of the Government of India etc., etc.

Extract of Rule 5 of the Central Civil Services (Conduct) Rules. 1964

"Rule 5. Taking part in politics and elections:

- (1) No Government servant shall be a member of nor be otherwise associated with any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive or the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity he shall make a report to that effect to the Government.
- (3) If any question arises whether a party is a political or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub-rule (2) the decision of the Government thereon shall be final.
- (4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in, an election to any legislature or local authority;

Provided that-

- (1) A Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted:
- (2) A Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation: The display by a Government servant on his personal vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

ITEM NO. 2

Election Commission's letter No. 437/7/84 dated 09.11.1984 to all Chief Electoral Officers.

Subject: General Election/Bye election-constitution of Standing Committees of political parties at District level for securing their co-operation for revision of rolls and conduct of elections

I am directed to say that after consultation with Chief Electoral Officers and in the light of past experience, it has been decided that there should not be multiplicity of Committees for election purposes and only one committee at the district level should be constituted for election purposes comprising representatives of National and State recognised political parties and district officials and higher level police officers in the district.

2. I am accordingly to request that immediate instructions may be issued for constitution of standing committee comprising representatives of National and State recognised political parties and district officials to enlist the co-operation of the parties (i) in the preparation of the electoral rolls and bringing them as up-to-date as practical; (ii) drawing of lists of polling stations; and (iii) for actual conduct of elections.
3. The meetings of the Committees can be held by the Chief Electoral Officers/ District Election Officers/Returning Officers concerned at different stages, e.g. (1) at the time of draft publication of the rolls (2) before the final publication of the rolls, (3) preparation of lists of polling stations and (4) during conduct of elections.
4. Necessary instructions may be issued to the District Election Officers etc., to hold regularly meetings with the representatives of National and State recognised political parties and also the contesting candidates at the elections to sort out any problem that may be faced by them in the conduct of election. The meetings of the above committees may be held as many times as possible and particularly during the general election and revision of rolls.
5. Minutes of the meetings may also be prepared and kept for record.
6. A Report to the effect such meetings are being held regularly may be sent to the Chief Electoral Officer by concerned officer.
7. The recognised political parties are being addressed separately for necessary action on their part.
8. The earlier instructions contained in the Commission's letter No. 56/4/79 (PP), dated 26th September 1979 may be treated as superseded.
9. The receipt of this letter may kindly be acknowledged.

Election Commission's letter No. 4/93/J.S.II, dated 06.01.1993 addressed to 1. The Chief Secretaries to the Government of all States (except Jammu & Kashmir) and Union Territories. 2. The Cabinet Secretary to the Government of India, New Delhi and copy endorsed to the Chief Electoral Officers of all States/ Union Territories (except Jammu and Kashmir).

Subject: Officers and staff employed in connection with the conduct of elections police officers – regarding.

I am directed to state that the Constitution of India vide clause (1) of Article 324 has vested the superintendence, direction and control of, inter alia, the conduct of all elections to Parliament and to the Legislature of every State in the Election Commission. Clause (6) of Article 324 provides that the President or the Governor of a State, shall, when so requested by the Election Commission, make available to the Election Commission such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

2. The Parliament has clarified by section 13CC of the Representation for the People Act, 1950, as inserted by the Representation of the People (Amendment) Act, 1988 with effect from 15-3-89, as under: 13CC. Chief Electoral Officers, District Election Officers, etc. deemed to be on deputation to Election Commission. The officers referred to in this Part and ANY OTHER OFFICER or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of, all elections shall be deemed to be on deputation to the Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.
3. By Section 28A of the Representation of People Act, 1951, as inserted by the above mentioned Amendment Act with effect from 15-3-89, the Parliament has also further clarified that any police officer designated for the time being by the State Government for the conduct of any election shall also be likewise deemed to be on deputation to the Election Commission and be subject to its control, superintendence and discipline. The said section 28A is reproduced below :-

28A. Returning Officer, Presiding Officer, etc., deemed to be on deputation to Election Commission:-The returning officer, assistant returning officer, presiding officer, polling officer and any other officer appointed under this part, and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the Election Commission for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers SHALL, during that period, be subject to the control, superintendence and discipline of the Election Commission.

4. At the time of any election in a State/Union Territory, it is essential that proper law and order is maintained in the whole of the State/Union Territory, during the entire election period from the time the elections are announced by the Commission and till the same are completed by the due constitution of the House concerned. Equally important is it to provide due protection and security to the election officers, polling personnel and polling materials as well as to the candidates, leaders of political parties and other important functionaries in each constituency, so as to ensure free and fair election.
5. The above arrangements are the responsibility, duty and function of the police officers and police personnel not only at the constituency level but also of the police officers at the District level and State level. All police officers and police personnel starting with the Director General of Police/Inspector General of Police/Commissioner of Police at the top level, officers immediately subordinate to them, including but not limited to DIGs, SSPs, SPs, Dy SPs, and down to Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables (including home guards, ex-servicemen, etc.) who are involved in any way in the above mentioned election-related arrangements perform duties in connection with the conduct of elections. They all are thus by law officers of the Commission being on deputation to it and are subject to its control, superintendence and discipline and are answerable to the Commission for any acts of commission on their part while performing any election related duties.
6. Likewise, the officers and personnel of Central Police Forces and any, armed police force of a State or Special Security Forces when deployed on election-related duties in any State/Union Territory are also subject to the Control, superintendence and discipline of the Commission.
7. The Commission desires that the above legal position should be immediately brought to the notice of all police officers and police personnel mentioned above for their information and compliance. It may be impressed upon them that any lapse on their part in the performance of their election related duties will be viewed by the Commission appropriately.
8. The receipt of this letter may kindly be acknowledged. A copy of the instructions issued by the Government/Administration in this behalf should be endorsed to the Commission for its information and record before 31 -01 -1993.

ITEM NO. 4

Election Commission's letter No. 434/94/PS-I, dated 11.05.1994 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Appointment of ROs and AROs-Commission's written prior approval absolutely necessary - regarding

An instance has come to the notice of the Commission where Assistant Returning Officer for a Parliamentary Constituency where the bye-election is scheduled to be held on 26th May, 1994, has been changed in anticipation of the Commission's approval. The Returning Officer of that Parliamentary Constituency also assigned certain statutory functions to the newly designated Assistant Returning Officer prior to receipt of the Commission's written approval for the appointment.

2. The Commission has taken a very serious view of the matter and directs that no officer shall be assigned any duties of Returning Officers/Assistant Returning Officers unless a proposal to that effect has been sent to the Commission and the Commission's approval for such appointment has been obtained in writing.
3. Any appointment and entrustment of statutory duties without the prior written approval of the Commission will be a gross violation of the Commission's instructions and will be viewed very seriously. Disciplinary proceedings will be initiated against all the officials responsible for the lapse.

ITEM NO. 5

Election Commission's Order No.434/1/ES026/94 MCS, dated 24.10.1994 addressed to Chief Secretary/CEOs of all States/UTs

Subject: Designation of Police Officers by State Govt. U/S 28A of R.P. Act, 1951.

ORDER

The Commission vide its order no. 4/93/JS-II dated the 6th January, 1993, had clarified that all police officers and police personnel starting with the Directors General of Police/Inspectors General of Police/Commissioners of Police at the top level, officers immediately subordinate to them, including but not limited to Director Generals, Additional Director Generals, Senior Superintendent Polices Superintendent Polices, Deputy Superintendent Polices and down to Inspectors, Sub-Inspectors, Assistant Sub-Inspectors, Head Constables and Constables (including home guards, ex-servicemen etc.) who are involved in any way in election-related arrangements perform duties in connection with the conduct of elections. They all are thus, by law, officers of the Commission being on deputation to it and are subject to its control, superintendence and discipline and are answerable to the Election Commission for any acts of commission or commission on their part while performing any election-related duties.

2. The Commission had also clarified that like-wise the officers and personnel of Central Police Forces and armed police forces of a State or Special Security Forces, if any, deployed on election - related duties in any State/Union Territory, are also subject to the control, superintendence and discipline of the Commission.
3. The Commission further clarified that the legal position should be immediately brought to the notice of all police officers and police personnel mentioned above for their information and compliance. It may be impressed upon them that any lapse on their part in the performance of their election-related duties will be viewed by the Commission appropriately.
4. In its letter of even number dated 26th July, 1993 the Commission had further elaborated and clarified that in so far as election related arrangement and coordination is concerned, since these are supervised by the Chief Secretary to the Government, he will be deemed to be an officer of the Election Commission while coordinating and supervising the election-related work in the State/Union Territory and will be subject to its control, supervision and discipline within the meaning of Article 324(6) of the Constitution read with section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951. Further as the Home Secretary to the State Government coordinates and supervises the arrangements relating to the maintenance of law and order in the State at the time of elections and performs election related duties he will also be

subject to the overall control, superintendence and discipline of the Election Commission within the meaning of the aforementioned provisions of the Constitution and the Representation of the People Act in so far as election related work is concerned.

5. In order that there are no lacunae and misgivings in any one's mind, the Commission has directed that in future the State Governments shall designate all police officers from the level of Director General of Police/Additional Director General of Police/Inspector General of Police/Commissioner of Police at the top level, officers immediately subordinate to them and up to the level of head constable and constable involved in any way in election-related duties, specially under section 28A of the R.R Act, 1951, as soon as the elections are announced and in any case not later than the 3rd day after the date of notification of general election or bye election.
6. Regardless of the nature of election (whether a general election or a bye election) the State Govt, shall invariably designate:
 - i) The Director General of Police/Additional Director General of Police, Inspector General of Police; and
 - ii) In a general election, all the police officers below the level of Director General of Police borne on the strength of the State Government; and
 - iii) In the case of a bye-election the Additional DG/ DIG/ Commissioner of Police under whose jurisdiction the constituency falls, and all police officers below them in the districts/ constituencies concerned, as designated officers for the purpose of section 28A of the R.R Act, 1951.
7. The Commission has further directed that where any State Government/Union Territory Administration fails to designate any individual police officer or class of police officers of any rank, as directed herein above under section 28A of the Representation of the People Act, 1951, the Commission will insist and ensure that such police officers will not be allowed to deal with any election related work in any manner whatsoever.
8. The Commission has also directed that compliance report in this regard in respect of the State of Goa and Sikkim shall reach by 1700 hours on 25th October, 94 and in respect of the States of Andhra Pradesh and Karnataka after the 3rd day of the date of notification calling for the general elections.

This shall be treated as a standing order for all future elections/bye-elections.

6

Election Commission's Letter No. 576/11/94/JS.II dated 15.11.1994 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Period of duty of Presiding and Polling Officers – Clarifications regarding

The appointment of Presiding Officers and Polling Officers is done by the District Election Officer under the powers vested in him under section 26 of the Representation of the People Act, 1951. Section 26 reads as follows:-

(1) The District Election Officer shall appoint a Presiding Officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the District Election Officer accordingly:

Provided further that nothing in this sub-section shall prevent the District Election Officer from appointing the same person to be the Presiding Officer for more than one polling station in the same premises.

- (2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under this Act or any rules or orders made there under.
- (3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the district election officer to perform such functions during any such absence.

2. The Commission has given detailed instructions in this regard which are contained in Para 10.1 of Chapter III of 'Handbook for Returning Offices (1994 edition) wherein, inter alia, it has been directed that the Presiding and Polling Officers should be formally appointed, both for the Assembly constituency and for the Parliamentary Constituency also in the case of a simultaneous election.

3. The Commission has also prescribed a standard proforma for use by the District Election Officer for the appointment of the Presiding Officer and the Polling Officers, which is contained as Annexure IX in the 'Handbook for Returning Officers'.

4. Instructions are also contained in Chapter XXI of 'Handbook for Presiding Officers' that after the poll the Presiding Officer shall hand over to the officials in charge of the Collecting Centre, all polled ballot boxes, election papers and materials and shall obtain a receipt there of. It has also been clarified that only after the above items are checked by the Receiving Officials at the Collecting Centre in

the presence of the Presiding Officers/Polling Officers these personnel will be relieved.

5. The time taken for reaching the Collecting Centre with the polled ballot boxes and other materials will differ from place to place depending upon the distance of the polling station from the Collecting Centre, terrain and facility for transport, etc.

6. After the deposit of sealed ballot boxes and other materials by the Presiding Officers/Polling Officers these personnel will have to be given reasonable period for travelling back to their destinations wherever they come from since the deposit of the ballot boxes often goes late into the night of the date of poll, wherever they are able to reach the Collection Centre the same night, for the polling personnel to reach their headquarters takes time.

7. The Commission therefore, has directed that the day following the date of poll, and in the case of re-poll, the date following the date of re-poll, as the case may be, will also be treated as period of election duty and the polling personnel will not be required to report for duty in their normal place on such day. For instance, if the date of poll is 15th December and the polled ballot boxes, etc., are reached at the receiving centre on 15th/16th December by the Presiding Officer/Polling officers, such officers will not be treated as absent from their normal duty if they do not report for their duty on 16th December, after completion of the election duty but report on 17th December, for their normal duties. In areas where the travelling time is longer, suitable allowance will be further made for this and the day following the date of deposit of polled material, etc, shall be treated as duty period.

8. The Commission has directed that suitable instructions in this regard be issued by the State Govt/ Chief Electoral Officer for strict compliance of all concerned

The receipt on this letter should be acknowledged forthwith.

7

Election Commission's Letter No. 458/4/96/-PS-IV/Vol-II dated 22.07.1996 addressed to the Chief Electoral Officers of all States & Union Territories.

Subject: Provision of minimum facilities to pregnant women polling personnel during poll

1. I am directed to invite your attention to Commission's letter No. 458/4/84 dated 9.11.1984 and message No. 458/4/96-PLN-IV dated 16th April, 1996 regarding minimum facilities of shelter, water and toilet at polling stations for polling personnel and voters.
2. The Hon'ble High Court of Andhra Pradesh has, in its order in Writ Petition No. 7659 of 1996 (Sumathi vs. Chief Electoral Officer, Andhra Pradesh and others directed that;
 - (a) The respondents shall exempt all such women who are in advanced stage of pregnancy, whether are no maternity leave or not, or who are otherwise on medical advice not fit for any rigorous or hazardous work from being requisitioned for election duty. The same will apply to women who are breast feeding a newly born child; and
 - (b) The respondent shall inform well in advance every woman called for election duty of the arrangements for her stay, private and separate arrangement for women only at the place of duty to meet the calls of nature as well as for bath and dressing and unless such arrangement is made and information in this behalf is delivered to such woman, she shall not be called to perform any election duty at any such place where the above arrangements are not available.
3. The Commission directs that above directions shall be scrupulously followed during all future elections and any failure to comply with these directions will be viewed seriously.
4. Kindly acknowledge the receipt of this letter.

Election Commission's letter No. 3/1/98/J.S.II, dated 11.08.1998 addressed to CEOs of all States and UTs.

Subject: Requisitioning of Staff for Election Duties - Amendment to Section 159 of the Representation of the People Act, 1951 - regarding

I am directed to refer to the Commission's letter of even No., dated 13th May, 1998, forwarding therewith a copy of the Representation of the People (Amendment) Ordinance, 1998 regarding requisition of staff for election duties.

2. The Parliament has now passed the Representation of the People (Amendment) Act, 1998 (No. 12 of 1998) as published in the Gazette of India, Extraordinary, Part-II, Section (I), dated 23.06.1998 to substitute new section for section 159 of the Representation of the People Act, 1951 in the above matter. The Representation of the People (Amendment) Ordinance, 1998 has been repealed. A copy of the Gazette of India, dated 23.06.1998 publishing the aforesaid amended Act is forwarded herewith.
3. It will be observed from the amended Section 159 of the Representation of the People Act, 1951 that the following authorities shall make available such staff as may be necessary for the performance of any duties in connection with an election:
 - (i) every local authority;
 - (ii) every university established or incorporated by or under a Central Provincial or State Act;
 - (iii) a Government company as defined in section 17 of the Companies Act, 1956;
 - (iv) any other institution, concern or undertaking which is established by or under a Central Provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.
4. In accordance with the amended provision of Section 159 of the Representation of the People Act, 1951, employees of local authorities, universities, Nationalized Banks, Life Insurance Corporation, Government Undertakings etc. can now be requisitioned for deployment on elections duties. It is, however, reiterated once again that bank employees may be drafted on election duty to the minimum extent possible, only in a constituency where sufficient number of Government employees are not available and/or in emergent circumstances such as strikes etc. by the Government employees. Care should be taken to see that normal functioning of the banks are not interrupted. Further, if practicable, their posting to any polling station outside their normal place of duty may be avoided.
5. The implications of the Representation of the People (Amendment) Act, 1998 (amending Section 159 of the Act) may be brought to the notice of all District Election Officers, Returning Officers and other election related authorities immediately for their information and necessary action. The above-amended provision may be

incorporated in the Manual of Election Law, 1997 and in the Handbook for Returning Officers, (1998 edition) and also in the "Compendium of Instructions on Conduct of Elections, 1998."

The receipt of this letter may kindly be acknowledged.

ITEM NO. 9

Election Commission's Order No.4/2001/JS.II dated 07.02.2001 addressed to the Chief Secretary and Chief Electoral *Officers of all States/UTs.*

Subject: Disciplinary proceedings against officials appointed on election duty.

The question of true purport and extent of disciplinary jurisdiction of the Commission under Section 13CC of the Representation of the People Act, 1950 and Section 28A of Representation of the People Act, 1951, was raised before the Hon'ble Supreme Court in Writ Petition (C) No.606 of 1993 (Election Commission of India Vs. Union of India and others).

2. The Hon'ble Supreme Court, by its order dated 21.9.2000, disposed of the above writ petition in terms of the Terms of Settlement arrived at between the Commission and the Union government and accepted in toto by the State Governments of Tripura, Maharashtra, Tamil Nadu, Andhra Pradesh and Mizoram.

The Terms of Settlement referred to above are reproduced below:

"That the disciplinary functions of the Election Commission of India over officers, staff and police deputed to perform election duties during election period shall extend to -

- (a) Suspending any officer/ official/ police personnel for insubordination or dereliction of duty;
 - (b) Substituting any officer/official/police personnel by another such person, and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;
 - (c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission, within a period of six months from the date of the Election Commission's recommendations;
 - (d) The Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under their administrative control."
3. In supersession of the Commission's order No.509/General/96 JS.I, dated 18th March, 1996, the Commission hereby directs that the disciplinary action against Officers, Staff and Police Personnel deputed to perform election duties during an election shall hereafter be governed by the above principles and decisions agreed to between the Union Government and the Election Commission and as recorded by the Supreme Court of India in its Order dated 21.9.2000 in writ Petition (C) No.606 of 1993 (Election Commission of India Vs. Union of India and Others).
4. In this connection, a copy each of the letters dated 07.11.2000 and 08.11.2000 issued by the Govt, of India, Department of Personnel and Training is enclosed.

No. 11012/7/98-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, dated the 7th November, 2000

OFFICE MEMORANDUM

Subject: Disciplinary jurisdiction of Election Commission of India over Government servants deputed for election duties

The undersigned is directed to say that one of the issues in Writ Petition (C) No.606/1993 in the matter of Election Commission of India Vs Union of India & Others was regarding jurisdiction of Election Commission of India over the Government servants deputed for election duties under section 28A of the Representation of the People Act, 1951 and section 13CC of the Representation of the People Act, 1950. The Supreme Court by its order dated 21.9.2000 disposed of the said petition in terms of the settlement between the Union of India and Election Commission of India. The said Terms of Settlement are as under:-

"The disciplinary functions of the Election Commission of India over officers, staff and police deputed to perform election duties shall extend to-

- a) Suspending any officer/official/police personnel for insubordination or dereliction of duty;
 - b) Substituting any officer/official/police personnel by another such person, and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;
 - c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission, within a period of six months from the date of the Election Commission's recommendations;
 - d) The Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under their administrative control."
2. The implication of the disposal of the Writ Petition by the Supreme Court in terms of the above settlement is that the Election Commission can suspend any officer/official/police personnel working under the Central Government or Public Sector Undertaking or an autonomous body fully or substantially financed by the Government for insubordination or dereliction of duty and the Election Commission can also direct substituting any officer/official/police personnel by another person besides making recommendations to the Competent Authority for

taking disciplinary action for insubordination or dereliction of duty while engaged in the preparation of electoral rolls or election duty. It is also clarified that it is not necessary to amend the services rules for exercise of powers of suspension, by the Election Commission in this case since these powers are derived from the provisions of section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951 since provisions of these Acts would have overriding effect over the disciplinary rules. However, in case there are any conflicting provisions in an Act governing the disciplinary action, the same are required to be amended suitably in accordance with the Terms of Settlement.

3. All Ministries/Departments are requested to bring the above Terms of Settlement to the notice of all concerned for information and compliance.

Sd/-
(Smt. S. Bandopadhyay)
Director

No.11012/7/98-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, dated the 8th November, 2000

To

The Chief Secretaries of all the State Governments/UT Administrations.

Subject: Disciplinary jurisdiction of Election Commission of India over Government servants deputed for election duties.

I am directed to say that one of the issues in Writ Petition (C) No.606/1993 in the matter of Election Commission of India Vs Union of India & Others was regarding jurisdiction of Election Commission of India over the Government servants deputed for election duties under section 28A of the Representation of the People Act, 1951 and section 13CC of the Representation of the People Act, 1950. The Supreme Court by its order dated 21.9.2000 disposed of the said petition in terms of the settlement between the Union of India and Election Commission of India. The said Terms of Settlement are as under:-

"The disciplinary functions of the Election Commission of India over officers, staff and police deputed to perform election duties shall extend to-

- a) Suspending any officer/official/police personnel for insubordination or dereliction of duty;
- b) Substituting any officer/official/police personnel by another such person and returning the substituted individual to the cadre to which he belongs, with appropriate report on his conduct;
- c) Making recommendation to the competent authority, for taking disciplinary action, for any act of insubordination or dereliction of duty, while on election duty. Such recommendation shall be promptly acted upon by the disciplinary authority, and action taken will be communicated to the Election Commission, within a period of six months from the date of the Election Commission's recommendations;
- d) The Government of India will advise the State Governments that they too should follow the above principles and decisions, since a large number of election officials are under their administrative control."

2. Government of India has issued instructions to bring the above terms of settlement to the notice of all concerned for information and compliance vide OM NO. 11012/7/98-Estt. (A) dated 7th November, 2000 (Copy enclosed). It is requested

that the State Governments may follow the Terms of Settlement above mentioned in the case of officials deputed for election duties by the State Governments.

Yours faithfully,

sd/-

(HARINDER SINGH)

Joint Secretary (E)

10

Election Commission's letter No. 464/Inst./2004/PLN-I, dated 06.03.2004 addressed to the Chief Electoral Officers of all States and Union Territories.

**Subject: General election to Lok Sabha, 2004 -
Deployment of officers and staff.**

I am directed to invite your attention to Commission's letter No.464/Inst./2000/PLN-I, dated 23.04.2000, on the subject cited, wherein Commission has directed that doctors and compounders working in veterinary hospitals may be exempted from election duties. I am further to state that Commission has also decided that officers working in Grade-B (Cattle Extension Officer) in veterinary hospitals may be exempted from election duties.

2. The receipt of the letter may kindly be acknowledged.

11

Election Commission's letter No. 464/INST/2004-PLN-I, dated 24.03.2004 addressed to the Chief Electoral Officers of All States and Union Territories and copied Jt. Dy. Director General (PHE), Bharat Sanchar Nigam Ltd.

Subject:- General Elections 2004-Requisitions of staff and vehicles.

I am directed to state that it has come to the notice of the Commission that staff and vehicle of Bharat Sanchar Nigam Limited is being requisitioned for election duty during aforesaid election. It has been mentioned that BSNL staff is directly discharging the operational duties to maintain the telecom facilities like hotline, data circuits, telecom arrangements etc. all over India.

2. After looking into the account of all relevant factors, the Commission has decided that as far as possible, operational/technical staff and vehicle of the said enterprise shall not be requisitioned for election duties.

12

Election Commission's letter No. 464/INST/2004/PLN-I/, dated 06.04.2004, addressed to the Chief Electoral Officers of all States & Union Territories.

Sub:- General Elections - 2004 - Drafting of polling personal for election duty.

I am directed to invite your attention to para viii of Commission's letter No.464/INST/2004/PLN-I, dated 14th March, 2004. It is clarified that as mentioned in para 15 of Chapter XIII A of the Handbook for Returning Officers, in a simultaneous election the polling party will consist of one Presiding Officer, and five Polling Officers. Wherever there are more than 1200 voters, one extra Polling Officer will be appointed. In other words, if there are more than 1200 voters in a polling station, in a single election one Presiding Officer plus four Polling Officers will be appointed and in a simultaneous elections one Presiding Officer plus six polling officers will be appointed.

2. The receipt of the letter may kindly be acknowledged.

13

Election Commission's letter No. 464/Inst/2005/PLN-I, dated 13.04.2005 addressed to the Chief Electoral officers of, all States and Union territories.

Subject: - Exemption from election duty - regarding.

I am directed to state that Commission has been receiving representations from various organizations for non-requisitioning of medical practitioners (Doctors) for election duty as it causes immense difficulties to the ailing people.

The Commission, after taking into account all relevant factors has decided that no medical practitioners (Doctors) shall be drafted for election duty at any point of time to enable the Hospital/ Primary Health Center or Government Dispensaries to cater to the needs of serious patients.

Kindly acknowledge the receipt of this letter.

ITEM NO. 14

ELECTION COMMISSION OF INDIA
Niryachan Sadan, Ashoka Road, New Delhi-110001

No.464/INS/2007/PLN- I/

Dated : 11th December, 2007.

To
The Chief Electoral Officers
Of all States and Union Territories.

Subject:- Exemption from election duties - regarding.

Sir/Madam,

I am directed to state that the Commission has been receiving representations from the organizations like Cabinet Secretariat, Govt. of India etc. for exemption from election duties of Central Intelligence Agencies etc.

The Commission, after due consideration has decided that henceforth the officials working in CBI, IB and RAW (and other intelligence agencies) should not be drafted for election/election related duties.

The Commission has further decided that the personnel working in essential services like Hospitals, Airports, Fire Services also should not be appointed to any election/election related duties.

All concerned may be informed to follow the above said instruction scrupulously.
Kindly acknowledge the receipt of the letter.

Yours faithfully,

(K.N. BHAR)
UNDER SECRETARY

भारत निर्वाचन आयोग
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

नरेन्द्र एन. बुटोलिया
अवर सचिव

सं. 509/65/2003/जे.एस.आई.

दिनांक: 28.01.08

प्रेषिती,

समस्त राज्यों और संघ राज्यक्षेत्रों
के मुख्य निर्वाचन अधिकारी,

विषय :- निर्वाचन कार्य में अध्यापकों को काम में लेना
महोदय,

निदेशानुसार लेखा है कि माननीय उच्चतम न्यायालय ने, दिल्ली उच्च न्यायालय की खण्ड पीठ द्वारा रि.पि.सि.सं. (W.P.C.No.) 1076/2003 सैन्ट मैरी'ज स्कूल बनाम भारत संघ और अन्य में पारित निर्णय और आदेश दिनांक 11.08.04 के विरुद्ध आयोग द्वारा दाखिल 2007 की सी.ए. 5659 में दिनांक 6.12.07 को अपना निर्णय और आदेश पारित किया है।

माननीय उच्चतम न्यायालय ने निर्दिष्ट किया है कि नामावली पुनरीक्षण और निर्वाचन कार्यों की ड्यूटी पर अध्यापन स्टाफ (teaching staff) को अवकाशों (holidays) और अध्यापनेतर दिनों (non-teaching days) में लगाया जायेगा। न्यायालय ने यह और निर्दिष्ट किया है कि अध्यापकों को अध्यापन दिनों (teaching days) में और अध्यापन समय (teaching hours) के भीतर सामान्यतः ड्यूटी पर नहीं लगाया जाये। तथापि, अध्यापनेतर स्टाफ (non-teaching staff) को ऐसी ड्यूटी पर किसी भी दिन और किसी भी समय, यदि विधि में अनुज्ञेय हो, लगाया जा सकता है।

निर्वाचक नामावली पुनरीक्षण कार्य में अध्यापकों को काम में लेने के संबंध में, आयोग ने अपने पत्र दिनांक 28.01.08 द्वारा एक पृथक् अनुदेश जारी किया है। निर्वाचन संबंधी अन्य कार्यों में अध्यापकों को काम में लेने के संबंध में, निर्वाचन आयोग ने, उच्चतम न्यायालय के निर्णय की दृष्टि से निम्नलिखित निदेश जारी किये हैं :-

वर्तमान में मतदान दिवस पर अवकाश घोषित किया जाता है। आयोग चाहता है कि यदि रवानगी का दिन (जिस दिन अधिकांश मतदान दलों को रवाना किया जाये) विद्यालयों में के अध्यापन का दिन (teaching day) हो तो ऐसे विद्यालयों में, जहां कहीं भी आवश्यक हो, उस दिन स्थानीय अवकाश (local holiday) भी घोषित किया जाना चाहिए। आयोग यह और निर्दिष्ट करता है कि जब कभी भी अध्यापकों को पीटासीन अधिकारियों और अन्य मतदान अधिकारियों के रूप में नियुक्त किया जाये, उनके लिए प्रशिक्षण सत्र यथासाध्य (as practicable) अवकाशों पर आयोजित किया जायेगा।

इसे समस्त संबंधित की जानकारी में लाया जायेगा।

कृपया प्राप्ति अभिस्वीकार करें।

भवदीय,

(नरेन्द्र बुटोलिया)

ITEM NO. 16

No. 4/2008/JS.II

Dated: 30th July, 2008

OFFICE MEMORANDUM

Subject: Disciplinary proceedings against officials appointed on election duty.

The Commission has considered the issue of fixing a uniform policy approach in the cases of disciplinary action against election officials. Disciplinary issues against election officials arise on account of violations of provisions of Law/Rules, Model Code of Conduct and instructions of the Commission and for omissions and commission on the part of the officials which adversely affect the smooth conduct of elections. Individual cases of disciplinary action against the election related officials will be handled by the Zonal Section dealing with the election to which the case relates. For uniform approach in such cases, the following guidelines have been prescribed :

1. In the case of disciplinary cases arising out of violations of Model Code of Conduct and the provisions of the law (Representation of the People Act, etc):
 - (i) In the cases involving senior level officials such as ERO, AERO, RO, ARO, DEO, ADM, SP, DSP, RCS, etc., the cases of violation of law should be treated differently as compared to junior level functionaries. In the case of such senior level officers, the approach should be to take exemplary disciplinary action, so that the signal goes loud and clear to all other officials that there would be zero tolerance on such violation affecting election management.
 - (ii) The cases involving junior level staff functionaries, such as clerical cadre, constables, etc, appropriate disciplinary action should be taken on the basis of facts and the gravity of the case, keeping in view the fact that action against such junior level functionaries do not reverberate in terms of signals beyond a limited jurisdiction. Out of these, any case of partisan behavior should be viewed seriously as distinguished from procedural lapses, which may be viewed differently.
2. In disciplinary cases involving major seizure of cash and other materials in election related matters:
 - (i) Exemplary disciplinary action should be taken against officials at all levels who are involved in omissions and

commissions related to violation of laws & instructions in such cases.

(ii) The CEO of the concerned State should be directed to monitor and intensely follow up such cases involving violations of laws related to election management, which results in police cases.

3. Disciplinary action against officials representing the Election Commission of India.

(i) District Election Officer (DEO), Returning Officer(RO), Electoral Registration Officer(ERO), etc. have the most important and sensitive statutory as well as managerial role in the conduct of free and fair elections. In the case of violation, of instructions, omissions and commissions by these officials, especially ROs and EROs, exemplary disciplinary action should be taken so as to ensure that the purity of the election process is upheld.

(ii) The observers, are senior Officers selected from the premier services of the country and they directly represent the Election. Commission. Hence for willful violations by them severe disciplinary action should be taken. For minor lapses or transgressions, warnings can be issued, if the officer concerned shows contrition and makes amends for any loss to exchequer.

INSTRUCTION SL NO.

Election Commission's letter No. 464/INST/2008/EPS, Dated: 5th November, 2008 addressed to The Secretary to the Government of India, Ministry of Defence, New Delhi.

Subject: - Drafting of Senior Division NCC Cadets for Elections.

The Commission has decided that the services of Senior NCC Cadets shall be utilized by deploying them for duties relating to general elections at the polling stations like manning of queues etc.

- 2. You are requested to issue necessary instructions to authorities concerned to provide necessary assistance in this regard in all the States. The immediate need is in the six States of Chhattisgarh, Madhya Pradesh, Rajasthan, Delhi, Mizoram and Jammu & Kashmir.***
- 3. The Cadets will be required for Poll day duty within their districts only. It will be restricted to poll day (single day). This will be needed in uniform but without any Arms. The Cadets would be paid remuneration at the same rate as any other polling personnel going to polling station for election duty. The poll day when they would be needed on duty is declared a holiday everywhere. The expenditure on logistics of picking up the Cadets and dropping them back will also be borne by State Government concerned.***

Copy to: - The Chief Electoral Officers of All States/UTs.

INSTRUCTION SL.NO.

Election Commission's letter No. 508/2008-EPS, Dated: 18th December 2008 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Criteria for appointment of District Election Officer/Returning Officer – clarification regarding.

In supersession of the Commission's letter No. 508/94/PS-I dated. 7.9.1994 addressed to the Chief Electoral Officers of all States/UTs on the above subject, I am directed to say that as you are aware that the conduct of election has undergone a paradigm change, as such the role of Returning Officer has gained more focus. It has been observed in the past elections that one officer had been made incharge of many Assembly Constituencies. Even the District Election Officers were allowed to remain as Returning Officers of more than one Parliamentary Constituencies. In the present context, the Commission has decided that: -

- (i) In para 2(b) of the Commission's letter No. 508/94-PS-I dated.13.01.94 (copy enclosed), the criteria for appointment of Returning Officer for a Parliamentary Constituency, may be read as that there will be a separate Returning Officer for each and every Parliamentary Constituency.
- (ii) In cases where there are two or more Parliamentary Constituencies totally coming within one district, the District Election Officer cum District Magistrate/Deputy Commissioner/Collector will be the Returning Officer of only one Parliamentary Constituency and another seniormost officer not below the rank of ADM shall remain incharge of the second Parliamentary Constituency falling in the same district. However, the District Election Officer will take care of electoral administration of the whole district.
- (iii) ***In cases where a Parliamentary Constituencies in contained in partly in two districts, the District Election Officer of that district where major parts of the Parliamentary Constituency falls shall be the Returning Officer of that Parliamentary Constituency. In case the District Election Officer of that district is already a Returning Officer of another Parliamentary Constituency in the district, an ADM rank officer will be Returning Officer provided prior permission of the Commission is obtained.***

INSTRUCTION Sl. No.

Election Commission's letter No.464/INST/2008/EPS Date: 23rd December 2008 addressed to The Chief Electoral Officers of all States and Union Territories.

Sub.- Drafting of physically challenged personnel for election duty-regarding.

I am directed to invite your attention to the Commission's letter no. 458/4/98-PLN-IV dated 30.10.1998 (**copy enclosed**) on the above matter. Subject to the condition stipulated in the above said letter, the physically challenged personnel in the past have been used as polling staff. Recently, the Election Commission has introduced the concept of micro-observer. Feedbacks have been received that in some places physically challenged personnel have been deployed as micro observer in recent elections.

A letter received from one such micro observer reveals that the sensitivity required and expected to be shown while drafting physically challenged personnel for such an assignment has not been displayed by the field officials. In this context, the Election Commission while reiterating the earlier instructions in this regard has issued some new instructions as follow:

The persons with disabilities have been defined under the "Persons With Disabilities (Equal Opportunities Protection of Rights & Full Participation) Act, 1995". The relevant extract of this Act is enclosed. Considering the nature of assignment and to avoid making hardship to such individuals, the Commission is of the view that the physically challenged persons with disabilities as defined under this Act should not be deployed on election duty. However, subject to compliance of the above circular relating to physically challenged persons if any such person is required to be used on election duty, prior approval of the Observer may be obtained giving full detail. The DEO and the RO shall make personal efforts to ensure that the special needs and requirements of the physically challenged persons are taken into account while choosing the polling station for deployment. It shall be ensured that they are not posted in any remote areas, rather they should invariably be posted at the polling stations located in the headquarter. This can be incorporated in the randomization software itself so that the database contains information about the physically challenged personnel, if any and if drafted on election duty those persons are not be posted any difficult location even inadvertently. The RO should make a special effort to identify such individuals at the time of training itself and personally meet and discuss with them in order to appreciate their nature of disabilities and limitations and decide the deployment. In case any such physically challenged person even inadvertently deputed to any difficult location, the RO

should be in a position to make necessary change manually in consultation with the Observer.
The CEOs shall sensitize all the field officials about this instruction.

(Copy)

Election Commission's letter No. 458/4/98-PLN-IV dated 30.10.1998 addressed to CEOs of Assam, Bihar, Gujarat, Himachal Pradesh, Mizoram, Madhya Pradesh, Nagaland, NCT of Delhi, Punjab, Rajasthan, Uttar Pradesh and West Bengal.

Subject: Drafting of handicapped personnel for election duty

Preparations for the current elections are in full swing. The field officers would be finalizing the list of personnel to be deployed for elections duty primarily as polling and counting staff in this connection a suggestion has been received from the Chief Commissioner for Disabilities, Govt. of India to exempt disabled persons from being deployed for such election related duties.

The persons with disabilities have been defined under the Equal Opportunities Protection of Rights & Full Participation Act 1996. The relevant extracts of this is enclosed. The Commission desires that as far as possible persons with disabilities as defined under the Act should not be deployed for election duty. This aspect may be kept in mind for selection and deployment of staff for election duty.

THE GAZETTE OF INDIA EXTRAORDINARY

Short Title, extent and commencement

Definitions

Be it enacted by Parliament in the Forty-Sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

- (1) This act may be called the Persons With Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may by notification, appoint. 2. In this Act, unless the context otherwise requires :-

Definitions

(a) "appropriate Government" means-

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government;

(ii) in relation to a State Government or any establishment wholly or substantially financed by that Government or any local authority, other than a Cantonment Board, the State Government;

- (iii) in respect of the Central Coordination Committee and the Central Executive Committee, the Central Government;
- (iv) in respect of the State Coordination Committee and the State Executive Committee, the State Government;
- (b) "blindness" refers to a condition where a person suffers from any of the following condition, namely :-
 - (i) total absence of sight; or
 - (ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or 2 of 1924
 - (iii) limitation of the field of vision subtending an angle of 20 degree or worse;
- (c) 'Central Coordination Committee' means the Central Coordination committee constituted under sub-section (I) of section 3;
- (d) 'Central Executive Committee' means the Central Coordination Committee constituted under sub-section (I) of section 9;
- (e) "cerebral palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;
- (f) 'Chief Commissioner' means the Chief Commissioner appointed under sub-section (I) of section 57;
- (g) "Commissioner" means the Commissioner appointed under sub-section (I) of section 60:
- (h) 'Competent authority' means the authority appointed under sub-section 50;
- (l) "disability" means-
 - (i) blindness;
 - (ii) low vision;
 - (iii) leprosy-cured;
 - (iv) hearing impairment;
 - (v) locomotor disability;
 - (vi) mental retardation;
 - (vii) mental illness;
- (j) "employer" means-
 - (i) in relation to a Government the authority notified by the Head of the Department in this behalf or where no such authority is notified, the head of the department; and
 - (ii) in relation to an establishment, the chief executive officer of that establishment:

(k) "establishment" means a corporation established by or under Central, Provincial or State Act, or an authority or a Government company as defined in section 617 of the Companies Act, 1956 and includes Departments of a Government;

(l) "hearing impairment" means loss of sixty decibels or more in the better year in the conversational range of frequencies;

(m) "institution for person with disabilities" means an institution for the reception care, protection, education, training, rehabilitation or any other service of persons with disabilities;

(n) "leprosy cured person" means any person who has been cured of leprosy but is suffering from-

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them engage in normal economic activity.

(iii) extreme physical deformity as well as advanced age which prevents him from undertaking any gainful-occupation.

and the expression "leprosy cured" shall be construed accordingly;

(o) "locomotor disability" means disability of the bones joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;

(p) "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;

(q) "mental illness" means any mental disorder other than mental retardation;

(r) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence;

(s) "notification" means a notification published in the official Gazette;

(t) "person with disability" means a person suffering from not less than forty percent of any disability as certified by a medical authority.

(u) "person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;

(v) "prescribed" means prescribed by rules made under this Act;

(w) "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;

(x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting-

- (i) persons who seek to engage employees from amongst the persons suffering from disabilities;
 - (ii) persons with disability who seek employment;
 - (iii) vacancies to which person with disability seeking employment may be appointed;
- (y) "State Coordination Committee" means the State Coordination Committee constituted under sub-section (l) of section 13;
- (z) "State Executive Committee" means the State Executive Committee constituted under sub-section (l) of section 19.

CHAPTER H

The Central Coordination Committee

3 (1) The Central Government shall by notification constitute a body to be known as the Central Central Coordination Committee to exercise the powers conferred on and to perform

Central Coordination

Committee the functions assigned to it,

under this Act.

(2) The Central Coordination Committee shall consist of-

- (a) The Minister in charge of the Department of Welfare in the Central Government, Chairperson, ex-officio;
- (b) The Minister of State in charge of the Department of Welfare in the Central Government, Vice-Chairperson, ex-officio;
- (c) Secretaries to the Government of India in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members ex-officio;
- (d) Chief Commissioner, Member, ex-officio;
- (e) Chairman Railway Board, Member, ex-officio;
- (f) Director-General of Labour Employment and Training, Member ex-officio;
- (g) Director National Council for Educational Research and Training Member ex-officio;
- (h) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States, Members;

(i) three person to be nominated by the Central Government to represent the interests which in the opinion of that Government ought to be represented, Members;

(j) Directors of the-

(i) National Institute of the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secundrabad;

(20)

INSTRUCTION SI. No.

Election Commission's letter No. 464/INST/2008-EPS Dated: 26th December, 2008 addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: - General Election to Lok Sabha, 2009 – Deployment of officers and staff – regarding.

I am directed to state that the Commission has decided that: -

- (a) The officers and staff of following departments will not be requisitioned for deployment of election duty: -
- (i) Senior officers of the Indian Forest Service.
 - (ii) Doctors and Compounders working in veterinary hospitals.
 - (iii) Officers working in Grade – B (Cattle Extension Officer) in veterinary hospitals.
 - (iv) Medical Practitioners.
 - (v) Territorial Staff of Forest Department.
 - (vi) All India Radio.
 - (vii) Doordarshan.
- (b) The operational/technical staff of BSNL, MTNL, UPSC and educational institutions will be requisitioned for election duty only in unavoidable circumstances.
- (c) Officer/staff of Commercial Bank located in rural area and if happens to be a single officer branch, need not be deployed.
- (d) It is clarified that while drawing persons for election duties, you should explore the possibility of asking for persons from all such Corporations/PSUs in the area instead of asking from one Corporation/PSU only so that it is not too much of a strain on a particular organization.

Kindly acknowledge the receipt of the letter.

(21)

G.E.-2009

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2008/EPS

Dated:- 11th February, 2009

To,

The Chief Electoral Officers of,
All States/UTs.

Subject: General Election to the Lok Sabha, 2009 – drafting of teachers/women/pregnant women as polling personnel – regarding.

Sir,

It has been brought to the notice of the Commission that women especially pregnant women face many difficulties when deployed on election duty. In this connection, attention is invited to the Commission's earlier letter No. 458/4/96 – PS-IV/Vol.II dated 22.07.1996 whereby it had been directed to exempt all lactating women and all such women who are in advanced stage of pregnancy, whether they are on maternity leave or not, or who are otherwise on medical advice not fit for any rigorous or hazardous work from being requisitioned for election duty. It had been further directed in the said letter to inform well in advance every woman called for election duty of the arrangements for her stay, private and separate arrangement for women only at the place of her duty to meet the call of nature as well as for bath and dressing and unless such arrangement is made and information in this behalf is delivered to such women, she shall not be called to perform any election duty at any such place where the above arrangements are not available.

Contd... 2

The Commission further directs that women staff should be used as polling personnel or as a micro-observer only in urban constituency or urban polling station as far as possible. The software programme used for the purpose of randomization should take care of this aspect. In States, where there are all women polling stations for exclusively women voters, preference may be given for appointment of women polling personnel in those polling stations along with at least one male staff.

The Commission desires that the aforesaid instruction should be followed scrupulously.

Kindly acknowledge this letter.

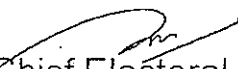
Yours faithfully


(SUMIT MUKHERJEE)
UNDER SECRETARY

GOVERNMENT OF RAJASTHAN
(ELECTION DEPARTMENT)

No. F.8(1)(g) Elec/09/ 904 Jaipur, dated 24-2-2009

Copy forwarded to all District Election Officers (Collectors)
Rajasthan for information and necessary action.


Jt. Chief Electoral Officer,
Rajasthan, Jaipur.

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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2009/EPS

Dated:30th December, 2009

To,

The Chief Electoral Officers of
All States and Union Territories.

Subject: Requisition of Staff for election purpose – Regarding.

Sir/Madam,

I am directed to invite your attention to provisions of section 159 of the Representation of People Act, 1951 which, inter alia, provide that on a request of the Chief Electoral Officer of the State, the authorities specified in sub-section(2) shall make available to any returning officer such staff as may be necessary for the purpose of any duties in connection with an election. Under the said sub-section(2) of the section 159, the following authorities have been specified:

- (i) every local authority;
- (ii) every university established or incorporated by or under a Central, Provincial or State Act;
- (iii) a Government company as defined in section 617 of the Companies Act, 1956;
- (iv) any other institution, concern or undertaking which is established by or under a Central, Provincial or State Act, or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.

2. Section 26 of the Representation of People Act, 1951 empowers the District Election Officers to appoint Presiding Officers and Polling Officers for polling stations falling in his district.

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3. Further, under section 20A of the Representation of People Act, 1951, the District Election Officer is required to coordinate and supervise all work in the District in connection with conduct of elections. Therefore, by convention and for convenience, the District Election Officers have been requisitioning staff for conduct of election under Section 159 of the R. P. Act, 1951.
4. During the recently held general election to the Legislative Assembly of Maharashtra, the order of requisition of staff issued by the DEO and Collector of Thane district and Mumbai sub-urban district was quashed by the Hon'ble Bombay High Court in Writ Petition Nos. 8052 of 2009, No. 8039 of 2009, No. 8089 of 2009, No. 8111 of 2009, on the following grounds:-
- (i) that the action on the part of the DEOs, the Collectors in issuing of requisition orders by invoking sections 26 of R. P. Act, 1951 and 13 AA of the R.P. Act, 1950, without giving due regard to the provisions of section 159 of the R.P. Act, 1951 is improper and arbitrary; and
 - (ii) that the orders of requisitioning of the staff by the District Election Officer without any delegation of powers to the DEOs by the CEO is in breach and in violation of Section 159 of the R.P. Act, 1951.
5. The Hon'ble Court further observed that the Chief Electoral Officer, under Section 159 of the R. P. Act, 1951, should issue legal and valid requisition orders for requisitioning of staff of the organisation covered by section 159 of R. P. Act, 1951 in accordance with law.
- A copy of the common order dated 25th September, 2009 passed by Hon'ble Court of Bombay in W. P. Nos. 8052, 8039, 8089 and 8111 of 2009 is enclosed herewith.
6. In view of the position explained above, in order to avoid difficulties at the time of future elections, you must, in exercise of powers under section 159(1) of R.P. Act,

1951, either request the authorities mentioned in sub-section(2) of section 159 of Representation of the People Act, 1951 to make available to Returning Officer such staff as may be necessary for performance of any duties in connection with elections. The following guidelines should be observed: -

(a) While requisitioning the staff, availability of the staff from the authority concerned be considered. Thereafter, keeping in view the guidelines issued by the Commission, the staff of the institution may be requisitioned. Further, the requisitioning of staff of the institution covered under sub section 2(iv) of section 159 of the R. P. Act, 1951 be made in consultation with the Nodal Officer of that institution.

(b) During the process of requisitioning of staff for election duties, it is once again reiterated that employees of banks, LIC may be drafted on election duty to the minimum extent possible, only in a constituency where sufficient numbers of govt. employees are not available or in emergent circumstances such as strike etc. by the Govt. employees. Care should be taken to ensure that normal functioning of banks, LIC are not interrupted. Further, if practicable, their posting to any polling station outside their normal place of duty may be avoided. Care should further be taken to ensure that minimum numbers of employees of such institutions is requisitioned so that the business of these institutions is not hampered.

It is reiterated that while requisitioning of the staff for conduct of future elections, rank etc. should be kept in mind while making appointments and the above guidelines should be strictly adhered to in true spirit.

This may be brought to the notice of all concerned.

Yours faithfully,

SUMIT MUKHERJEE
(UNDER SECRETARY)

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2009/EPS

Dated: 18th February,

2011

To,

The Chief Electoral Officers of
All States and Union Territories.

Subject: Requisition of Staff for election purpose – regarding.

Sir/Madam,

I am directed to refer to Section 159 of the Representation of the People Act, 1951, which deals with requisitioning of staff for election work. It has been provided that the authorities mentioned in sub-section(2) of the said Section 159 shall make available to the Returning Officers such staff as may be necessary for the performance of any duty in connection with an election, on request made by the Chief Electoral Officer of the State.

2. The following authorities have been so specified under the said sub-section(2) of the section 159:

- (i) every local authority;
- (ii) every university established or incorporated by or under a Central, Provincial or State Act;
- (iii) a Government company as defined in section 617 of the Companies Act, 1956;
- (iv) any other institution, concern or undertaking which is established by or under a Central, Provincial or State Act, or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.

3. Section 26 of the Representation of People Act, 1951 empowers the District Election Officers to appoint Presiding Officers and Polling Officers for polling stations falling in his district. Further, under section 20A of the Representation of the People Act, 1951, the District Election Officer is required to coordinate and supervise all work in the District in connection with conduct of elections. Therefore, by convention and for convenience, the

District Election Officers have been requisitioning staff for conduct of election under Section 159 of the R. P. Act, 1951.

4. During the general election to the Legislative Assembly of Maharashtra, in 2009, the orders of requisitioning of staff issued by the DEOs and Collectors. of Thane district and Mumbai sub-urban district were quashed by the Hon'ble Bombay High Court in Writ Petition Nos. 8052 of 2009, No. 8039 of 2009, No. 8089 of 2009, No. 8111 of 2009, on the ground that the action on the part of the DEOs in issuing of requisition orders by invoking sections 26 of R. P. Act, 1951 and 13AA of the R.P. Act, 1950, without giving due regard to the provisions of Section 159 of the R.P. Act, 1951 were improper. The Hon'ble High Court held that the power under Section 159 is of the Chief Electoral Officer, and the CEO should requisition the staff keeping in mind the guidelines issued by the Commission. The High Court has also made an observation that while requisitioning staff, all the organizations should be considered so that some institutions are not picked up selectively ignoring the fact that deployment of large number of staff from a few institutions would be likely to result in hardships in the business of such institutions.

5. The Hon'ble High Court further observed that the Chief Electoral Officer should issue legal and valid requisition orders under Section 159 of the R. P. Act, 1951, for requisitioning of staff from the organizations covered by section 159 of the R. P. Act, 1951 in accordance with the law.

A copy of the common order dated 25th September, 2009 passed by Hon'ble High Court of Bombay in W. P. Nos. 8052, 8039, 8089 and 8111 of 2009 is enclosed herewith.

6. In view of the above, it may be ensured that the orders for requisitioning staff for election work are issued by the Chief Electoral Officer under section 159(1) of R.P. Act, 1951, requesting the authorities mentioned in sub-section(2) of section 159 of Representation of the People Act, 1951 to make available to Returning Officer such staff as may be necessary for performance of duties in connection with elections. Appointments of staff so seconded to Returning Officer should , however, be made by the District Election Officer under Section 26 of the Representation of the People Act, 1951.

7. The following guidelines should be kept in mind:

- (a) Based on the availability of staff in the institutions covered under Section 159(2), and the requirement of staff, the staff may be requisitioned from such institutions.
- (b) The Commission has exempted certain offices/institutions for the purposes of election duty in view of the essential nature of duties/services discharged by the institutions. This should be kept in mind.
- (c) Employees of banks, LIC may be drafted on election duty to the minimum extent possible, only in a constituency where sufficient numbers of govt. employees are not available or in emergent circumstances such as strike etc. by the Govt. employees. Care should be taken to ensure that normal functioning of banks, LIC are not interrupted. Care should further be taken to ensure that minimum numbers of employees of such institutions is requisitioned so that the business of these institutions is not hampered.

8. It is reiterated that while requisitioning of the staff for conduct of future elections, their rank, salary etc. should be kept in mind while making appointment and assigning duties to them.

9. The instructions in the earlier letter No. 464/INST/2009/EPS, dated 30th December, 2009, shall be treated as superseded by the instructions in the present letter.

10. These instructions may be brought to the notice of all concerned.

Yours faithfully,

SUMIT MUKHERJEE
(UNDER SECRETARY)

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Speed Post/ Fax/ E-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

590/SVEEP/2011-Awardee

Dated: 14th December, 2011

To,

The Chief Electoral Officers of all the States & UTs

Sub: Best Electoral Practices Award to the nominated DEOs/SPs - reg.

Sir/ Madam,

I am directed to refer to the subject cited above and to convey that the Commission has decided to give awards for Best Electoral Practices to 3 best performing District Election Officers (DEOs)/ Superintendents of Police (SPs) of the country. The awards would consist of Rs.1,00,000/- for first position, Rs. 50,000/- for second position and Rs.25,000/- for third position and a citation each. The awards would be given to the DEOs/ SPs who have done exceptional innovative work in election management. For this purpose, the Commission has formulated the following scheme:

1. CEOs of States/UTs where General Elections to the Legislative Assemblies were conducted during 2010 and 2011, viz., Bihar (2010), Assam, Kerala, Puducherry, West Bengal and Tamil Nadu (2011) shall nominate officers based on outstanding performance in election management in any one of the following:
 - I. Involving the Youth in Electoral Processes.
 - II. Voters' Education and Awareness.
 - III. Management of Electoral Rolls.
 - IV. Expenditure Monitoring & Tackling Money Power.

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- V. Any other areas where innovative work has been done, like Security Management, Infrastructure Management, Enforcement of MCC etc.

There should be 4 nominations (3 DEOs + 1 SP) each from Bihar, Tamil Nadu and West Bengal and 3 nominations (2 DEOs + 1 SP) each from Assam and Kerala and 1 nomination of a DEO from Puducherry.

2. CEOs of all other States/UTs may nominate 2 DEOs each, if the assembly seats in the State are more than 200 and may nominate 1 DEO each if the assembly seats are less than 200. These nominations are to be based on performance in organizing NVD 2011/ just concluded Summary Revision, 2011/ overall Electoral Roll Management.

3. The nominations along with synopsis of the performance may be sent by the CEOs to the Commission **latest by 22nd December, 2011 positively.**

4. A Committee of senior officers would scrutinize and shortlist a total of 30 nominations for detailed presentation before the Commission for final selection of awardees.

5. The awards are proposed to be given away on National Voters Day- 2012.

Yours faithfully,

Sd/-
(Rahul Sharma)
Under Secretary
Tele/Fax - 011-23052070
E-mail: rahulsharma.eci@gmail.com

Assigning Election Duties, Randomization + Training

INSTRUCTION SL.NO.

Election Commission's letter No.154/98/PLN-IV, dated 31.08.1998 addressed to Chief Secretaries of all States and UTs and copy endorsed to CEOs of all States and UTs.

Subject: Office of the Chief Electoral Officer - Changes in the officers & staff – regarding

I am directed to state that frequent changes are effected by the State Governments among incumbents in the officers and staff like Additional CEOs., Joint CEOs., Deputy CEOs., Assistant CEOs., etc., posted in the office of the Chief Electoral Officers which impair the important work relating to Electoral management like implementation of the scheme of Electors Photo Identity cards, Computerization of the Electoral Rolls, etc. The Chief Electoral Officers are also greatly inconvenienced by such changes

The Commission had to intervene in many cases in the past in the interest of important democratic process of preparing and conducting free and fair elections. The Commission, therefore, hereby directs that henceforth the officers posted in the offices of the Chief Electoral Officer shall not be relieved unless the Commission approves such transfer or posting. Prior concurrence of the Election Commission of India shall be obtained for any change or transfer of the incumbents in the office of the Chief Electoral Officer. This may kindly be noted by all the State Governments and the Administrations of the Union territories. Kindly acknowledge.

Election Commission's letter No. 576/3/2004/JS-II, dated 09.08.2004 addressed to the Chief Electoral Officers of all the States / Union Territories.

Sub: - Assigning election duties - Seniority of officials to be taken into consideration.

Ref: - Commission's letter No. ECI/GE 98-464/Inst./98-PLN-I, dated 18.10.98

I am directed to say that in paragraph 2.7 of Chapter III of the Handbook for Returning Officers (2004 Edition), it has been directed that while assigning election duties to various officials, their seniority should be taken into account and it should be ensured that a senior official is not put on duty under an official who is junior to him.

2. In a petition before the Punjab and Haryana High Court (C. W.P. NO.6895 of 2004 - Punjab and Chandigarh College Teachers Union Vs. Election Commission of India & Others), the Hon'ble High Court has made an observation that as far as possible, the seniority of officials put on election duty should be given due regard while assigning them election duties.
3. The Commission, keeping in view the guidelines already laid down, has directed that while assigning election duty, the following principles are to be followed strictly: -
 - (i) Adequate care should be taken by the District Election Officers in calling for names of officials from different government departments (both Central and State), PSUs, Banks, other institutions etc. The scale of pay, rank and status of officials to be requisitioned need to be set out in the requisition order itself for which the Chief Electoral Officer should set a uniform criteria for the State as a whole. Considering the varying scales of pay and rank prevailing in different organizations, an upper benchmark set by the Chief Electoral Officer would be most appropriate to avoid confusion and litigation. By way of illustration, in Group-A category of employees, a level upto and including a certain rank needs to be prescribed instead of calling for all Group-A employees,
 - (ii) In drawing up the seniority list of officials required for election duty, the District Election Officer should take into account at the outset the pay, rank and status of the officials nominated and classify them accordingly for purposes of randomization for which detailed instructions are available. A Presiding Officer should be of higher scale/grade/rank in comparison to all Polling Officers appointed in his group.
 - (iii) In determining the rank and status of officials drawn from different pools with different pay scales the relative position of the official in his cadre/organization may be taken into account and not merely the pay scale. By way of illustration, if a Group-D employee from any pool, even if drawing a higher scale should not be assigned duties of a Presiding Officer or Polling Officer.
4. This may be brought to the notice of all District Election Officers and Returning Officers

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MOST IMMEDIATE
BY CAMP BAG/FAX

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST//2007/PLN-I

Dated: 08th January, 2007

To

The Chief Secretaries of States and Union Territories

The Chief Electoral Officers of States and Union Territories

Subject:- Drafting of Polling Personnel for election Duty- Randomization of Polling Personnel.

Sir,
2/1/07

Since the duties discharged by the polling personnel are vital in the conduct of elections, sufficient care is needed to draft and deploy such personnel in the interest of free and fair elections and accordingly, the Commission lays down the following instructions for formation of polling parties: -

(i) A district database, DEO-wise of all eligible poll personnel shall be maintained in an electronic form, which can facilitate computerized randomization. All relevant particulars like Name, Sex, Place (constituency) of residence, Work place, Home constituency, Designation, Office and Department / Institution should be entered.

(ii) Presiding Officer and Polling Officers are to be classified on the basis of scale of pay and their post and rank. As far as practicable, Gazetted Officers will be deployed as Presiding Officers and failing that officials who are working in supervisory capacity only should be deployed as Presiding Officers.

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The Presiding Officer should be of higher scale/grade in comparison to other Polling Officers of that formation.

(iii) No person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.

(iv) In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instill confidence in the minds of political parties and candidates about free and fair elections, proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party should be ensured. Two officials of the same serial group/category should not be put together. Further, two members of the polling party should not be from the same department (in case of school teachers, they should not be from the same school).

(v) Polling personnel should be drawn both from the State Government departments as well as the Central Government offices, as far as practicable. Central Government employees should be drawn to the extent possible and may be posted at relatively more sensitive polling booths. The Central Government employees should be mixed with State employees on 50:50 basis if available.

Following procedure should be adopted for formation of polling parties:

(vi) District Election Officer should obtain a complete database of officers eligible for polling party duties from respective authorities. All relevant

information should be entered into an electronic database of the computerized randomization application software approved by the CEO for that state.

(vii) From this full database of officers a list of required number of polling persons should be generated (including reserve) randomly using the software. This is the first of the three-stage randomization process. Presence of observers is not required at this stage. It should be noted that this randomized list is DEO-wise and not at any other level like subdivision, tehsil, block, assembly constituency etc. This is only to identify and select the officials that would be given training for poll duties as presiding and polling officers in whichever constituency of that district. In no case, at this stage, the identity of the assembly constituency to which the polling personnel are likely to be deployed will be known. All that the polling personnel will know at this stage is whether he (or she) is a presiding officer or a polling officer and the venue and time of trainings.

(viii) The second stage of randomization exercise should be done in the presence of the Observers deployed in the constituency. At this stage actual polling parties shall be formed on random basis using the randomization software. **The Observers must be present at this stage.** At this stage though the actual polling station will not be known, however, the Assembly Constituency may be known. This randomization should not take place before 4 or 5 days from the day of poll. For the purpose of serving the appointment letters, the DEO can use the services of the sponsoring departments / authority and/or organize a training programme of poll personnel on that date when final briefing can be given and appointment letters issued to them.

(ix) The third stage of randomization exercise shall take place at the time of dispersal of polling parties when the allocation of polling stations to the polling parties will be done. This third stage randomization for final allocation of Polling Stations to each Polling Party should also be done in the

presence of Observers. The actual polling station allotted to individual polling personnel is to be disclosed just before the polling party actually leaves the dispersal center.

(x) In order to ensure that above instructions are complied with strictly, the Commission directs that the District Election Officer shall furnish to the Election Commission through the Observers and separately to the Chief Electoral Officer of the State/UT a certificate to the following effect immediately after the polling parties have been formed for an election:-

"Certified that:-

- (i) the polling parties have been formed by a proper mix of officials drawn from different offices and departments, in presence of the Observers and*
- (ii) the officers have been drawn from the State Government departments as well as from the Central Government Offices, PSUs, etc. as far as practicable.*
- (iii) for the purpose of making polling parties complete data base of all eligible employees in the district has been used."*

(xi) It is clarified that the entire randomization exercise except the first stage must invariably be done in the presence of the Observers sent to the constituency. If, by any chance, the forming of the polling parties through randomization (second stage) has been done in the absence of the Observers, then the 2nd stage randomization exercise should be done afresh in the presence of Observers and compliance report should be submitted in this regard. The Observers should make a special reference to the randomization exercise observed by them in their constituencies while submitting the report.

Kindly acknowledge receipt.

Yours faithfully,


(A.K. MAJUMDAR)
SECRETARY

STANDARD DISTRIBUTION

INSTRUCTION SL. NO.

Election Commission's letter No. 464/INST/2007/PLN-I, Date: 12th October, 2007, addressed to The Chief Secretaries of All States/Uts & The Chief Electoral Officers of all States and Union Territories.

Subject: Issue of photo identity card to the polling personnel.

In order to ensure that the identity of all Presiding Officers, polling officers, counting supervisors and counting assistants engaged in election work is clearly established while discharging their duties, the Commission has decided to direct the issue of identity card for them. This identity card shall be issued by the District Election Officer (DEO)/Returning Officer (R.O). The Presiding Officers, polling officers, counting supervisors and counting assistants shall display their identity card on person on the day of poll/counting for easy and quick identification. Such identity cards shall be prepared in the prescribed format as enclosed containing all relevant details of the Govt. officials/employees concerned. The photograph pasted on the ID card shall be duly attested by the concerned DEO/RO. In order to ensure the photo images of the Govt. official/employee concern is properly collected in time to enable the preparation of the identity card, the Commission directs that the DEOs can exercise any one of the following option(s):_

- The DEO can organize the capturing of the photography of the polling personnel at the time of first round training so that the ID card is prepared before second round training and handed over to the polling personnel concerned by obtaining proper acknowledgement.
- Wherever possible, the polling personnel can also bring copy of his/her passport size photograph and deposit at the time of first round training for the purpose of preparation of the ID card.
- A combination of both the above options can also be used by the DEOs, if necessary.

While reiterating that the issue of the ID card as directed above shall be ensured without fail, the Commission would like to give necessary operational flexibility to the DEO in the process of preparing the ID card so that they can adopt a method that is functionally suitable to the district concerned. The CEO shall ensure that the ID cards are prepared following a uniform pattern as per the format prescribed in the enclosure.

Action taken in this matter be confirmed for the information of the Commission.

(For Presiding Officer)

General Election to

IDENTITY CARD	
Name of the Presiding Officer :	Photograph duly attested By DEO/RO
Age :	
Name of the sponsoring Deptt. :	
Designation of the sponsoring Authority :	

(For Polling Officer)

General Election to

IDENTITY CARD	
Name of the polling officer :	Photograph duly attested By DEO/RO
Age :	
Name of the sponsoring Deptt. :	
Designation of the sponsoring Authority :	

INSTRUCTION SL NO.

Election Commission's letter NO. 464/INST/2008/EPS, Dated: 19th September, 2008 addressed to The Chief Secretaries of All States/Union Territories & The Chief Electoral Officers of all States and Union Territories.

Subject: Drafting of Polling Personnel for election duty – Randomization of Polling Personnel.

It has always been endeavor of the Commission to ensure free and fair elections and towards that end it has issued instructions from time to time on various aspects of election process including formation of polling parties. The duties discharged by polling personnel in the conduct of elections are of vital importance. They are the face of the Commission in the minds of electorate, polling agents, media and the candidates etc. Therefore, sufficient care is needed to draft and deploy such personnel and formation of unbiased polling parties in the interest of free and fair election. Accordingly, the Commission lays down the following instructions for formation of polling parties:-

- (i) A District Election Officer-wise database, of all eligible poll personnel shall be maintained in electronic format, which can facilitate computerized randomization. All relevant particulars like Name, Sex, Place (constituency) of residence, work place, Home Constituency, Designation, Office and Department/Institutions should be entered.
- (ii) The database shall contain, distinctly and separately, the State Govt. employees including Public Sector Undertakings, teachers etc. who can be employed as polling personnel.
- (iii) Similarly the data base shall distinctly and separately contain all Central Govt. employees including PSU, Bank, etc.
- (iv) Separate database shall be prepared of Retired Government of India and State Government officials as well as of Members of NCC & NSS [and reputed NGOs, if & as approved by the Commission]. They shall be used in specified manner only with express prior approval of the Commission.
- (v) Unless otherwise advised, the polling parties shall be formed out of the State Govt. employees. The Central Govt. employees including PSUs and Banks, etc. shall be utilized for selecting suitable persons as Micro Observers.
- (vi) Presiding Officers and Polling Officers shall be classified on the basis of scale of pay and their post and rank. As far as practicable, Gazetted Officers will be deployed as Presiding Officers and failing that officials who are working in supervisory capacity only should be deployed as Presiding Officers. The Presiding Officer should be of higher scale/grade in comparison to other Polling Officers of that formation.

- (vii) In view of the recent instructions regarding issue of postal ballot papers, Assembly Constituency No., Part No., Sl. No. of each and every official shall be indicated. In case, he is not a voter, in the process of continuous updation he should be enrolled in the electoral roll of Assembly Constituency concerned and Elector Photo Identity Card issued. Similarly, the personnel meant for being appointed as Micro observers should invariably be enrolled as voter and Elector Photo Identity Card issued. Therefore, persons put on polling duties should invariably be voters. Further, no person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency, which is his home constituency.
- (viii) In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instill confidence in the minds of Political Parties and candidates about free and fair elections, proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party should be ensured. Two officials of the same serial group/category should not be put together. Further, two members of the polling party should not be from the same department (in case of school teachers, they should not be from the same school).
- (ix) Polling personnel database should include personnel both from the State Government departments as well as the Central government offices. Central Government employees should be utilized for micro observer duties to be decided by Observers. Polling personnel to be posted within the district unless specifically directed otherwise.

Following procedure should be adopted for formation of polling parties:-

- (x) Database & software should be prepared and developed by the CEO and distributed among DEOs. District Election Officers should obtain a complete database of officers eligible for polling party duties from respective authorities. All relevant information should be entered into an electronic database of the computerized randomization application software approved by the CEO for that state.
- (xi) From this full database of officers, a list of 120% of the required number of polling persons should be generated (including reserve) randomly, using the software. This is the first of the three-stage randomization process. Presence of observers is not required at this stage. It should be noted that this randomized list is DEO-wise and not at any other level like subdivision, tehsil, block, assembly constituency etc. This is only to identify and select the officials that would be given training for poll duties as presiding and polling officers in whichever constituency of that district. In no case, at this stage, the identity of the assembly constituency to which the polling personnel are likely to be deployed will be known. All that the polling personnel will know at this stage is whether he (or she) is a presiding officer or a polling officer and the venue and time of trainings.
- (xii) The second stage of randomization exercise should be done in the presence of the Observers deployed in the constituency. At this stage actual polling parties shall be formed on random basis using the randomization software. **The Observer must be present at this stage.** At this stage though the actual

polling station will not be known, however, the Assembly Constituency and the team composition may be known. This randomization should not take place before 6 or 7 days from the day of poll. For the purpose of serving the appointment letters, the DEO can use the services of the sponsoring departments/ authority and/or organize a training programme of poll personnel in team formation on that date when final briefing can be given and appointment letters issued to them. It will also facilitate Postal Balloting.

- (xiii) The third stage of randomization exercise shall take place at the time of dispersal of polling parties when the allocation of polling stations to the polling parties will be done. This third stage randomization for final allocation of Polling Stations to each Polling Party should also be done in the presence of Observers. The actual polling station allotted to individual polling personnel is to be disclosed just before the polling party actually leaves the dispersal centre.
- (xiv) In order to ensure that above instructions are complied with strictly, the Commission directs that the District Election Officer shall furnish to the Election Commission through the Observers and separately to the Chief Electoral Officer of the State/UT a certificate to the following effect immediately after the polling parties have been formed for an election:-

"Certified that:-

(I) The polling parties have been formed by a proper mix of officials drawn from different offices and departments, in presence of Observers and

(II) The officers have been drawn from the State Government departments as well as from the State Public Undertaking etc. as far as practicable.

(III) For the purpose of making polling parties complete data base of all eligible employees in the district has been used."

- (xv) It is clarified that the entire randomization exercise except the first stage must invariably be done in the presence of the Observers sent to the constituency. If, by any chance, the forming of the polling parties through randomization (second stage) has been done in the absence of the Observers, then the 2nd stage randomization exercise should be done afresh in the presence of Observers and compliance report should be submitted in this regard. The Observers should make a special reference to the randomization exercise observed by them in their constituencies while submitting the report.

Kindly acknowledge receipt.

INSTRUCTION SL. NO.

Election Commission's letter No.464/INST/2008/EPS Date: 23rd December 2008 addressed to The Chief Electoral Officers of All States and Union Territories.

Sub: - Training of election machinery including polling and police officials associated with conduct of elections.

Elections in India involves the largest event management exercise in the world. Millions of Govt. servants and other persons are directly or indirectly involved in the election process and this inevitably throws up a major human resource management challenge to the election managers and administrators.

A proper and a professionally organized training forms the core of the Human Resource management. Almost all the problems/difficulties confronted during pre-poll process and on the poll day can be traced back to lack of adequate training at various levels.

The importance of imparting proper training has been highlighted in the instructions issued by the Election Commission of India in the past to the CEOs. The Handbook For Returning Officers also underlines the importance of training. After the universal use of EVMs in all polling stations in the elections to the Lok Sabha, 2004, imparting training about the technical and procedural aspect of EVM elections has become the central focus of the training to the election machinery. Besides, there has been a gradual shift in the approach and methodology involved in the conduct of elections and the elections are now very closely supervised. In such a situation, if proper training is not given at every level, the objective of ensuring free and fair election will suffer a serious setback. Considering this, the Election Commission of India has decided to issue a comprehensive instruction on human resource management in elections with a specific focus on training at various levels. The instructions are as follows: -

1. CEO's office

A checklist for the CEOs office shall be prepared by the CEO well in advance. The officers in the CEOs office as per the distribution of the works should get themselves equipped with up-to-date information/instructions/circulars

given by the Election Commission of India on various aspects of election management. For example, if an officer is entrusted with the responsibility of EVM management in the State, he should not only be coordinating with EVM manufacturer concerned (BEL or ECIL) and monitor the availability of power packs, availability of EVM at different districts etc. but should also get himself thoroughly informed about new instructions such as EVM randomization, mock poll certificate, dummy EVM at polling stations etc. so that he will be in a position to guide the DEOs and other nodal officers at the district level who deal with the EVM management. He will also ensure proper training material is prepared and standardized for use at the district level. This is only an illustrative example. Like this on various aspect of election management, the officers in the office of CEO should get themselves fully equipped with up-to-date information.

The CEO shall review the learning and training material available in the State for the purpose of imparting training to the field functionaries as well as aiming at voter awareness. He should prepare a set of multimedia training input on EVM elections as well as prepare a good power point presentation separately on various aspect of election management. While preparing this presentation, he shall make use of the services of some of the efficient DEOs and ROs so that the presentation material has the benefit of field experience. The CEO shall review as to whether the Handbook for Returning Officer, Handbook For Presiding Officer and copies of other relevant books and guidelines are available in adequate number.

The CEO in consultation with some of the efficient DEOs and ROs shall prepare a work chart and a checklist for key election functionaries such as DEOs/ROs/Zonal Officers/Sector Officers/Presiding Officers and micro observers. He shall also prepare an effective FAQ (Frequently Asked Questions) covering all aspects of election management so that the doubts at various levels are cleared.

Recently, in NCT of Delhi and Madhya Pradesh an experiment was made at the level of CEOs by organizing an E-Mail group in which all the stakeholders in election such as DEOs, ROs, SLA and others are included and this platform

was used for raising questions and clearing doubts. This E-Mail group functioned as an effective tool in disseminating information and clearing doubts. This can be adopted by all the CEOs right from the beginning during General Election to the Lok Sabha, 2009.

2. District Election Officers

At the district level, the wheel of election machinery revolves around the DEO. The DEO shall provide an effective leadership to the election machinery. Most of the DEOs will have the dual responsibility of being the DEO as well as the RO of a parliamentary constituency. The DEO should prepare a separate checklist for himself as DEO as well as RO. He will hold a meeting with all key election functionaries such as AROs and other senior officials of the district administration associated with elections and explain to them all the new circulars issued by the Election Commission of India in recent times. He will identify a nodal officer for each thematic activity of the election management. For example there shall be a nodal officer for EVM management and EVM training; another nodal officer for tracking Model Code violations and another one for observer coordination and so on. These officers shall get themselves familiarize with relevant instructions and guidelines so that they are in a position to clarify doubts which could be raised by their subordinate officers.

Further, the DEO shall develop a good work chart and checklist for all key functionaries such as AROs, nodal officers, Zonal Officers, Sector Officers, Presiding Officers and so on. If the CEO of the State has developed and supplied such checklist, the DEO can suitably modify that to suit the local condition so that the outcome will be more functional and elaborate. The RO and ARO shall equip themselves thoroughly with all the statutory aspect of the election management so that the statutory processes such as nomination, scrutiny, allotment of symbol etc. are performed effectively and as per law.

3. Training of polling personnel

The date and venue for training of polling personnel shall be decided well in advance. The polling personnel selected for undergoing training through randomization process should be informed about the training programme in time through sponsoring authorities. The nodal officers appointed by the sponsoring authority shall be made accountable for ensuring the polling staff appointed to attend the training without fail. For this purpose, the sponsoring authority-wise nodal officers' name, designation and contact numbers shall be maintained separately.

Before organizing the training programme, DEO shall review the training material. He should have proper power point presentation, printed leaflets etc. so that the training is effectively conducted. The training programme should not be converted into a huge *mela*. The training should be conducted in smaller group so that there is adequate opportunity for interaction and clearing doubts. More emphasis should be given for 'hands on' training rather than classroom lecture mode. The polling staff shall be encouraged to ask questions and get their doubts clear. It is relevant to note that in the recent past, in many places repolls had to be ordered not on account of any electoral malpractices and vitiation of poll but due to mistakes committed by the Presiding Officers while handling the EVMs. The reason was very basic and the lack of training resulted in such mistakes. This is avoidable. Hence, the Commission directs that a clear emphasis should be given to impart proper training to the staff.

The Commission has recently issued an instruction to run postal ballot facilitation centers for the benefit of polling staff. Whenever and wherever such facilitation center are organized, care shall be taken by the DEOs to ensure that the operation of facilitation center does not result in compromise of training. A proper record of attendance shall be maintained for each and every training schedule so that no untrained person even inadvertently gets deployed as a polling staff. Apart from imparting training on the technical and procedural aspect of EVM election, the importance of mock poll and mock poll certificate, use of dummy EVM for explaining the method of voting to the illiterate voters also shall

be highlighted. A complete set of election material which would be handed over to the Presiding Officer at the time of dispatch shall be kept in the training hall as a model kit so that each and every document, forms and election related material kept in the Presiding Officer kit is explained to them properly. Besides, a copy of the electoral roll, a copy of supplementary roll and other additional information such as list of absentee voter etc. shall also be shown to the Presiding Officers so that they would become aware of those documents and perform duty as per the instruction of the Election Commission of India on the poll day.

Apart from the statutory and non-statutory reports, the Election Commission has directed the Presiding Officers to submit an additional report in the newly prescribed format for quick tracking of information by the RO and the Observer. This form should also be explained to the Presiding Officers so that there is no confusion in their mind.

4. Dissemination of recent and subsequent instructions

During the course of election process, the Election Commission may be issuing various instructions on day-to-day basis. There is every possibility of some of the instructions being sent after the training programmes are over. In such cases, the DEO shall take care to ensure that all the subsequent instructions are printed in the form of leaflet circulated among the polling staff at the time of dispatch of EVM and other election material at the disposal center.

5. Accountability for imparting training

There should be a clear accountability which should be spelt out by the DEO as to who will impart training to whom. As the polling staff cannot perform the polling duty in a constituency where he is a voter, where he is working and in his native constituency, he will end up doing his election duty in another assembly segment but may be within the same district/PC. In some places, the training is conducted by the sponsoring RO/ARO. In some places, the receiving RO conducts the training and in some places, the officials deputed by the receiving RO/ARO conducts the training in the location of the sponsoring

RO/ARO. Whatever the system is adopted, there shall be a clear accountability spelt out by the DEO in this regard. The DEO himself should visit the training location and supervise the training. If the observer is available, he will also participate in the training programme. The process of training shall be videographed and kept for the inspection by the observer or any other officials of the ECI. The CEO will track the system being adopted by the districts.

6. Facilitation at training centre

At the training location, in the light of the recent instructions of the Commission, proper facility should be ensured for the polling staff. Proper drinking water facility provision for first-aid, medical facilities and toilets shall be ensured. The choice of the training hall should be personally supervised by the DEO from the ventilation point of view.

7. Training counter at the dispatch center

Whatever inputs given at the time of training, there is every possibility of some of the Presiding Officers and polling staff still having some doubts about various aspects of poll day management. In order to clear the last moment doubts and give opportunity for 'hands on' training at the dispatch center depending on the strength of the polling staff, few training counters shall be set up at the dispatch center. In this counter, a master trainer who has thorough knowledge about all the aspects of EVM election will explain and clear the doubts of the Presiding Officer about handling EVM. He should encourage Presiding Officers and polling staff to ask questions and clear the doubts. If this is not done, there is a possibility of the Presiding Officer and polling staff experimenting with the EVM machine after reaching the polling station which may result in draining of power pack as well as give scope for rumour among the rural voters about the staff handling EVM on the previous day. In order to avoid this situation, emphasis shall be given for last moment 'hands on' training and leaflet containing recent instructions in the form of bullet points; important dos and don'ts etc. can be prepared and circulated at the training counter at the dispatch

center. Apart from this, other procedural aspects of election and maintenance of Form-17A register, Form 17C, mock poll certificate, visitor sheet, entry pass system etc. shall also be explained.

There is a tendency among the polling staff who have conducted election during the previous years to remain complacent as they believe that they have enough experience in conducting elections. It is relevant to note that lot of new instructions have been given by the Election Commission in recent times. There is possibility of the Presiding Officers not performing their duty properly if they do not become familiar with new instructions. Hence, the importance of training shall be emphasized at every stage and at every level.

As the Commission attaches very high importance to the human resource management, the instruction given in the circular shall be followed scrupulously.

Any deviation from this will be viewed seriously.

INSTRUCTION SL. NO.

Election Commission's letter No.464/INST/2009-EPS Dated: 9th January, 2009 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: Training of police officials associated with conduct of elections.

I am directed to say that the police machinery plays a key role in the conduct of elections in a peaceful and orderly manner. But a peaceful election free from violence need not necessarily be a free and fair election. Therefore, correct and unbiased implementation of the election laws and Election Commission's directions is necessary. That presupposes a familiarity with the laws and instructions and can come about only through the proper/periodic training. Commission has earlier issued instructions for the training of election staff other than the police. Now the following directions are issued regarding training of police personnel associated with conduct of elections:

1. Police headquarter level

The State police headquarters should develop a checklist for the key officials associated with the conduct of election indicating their duties and responsibilities in the light of new instructions being issued from the Election Commission of India from time to time. Besides, a reference material should also be prepared indicating the relevant Sections of Indian Penal Code, the R.P Act and Model Code of Conduct (MCC) that are relevant during the course of elections. This reference material book should indicate the nature of offence and the relevant Sections whether cognizable or noncognizable and the action to be taken in case of any violation.

This reference material should be made available to all field officials as well. There should be a proper coordination between the CEO's office and the

police headquarters. Whenever the Election Commission of India issues any instruction connected with maintenance of law and order preparation of State/district level deployment plan of CPF etc., the guidelines should be immediately brought to the notice of police headquarters. The DGP may identify a senior officer who would function as a nodal officer to remain in touch with the CEO on day-to-day basis so that the Commission's instructions from time to time are followed up and implemented.

2. At district level

The DEO-cum-District Collector/DM will hold a meeting with SP and senior police officials and apprise them of all the recent instructions of the Election Commission of India. In this meeting, the attention of the police officials should be drawn to Commission's instructions regarding maintenance of law and order, execution of non-bailable warrants, seizure of illegal arms, surrender of licensed weapons, enforcement of excise law, action against bootleggers, restriction on use of vehicles, instruction regarding prior permission for campaign vehicles, ban on use of any vehicle for transporting voters on the day of poll etc.

The enforcement of MCC is the joint responsibility of the district electoral administration as well as the police administration. Clear accountability should be spelt out when the district administration/RO forms MCC squads/teams. There should be a specific accountability for the police officials at the Thana level. A Complaint Monitoring System should also be introduced for tracking election related violence and offence and case book in that connection. The DEO and SP will review the status of the election related cases while during the previous election and expedite follow up action in this regard.

3. Concept of vulnerability mapping and identification of critical polling station and critical clusters

The training to be organized by the district administration (DEO and SP) for police officials should be planned in advance and proper training material should be prepared. Copies of the relevant circulars of the Election Commission of India and extracts of relevant law should also be circulated in the training programme. The Commission has introduced a new concept of vulnerability mapping and specific process for identifying the critical polling stations and critical clusters (refer circular no. 464/INST/2008 dt. 24.10.08).

The conventional method of identifying hyper sensitive/sensitive/normal polling stations adopts the law and order and past events of violence as the major criteria. However, the new system of identifying critical polling stations and critical clusters gives lots of importance for the factors associated with free and fair election process. As the vulnerability mapping gives valid inputs for identification of critical polling stations and critical clusters, the entire concept should be explained to the police officials properly by the DEO and SP.

4. Misuse of money power and election expenditure

The misuse of money power has emerged as a big challenge to the free and fair election process. Feedback has been received about candidates indulging in various methods to induce the voters which includes outright payment of cash that amounts to bribery and other forms of inducements such as supply of liquor, food packets, holding of lunch and dinner parties in the name of "birthdays" and other "anniversaries" to give election related inducement, distribution of gifts in the name of masswedding and so on. During the election process, a close tracking by each and every Thana officer of such payments and other forms of inducement at their level is essential. The field level election machinery/police administration should work as a team to track such types of malpractices.

Whenever such event takes place, video coverage of such events shall be ensured so that sufficient documentary evidence is created. It is noticed that liquor is transported even from the far away States to the election going States. Proper checking at the inter-State border and commercial tax check post will be helpful in tracking such transportation of liquor. Whenever a consignment of such liquor is intercepted, proper investigation should follow to trace the origin of such supply and the destination. A proper investigation is essential to establish linkage between the election process and the supply of such inducements. Media should be briefed whenever such consignments are seized. A proper orientation about this should be given to the police officials during training programmes.

Information on the Commission's instructions about ceiling for expenditure in election, the details of Section 77 of R.P Act regarding the list of star campaigners to be submitted by the recognized party and the implications therein should be explained to the police officials. Section 171 H which deals with the illegal payment by any person for furthering interest of a candidate should be explained to the police officials during training programme.

5. Defacement of Public properties

The Election Commission has been issuing a detailed instructions regarding prevention of Defacement of Public Property and other connected issues. In this regard, the latest Commission's instruction vide no. 3/7/2008/JS II dated 07.10.08 needs to be properly studied. The steps to be taken to implement the Commission's order in the context of prevailing law if any, applicable to the State should be properly explained. The methodology to be adopted for enforcement of Commission's instruction should be discussed in the training programme and explained to the field officials.

6. Discipline during nomination process

Commission has issued instructions to ensure proper discipline during the process of filing of nomination. During the filing of nomination, the candidate can be accompanied by only the four other persons (refer 464/inst/2007/PS I dated 09.02.07). This restriction by and large is being strictly followed. However, there are instances in which these instructions are not followed resulting in chaotic situation inside the RO's room. In order to ensure that proper discipline is maintained and the Commission's instructions regarding restriction of persons, a nodal officer needs to be identified by the SP of the district who would be responsible for sanitizing the area of RO's premises and ensure that only the permitted number of people are allowed to go inside the RO's room and the entire proceeding should be video graphed. Duties and responsibilities of the nodal officer in this regard, should be properly explained by the SP to the nodal officer during training session. Publication of election pamphlets in violation of Section 177 A of the RP Act, 1951 needs close tracking and monitoring.

7. Communal harmony

The police administration should remain vigilant about circulation of campaign material which can affect the communal harmony. In this regard, a strict vigil needs to be kept. The provisions of electoral law as well as model code of conduct in this regard shall be explained to the police officials during training programme.

8. Poll day and counting day duties

An orientation should be given to the police officials about the polling process on the poll day and other connected issues and about the duties and responsibilities of various police officials on poll day with reference to security at polling station, patrolling of the catchments areas, tracking of areas identified as vulnerable, transportation of polled EVMs, sealing and guarding of strong rooms and the counting day arrangements.

9. CPF coordination

Whenever CPF are deployed in a district/constituency, a proper coordination has to be ensured so that the deployment of CPF becomes more effective and functional. Hence, a proper orientation needs to be given about the role of CPF vis-à-vis State police/local police and other coordination responsibilities.

10. Directory of electoral administration

A directory of key functionaries of the electoral administration both civil and police should be prepared indicating the names, designation, landline and mobile numbers so that coordination between civil authorities and the police authorities is ensured.

These instructions may be brought to the notice of all concerned for compliance.

INSTRUCTION SL. NO.

Election Commission's Letter No. 464/INST/2008/EPS Dated: 21st January, 2009 addressed to The Chief Electoral Officers of All States and Union Territories.

Subject: General Election to the Lok Sabha, 2009 – Training of polling parties on EVMs and procedure to be followed at the polling station - regarding

During previous elections, it has come to the notice of the Commission that there were some difficulties in the operation of Electronic Voting Machines at few polling stations due to the fact that they were not prepared correctly as per the operational manual at the time of initial preparation at the Returning Officers' level. While in some 'slide switch' on the balloting unit was found to be in wrong position, in others, certain other preparatory defects were noticed.

It has further come to the notice of the Commission that some of the Presiding Officers/Sector Magistrates do not take EVM training seriously with the result that they fail to operate the machine at the time of poll.

It has also been noted that some Polling Officers do not apply indelible ink on the elector's left finger properly in the manner prescribed by the Commission and apply it in a very casual manner leaving ample scope for electors to wipe off the ink mark.

Furthermore, it has been observed that in many cases, impression of various fingers of illiterate electors have been obtained on the Register of Electors (Form 17A) instead of their thumb impression as required under the rules.

The Commission has noted these irregularities seriously and issues following instructions to ensure that the same are not repeated in future:-

- (i) Proper intensive and hands-on training should be given to all the concerned polling and counting personnel for

preparation and operation of EVMs as well as their sealing after poll and counting.

- (ii) Officers preparing the machines, after preparing them, should give a certificate that they have prepared the machines as per the instructions given and checked them, and that they understand fully that in case of any error found, they would be held responsible for lapse.
- (iii) All Presiding Officers and Sector Magistrates may be asked to give a certificate that they have been properly trained in the working of EVM and they are confident of using them at the time of poll and that they understand fully that in case they are unable to operate them at the time of poll, they would be held responsible for lapse.
- (iv) During training, proper instructions should be given to polling personnel regarding the correct manner of application of indelible ink.
- (v) All Presiding Officers and Polling Officers should be instructed to ensure that the electors at the time of casting their vote put on the Register of Electors Form (17A) either their full signature or their thumb impression. Under no circumstance, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A).

Kindly bring these instructions to the notice of all District Election Officers, Returning Officers and Observers for strict compliance.

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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 464/INST/2009-EPS

Dated: 24th February, 2009

To,

The Chief Electoral Officer
All the States and Union Territories

Subject : Drafting of Polling Personnel for election duty General Election 2009 – Randomization of polling personnel – clarification – regarding.

Sir,

I am directed to invite your attention to the Commission's letter No. 464/INST/2008-EPS dated 19-09-2008 and 508/2008-EPS dated 18-12-2008 regarding drafting of polling personnel for election duty and criteria for appointment of District Election Officer/ Returning Officer. The criteria for formation of polling parties for the forth coming general election to the Lok Sabha, 2009 will be as per the instruction given in Commissions letter no. 464/INST/2008-EPS dated 19.09.2009 (copy enclosed). It is reiterated that no person will be assigned polling duties in an assembly constituency in which he is posted or in which he resides or the constituency which is his home assembly constituency.

Database & software should be prepared and developed by the CEO and distributed among DEOs. District Election Officials should obtain a complete database of officers eligible for polling duties from respective authorities. He will maintain database of all eligible polling personnel in electronic format, containing all relevant particulars like Name, Sex, Place (constituency) of residence, work place, Home Constituency, Designation, Office and Department/Institutions in the computerized randomization application software approved by the CEO for that state.

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It may be noted that all election logistics within the district shall also be looked after and provided for by the DEO concerned.

In the forthcoming general election to the Lok Sabha, 2009, the following scenarios may arise: -

Scenario No. 1 The entire district consists of only one Parliamentary Constituency, the District Election Officer of that district may be the Returning Officer for the Parliamentary Constituency.

In this case, the randomization of polling personnel (first, second and third stage) for election duty will be done as per the instructions contained in the Commission's aforesaid letter dated 19.09.2008 (copy enclosed).

Scenario No. 2 Where there are two or more Parliamentary Constituencies within one district, the District Election Officer will be the Returning Officer of only one Parliamentary Constituency and another senior most officer not below the rank of ADM may remain as Returning Officer of the second Parliamentary Constituency falling in the same district.

In this case, the first and second stages of randomization of polling personnel for election duty will be done at the District Election Officer level.

The District Election Officers after doing second randomization and once the training is over the District Election Officer will supply a full list to Returning Officer of the other Parliamentary Constituency of that district for the purpose of dispersal of polling party after doing third Stage of randomization. For this purpose, the third stage of randomization of polling parties will be done at the level of the Returning Officer of the concerned Parliamentary Constituency as the dispersal of polling party alongwith material take place from the Returning Officer's or Assistant Returning Officer's Headquarter.

Scenario No. 3 The Parliamentary Constituency consists of entire district as well as some of Assembly Segments of adjoining district and the District Election Officer of the said adjoining district is not the Returning Officer of the Parliamentary Constituency consisting of those assembly segments.

In this case, the District Election Officer of the adjoining district will be incharge of all the logistics to be provided in connection with the election-taking place in his district. As such, the Assembly Segments of the Parliamentary Constituency falling in his district has to be taken care of by the District Election Officer though he is not the Returning Officer/Assistant Returning Officer of these Assembly Segments. In such case, he will prepare a list of polling personnel from the district data base and handover to the concerned Assistant Returning Officer for doing third level of randomization and dispersal of polling parties. The polling personnel so assigned duty should be informed about the place from where their dispersal will be done.

Scenario No. 4 Where a Parliamentary Constituency area overlaps partly in two districts, the District Election Officer of that district where major parts of the Parliamentary Constituency falls shall be the Returning Officer of that Parliamentary Constituency. In case, the District Election Officer of that district is already a Returning Officer of another Parliamentary Constituency of that district, ADM rank officer will be the Returning Officer provided prior permission of the Commission is obtained.

In this case, the procedure mentioned at Scenario No. 3 may be followed.

This may be brought to the notice of all the District Election Officers/ Returning Officers concerned for strict compliance.

Kindly acknowledge receipt of the letter.

Yours faithfully,

**(SUMIT MUKHERJEE)
UNDER SECRETARY**

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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.464/INST/2011/EPS

Dated: 15th March, 2011

To

The Chief Electoral Officers of
1. Assam, Dispur
2. West Bengal, Kolkata
3. Kerala, Thiruvananthapuram
4. Tamil Nadu, Chennai
5. Pandicherry, Puduchery

Subject: Drafting of polling personnel for election duty – Randomization of polling personnel – regarding.

Sir/Madam,

I am directed to invite your kind attention para XII of Commission's instructions contained in letter No. 464/INST/2008/EPS dated 19th September, 2008 regarding drafting of polling personnel, wherein Commission directed that second randomization should not take place before 6 or 7 days from the day of poll.

Now the Commission has reviewed the matter and has directed that as under:-

- (i) For 5 poll-going Stages/UT, second randomization of polling personnel can be done up to 12 days before the date of poll, with the condition that during second training of polling personnel, (training of Presiding and Polling Officers) will be imparted in presence of their Returning Officer of Assembly Constituency and that the Presiding and Polling Officers of that

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particular allotted Assembly Constituency shall be given training together under the supervision of their Returning Officer.

- (ii) This provision will ensure better coordination between the Returning Officers and the Polling Teams since the Returning Officers will be able to meet the Presiding/Polling Officers who have been allotted to his Assembly Constituency and simultaneously the polling team would also know in advance the Returning Officer under whom they have to work till the poll day.

Kindly acknowledge receipt of this circular.

Yours faithfully,

**(SUMIT MUKHERJEE)
UNDER SECRETARY**

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 576/3/2011/SDR

Dated 22nd March, 2011

To

The Chief Electoral Officer,
Of all states/UTs

Subject: General Election-Composition of polling party – Reg.

Sir,

I am directed to state that as per existing instructions of the Commission, a polling party would, in normal course, consist of a Presiding Officer and three polling officers. The First Polling Officer is in charge of the marked copy of electoral roll and responsible for identification of the voters. The Second Polling Officer makes the entries in the Register of Voters (Form 17 A) including EPIC/other identification document details, takes the signature of the voters or the thumb impression (in the case of illiterate voters), applies indelible ink on the left forefinger of the voters and issues voters slip to the voters indicating the serial number in which they would be going into the voting compartment to cast vote. The Third Polling Officer is the custodian of the “CU” and activates the “BU” by pressing “BALLOT” button of the “CU” and allows the voter to go inside the voting compartment for casting vote, in the order of the serial number on the voters slip issued by the Second Polling Officer.

The Commission has decided that in the event of shortage of polling staff in any particular District/Constituency, then in such places, the polling party may consist of a Presiding Officer and two polling officers as against the three polling officers which is the standard norm. In that case, the duty of the First Polling Officer will also include

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application of indelible ink on the finger of the voter, after identification of the voter. The Second Polling Officer will be the custodian of the 'CU' also in such cases, in addition to his normal duties of making the entries in Form 17 A (Register of Voters) and taking the signature/thumb impression of electors therein. It is clarified that in such cases where only two polling officers are used, it is not necessary to prepare the voters slip serial numbers. Instead, the Second Polling Officer will activate the "CU" and then send the voters inside the voting compartment exactly in the same sequence in which they sign in the Register of Voters (Form 17A). There will be no need to prepare the voters slips at the polling stations in such cases.

Further, in the cases where number of polling officers is restricted to two, the contesting candidates should be informed in writing in advance about this. The duties to be performed by the two polling officers should also be explained to the candidates. Training content for training of polling personnel shall also accordingly be modified. in such cases.

Kindly acknowledge receipt.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

**Remuneration,
Transfer,
Disciplinary Action
& other issues**

ITEM NO. 36

Election Commission's Order No. 218/4/96/PLN-1V dated 09.02.1996.

Subject: Payment of 100% TA/DA as advance to persons put on election duty.

At every general election, lakh of public servants will be on election duty. The Commission has been receiving a large number of complaints that the TA/DA admissible to the public servants put on election duty is not paid in time and unduly delayed. This leads not only to financial hardship to the individuals put on election duty but also generates resentment against election duty.

2. The Election Commission of India has carefully considered this issue and directs as follows:

- 2.1 All persons put on election duty should be paid as far as possible, 100% of the TA/DA admissible to them immediately within 24 hours of the completion of their duty.
- 2.2 If any State/Union Territory has adopted the practice of paying the 100% TA/DA as advance to the persons put on election duty, the practice may be continued.
- 2.3 In these States where it is not possible to pay 100% TA/DA to persons put on election duty either within 24 hours of the completion of the duty or as advance as directed at paras 2.1 and/ or 2.2 above, they may continue with the existing practice of payment of 80% of the TA/DA as advance and the balance shall be paid within 30 days of the completion of the election.
- 2.4 The District Election Officers/Returning Officers will be personally responsible for ensuring the payment as directed above.
- 2.5 The District Election Officers/Returning Officers, as the case may be, shall at the time of putting Officers/Officials on election duty direct the drawing and disbursing officers concerned to draw the amount calculated as being due to the persons put on election duty and disburse the same under proper acknowledgement either within 24 hours of performance of the duty as mentioned in para 2.1 above or as advance as mentioned in paras 2.2 and 2.3 above.
- 2.6 The Drawing and Disbursement Officer shall not wait for any specific request from the officers appointed for election related duty for drawing the advance, but shall treat the appointment order issued by the District Election Officer/

Returning Officer itself as the proof and request on behalf of the officers/ officials concerned.

- 2.7 District Election Officers/Returning Officers are directed to call a meeting of the Heads of the Departments and Drawing and Disbursement Officers and make it clear to them well in time before the duties commence that prompt payment of TA/DA as mentioned in para 2.1 or 2.2 or 2.3 above is an absolutely essential part of the election related work and omissions are not acceptable.
- 2.8 If after receipt of advance amount as mentioned in para 2.2 or 2.3 above, any official, for any reason whatsoever, does not find it possible to perform the official duty assigned to him, he shall forthwith return the amount so paid and obtain a receipt therefor.
3. The above directions are in supersession of the Order, dated 06-05-1994 issued by the Commission and shall be complied with without exception. These will be standing instructions for all general/bye- elections.
4. The Chief Electoral Officers shall bring the above directions to the notice of all District Election Officers/Returning Officers in the State/Union Territory.

ITEM NO. 37

Election Commission's letter No. 458/4/98/Vol.II/PLN-IV dated 08.12.1998 addressed to CEOs of all States and UTs. [This facility of remuneration has been extended to the police personnel actually deployed on election related duties also vide Commission's letter NO.458/4/99-PLN-IV, Dated 9th August, 1999 (Item No.44)].

Subject: Payment of remuneration to staff deployed on poll/counting duty extension of facilities to police personnel who are deployed in election related work - regarding.

I am directed to invite your attention to Commission's letter No. 458/4/95/PLN-IV, dated 14th March, 1996 and letter No. 458/4/96/RS.IV/Vol. I, dated 20th May, 1996, on the subject cited and to state that Commission have been receiving requests from the police personnel who are deployed for election related duties, for extending the same facilities to them as is being given to the staff who are deployed on polling/counting duties.

The Commission has further examined the matter and directed that the police personnel who are called for training in pursuance of Commission's order no. 62/ES014/94/RS.L, dated 14.9.1994 and also the police personnel actually deployed on election related duties may also be paid remuneration etc. on the same criteria as is being paid to the polling/ counting personnel.

Election Commission's letter No. 218/6/2003 PLN-I dated 06.02.2003 addressed to the Chief Secretaries/ CEOs of all States and Unions Territories.

Subject: Payment of Ex-gratia Compensation to the families of polling personnel who die or sustain injuries while on election duty.

Reference: Commission's letters (1) No. 218/6/96-PS-II dated 8-10-1996
(2) No. 218/6/98-PLN-I dated 25-11-1998

I am directed to say that during the General Elections to Bihar Legislative Assembly held in February 2000, the Government of Bihar had taken a Group Personal Accident Insurance policy for persons assigned with election duties. A Memorandum of Understanding was signed with the Insurance companies (Copy enclosed). In the election process, one Shri Pershram Singh, polling officer, died because of heart attack and the insurance company rejected the claim for compensation preferred by his widow. The widow moved the Patna High Court, which decided the case in her favour.

2. While deciding the case, the High Court has made the following observations:-

"Before parting with the records of the case, this Court would like to observe that in order to avoid any such controversy in future, the Election Commission must insist on a suitable amendment in the cover clause of MOU. It appears to me that in place of the expression "death only resulting solely and directly from accident caused by external violence and any other visible means" the expressions used in Section 3 of the Workmen Compensation Act may be substituted, that is to say, "death arising out of and in the course of election duty."

3. Accordingly I am to request that the above observations of the Patna High Court may be kept in view and the relevant clause worded accordingly while taking Group Insurance cover for polling personnel and signing Memorandum of Understanding with the insurance companies.

4. The receipt of the letter may kindly be acknowledged.

MEMORANDUM OF UNDERSTANDING

Re: Group Personal Accident Insurance for persons assigned with election duties

In consideration of the premium to be received from the Chief Electoral Officer, as per the computation made below the following points have been mutually agreed upon and placed on record.

1. Persons Covered

Any person deployed by the Competent Authority for the election related work for the ensuing Bihar Assembly Elections in the month of February 2000.

2. Numbers and Category of Persons

Sl.No.	Category A	Number of Persons
01.	Presiding Officers	83124
02.	Polling Officers	249372
03.	Gram Raksha Dal & Chowkidars	83124
04.	Patrolling & other Magistrates	7151
05.	Drivers of Patrolling Vehicles	27151
06.	Drivers associated with polling team & other Officers on election duty	20781
07.	Police Force on deputation from other state	3330
08.	Bihar Military Police	7440
09.	District Police Force (First Phase)	17412
10.	District Police Force (Second Phase)	11011
11.	District Police Force (Third Phase)	8098
12.	Home Guards	54420
13.	Other Civil Servants & Police Officers Associated with election process like DM/DC, SRDDC, ADM, RO, SDPO. etc.	500
Total		592914

Sum Insured for above category will be Rs. 10 lac per person.

Category B

Members of Central Para Military Forces (C.R.RF./B.S.F./C.I.S.F./I.T.B.R./SSB etc.) deployed on election duty = 32670.

The Sum Insured for the above category will be Rs.2.50 lac per person.

3. Scope of Cover

The Insurance is intended to provide for the payment of compensation in the event of death only resulting solely and directly from accident caused by external violent and any other visible means.

4. Period of Cover

The period of insurance shall commence from the date of receipt of premium and will continue to remain in force for the next 30 days.

5. Compensation Payable

A. In the event of death due to accident while performing election duty for Category specified as 2A above per person Rs. 10 lac

In the event of death due to accident while performing election duty for Category specified as 2B above per person Rs. 2.50 lac

6. Claims Procedure

Following documents will be required for the settlement of the claim :-

Claim Form, Post Mortem Report/Death Certificate, F.I.R. Competent Authority's certificate in confirmation of election duty assigned to the deceased duly forwarded by the concerned DM/DC.

All possible co-operation would be extended by the Govt. Authorities for expeditious disposal of the claim.

7. Notice of Claim

The claim will be intimated to the National Insurance Co. Ltd. immediately on its occurrence at its Regional Office, Sone Bhawan, Birchand Patel Marg, Patna. (Phone: 220979, 223103. Fax: 0612-220973). On receipt of the intimation, the local office at the place of occurrence shall be liaising with the govt. agencies in getting the desired papers completed in all respect.

8. Payment of Compensation

It is agreed that the payment of compensation shall be made to the nominee of the deceased as confirmed & certified by the concerned DM/DC. In such cases where nominee's name is not confirmed/ certified by the concerned DM/DC, the payment would directly be made in the name of the DM/DC within 7 days of the submission of above mentioned required papers. The Chief Electoral Officer, Bihar will be kept posted with the status of the claim.

9. Computation of Premium

Category Premium	S.I. Per Person	No. of Persons		
2A	Rs. 10 lac	592914	@Rs.79/-	Rs. 46840206/-
2B	Rs. 2.50 lac	32670	@Rs.19.75	Rs.645233/-
			Total	Rs.47485439/-

The premium cheque to be issued in favour of National Insurance Company Ltd. who will receive the premium on behalf of all the four Insurance Companies.

The premium bill is enclosed herewith.

This MOU is being signed by the representatives of all the four Insurance Companies.

Sd/-
(A. K. BASU)
Chief Electoral Officer
BIHAR

Sd/-
(S. Rasul)
Dy Manager
National Insurance
Regional Office
PATNA

Sd/-
(B.N. Prasad)
Sr. D.M.
New India Insurance
Divisional Office
PATNA

Sd/-
(Rajan)
Sr.D.M.
Oriental Insurance
Divisional Office
PATNA

Sd/-
(M.K.Sinha)
Sr. D.M.
United India Insurance
Divisional Office
PATNA



ITEM NO. 39

Election Commission's letter No. 78/2004/PLN-I, dated 07.04.2004 addressed to the Chief Secretaries, the Chief Electoral Officers of all States and Union Territories and the Secretary to the Govt. of India. M/o P.P. & P, Department of Personnel & Training

Subject: - Grant of paid holiday to employees on the day of poll - regarding.

I am directed to invite your attention to Commission's letters No."8 99-PI.N-I dated, 06.04.1999 and to state that The Goa MRF Employees Union (Trade Union) had filed a writ Petition in the High Court of Bombay at Panaji (Goa) challenging the legality of contents of para 4 of above said letter and the Hon'ble High Court has struck down para 4 of the above said letter and directed concerned authorities to take appropriate action regarding declaration of holiday(s) on the poll day(s) by the Central/State Governments in connection with General Elections and Bye-elections to the House of the People and State Legislative Assemblies.

2. The Representation of the People Act. 1951 amended in August, 1996 added a new Section 135B to the Act. The Section 135B is reproduced below:-

"135B. Grant of paid holiday to employees on the day of poll.

(1)Every person employed in any business trade, Industrial undertaking or any other establishment and entitled to vote at election to the House of the People or the legislative assembly of a State shall, on the day of poll, be granted a holiday.

(2)No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages he would have drawn had not a holiday been granted to him on that day.

(3)If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4)This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged."

3. The above provisions require that all establishment and shops shall be closed on the day of poll in the Constituency where a General/bye-election is to be held. However, there may be cases where a person is ordinarily resident of the Constituency and registered as an elector,

may be serving/employed in an industrial undertaking or an establishment located outside the Constituency having a general/bye-election. It is clarified that in such a situation, even those electors including casual workers working outside the constituency concerned would be entitled to the benefit of a paid holiday extended under the Section 135B(1) of R.P. Act, 1951.

4. The daily wage/casual workers are also entitled for a holiday and wages on poll day as provided in Section 135B of R.P. Act, 1951.

5. The Commission desired that suitable instructions should be issued to all concerns and a copy thereof be endorsed to the Commission for its information and record.

6. The receipt of this letter may please be acknowledged.

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Election Commission's letter No. 464/OBS/Misc/2008/PLN-I
Dated: 27th May, 2008 addressed to the Chief Secretaries and
the Chief Electoral Officers of all States and Union Territories.

**Subject: Payment of remuneration to the Micro Observer
- regarding.**

The Commission decided to appoint observers at the elections conducted by it from the panel of Gazetted officers/officials of the Government of India from different offices in the districts as per the Commission's letter no. 464/KT-LA/2008 dated 04.04.2008 (copy enclosed).

In this connection it may be stated that

1. TA/DA for the training days should be paid by parent department as is the case with observer.
2. Micro Observer shall be provided the facility of drop to and pick up from polling stations on poll day from the Returning Officer's Head Quarter (or any other central location to be decided by Observer & Returning Officer).
3. On poll day, they will be provided food facility at par with the polling teams.
4. Besides the above, for poll duty, an appropriate honorarium, to be decided by the state government concerned, shall be paid to each Micro Observer (the state of Gujarat has paid Rs. 700/- lump sum while Karnataka has paid Rs. 500/- lump- sum to the Micro Observers appointed on duty on poll day).
5. This payment of honorarium should be made by the Returning Officer, to the extent possible, on completion of duty at the EVM receipt of Micro Observer's report by the Observer.

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Election Commission's letter No. 4/2008/JS.II Dated: 19th August, 2008 addressed to the Chief Secretaries of all states & Union Territories.

Subject: Violation of law and instructions by election related officials - action to be taken - regarding.

I am directed to send herewith a copy of the Commission's O.M. No. 4/2008/J.S.II dated 30-7-2008, in the matter of disciplinary action against election officials for acts of omission and commission on their part, for your information. As per para 2 of the O.M., the Chief Electoral Officers is to closely monitor cases involving violations of laws, which result in police cases, so that the cases are intensely followed up.

Kindly acknowledge receipt of this letter.

Copy to : Principal Secretaries /Zonal Secretaries

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INSTRUCTION SL NO.

Election Commission's letter No. 464/INST/2008/EPS, Date: 12.09.2008 addressed to The Chief Secretaries of All States/Union Territories & The Chief Electoral Officers of all States and Union Territories.

Subject: HR issues in the polling personnel management.

The conduct of election in a vast country like ours is a mammoth exercise. An efficient human resource management forms an essential part of the election management planning and execution. The personnel involved in the conduct of elections particularly the polling staff carry out their duty in challenging circumstances. However, the Election Commission of India has received feedback that enough efforts are not being made to provide basic facilities to enable the polling staff to deliver their work in a hassle free manner. The Commission considers the well being of the polling personnel to be one of the priority areas of election management. In order to ensure that the welfare of the polling personnel receives adequate attention of the District Election Officers and Returning Officers, the Election Commission of India has directed that the following instructions be followed without any deviation.

There shall be a separate chapter in the election arrangement booklet prepared by DEO/RO dedicated to staff welfare. In this chapter, the measures envisaged by the District Election Officer/R.O to ensure polling personnel welfare shall be listed. While preparing the district machinery for the conduct of election, the DEO shall identify a senior officer as the nodal officer to coordinate and supervise polling personnel welfare measures. Similarly, each RO shall identify a nodal officer for the above purpose. The name and designation, office and residential address, telephone numbers including mobile number and e-mail ID, if any, of the nodal officer shall be mentioned in the district/constituency election management plan. The contact numbers should also be brought to the notice of the polling personnel drafted for election duty.

The DEO should also hold a separate review on the subject and identify the areas of concern and take necessary advance measures to address the facilitation issues.

Right from the beginning enough care shall be taken to ensure that the information regarding training programme, dispatch and reception centre arrangement

etc. is conveyed to the polling personnel in a proper and timely manner through the sponsoring authorities. The responsibility of the officer who sponsors the polling personnel is not merely to send the names of the government staff to be used for election duty. As and when the DEO or RO sends information to be passed on to the polling personnel drafted for training/poll duty, the same information shall be conveyed by the sponsoring authority to all the staff drafted for election with due care. Apart from informing the training schedule and dispatch schedule etc. through the letter, sponsoring authority, the DEO and RO shall also use the local media to convey the schedule to the staff at large so that there is no misunderstanding about reporting time and venue.

Proper arrangement shall be made at the training venue; care should be taken while choosing the venue for the training purpose to ensure that there is proper arrangement of basic amenities. There should be a proper provision for drinking water and toilet facilities at the training venue. There should also be 'help desk' to help the polling personnel when they arrive for training. Similarly, at the dispatch centre too, due care should be taken to provide civic amenities and facilitate orderly dispatch. On the day of dispatch, the nodal officer identified to take care of staff welfare shall physically remain present at the dispatch centre. There shall be adequate provision of drinking water, toilet etc. at the dispatch location. The process of dispatch shall be closely monitored by the senior officers so that polling personnel are not unduly held up at the dispatch centre. Also, if the dispatch process takes time, there should be proper arrangement for refreshments for the polling personnel while they are waiting for transport for taking them to their polling stations. The coordination between the police personnel deputed to accompany the polling personnel should be perfect so that there is no communication gap in this matter. It will be the duty of the sector officers to ensure that the polling personnel deputed to perform their duty at the polling stations assigned to the sector officer are taken care of and they are not unduly held up at the dispatch centre.

A senior officer should supervise the arrangement made for providing transport vehicle for the travel of the polling personnel. The movement of the polling personnel/security forces shall be tracked closely and a confirmatory report should be obtained through sector officer on the safe arrival of the polling personnel at the polling station.

The DEO and the RO shall do an advance exercise well before the election to get the conditions of the polling stations physically verified by the field officials. With some advance intervention at the level of DEO, the conditions at the polling stations can be vastly improved. There are reports about polling stations not being provided even with rudimentary facilities like tables and chairs. The DEO, through the sector officers shall get the physical condition of the polling stations verified well in advance and ensure that provision for basic amenities like tables, chairs, benches, drinking water/toilet, shade for voters etc. are made available. If the power connection is available, the status of switches/bulbs/fans should be checked. If power connection is not there, alternative arrangement should be made.

There are inputs about polling personnel being put to difficulty for lack of provision in remote areas for getting their food. An exercise shall be done through sector officers as to how such problems can be sorted out. It is relevant to note that it may not be desirable on the part of polling personnel to venture out for the sake of getting food in remote locations. It is also undesirable to avail the local hospitality as that may lead to some complaint. In some States there is a practice of providing a Gr.-IV staff in the polling team who cooks food & serves the polling party. The DEO shall review the situation and ensure that proper alternative arrangements are made depending on the local condition and limitations.

The health care of the polling personnel is another important concern. At the training centre as well as in dispatch/reception centres, there should be separate arrangements for providing health care/first aid assistance to the polling personnel. Medical staff/para-medical staff shall be stationed in those locations to be available in case of any requirement.

The reception centre for polled election materials shall be managed efficiently and professionally. Here too, health care staff and equipments should be on duty and arrangement for refreshment, in a manner that would not disturb the receiving of EVM/other documents, should be meticulously planned. It is at this time that the polling party is fatigued and exhausted and tempers might run high. The polling personnel shall not be held up unnecessarily at the reception centre. The reception centre should not be handled by the junior staff of the District Election Office alone and the senior officers

shall remain physically present at the reception centre in order to ensure the effective handling of the reception centre. Once EVMs and other documents are handed over, the polling staff shall be relieved from the duty without any delay. Advance measures should be in place to ensure that transport facility including public bus service etc. is available for them to reach home at the earliest.

Apart from this, the CEO shall do a review of present existing system of making ex gratia/compensation payment in case of an unfortunate event of injury or death of polling personnel. There are States where specific problems like Maoist extremism prevail, insurance coverage for those engaged in election duty have been extended. There are States where such compensatory mechanism is extended directly by the State Government. The CEO of the State shall, in consultation with the State Govt, should review the present policy and submit a factual report to the Election Commission of India indicating the ex gratia/compensation payment mechanism adopted/proposed to be adopted in the State for casualties on election duty.

The Commission desires that the polling personnel facilitation to ensure their well being should become an integral part of election management plan and starting from the CEO of the State down to the RO, this aspect of the election management shall receives adequate attention.

The receipt of this letter may be acknowledged and action taken in this matter may be reported to the Commission.

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INSTRUCTION SL. NO.

Election Commissions letter No.218.6//2006/EPS Dated: 5th November, 2008 addressed to The Chief Secretaries and the Chief Electoral Officers of all States/UTs

Subject: Payment of Ex-gratia compensation to the families of polling personnel who die or sustain injuries while on election duty.

I am directed to state that on a reference from the Chief Electoral Officer, Bihar vide letter no. EIS-1/2006 dated 12.11.2007 seeking further amplification of the term election duty for the purpose of grant of ex-gratia compensation, the Commission took up the matter with Govt. of India in the Ministry of Law & Justice for consideration and recommendation. The Ministry of Law and Justice vide its letter No. G-27031/16/99-B & A (Pt) dated 14-08-2008 clarified that it would be reasonable to consider a person on election duty as soon as he leaves his residence/office to report for any election related duty including training and until he reaches back his residence/office after performance of his election duty. If any mishap takes place during this period, it should be treated as having occurred on election duty **subject to the condition that there should be a causal connection between occurrence of death/injury and the election duty.** A copy of the said letter dated 14-08-2008 is enclosed herewith.

2. In view of the above clarification given by the Ministry of Law & Justice, the Commission desires that the relevant clause be worded accordingly to describe the meaning of the word "election duty" while entering Group Insurance cover for polling personnel and signing Memorandum of Understanding with the insurance Companies.

3. The receipt of the letter may kindly be acknowledged.

No. G-27031/16/99-B&A(Pt.)
Government of India
Ministry of Law and Justice
Legislative Department

New Delhi, the 14th August, 2008

To:

Shri K. Ajay Kumar, Secretary,
Election Commission of India
Nirvachan Sadan,
Ashoka Road,
New Delhi-110005

Sub: Payment of Ex-gratia compensation to the families of polling personnel who die or sustain injuries while on election duty - regarding.

Sir,

I am directed to refer to your letter No. 218/6/2006/PLN-I/3397 dated 17.06.2008, on the subject cited above, and to say that the matter has been examined in consultation with the Department of Pension & Pensioners' Welfare.

2. It is clarified that it would be reasonable to consider a person on election duty as soon as he leaves his residence/office to report for many election related duty including training and until he reaches back his residence/office after performance of his election related duty. If any mishap takes place during this period, it should be treated as having occurred on election duty subject to condition that there should be a causal connection between occurrence of death/injury and the election duty.

Yours faithfully,

(Daya Chand)
Deputy Secretary to the Govt. of India

INSTRUCTION SL.NO.

Election Commission's letter No.464/INST/2008/EPS, Date: 23rd December 2008. addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Tracking the names of officers transferred by the order of the Election Commission of India charged with dereliction of duty etc.

Ref: No.437/6/2006-PLN.III dated 6th November,2006 & ECI message No.100/1994-PLN.I dated 28.3.1994 addressed to the CEOs of all States & UTs.

The Election Commission of India vide the instruction referred to above had directed that a detailed review shall be undertaken before every election in all districts and all such officers should be posted out of their home districts or district where they have completed a tenure of 3 years out of 4 years, and had further directed that officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in election or election related work or who were transferred under the orders of the Commission in the matter may not be assigned to any election related duty.

However, it was observed during recent elections that in spite of efforts made by the CEOs and the DEOs to comply the above instruction of the Commission, there were still some instances of the officers who come under the above criteria and liable to be transferred out of the district to a non election related assignment but managed to stay back and the Commission came to know about this only at a later stage through complaints being raised by various political parties and members of public. These incidents, though few in numbers, send a wrong signal at the field level and non maintenance of proper information about the officers liable to be transferred on the above criteria has been recognised as a reason for some stray incidents of non-compliance. In order to remove the possibility of the occurrence of such incidents in future, the Commission has issued the following directions to make the existing instruction more effective:-

- I. The CEO of the State shall maintain a register in which the information about IAS/IPS officers, DEOs, ROs and EROs transferred by the order of the Election Commission and against whom Commission has recommended disciplinary action or who have been charged for any lapse in election or election related work shall be maintained.
- II. Similarly, the DEO will maintain a register containing information about other junior officers and other staff.
- III. Within 7 days of the announcement of elections by the Election Commission of India the CEO of the State will send a compliance letter to the Zonal Secretary in the Commission confirming that all the officers coming under the above criteria have been transferred. Similarly he shall obtain a similar compliance certificate from all the DEOs confirming that all the officers/staff coming under the above criteria have been transferred to non election related assignment and out of the district.

- IV. With reference to transfer of officers coming under '3 years out of 4 years criteria' and the home district criteria, DEOs shall ensure compliance in respect of ROs, EROs, AROs and AEROs and other election related officials and send a letter to CEO within the time, if any, stipulated for this purpose by the Election Commission of India or CEO and if not, within 7 days of issue of press note announcing the elections. Similarly, information related to DEOs, SSP and SPs and other senior police officials connected with the election work shall be maintained by the CEO and compliance by the State Govt shall be ensured at his level. Compliance regarding the transfer of these officers shall be collected from the DEOs and the CEO of the State shall send a consolidated letter of compliance to the Zonal Secretary within 7 days of the announcement of election.
- V. To facilitate the submission of this compliance letter within 7 days of the announcement of election, the CEO and DEO shall collect the information and ensure maintenance of register as stated above well in advance so that no time is lost.
- VI. There are many departments in the State Government that are involved in transferring officials and thereby accountable for the compliance of the above instructions of the Commission. The Commission's instruction regarding transfer of the officials during election shall be brought to the notice of the Secretaries of the departments concerned with a copy to the Chief Secretary. The Chief Secretary may be requested by the CEO to ensure that all the departments concerned comply with the Commission's instruction well in time.
- VII. With regard to bye-elections while the officers coming under the category, dealt within para marked as (I) shall be transferred out of the district within three days of announcement of bye-election and certainly before the first days of receipt of nomination whichever is earlier.
- VIII. The above instruction be followed without any deviation.

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INSTRUCTION SI. No.

Election Commissions letter No. 464/INST/2008/EPS Dated:21st January, 2009 addressed to the Chief Secretaries of all states & Union Territories.

Subject: Appointment of micro observer-additional instruction – Regarding.

I am directed to say that the Commission has been appointing micro observer in selected constituencies and selected polling stations depending on the availability staff of Government of India and Central Public sector undertaking available for the appointment as a micro observer. In this connection, the Commission has issued the following instructions: -

1. The District Election Officer will take an advance inventory of availability of staff of Government of India and Central Public Sector Undertaking to be appointed as micro observer and incorporate their names, along with all the required details as in case of State Govt. staff, in the randomization database.
2. In case Government of India staff not being available in adequate number, the Divisional Commissioner (if the D.C system exists in a particular State) will coordinate and ensure that inter-district sharing of micro observer takes place and the Divisional Commissioner will monitor this process. If the Divisional Commissioner system is not available, the Chief Electoral Officer will coordinate and ensure that the micro observers from the neighbouring districts or from the neighbouring urban centre are diverted to particular district not having Government of India staff to be appointed as a micro observer.

The Commission has further instructed that the conditionalities being applied for the State Govt. staff being appointed as polling personnel (that he should not be posted as a polling staff in the constituency where he is a voter / where he is working / in his native constituency) will be equally applied to the micro observers also. That means, a micro observer while working as a micro observer within the district or outside the district, within the Parliamentary Constituency (preferably) or outside his Parliamentary Constituency cannot be appointed as a micro observer in an Assembly Constituency / assembly segment where he is a voter, working or in his native Assembly Constituency / assembly segment. This aspect may be taken care of during randomization process.

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi- 110001

No. 464/INST/2009/EPS

Dated: 22nd January, 2009

To

The Chief Electoral Officers of
All States and Union Territories

Sub: Payment of remuneration to Micro observers regarding.

Sir,

In continuation of the Commissions letter No. 464/OBS/Nisc/2008/PLN-I dated 27th may 2008 on the cited. I am directed to say that the Commission recommends that a basic minimum remuneration of Rs. 1000/- (One thousand only) lump sum should be fixed for micro- Observers appointed on duty on poll day However, the States/UTs which pays such remuneration above the basic minimum, may continue to make such payments.

Yours faithfully,

(SUMIT MUKHERJEE)
UMDER SECRETARY

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1/4/2 = 21/02/2009 14274 43 314 2111 11 10/10/1

By Fax/Speed Post

← Y = XLS

**SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA**
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 154/2009-P.Admn.

Dated: 28.01.2009

To

The Chief Secretaries/Administrators
of all States and Union Territories.

कार्यालय प्रमुख
एवं प्रमुख
अधिकारी
अभियंता
जन

आय: 354
दिनांक 4-3-09


Sub: To divest all the additional charges of work under the State Government/UT Administration, besides Election Department, from the Chief Electoral Officer, Additional Chief Electoral Officer and Joint Chief Electoral Officer - Reg.

Sir,

I am directed to state that in view of the forthcoming General Election to Lok Sabha, 2009, the Commission has desired that the Chief Electoral Officer, Additional Chief Electoral Officer, Joint Chief Electoral Officer and Deputy Chief Electoral Officer should be divested of any additional charges of work under the State Government/U.T. Administration which they may be holding at present, except that of the Election Department, with effect from 01.02.2009 latest.

An order to this effect may be issued immediately and a copy forwarded to the Commission.

Yours faithfully,



(S.R. KAR)

UNDER SECRETARY

683/CS/2/09

3-2-09

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By Fax/Speed post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.437/6/INST/2009-CC&BE

Dated: 1st February, 2009

To

1. The Chief Secretaries of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.

Subject: General Election to the House of People (Lok Sabha), 2009- Posting of Officers – reg.

Sir,

As you might be aware that the General Election to the Lok Sabha, 2009 has to be held shortly. The Commission, in its task of conducting free and fair elections has followed the consistent policy to ensure that officers, who are connected with the conduct of elections in the States, do not serve in their home districts or places where they have served for long and decided that **no officer connected with elections, directly or indirectly, should be allowed to continue in the present district of posting.**

(a) If she/he is posted in her/his home district.

(b) If she/he has completed three years in that district during last four years or would be completing 3 years on or before 31.5.2009.

(ii) These instructions will not only cover officers appointed for specific election duties like District Election Officers, Returning Officers and Assistant Returning Officers but also other district level officers like Additional District Magistrates, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers or any other officer proposed to be used for election work. As far as officers in the Police Department are concerned, these instructions shall be applicable to the Range IGs, DIGs, Commandants of State Armed Police, SSPs, SPs, Addl. SPs, Sub-Divisional Heads of Police, Inspectors, Sub-Inspectors, Sergeant Majors or equivalent who are responsible for deployment of force in the district at election time. The police officials who are posted in functional departments like computerization,

Form No. 2, Annex-F (3) Staff Code of Conduct, Revised Edition, 1988, Part III, para 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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(27)

special branch, training, etc. are not covered under these instructions. Apart from these. The Police Officers of the level of Sub-Inspectors should not be posted in their home Assembly Constituencies. The Police Officers of the level of Sub-Inspectors should be transferred out of their police Sub-divisions if they have completed tenure of three years during last four years in that sub-division.

(iii) The Commission further desires that a detailed review may, therefore, be undertaken before the General Election to Lok Sabha, in all districts and all such officers be posted out of their home districts or district where they have completed a tenure of three years out of the last four years, immediately. While moving officers who have completed three years in a district out of the last four years, care should be taken that they are not posted to their home districts. While calculating the period of three years, promotion to a post within the district is to be counted. While carrying out this review it must be borne in mind that these instructions do not apply to officers posted in the State headquarters of the departments concerned.

(iv) The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work or who were transferred under the orders of the Commission previously, may not be assigned any election related duty.

(v) The Commission further desires that no officer/official against whom a criminal case is pending in any Court of Law, be associated with the election work or election related duty.

(vi) The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the directions issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the districts from which they stand transferred immediately on receipt of the transfer orders.

(vii) It is desirable that the Commission's policy is be implemented even without waiting for the formal announcement of the General Election in order to ensure that no large-scale dislocation of officers is necessitated after the announcement of the election.

(30)

(viii) Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of the State shall be invariably consulted while posting the new persons in place of present incumbents who stand transferred as per this policy of the Commission. The copies of the transfer orders issued under these directions shall be given to the Chief Electoral Officers concerned without fail.

(ix) The transfer orders in respect of officers/officials who are engaged in the electoral rolls revision work shall be implemented only after final publication of the electoral rolls in consultation with the Chief Electoral Officer.

(x) Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further such officers may not be engaged for performing elections duties during the elections.


(xi) It is further clarified that all the officials of the States/UTs who are on extension of service or re-employed in different capacities will not be associated with any election related work except those with the Office of CEOs.

2. Details of the action taken may be intimated to the Commission for its information immediately and in any case not later than 20.2.2009.

3. It has been observed in the past that during the General Election, numerous references are received from various States seeking clarification with reference to the applicability of transfer order to individual cases. The Commission directs that all these issues should be basically handled at the Chief Electoral Officer's level. Only when it is absolutely necessary, individual references should be forwarded to the Commission after considering all aspects at the Chief Electoral Officer's level with his/her specific recommendations.

4. The above instructions may be brought to the notice of all concerned for compliance. Receipt of this letter may please be acknowledged.

Yours faithfully,



(K.N. BHAR)
UNDER SECRETARY

Copy to : Principal Secretaries / Secretaries for follow up action.

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संख्या: 413
दिनांक: 9/2

By e-mail/Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.23/BLO/2009-ERS

Dated: 4th February, 2009.

To

The Chief Electoral Officers of
all States and Union Territories

Subject: Appointment of Booth Level Officers – Payment of remuneration - Regarding

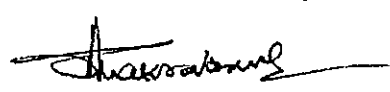
Sir/Madam,

Kindly refer to the revised instructions about the identification of Booth Level Officers to be appointed under Section 13 B (2) of the Representation of the People Act, 1950 by the ERO for revision of rolls outlined in para 8 of Chapter –II of the Handbook for Electoral Registration Officers, 2008 Edition

The issue about payment of remuneration to the Booth Level Officers came up for discussions during the last Conference of CEO's held in December, 2008. There was almost unanimous view that the present amount of remuneration fixed by the Commission vide its letter No. 23/BLO/2009-ERS dated 19th February, 2008 needs an upward revision in view of the various activities and the duration for which the services of BLOs are utilised. The Commission after due consideration has decided that a lump sum amount of Rs.1500/- per annum may be paid to each BLO for attending to the work of area covered by one part of electoral roll. The Commission, further clarifies that the States can have individual variations subject to the basic minimum amount of Rs.1500/- per part of electoral roll fixed by the Commission.

Kindly acknowledge receipt.

Yours faithfully,


(Ashish Chakraborty)
Under Secretary

Standard Distribution

INSTRUCTION Sl. No.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.218/6/2009/EPS

Dated : 17th February, 2009

To

The Chief Secretaries of all
States and Union Territories.

Sub: Payment of Ex-gratia compensation to the families of polling
personnel who die or sustain injuries while on election duty.

Sir,

I am directed to invite a reference to the Commission's letter No.
218/6/2003/PLN-, dated 06-02-2003, in the above matter.

2. In the abovementioned letter, the direction of the Hon'ble Patna High
Court in a petition relating to payment of compensation under the insurance
coverage to polling personnel was quoted. The said direction is reproduced
below for convenience of reference.

"Before parting with the records of the case, the Court would like to
observe that in order to avoid any such controversy in future, the
Election Commission must insist on a suitable amendment in the cover
clause of MOU. It appears to me that in place of the expression "death
only resulting solely and directly from accident caused by external
violence and any other visible means" the expressions used in Section 3
of the Workman Compensation Act may be substituted, that is to say,
"death arising out of and in the course of election duty."

3. In the light of the above direction of the Hon'ble Patna High Court, the
Commission had urged the State Governments to suitably modify the

Memorandum of Understanding, if any, with the insurance companies in connection with the Group Insurance Coverage for polling personnel.

4. From the past experience, it is seen that even in cases of death of polling personnel on election duty, innumerable hurdles in releasing the compensation amount due to them are created by the insurance companies. In many cases, the bereaved family members of the deceased officials have had to approach the Courts seeking relief of payment of the compensation that they genuinely deserved and which should have been released to them forthwith. Litigation would mean that a good part of the amount that they would ultimately get would have been already spent by them on litigation, besides the financial hardships the bereaved families would have suffered due to loss of earning member of the family. In any case, it seems the states will end up spending more money on insurance premium than compensation to the affected families.

5. The Commission has considered this matter in the light of the experience of the working of the Group Insurance Schemes for the polling personnel. Election duty cannot be equated with the normal work of the polling personnel. Elections involve time-bound assignment, and execution of the work on the field involves element of risk and threat of varying level to the polling personnel.. In some cases where the State Governments had entered into MOU with Insurance Companies for payment of compensation to the polling personnel, there have been cases where even in the case of death due to heart attack during performance of election duty, the Insurance Companies have taken the plea that only the death caused due to violent incidents are covered under the insurance scheme for the polling personnel. The nature of election duties being what it is, there are several threat and fear factors inflicted by the unruly party cadres and anti- social elements. Therefore, in the course of performance of election duties, death can occur to the polling personnel even without any seemingly violent incidents.

6. The Commission is, therefore, of the view that the polling personnel and other officials appointed in connection with conduct of elections should be provided the protection of adequate compensation in the event of any mishap. As mentioned above, the system of Group Insurance has not been very successful in spite of the large amounts spent on premium payment to the companies.

7. In view of the above, the Commission desires that the State Government may frame separate guidelines for payment of enhanced amount of ex-gratia payment in the event of any mishap to the election related officials. The Commission recommends an amount of Rs. 5 lacs as the minimum amount to be paid to the next of kin of the official in the unfortunate event of death of the official while on election duty. If the death is unfortunately caused due to any violent acts of extremist or unsocial elements like, road mines, bomb blasts, armed attacks, etc. the amount of compensation should be double, i.e. Rs. 10 lakhs. In the case of permanent disability, like loss of limb, eye sight, etc., a minimum ex-gratia payment of Rs. 2.5 lacs should be made (which should be doubled in the case of such mishaps being caused by extremist or unsocial elements as aforesaid). While framing the guidelines, it may be clearly spelt out that the payment will cover any mishap occurred during the entire period of election duty connected with polling. A person is to be treated on election duty as soon as he leaves his residence/office to report for any election related duty including training and until he reaches back his residence/office after performance of his election related duty. If any mishap takes place during this period, it should be treated as having occurred on election duty subject to condition that there should be a casual connection between occurrence of death/injury and the election duty.

8. If any State Government has a policy of granting compensation in excess of the amount mentioned above, they may continue to follow the rates prescribed by them.

9. It is requested that necessary orders may be passed in this regard, and a copy of the same may be endorsed to the Commission.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

1. Copy to the Chief Electoral Officers of all States and U.T.s. They should urgently make an inventory of all such cases pending in Courts and before various departments of State Government and ensure that the compensation admissible in all cases is paid to the claimants with utmost expedition.

2. Copy also forwarded to the Secretary to the Government of India, Ministry of Law and Justice, Legislative Department, New Delhi.

(SUMIT MUKHERJEE)
UNDER SECRETARY

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By Fax/Speed post

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001

No. 437/6/INST/2009-CC & BE

Dated: 18th February, 2009

To

1. The Chief Secretaries of All States and Administrators of all UTs
2. The Chief Electoral Officers of all the States and Union Territories

Subject: -The Commission's instruction on Posting of Officers dated 04-02-09 – clarifications regarding.

Sir,

I am directed to invite your attention to the instruction of even number dated 4th February, 2009 and to state that some clarification has been sought during the conference of Chief Electoral Officers and the Commission' meeting with the Chief Secretaries.

The Commission has considered the issue in detail and has decided to issue further guideline in this regard as below: -

There may be cases where it may be difficult to effect the transfer of Police Officer who are in-charge of Thana in compliance of the policy laid down in the abovementioned instruction of the Commission in big Metro cities/smaller states having less number of districts. In such cases the territorial consideration for such police officer may be sub-division as an exception. In rest of the other cases the territorial jurisdiction may be district with prior approval of Commission.

A question has been raised whether this instruction is applicable for the Sub-Inspector of Police. It is clarified that, where the Sub-Inspector of Police is in-charge of Thana, he is covered by this instruction and hence is required to be transferred as per guideline laid down above.

Yours faithfully,

(K.N.BHAR)
UNDER SECRETARY

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.509/Misc/2009/RCC

Dated:- 9th March, 2009.

To
CEOs
M. M. M. M.
M. M. M. M.
M. M. M. M.

- The Chief Electoral Officers of
1. Assam
 2. Andhra Pradesh
 3. Bihar
 4. Gujarat
 5. Karnataka
 6. Maharashtra
 7. Orissa
 8. Rajasthan
 9. Tamil Nadu
 10. Uttar Pradesh, and
 11. West Bengal.

कार्यवाही क्रमांक निदेशक अधिकारी
एन. एन. एन. एन. एन. एन.
दिनांक 09/03/2009

Subject: Transfer of officials connected with conduct of elections on the orders of the Commission.

Sir/Madam,

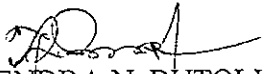
I am directed to draw your attention to the Commission's letter No. 509/Misc/2004/JS.I, dated 19.2.2004. As explained in the said letter, for the smooth, free and fair conduct of elections, the Commission orders transfer/ shifting of some officials connected with the conduct of elections, during the election process or during the run-up to the elections. It is seen from past experience that many of such officials who are affected by the transfer orders, approach the Central/State Administrative Tribunals and obtain stay orders. In many cases, such stay orders were obtained without proper notice to the Commission. In such cases, the Commission had to move the High Courts for vacation of the stay orders granted by the Tribunals. Valuable time is lost in this process and by the time relief is obtained from the High Courts, the election process would have reached advanced stages. The result is that the purpose of the transfer orders is defeated as the election process has a compressed time schedule.

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-2-

The Commission has decided that it should file **advance Caveats** in all Benches of the Central/State Administrative Tribunals requesting that *ex-parte* stay orders against transfer of officials issued on the orders of the Commission should not be granted without notice to the Commission. You are requested to urgently identify a suitable counsel for filing the caveat in the Bench (es) of the CAT/SAT in your State.

Yours faithfully,


(NARENDRA N. BUTOLIA)
UNDER SECRETARY

117

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G.E.-2009

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009/EPS

Dated:- 17th March, 2009

To,

The Chief Electoral Officers of,
All States/UTs.

Subject: General Election to the Lok Sabha, 2009 – Provision of Lunch to
Polling staff – regarding.

Sir,

During the elections to the Legislative Assemblies of various States/UTs, It has come to the notice of the Commission that the electors have to wait for long hours to cast their vote due to lack of expediency in the process and lunch break taken by the polling parties. In the process, some electors leave the queue in frustration without casting their votes. The Commission would like to ensure that no elector is deprived of, or feels inhibited in the exercise of his/her right of franchise on account of lack of facility in the polling station.

The Commission further directs that polling staff should take their lunch in rotations without interrupting polling process so as to avoid any inconvenience to the electors. In other words in no case the polling should stop.

This may be brought to the notice of all concerned authorities for strict compliance.

Yours faithfully



(SUMIT MUKHERJEE)
UNDER SECRETARY

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54

BY CAMP BAG/FAX

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

No. 78/2009EPS

Dated: 30th March, 2009

To,

1. The Chief Secretaries to the Government of all States and Union Territories.
2. The Chief Electoral Officers of all States and Union Territories.
3. The Secretary to the Govt. of India. M/o P.P. & P. Department of Personnel & Training, New Delhi.

Sub:- Grant of paid holiday to employees on the day of poll - regarding.

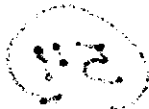
Sir,

I am directed to invite your attention to Commission's letter Nos. 78/99-PLN-I dated 06.04.1999 and to state that the Goa MRF Employees Union (Trade Union), had filed a writ Petition in the High Court of Bombay at Panaji (Goa) challenging the legality of contents of Para 4 of above said letter and the Hon'ble High Court has struck down Para 4 of the above said letter and directed concerned authorities to take appropriate action regarding declaration of holiday(s) on the poll day(s) by the Central/State Governments in connection with General Election and Bye election to the House of the People and State Legislative Assemblies.

The Representation of the People Act. 1951 amended in August, 1996 added a new Section 135B to the Act. The Section 135B is reproduced below: -

"135B. Grant of paid holiday to employees on the day of poll.

- (1) Every person employed in any business trade, Industrial undertaking or any other establishment and entitled to vote at election to the House of the people or the legislative assembly of a State shall, on the day of poll, be granted a holiday.
- (2) No deduction or abatement of the wages of any such person shall be made on account of holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages he would have drawn had not a holiday been granted to him on that day.



- (3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine, which may extend to five hundred rupees.
- (4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged."

3. The above provisions require that all establishment and shops shall be closed on the day of poll in the Constituency where a General/bye-election is to be held. However, there may be cases where a person is ordinarily resident of the Constituency and registered as an elector, may be serving/employed in an industrial undertaking or an establishment located outside the Constituency having a general/bye election. It is clarified that in such a situation, even those electors including casual workers working outside the constituency concerned would be entitled to the benefit of a paid holiday extended under the Section 135B(1) of R.P. Act, 1951.

4. The daily wage/casual workers are also entitled for a holiday and wages on poll day as provided in Section 135B of R.P. Act, 1951.

5. The Commission desired that suitable instructions should be issued to all concerned and a copy thereof be endorsed to the Commission for its information and record.

6. The receipt of this letter may please be acknowledged.

Your faithfully.

(SUMIT MUKHERJEE)
UNDER SECRETARY

(55)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2009-EPS

Dated: 31st March, 2009.

To,

- (1) The Chief Secretaries of
All States and Union Territories.
- (2) The Chief Electoral Officers of
All States and Union Territories.

Sub: - Disciplinary proceedings against officials appointed on election duty.

Sir,

I am directed to state that the Commission has recently received inputs that some of the State Governments are taking or proposing to take, action to suspend or initiate disciplinary proceedings for acts of omission /commission committed by them in past, against certain officers/ officials and Police Personnel who are or likely to be deployed on election duty, on their own without intimating the Commission. The Commission has taken a serious note of it and it does not approve of such unilateral action by the state Govts.

2. Your attention is invited to Sec 13cc of R.P. ACT 1950 and Sec 28A of R.P. ACT 1951, and Commission's Order No. 4/2001-J.S-II dated 07.02.2001 issued in the light of observation of Supreme Court of India Order dated 21.9.2000 in writ Petition (C) No.606 of 1993 (Election Commission of India Vs. Union of India and Others), reproduced as item 16 of Compendium of Instruction Vol-III which is available in the Commission's website also.

3. The Commission, having considered the matter has directed that written prior permission of the Commission is mandatory before suspending/ initiating any disciplinary proceedings against officer/official connected with conduct of elections is during the period of election.

4. The CEOs shall refer each such reference as and when received from the State Govt to Commission with their comments.

Kindly acknowledge the receipt.

Yours faithfully


(SUMIT MUKHERJEE)

UNDER SECRETARY

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(56)

By Fax/Speed Post

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

SUMIT MUKHERJEE

Tel No. 23717590

UNDER SECRETARY

Fax No. 23717590

No. 464/INST/2009/EPS

Dated: 18th April, 2009

To

1. The Chief Secretaries of All States/ UTs
2. The Chief Electoral Officers of All States/ UTs

Subject: - General Election to the House of the People, 2009 – Appointment of Micro-Observers- Clarification-regarding.

Sir,

A clarification has been sought whether Micro Observers can perform duty within the AC where he is registered as voter/ where he is working/or in his native constituency. In this regard, it may be mentioned that any person while working as a micro observer within the district or outside the district, within the Parliamentary Constituency or outside his Parliamentary Constituency cannot be appointed as a Micro Observer in an Assembly Constituency / assembly segment where he is a voter, working or in his native Assembly Constituency / assembly segment. For this purpose, para 3 of Commission's instruction Sl. No. 59 as contained in volume-II of Compendium of Commission's instruction may kindly be referred to.

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Another clarification has been sought as to whether selection of Micro Observer should be done using computer software. It is clarified that it is not necessary to randomise the selection process of Micro Observers by using computer software. It is reiterated that the micro observers should be selected from the list of eligible officers by the observers deployed after applying due diligence. **Further, assigning of polling stations will be done manually by the Observers by picking them in a random manner a day prior to the day of departure.** However, the exact polling station will be assigned to them by the Observer/Returning Officer on the day of departure.

Yours faithfully,

**(SUMIT MUKHERJEE)
UNDER SECRETARY**

57

BY FAX/ E-MAIL/SPEED POST

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110 001
No.464/INST/2012/EPS

Dated: 29th January, 2012

To,

The Chief Electoral Officers of
All States and Union Territories

Sub: Payment of remuneration to police personnel deployed on
poll/counting duties- Reg.

Ref: Commission's letter No. 464/INST/2009/EPS dated 9-1-2009

Sir/Madam,

With reference to Commission's above referred letter, some doubts have been raised by some CEOs on whether the police personnel put on election duties shall be paid remuneration at the same rate as polling/counting personnel or not.

It is clarified that the instructions contained in the Commission's letter No.464/INST/2009/EPS dated 9-1-2009 shall apply equally to polling/counting staff and to police personnel actually deployed at the polling booths and counting centers.

Packed lunch/refreshment referred to in paragraph 5 of the letter under reference shall be given in addition to all including mobile police parties/Home Guards/Forest Guards/Gram Rakshak Dal/NCC (Senior) Cadets/Ex-Army/CPF etc.

Kindly acknowledge this letter.

Yours faithfully


(SUMIT MUKHERJEE)
SECRETARY

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57-A**ELECTION COMMISSION OF INDIA**By Fax/Speed Post

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No. 437/6/1/2013-CC&BE

Dated: 14th May, 2013

To

1. The Chief Secretaries to the Government of :-
 - (i) Madhya Pradesh, Bhopal;
 - (ii) Mizoram, Aizawl;
 - (iii) Rajasthan, Jaipur;
 - (iv) NCT of Delhi, Delhi.
 - (v) Chhattisgarh, Raipur
2. The Chief Electoral Officers of :-
 - (i) Madhya Pradesh, Bhopal;
 - (ii) Mizoram, Aizawl;
 - (iii) Rajasthan, Jaipur;
 - (iv) NCT of Delhi, Delhi
 - (v) Chhattisgarh, Raipur

Ref: Commission's Order No. 437/6/2006-PLN-III Dated: 6th November, 2006 addressed to Chief Secretaries and Chief Electoral Officers of all the States & UT

Subject: - General Election to the State Legislative Assemblies of Madhya Pradesh, Mizoram, Rajasthan, NCT of Delhi and Chhattisgarh - Transfer/Posting of Officers- regarding.

Sir,

I am directed to state that the term of Legislative Assembly of following States is due to expire in December, 2013:-

S.No.	Name of State	Term upto
1.	Madhya Pradesh	12.12.2013
2.	Mizoram	15.12.2013
3.	NCT of Delhi	17.12.2013
4.	Rajasthan	31.12.2013
5.	Chhattisgarh	04.01.2014

It is the consistent policy of the Commission that in order to ensure free, fair and peaceful conduct of elections, officers who are connected or are likely to be connected with the conduct of elections should not serve in their home districts or places where they have served for three years or more during the last four years. Since the transfer season is in the months of May and June in most of the States, the Commission would like to advise the State Governments that this policy of the Commission should be taken into account while transferring officers likely to be involved in the conduct of forthcoming General Election to the Legislative Assemblies of these States. Cut-off date for the purpose of calculating 3 years period in the context of ensuing elections in the above States shall be 31st December, 2013.

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(ii) These instructions cover not only officers appointed for specific election duties like District Election Officers, Returning Officers and Assistant Returning Officers but also other district level officers like Additional District Magistrates, Deputy Collectors, Sub-Divisional Magistrates, Tehsildars, Block Development Officers or any other officer proposed to be used for election work. As far as officers in the Police Department are concerned, these instructions shall be applicable to the Range IGs, DIGs, Commandants of State Armed Police, SSPs, SPs, Addl. SPs, Sub-Divisional Head of Police, Inspectors or equivalent ranks who are responsible for deployment of police force in the district at election time. The police officials who are posted in functional departments like computerization; special branch, training, etc. are not covered under these instructions. Apart from these, the Police Officers of the level of Sub-Inspectors should not be posted in their home Assembly Constituencies. The Police Officers of the level of Sub-Inspectors should be transferred not only out of their police Sub-divisions but also out of the Assembly Constituency if they have completed a tenure of three years during last four year in that sub-division.

(iii) The Commission further desires that a detailed review may, therefore, be undertaken, in all districts and all such officers be posted out of their home districts or district where they have completed or will complete on the aforesaid date tenure of three years out of the last four years, immediately. While moving such officers, care should be taken that they are **not posted to their home districts. While calculating the period of three years, promotion to a post within the district is to be counted.** While carrying out this review it must be borne in mind that these instructions do not apply to officers posted in the State headquarters of the department concerned.

(iv) The Commission also desires that the officers/officials against whom Commission has recommended disciplinary action or who have been charged for any lapse in any election or elections related work, shall not be assigned any election related duty.

(v) The Commission further desires that no officer/official against whom a criminal case is pending in any Court of Law be associated with the election work or election related duty.

(vi) The Commission has in the past received complaints that while the State Government transfers officials in the above categories in pursuance of the direction issued by the Commission, the individuals try to circumvent the objective by proceeding on leave and physically not moving out of the district from which they stand transferred. The Commission has viewed this seriously and desires that all such officials who stand transferred in pursuance of the instructions referred to above shall be asked to move physically out of the districts from which they stand transferred immediately on receipt of the transfer orders.

(vii) Further, while implementing the above directions, the Commission desires that the Chief Electoral Officer of the all States mentioned above shall invariably be consulted while posting the new persons in place of present incumbents who stand transferred as per this policy of the Commission. The copies of the transfer orders issued under these directions shall be given to the Chief Electoral Officer concerned without fail.

(viii) The transfer orders in respect of officers/officials who are engaged in the electoral rolls revision work, if any, shall be implemented only after final publication of the electoral rolls in consultation with the Chief Electoral Officer.

(ix) Any officer who is due to retire within coming six months will be exempted from the purview of the above-mentioned directions of the Commission. Further such officers may not be engaged for performing election duties during the elections.

(x) It is further clarified that all the officials of the States/UTs who are on extension of service or re-employed in different capacities will not be associated with any election related work except those with the Office of the Chief Electoral Officers.

2. Details of the action taken may be intimated to the Commission for its information immediately and in any case not later than 31st July, 2013.

3. It has been observed in the past that during the General Election, numerous references are received from various States seeking clarification with reference to the applicability of transfer order to individual cases. The Commission directs that all these issues should be basically handled at the Chief Electoral Officer's level. Only when it is absolutely necessary, individual references should be forwarded to the Commission after considering all aspects at the Chief Electoral Officer's level with his/her specific recommendations.

4. The above instructions may be brought to the notice of all concerned for compliance.

Yours faithfully,



(K. AJAYA KUMAR)
PRINCIPAL SECRETARY

**ELECTION
PREPARATION
District Election
Plan**

ITEM NO. 58

Election Commission's D.O. letter No.464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

Subject: General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – Preparation of a comprehensive communication plan for each district during elections to avoid delay in receipt of critical information from polling stations/Sector Magistrates/Zonal Magistrates

The Commission has noticed during the previous elections that critical information from the polling stations/Sector Magistrates/Zonal Magistrates often gets delayed due to poor communication arrangements.

Therefore, a need has been felt for preparation of a comprehensive communication plan for each district during elections. The Commission, for the purpose, has desired that :

- (i) Nearest public/private telephones to all polling stations may be identified and enlisted.
- (ii) Sector Magistrates/Zonal Magistrates may be provided with wireless sets to the extent possible.
- (iii) Sector Magistrates/Zonal Magistrates may be allowed to use their personal phones for official purposes on the day of poll. For this service, they may be paid a token sum of Rs. 100/- per day.
- (iv) All Observers may be provided with local mobile chip (if they are holding their personal phones) or rented mobiles (in case they are not holding their own mobile phones) for the entire period of stay.
- (v) All resources public/private telephones/ mobile phones/wireless may be dovetailed to prepare a comprehensive communication plan for the elections.
- (vi) A control room should be opened in all districts, which shall consist of District Police Wireless Control Room and a room adjacent having enough number of telephone lines (minimum six) so that Observer can monitor the complaints received through wireless/telephones on the day of poll.

- (vii) Separate registers shall be maintained Assembly Constituency wise – one for District Police Wireless Control Room and second set for the telephone control room -- for keeping the details of complaints received and response of the administration.

You are requested to inform all District Election Officers and Superintendents of Police that the District Communication Plan should be ready latest by the last day of nomination and put on trial run in presence of Observers five days prior to the day of poll.

The District Communication Plan should largely rely upon public and private telephones as mobile phones can be unpredictable.

These instructions may be brought to the notice of all DEOs, ROs and Observers immediately.

With kind regards,

ITEM NO. 59

Election Commission's D.O. letter No.464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

Subject: **General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – Preparation of a District Communication Plan for the poll days**

This is regarding preparation of District Communication Plan for the poll days by dovetailing all resources like public/private telephones/ Mobile phones /Wireless sets etc.

You are requested to inform all District Election Officers and Superintendents of Police that the District Communication Plan should be ready latest by the last day of nomination and put on trial run in presence of Observers five days prior to the day of poll.

The District Communication Plan should largely rely upon public and private telephones as mobile phones can be unpredictable.

These instructions may be brought to the notice of all DEOs, ROs and Observers immediately.

With kind regards,

ITEM - 60

FAX/SPEED POST

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

LALIT MOHAN
SECRETARY

No 464/2007

Dated 25TH September 2007

To

All Chief Electoral Officer,

Subject:- Preparation of District Election Plan - Regarding

Sir,

I am directed to state that the Commission has been issuing instructions regarding poll management from time to time. The past experience shows that having a proper and timely district election plan helps the administration in many ways to manage the elections effectively in free, fair and peaceful manner. Therefore, all officers connected with elections should familiarize/acquaint themselves with each measure to be taken at various stages of election process with reference to the Commission's existing instructions/directions and also updated provisions of R.P.Act, 1951 & Rules made thereunder. More specifically, the District Election Officers should prepare a District Election Plan listing out detailed arrangements for the poll well in advance, particularly on the following items: -

1. District Profile:

Prepare a district profile giving the following -

- 1.1 Important Officials and their contact numbers.
- 1.2 Geography.
- 1.3 Demography.
- 1.4 Administrative Units (including constituencies).
- 1.5 General Law & Order History of District -Constituency specific - to the extent possible.
- 1.6 Past Electoral offences - action taken against each of them and list of pending cases.

2. Elector Details :

2.1 Sex ratio :

Provide information in Format 1B & 1C and provide explanation as in footnote to the format 1B & 1C.

2.2 Voter - Population Ratio

Provide information in Form 2C and as explained in footnote of 2C, provide information for each of the constituency within the administrative jurisdiction of the DEO.

2.3 Inclusion and Deletion

Provide information in Format 3B and 3C

2.4 EPIC Coverage

Provide information in format 5B and 5C.

3. Polling Stations :

3.1 Basic details on polling stations e.g. constituency-wise no. of polling stations, nos. of polling locations, polling stations categorized by no. of Voters etc.

3.2 Special information on polling stations like list of polling station nos. accessible by vehicle, their distance from road head; list of polling stations without telephone lines (telephone nos. against each polling station).

3.3 Vulnerable Villages/Hamlets: Provide a list of vulnerable villages/Hamlets in Format 8. The vulnerable Hamlets/villages have to be identified in accordance with Commission's instructions on the subject.

4. Logistic Plan:

4.1 Polling personnel

Assess the manpower requirement at various levels for appointment as polling personnel like sector/zonal magistrate, presiding officer, polling officer etc. For the purpose, particulars of officers/officials working in the Central/State Govt. Offices, PSUs etc. based in the Districts have to be obtained and compiled in electronic database. Please provide the basic details category-wise in terms of number of eligible personnel available in district; no. of personnel (Deptt.-wise entered in electronic database) and no. of personnel actually required.

5. Movement Plan :

5.1 Sector Movement Plan

Draw a plan of movement of polling parties/security forces, sector offices indicating sectors covering polling booths/polling centres, with detailed

ctor Management
in enclosed
partly.

route-chart with physical and time distance. Mention whether route is metalled or *kachcha*. Provide a sketch map of constituency showing the sector routes in different columns and Polling Station No. also marked thereon.

5.2 Requirements of vehicles etc.

Assess the requirement of vehicles (buses, LMVs and heavy vehicles) for movement of polling parties and security forces deployed on poll and counting duties.

6. Police Deployment Plan:

Assess the requirement of police personnel (in various ranks) for Sectoral movement in the district and to man polling booths/polling centres. Prepare the return journey plan for polled EVMs/polling material, their storage and Security plan till counting.

7. Communication Plan:

Prepare list of landline telephones/cellular connections available in/nearby each of the polling station alongwith particulars of persons to be contacted. Also prepare list of polling personnel/sector/zonal magistrates with their cellular numbers. Plan mode of communication such as VHF/HF linkage to ensure connectivity with each polling booth on the day of poll where no landline/mobile telephone connection is available. Provide details thereof.

8. Counting Plan:

Identify the place(s) for storage of EVMs and polling material and also for counting of votes with reference to standing guidelines prescribed by the Commission. Furnish the proposal through Chief Electoral Officer for the counting centres so identified for the Commission's approval well in advance. Assess counting staff availability, detail other logistics arrangements for counting, media arrangements and security arrangements for counting centre.

Receipt of this letter may please be acknowledged with the confirmation that the relevant instructions have been issued to all the concerned officers. It should be clarified that the above are only indicative topics/items for the detailed district election plan. A copy of instructions/directions so issued in this behalf may also be endorsed to the Commission for its information and record.

Yours faithfully,

(LALIT MOHAN)

Election Plan For a Constituency

Step 1

Collect information on total number of polling stations (parts) in a constituency.

Step 2

Organize and classify them as 'rural area polling stations' and 'urban area polling stations'. For classifying 'urban area polling stations' take the 7 corporation area, all the district head quarters and established city like towns for example Morvi, etc. Very small towns with semi-rural characteristics should not be taken as urban area polling stations.

Step 3

For urban area polling stations, collect the information on number of buildings (locations) in which these polling stations are located. Organize the information under following columns:

- number of locations (buildings) with 1 to 3 polling station;
- number of locations (buildings) with 4 to 6 polling station;
- number of locations (buildings) with 7 to 8 polling station;
- number of locations (buildings) with 9 to 12 polling station; and
- number of locations (buildings) with 13 to 16 polling station;

Step 4

Plot these locations on a map showing the approach road and route to these locations.

Step 5

Organize these locations into clusters (Sectors). One cluster ideally should not have more than 8 locations. The minimum can even be one location if that location has too many polling stations and has other sensitivities like not easily accessible or law and order problem prone area etc.

The cluster (Sector) formation is an important task and needs care. Most important care to be taken is that all the polling station locations of one cluster should fall on one common road route. Economy of time and ease of access is prime criteria. A circular route is ideal; however it may not always be possible.

Another care required is that polling station locations within a cluster should not be at a greater distance than an hour. In other words, all polling stations of a cluster can be visited within one hour at the most. The lesser the time taken, the better it would be.

Step 6

Repeat step 3 & 4 & 5 for rural area polling stations. For rural area however the number of locations covered in one sector can be more. The time distance for coverage can be upto 2 hours.

Step 7

Compile and put the information in the following format for each constituency of your district:

Sector Management

Each Sector (cluster) shall be put under a responsible sector officer. For the purpose, the best of the officers should be identified and database created. They may be drawn from all permissible departments of preferably the state, and where possible, central governments. They should be provided with a vehicle and fuel and should extensively familiarize themselves with every nook and corner of their jurisdiction i.e. the polling locations as well as the catchment area of the polling stations.

The Sector Officers will be specifically responsible for the following:

About Polling Location under him/her:

Ascertaining the approach and accessibility (road, bridges, culverts) to polling locations

Ascertaining the infrastructure at the polling locations viz. ramp, water, toilet, telephone number if any etc

Ascertaining Physical condition of the structure where polling is supposed to take place like, the roof, the walls, electricity etc of the polling booth/room

Since this will mean extensive touring of his area, the Sector Officer should also report on observance of the Model Code of Conduct in his jurisdiction. He should especially keep an eye and report on movement of unauthorized campaign vehicles, defacement of properties, campaigning beyond permitted hours, misuse of public building for campaign purposes, misuse of government vehicles.

About the voters served by the polling locations under him/her:

The catchment area (wards/locality or villages/hamlets) covered by each polling station

Generate awareness about the functionality of EVMs amongst voters of each polling station (demonstrate how it works)

Give specific Information to voters under his jurisdiction about their EPIC coverage programme

Inform voters about the helpline numbers and location of their polling stations where they have to vote

About vulnerability mapping:

During their 'voter contact programme' the sector officers shall also ascertain apprehensions if any of the voters, especially the minority community voters, dalits, tribals and backwards

The Sector Officer shall also attempt to collect the names of trouble mongers as perceived by the vulnerable inhabitants in confidence and give the information in Format 8 to the RO/DEO without having to disclose the source.

In every vulnerable population or settlement (hamlet/pocket etc) of the voters in his/her jurisdiction, the sector officer shall identify a nodal contact person/family of that community, obtain the contact number (if he/she has) and leave his own mobile number for contact by them in any emergency. The sector officer will make frequent visit to such identified pockets and hold meetings with vulnerable population in their hamlets as confidence building measure.

On the poll eve:

The sector officer shall be responsible for ensuring that the Polling team and all the materials/equipment has reached the polling stations. He will report any missing team/member of a team to the RO immediately

The sector officer shall also be responsible for reporting that the Force Deployed according to the plan has reached the polling stations

On Poll Day:

Sector Officer will visit all the polling stations during the first two hours of poll and give the poll commencement report to the RO for polling stations under his jurisdiction

Sector Officer will ensure replacement of any EVM that would not operate for whatsoever reason at the start and during the poll hours

Thereafter the Sector Officer will oscillate between his polling stations and make himself available/contactable to every Presiding Officer under his jurisdiction and ensure that the poll is conducted in a free and fair manner and without interruptions

Sector officer will ensure that there is no obstruction to any of the vulnerable pockets/population identified earlier in approaching the polling station and casting of votes. Any such thing shall be reported to the RO immediately

Sector Officer will give an OK report on conduct of poll in polling stations under his jurisdiction

Sector Officer will safely escort and get deposited the polled EVMs at designated counters.

In order that the Sector Officers are able to carry out their duties smoothly, the following arrangements should be made for them:

Best officers available within the district will have to be hand picked

Elaborate training of sector officers

Wherever possible, they should be declared magistrates on duty

They should be provided with a vehicle and sufficient fuel. This should be provided well in advance, as soon as possible but not later than one week before the gazette notification

A videographer with him to monitor any breach of the Model Code of Conduct

A route map of his sector, giving the broad layout and location of polling stations falling in his sector (It could be a sketch map, need not be a scale map)

Polling part's detail viz the voter roll with hamlets name etc for him to be able to contact some voters of every section in the part;

An EVM for awareness of and demonstration before the voters (This can be given by rotation and a programme for each sector officer should be drawn up so that each sector officer gets it for 2-3 days)

On poll day, the urban sector officers will move with 1/2 section of CPMF in same vehicle

The RO/DEO should take weekly review with all Sector Officers to monitor the works done by them as well as to review the action taken by officers/departments concerned on the reports (shortcomings) pointed in Sector Officer's reports.

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BY FAX/SPEED POST

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No. 464/INST/2008-EPS

Dated: 24th October, 2008

To

The Chief Electoral Officers of
All States and Union Territories

Subject:- Preparation of District Election Plan - Regarding

Sir,

I am directed to state that the Commission has been issuing instructions regarding poll management from time to time. The past experience shows that having a proper and timely district election plan helps the administration in many ways to manage the elections effectively in free, fair and peaceful manner. Therefore, all officers connected with elections should familiarize/acquaint themselves with each measure to be taken at various stages of election process with reference to the Commission's existing instructions/directions and also updated provisions of the R.P.Act, 1951 & Rules made thereunder. More specifically, the District Election Officers should prepare a District Election Plan listing out detailed arrangements for the poll well in advance, particularly on the following items: -

1. **District Profile:**

Prepare a district profile giving the following -

- 1.1 Important Officials and their contact numbers.
- 1.2 Geography.
- 1.3 Demography.
- 1.4 Administrative Units (including constituencies).
- 1.5 General Law & Order, History of District -Constituency specific - to the extent possible.
- 1.6 Past Electoral offences - action taken against each of them and list of pending cases.

2. **Elector Details :**

2.1 **Sex ratio :**

Provide information in Format 1B & 1C and provide explanation as in footnote to the format 1B & 1C.

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- 2
- 2.2 Voter – Population Ratio
Provide information in Form 2C and as explained in footnote of 2C, provide information for each of the constituency within the administrative jurisdiction of the DEO.
- 2.3 Inclusion and Deletion
Provide information in Format 3B and 3C
- 2.4 EPIC Coverage
Provide information in format 5B and 5C.
3. Polling Stations :
- 3.1 Basic details on polling stations e.g. constituency-wise no. of polling stations, nos. of polling locations, polling stations categorized by no. of Voters etc.
- 3.2 Special information on polling stations like list of polling station nos. accessible by vehicle, their distance from road head; list of polling stations without telephone lines (telephone nos. against each polling station).
- 3.3 Vulnerable Villages/Hamlets: Provide a list of vulnerable villages/Hamlets in Format 8. The vulnerable Hamlets/villages have to be identified in accordance with Commission's instructions on the subject.
4. Logistic Plan:
- 4.1 Polling personnel
Assess the manpower requirement at various levels for appointment as polling personnel like sector/zonal magistrate, presiding officer, polling officer etc. For the purpose, particulars of officers/officials working in the Central/State Govt. Offices, PSUs etc. based in the Districts have to be obtained and compiled in electronic database. Please provide the basic details category-wise in terms of number of eligible personnel available in district; no. of personnel (Deptt.-wise entered in electronic database) and no. of personnel actually required.
5. Movement Plan :
- 5.1 Sector Movement Plan
Draw a plan of movement of polling parties/security forces, sector offices indicating sectors covering polling booths/polling centres, with detailed route-chart with physical and time distance. Mention whether route is metalled or *kachcha*. - Provide a sketch map of constituency showing the sector routes in different columns and Polling Station No. also marked thereon.

5.2 **Requirements of vehicles etc.**

Assess the requirement of vehicles (buses, LMVs and heavy vehicles) for movement of polling parties and security forces deployed on poll and counting duties.

6. **Police Deployment Plan:**

Assess the requirement of police personnel (in various ranks) for Sectoral movement in the district and to man polling booths/polling centres. Prepare the return journey plan for polled EVMs/polling material, their storage and Security plan till counting.

7. **Communication Plan:**

Prepare list of landline telephones/cellular connections available in/nearby each of the polling station alongwith particulars of persons to be contacted. Also prepare list of polling personnel/sector/zonal magistrates with their cellular numbers. Plan mode of communication such as VHF/HF linkage to ensure connectivity with each polling booth on the day of poll where no landline/mobile telephone connection is available. Provide details thereof.

8. **Counting Plan:**

Identify the place(s) for storage of EVMs and polling material and also for counting of votes with reference to standing guidelines prescribed by the Commission. Furnish the proposal through Chief Electoral Officer for the counting centres so identified for the Commission's approval well in advance. Assess counting staff availability, detail other logistics arrangements for counting, media arrangements and security arrangements for counting centre.

9. **Provision for Polling Staff Welfare**

There shall be a separate chapter in the election arrangement booklet prepared by DEO/RO dedicated to the polling staff welfare. In this connection, attention is invited to the detailed guidelines contained in Commission's letter of even no. dated 12th September 2008.

The receipt of this letter may please be acknowledged with the confirmation that the relevant instructions have been issued to all the concerned officers. It should be clarified that the above are only indicative topics/items for the detailed district election plan. A copy of instructions/directions so issued in this behalf may also be endorsed to the Commission for its information and record.

Yours faithfully,

(SHANGARA RAM)
PRINCIPAL SECRETARY

Election Plan For a Constituency

Step 1

Collect information on total number of polling stations (parts) in a constituency.

Step 2

Organize and classify them as 'rural area polling stations' and 'urban area polling stations'. For classifying 'urban area polling stations' take the 7 corporation area, all the district head quarters and established city like towns for example Morvi, etc. Very small towns with semi-rural characteristics should not be taken as urban area polling stations.

Step 3

For **urban area polling stations**, collect the information on number of buildings (locations) in which these polling stations are located. Organize the information under following columns:

- number of locations (buildings) with 1 to 3 polling station;
- number of locations (buildings) with 4 to 6 polling station;
- number of locations (buildings) with 7 to 8 polling station;
- number of locations (buildings) with 9 to 12 polling station; and
- number of locations (buildings) with 13 to 16 polling station;

Step 4

Plot these locations on a map showing the approach road and route to these locations.

Step 5

Organize these locations into clusters (Sectors). One cluster ideally should not have more than 8 locations. The minimum can even be one location if that location has too many polling stations and has other sensitivities like not easily accessible or law and order problem prone area etc.

The cluster (Sector) formation is an important task and needs care. Most important care to be taken is that all the polling station locations of one cluster should fall on one common road route. Economy of time and ease of access is prime criteria. A circular route is ideal; however it may not always be possible.

Another care required is that polling station locations within a cluster should not be at a greater distance than an hour. In other words, all polling stations of a cluster can be visited within one hour at the most. The lesser the time taken, the better it would be.

Step 6

Repeat step 3 & 4 & 5 for **rural area polling stations**. For rural area however the number of locations covered in one sector can be more. The time distance for coverage can be upto 2 hours.

Sector Management

Each Sector (cluster) shall be put under a responsible sector officer. For the purpose, the best of the officers should be identified and database created. They may be drawn from all permissible departments of preferably the state, and where possible, central governments. They should be provided with a vehicle and fuel and should extensively familiarize themselves with every nook and corner of their jurisdiction i.e. the polling locations as well as the catchment area of the polling stations.

The Sector Officers will be specifically responsible for the following:

About Polling Location under him/her:

Ascertaining the approach and accessibility (road, bridges, culverts) to polling locations

Ascertaining the infrastructure at the polling locations viz. ramp, water, toilet, telephone number if any etc

Ascertaining Physical condition of the structure where polling is supposed to take place like, the roof, the walls, electricity etc of the polling booth/room

Since this will mean extensive touring of his area, the Sector Officer should also report on observance of the Model Code of Conduct in his jurisdiction. He should especially keep an eye and report on movement of unauthorized campaign vehicles, defacement of properties, campaigning beyond permitted hours, misuse of public building for campaign purposes, misuse of government vehicles.

About the voters served by the polling locations under him/her:

The catchment area (wards/locality or villages/hamlets) covered by each polling station

Generate awareness about the functionality of EVMs amongst voters of each polling station (demonstrate how it works)

Give specific Information to voters under his jurisdiction about their EPIC coverage programme

Inform voters about the helpline numbers and location of their polling stations where they have to vote

About vulnerability mapping:

During their 'voter contact programme' the sector officers shall also ascertain apprehensions if any of the voters, especially the minority community voters, dalits, tribals and backwards

The Sector Officer shall also attempt to collect the names of trouble mongers as perceived by the vulnerable inhabitants in confidence and give the information in Format 8 to the RO/DEO without having to disclose the source.

In every vulnerable population or settlement (hamlet/pocket etc) of the voters in his/her jurisdiction, the sector officer shall identify a nodal contact person/family of that community, obtain the contact number (if he/she has) and leave his own mobile number for contact by them in any emergency. The sector officer will make frequent visit to such identified pockets and hold meetings with vulnerable population in their hamlets as confidence building measure.

On the poll eve:

The sector officer shall be responsible for ensuring that the Polling team and all the materials/equipment has reached the polling stations. He will report any missing team/member of a team to the RO immediately

The sector officer shall also be responsible for reporting that the Force Deployed according to the plan has reached the polling stations

On Poll Day:

Sector Officer will visit all the polling stations during the first two hours of poll and give the poll commencement report to the RO for polling stations under his jurisdiction

Sector Officer will ensure replacement of any EVM that would not operate for whatsoever reason at the start and during the poll hours

Thereafter the Sector Officer will oscillate between his polling stations and make himself available/contactable to every Presiding Officer under his jurisdiction and ensure that the poll is conducted in a free and fair manner and without interruptions

Sector officer will ensure that there is no obstruction to any of the vulnerable pockets/population identified earlier in approaching the polling station and casting of votes. Any such thing shall be reported to the RO immediately

Sector Officer will give an OK report on conduct of poll in polling stations under his jurisdiction

Sector Officer will safely escort and get deposited the polled EVMs at designated counters.

In order that the Sector Officers are able to carry out their duties smoothly, the following arrangements should be made for them:

Best officers available within the district will have to be hand picked

Elaborate training of sector officers

Wherever possible, they should be declared magistrates on duty

They should be provided with a vehicle and sufficient fuel. This should be provided well in advance, as soon as possible but not later than one week before the gazette notification

A videographer with him to monitor any breach of the Model Code of Conduct

A route map of his sector, giving the broad layout and location of polling stations falling in his sector (It could be a sketch map, need not be a scale map)

Polling part's detail viz the voter roll with hamlets name etc for him to be able to contact some voters of every section in the part;

An EVM for awareness of and demonstration before the voters (This can be given by rotation and a programme for each sector officer should be drawn up so that each sector officer gets it for 2-3 days)

On poll day, the urban sector officers will move with ½ section of CPMF in same vehicle

The RO/DEO should take weekly review with all Sector Officers to monitor the works done by them as well as to review the action taken by officers/departments concerned on the reports (shortcomings) pointed in Sector Officer's reports.

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G.E-2009

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/EPS/2009

Date: 24.02.2009

To
The Chief Electoral Officers
of all States/UTs.

समस्त राज्यों के मुख्य निर्वाचन अधिकारी
एवं प्रदेश मन्त्रालय सचिव,
निर्वाचन विभाग, राज्यपाल
को
दिनांक 24.2.09

Sub.- Inventory of communication network and identification of communication shadow areas.

Sir,

I am directed to say that the Commission attaches greater importance to preparation and implementation of a perfect communication plan at the district/constituency level for the smooth conduct of elections and to enable concurrent intervention and mid course correction on the poll day. In this regard, the Election Commission of India had a meeting with Secretary, Telecommunication today i.e. on 23.02.09 at Commission's headquarters. In this meeting, the following decisions have been taken:-

1. A State level review meeting will be convened by the Chief Electoral Officer on or before 28th of this month. The senior most officer of Telecommunication Department in the State headquarter and a senior officer who deals with the signals and communications should be invited to attend this meeting. Apart from the BSNL/MTNL authorities, the representatives of other leading service providers in the State should also be invited to attend the meeting so that the stock taking would be more meaningful. In this meeting network status in the State will be assessed and communication shadow areas will be identified. The CEO may find out the expansion plan of BSNL/MTNL and other service providers.
2. In the meanwhile, a district level meeting shall be organized by the DEO to take stock of the situation within the district. In this meeting, the district telecom chief, SP and representative of other service providers should also be invited to participate. The communication shadow areas

should be identified and the on going expansion plan should be reviewed in this meeting.

3. After the district level stock taking/review meeting, the DEO should submit a report to the CEO and a consolidated report can again be discussed by the CEO with the other stakeholders and a feed back report should be submitted by the CEO to the Election Commission of India by 05.03.09.

4. It is also brought to the notice of the Commission that there are many network expansion programmes of BSNL which are getting delayed for want of allotment of land and other required permission. In this regard, the CEO after identifying such pending works, may take up the matter with the Chief Secretary and other officials concerned so that the expansion programmes are not delayed.

5. The Commission desires to give special focus to the *naxal* affected areas and other remote areas where the communication facilities are not existing or inadequate.

6. The CEO may initiate immediate follow up action in this matter and submit a consolidated report within the time frame. The Department of Telecommunication is also issuing necessary instructions to the field officials concerned.

Yours faithfully,

(SHANGARA RAM)
PRINCIPAL SECRETARY
Ph. 011-23052005
Fax: 011-23052006
Email: sram@eci.gov.in

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2009/EPS

Dated: 28TH March, 2009

To,

The Chief Electoral Officers
of all States/UTs.

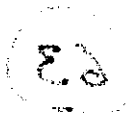
**Subject:- General Election to the Lok Sabha, 2009-Communication Plan-
regarding.**

Sir,

During the recent General Elections to the State Assembly of Madhya Pradesh, information and data were collected and actively utilized on the day of the poll, both by the ECI as well as in the state. The Communication Plan as evolved then has now been validated into a national concept by the ECI, with an intention to speedily track information on the poll-day and to make the management of election information-centric. A well developed Communication Plan is expected to have even higher utility in situations of limited availability of security forces.

A software for development of 'Communication Plan' was made available on the ECI website. In light of the feedbacks received from the states, and in order relating to ensure quick data collection and entry for generation of the Communication Plan, the Commission hereby circulates revised formats and procedures for development of the Communication Plan on the basis of the exercise undertaken in Madhya Pradesh.

In order to establish an efficient Management and Feedback System in this regard, each CEO shall nominate a State-level Nodal Officer for the State Communication Plan, and each DEO shall nominate a District-level Nodal Officer for the District Communication Plan. The State-level Nodal Officers shall coordinate with their district counterparts and ensure timely progress. The State-level Nodal Officers shall give feedback to the undersigned as the National-level



Nodal Officer for Communication Planning of the ECI, on the following e-mail address:

GE2009CP-ecino@gmail.com

A group e-mail facility for the specific purpose of Communication Plan has also been developed and the e-mail addresses/ passwords relating to each state/UT can be seen therein.

Formats 1 & 2A to 2D of the Communication Plan for the poll day(s) of the General Elections to the Parliament of India/ State Legislative Assemblies scheduled in the coming months are enclosed.

In Format 1 the details of the means of communication at the Polling Station level like mobile phone, land-line phone etc are to be filled, along-with telephone details of the nearest police station/ post and the sector/ zonal officers/ magistrates. Besides this, names of suitable, reliable persons and their telephone/mobile numbers in relation to every polling station have been asked for. In the absence of any other means of contact, names of two runners between the polling station and the closest telephone/wireless establishment and other details thereof have been asked for.

Format-1 is to be immediately provided to all DEOs, who shall generate sufficient copies of the same for manual filling (of the Format-1) by district staff through intensive field visits and consultation. All collection and manual filling of information in this format is necessarily to be completed, and all the completed forms collected at the district level necessarily by 3rd April, 2009. The ECI shall soon be circulating an internet based software using which data entry shall be done in districts for each polling station. These data entries shall thereafter be required to be uploaded on the state and national level URL(s) which shall soon be made available for this purpose.

Formats 2A to 2C relate to ARO,DEO,CEO and ECI level communication teams respectively. Data entries in formats 2A and 2B are to be one at the

district levels. Formats 2A to 2C shall be made available by the CEOs and DEOs to the ECI by e-mail on the above mentioned e-mail address and by post by 3rd April, 2009. In case these forms are also to be made available to the ECI by DEOs and CEOs by directly uploading on the internet then the manner of doing that shall be indicated soon, for which preparation must be kept.

In the meanwhile, such states which have already fully or partially worked on the Communication Plan software circulated (through internet) by the Commission earlier, should continue to develop and update that Plan while also collecting the information and doing the preparation for/ execution of this revised version of the Communication Plan.

This Communication Plan has to be specially prepared for the day of the poll, when starting with the mock poll certificate by 8.30 a.m. various reports have to be provided to the ECI and the CEO through the day. Moreover, this Communication Plan shall also be useful in situations of contingent/immediate requirements, law and order control etc. The Communication Plan shall be provided to the ECI Observer immediately on their arrival in the constituencies by the concerned DEOs.

The Communication Plan is to be necessarily filled Assembly Constituency segment-wise for every polling station by each district of the state in the Formats 1, 2A to 2C latest by 3rd April, 2009.

Please ensure strict timely compliance of these instructions.

Yours sincerely,



ASHISH SRIVASTAVA
DIRECTOR

ARO Level Communication Team *

Part - A

State Code :		District No. & Name				
ACNo.	ACName	Name of ARO(PC) for those AC & communication team leader	Phone with STD	Mobile	Fax	Email
999 (Fixed code)	----- -	ARO office communication team Leader				

Part-B(#)

State Code :							
District no. and Name :							
Assembly No. with Name :							
AC No.	Polling station number		Member Name of Communication Team	Phone with STD	Mobile	Fax	Email
	from	to					

DEO Level Communication Team

Part - A

State Code		District No. & Name				
Sno.	Officer's name (*)	Designation	Phone with STD	Mobile	Fax	Email
1		DEO/DM				
2		ADM				
3		Addl. Collector				
4		Jt. Collector				
5						
6						
7						
----- continue -----						
Last Sno.		DEO office communication team Leader				
Whether DEO/DM is RO (Y/N)						
If Yes (Y) then Give			(i) PC NO.			
			(ii) Parliamentary Constituency Name			
Part-B_(#)						
State Code :						
District no. and Name :						
AC No.	Assembly Segment	Member Name of Communication Team	Phone with STD	Mobile	Fax	Email

CEO Level Communication Team

Part - A

Sno.	Officer's name (*)	Designation	Phone with STD	Mobile	Fax	Email
1		CEO				
2		Add. CEO				
3		Jt CEO				
4		DY CEO				
5		Asstt. CEO				

----- continue -----

Last no.		CEO office communication team Leader				

Part-B^(#)

State Code/UT	District No.	District Name	Member Name of Communication Team	Phone with STD	Mobile	Fax	Email

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By Camp Bag/e-mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi – 110 001

No. 51/15/2009-EMS

Dated the 15th April, 2009.

To

The Chief Electoral Officers of

- (1) Bihar,
- (2) Haryana,
- (3) Himachal Pradesh,
- (4) Punjab,
- (5) Rajasthan,
- (6) Tamil Nadu,
- (7) Uttar Pradesh.

Subject: **Contingency Plan for use of ballot boxes during Election to Parliamentary Constituencies – General Election 2009.**

Sir,

Adequate number of Electronic Voting Machines have been made available to all CEOs to enable them to ensure smooth conduct of poll in the forthcoming parliamentary Elections 2009. However, in an EVM, there is provision for a maximum of 64 (sixty four) candidates. In the event of number of candidates being more than 64 (sixty four), the conventional ballot boxes and ballot papers shall have to be resorted to. Though the chances of such an eventuality are slim, yet it is necessary to draw up a contingency plan to take the poll, if necessary, with ballot boxes and be prepared to meet any contingency.

2. It may be noted that the existing provisions of the Representation of the People Act 1951 and the rules made thereunder permit the use of ballot boxes alongwith EVMs for poll. Actions in this regard may, therefore, be initiated along the following lines immediately:-

(i) **Identification of constituencies:** Anticipatory exercise in this regard may be carried out by the concerned CEOs based on the available inputs. The poll in an entire constituency has to be taken through the ballot box in such cases. While identifying the constituencies, care may also be taken to ensure that the administrative and other resources are placed effectively to cover all parts of the state in an efficient manner.

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(ii) **Availability of ballot boxes:** The availability of ballot boxes and the state of their repair should be immediately ascertained. Approximate number of ballot boxes may be kept ready and in good shape for this purpose. Where necessary, these may be sourced either from the State Election Commission or neighbouring states for which a request may need to be placed with the concerned CEO under intimation to us.

(iii) **Printing of ballot papers/Statutory Forms and supply of related materials:** The facility for printing of ballot papers may be examined and the printing presses need to be identified. Similarly, the availability of (white) paper for printing of ballot papers and the related material (ink, arrow cross mark etc.) in the required quantity may be ascertained and arrangements to secure the supplies as per requirement may be made. This should include the statutory forms, envelopes, and relevant papers for poll and counting of ballots.

(iv) **Identification of Polling/Counting personnel:** The availability of officials familiar for poll and counting in the relevant constituencies may be identified. While the composition of the polling personnel in case of poll through ballot boxes may not change, the composition of the counting personnel may change and necessary arrangements will need to be made.

(v) **Training Schedule:** Schedule for the training of the officials assigned with the polling and counting duties in such cases may be drawn up and training sessions may be organized sufficiently in advance.

(vi) **Information to public:** Sufficient publicity and advance information will have to be provided to the public, the political parties and candidates about the use of ballot boxes in place of EVMs wherever such decisions are taken. Advance preparation for disseminating the information through media should be taken in such cases.

3. The Commission is making arrangements to send the Hand Books for the Returning Officers and Presiding Officers to the concerned CEOs for guidance and use in case of poll taken through ballot boxes. The CDs in this regard will be delivered by the Commission to your offices early next week so that the Hand Books can be printed at your end and made available to the concerned officials in time.

4. A tentative check list for actions and a reporting format are attached at Annexures I and II. It will be appreciated if the necessary action is initiated as per the schedule indicated and the status of actions taken as on 22nd April, 2009 (being the last date for withdrawal of candidature in respect of constituencies going to poll under the fourth phase) is intimated to the Commission.

Yours sincerely,

(K. AJAY KUMAR)
SECRETARY

Annexure I

Check List of Actions For Poll taken through Ballot Boxes

Issue	Intervention	Action /Nodal Point	Date by which action to be taken and reported to the ECI
Identification of Parliamentary Constituencies where poll may have to be taken through conventional ballot boxes	Anticipate on the basis of trends and inputs from political parties and other sources	List the constituencies, polling stations and the number of ballot boxes needed in the format enclosed at Annexure II.	<u>22nd April, 2009</u> - Bihar, Himachal Pradesh, Haryana, Punjab, Rajasthan, Uttar Pradesh <u>28th April, 2009</u> - Himachal Pradesh, Punjab, Tamil Nadu, Uttar Pradesh, Jharkhand
Ballot Box-Inventory	Assess Probable Need, Check availability, Whether local body election done using ballot boxes? When the last ballot box election held? Available with whom? Tie up with SEC	Determine the number of ballot boxes, Sources and manner of transportation	16 th April, 2009
Ballot Box – Making it ready	Emergency plan for cleaning, checking etc.		22 nd April, 2009
Green Paper Seal	Assessment and Procurement	Existing Paper Seals will do Sufficient quantity should be available.	22 nd April, 2009
Arrow Cross Mark	Assessment and procurement	The only source of supply is at Jaipur. They are capable of supplying any quantity. Already, stock must be available within each State, SEC resource is	22 nd April, 2009

		already there. Gap filling can be procured. CEO Rajasthan can play a role if needed.	
Paper For Printing Ballot	Identifying source of supply, assessment and procurement	States to identify the sources on the basis of old records and the practice in the State. As the requirement is limited, may not be very difficult. Paper Manufacturers Association may be roped in.	22 nd April 2009
Polling Personnel	Inventory of personnel who have conducted ballot elections recently for SEC. DEO should dig out the data and rope them in.	As the DEO and other field staff conduct both EVM and Ballot elections, the challenge can be handled.	22 nd April 2009
Reference Material	Hand Books for Returning Officers and Presiding Officers should be prepared urgently	ECI will arrange to have the handbooks prepared and sent to the CEOs in from of CD by 15 th April 2009. Copies have to be made by CEOs through printing arrangements at their level. Current handbooks may be used as the template.	20 th April 2009
Forms and Envelops	What are the changes? Needs to be identified	Changes in the forms (Form 16-Ballot paper account, Declaration forms prepared by the Presiding officers-Part I, II, III, Presiding	22 nd April 2009

		Officers' diary, Check memo for Presiding officers), envelopes and documents with other minor changes will be conveyed to the CEOs along with the communication forwarding the Handbooks. Changes not likely to be substantial.	
Printing	Advance Plan for Printing. Whether facility available within the State? Whether outside help needed? Discussion with Director Printing Press needed. Time frame for printing. Supervision mechanism Delivery Schedule and tracking.		30 th April 2009
Training	A quick check list should be prepared. Training kits should be prepared. Focus will be on issues such as preparation of ballot box, affixing of seals, locking procedure, and sealing of box. 17 A will not be used. Signature of voters will be taken on counter-foil	CEOs may take help of the officials used by the SEC in the poll for the local bodies. A Check list of important points will be conveyed to the CEOs.	30 th April 2009

Counting	Training should be organized. Mixing need not be done. Straight counting after bundling		30 th April 2009
Legal Issues	Notifications/ Statutory Issues	May be examined	
Consultation	Political Parties needs to be briefed	ECI level CEO DEO	By 1 st week of May 2009
Media and Public Opinion	Need for proper dissemination, Information sharing, Transparency Strategic positioning		By 1 st week of May 2009
Voter Education	Voters have familiarity with the poll with ballot boxes in local bodies elections. However, massive dissemination will be required in short time.		By 1 st week of May 2009

Annexure II

Name of State-----

Information regarding arrangements for Poll to be taken through ballot boxes

Sl No	Name of Parliamentary Constituency	No of likely nominations/nominations found valid	Total number of Polling stations	Total number of ballot boxes needed	No of ballot boxes available with CEO/ROs/ SEC	Deficit/surplus and plan for meeting the shortages and deploying the ballot boxes
Total						

Requisitioning/ Drafting of premises/vehicles

ITEM NO. 65

Election Commission's Letter No. 458/84, dated 06.11.1984 addressed to all Chief Electoral Officers and Ministry of Home Affairs and Ministry of Law and Justice.

Subject: General Election to Lok Sabha/Legislative Assemblies and Bye-elections- Assistance by Government of India Employees and use of Government Vehicles, etc.

I am directed to say that at the time of the general election to Lok Sabha and to the Legislative Assemblies, the State Governments generally seek assistance of the Central Government Offices and Departments located in the States for deployment of their employees in connection with the conduct of elections. The civil employees of Defence, Central para-military forces like the Border Security Force, Central Reserve Police Force, Central Industrial Security Force, etc. and employees of Public Undertakings may also be required for such election duty.

2. Since the State Governments always experience difficulty in mobilizing a large number of vehicles to meet their requirements on account of their limited resources, they look to the Central Government offices and departments in the States for placing their vehicles at the disposal of the election authorities for a specified period during elections.
3. It has- been brought to the notice of the Commission that in the past, some of the Central Government Offices and departments located in the States/Union Territories were not extending full-co-operation in the matter despite the instructions given by the Central Government and wanted exemption from those instructions on one pretext or the other. The Commission has already instructed that in the formation of polling parties, personnel should be drawn from both the Central and State Government Offices and departments and they should be properly mixed in order to create confidence in the minds of the political parties and candidates about the impartiality of the officers manning the polling stations.
4. In this context, attention is invited to the similar instructions issued earlier by your Ministry to all the Ministries and Departments of the Government of India instructing them to place at the disposal of the election authorities in the State the service of all Government of India employees wherever a demand is made and also for the use of the Central Government vehicles in the State for the work connected with the elections.
5. Similar standing instructions may be issued now to all the Central Government Ministries and Departments concerned who are having

their offices located in the States and Union Territories. Instructions are also required to be issued to cover the Public Undertakings (of the Central Government located in the States.)

6. The grant of leave or exemption from election duty should be scrupulously avoided unless there are very compelling reasons. The Heads of the Departments or the offices of the Central Government in the States should be instructed to get in touch with the Chief Electoral Officer of the State and offer their assistance in whatever manner it is required.
7. A copy of the instructions issued in the above matters may also be endorsed to the Commission.
8. The receipt of this letter may kindly be acknowledged.

ITEM NO. 66

Ministry of Law and Justice (Legislative Department) (Budget and Accounts Unit) O.M. No. G. 27031 (6)/ 87-B &A, dated 12.11.1986 to all Ministries and Departments of the Govt, of India, all State Govt., all C.E.Os. and C.A.G., New Delhi.

Subject: Requisition of Buildings belonging to Central Government Departments for election purposes.

Clause (1) of the Article 324 of the Constitution state that the conduct of all elections to the Parliament and to the Legislative Assembly of every State shall be vested with the Election Commission of India. According to sub-section 10(a) of Section 160 of the Representation of the People Act, 1951, the premises should be requisitioned only if it is "needed or likely to be needed for the purpose of being used as polling stations or for storage of ballot boxes after a poll has been taken".

2. The States/Union Territories Governments have been requisitioning the buildings/premises owned by Central/State Governments, etc. for being used as polling Stations or for the storage of ballot boxes after a poll has been taken and the latter are not charging any rent, etc., therefore. But instances have come to notice that some Central Government departments are charging the rent, etc., from the State/ Union Territories Governments on requisition of the Central Government buildings for the above purpose. In this connection it is stated that the part of the election expenditure is shared by the Government of India, Ministry of Law and Justice. Keeping in view the above, the Election Commission of India have requested this Ministry to issue standing instructions to all the Central Government departments, etc., not to charge any rent, etc., if their buildings or premises are requisitioned for the purpose of conduct of Elections either to Lok Sabha or State Legislative Assemblies.
3. After careful consideration of the matter in consultation with the Ministries concerned, it has been decided not to charge any hire charges/rent, etc., if any Central Government buildings or premises are requisitioned for period the same are required for use as polling/counting stations and storage of polled ballot boxes after a poll has been taken in *connection with conduct* of election to Parliament or State Legislative Assemblies.
4. All the Ministries/Departments are requested to issue standing instructions to the Heads of Departments and their subordinate/attached Offices under their control in Delhi and State/Union Territories to afford facilities to the States/Union Territories Governments in the matter given above, without charging any rent. A copy of the instructions issued in this behalf may kindly be endorsed to this Ministry.
5. The above arrangement will come into force from the date of issue of this OM and will not cover public sector undertakings and local bodies.
6. This supersedes this Ministry's O.M. of even number dated 11th November 1986.

ITEM NO. 67

Ministry of Law and Justice (Legislative Department), (Budget and Accounts Unit)
O.M. No.G. 27031 (6)/ 87-B & A dated 17.12.1987 to Ministries etc., Comptroller
and Auditor General, New Delhi, Ministry of Finance, all State Governments and
Chief Electoral Officers.

Subject: Payment of hire/rental charges for vehicles of Government/Semi-Government departments requisitioned for conduct of elections to the Parliament and State Legislative Assemblies.

In terms of Section 160 of the Representation of the People Act, 1951, the State Governments are empowered to requisition premises or any vehicle or vessel in connection with an election in that State. The word "premises" would include any land, building or part of the building and includes a hut, shed or other construction or any part thereof; "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled, mechanical or otherwise. In terms of section 161 of the Representation of the People Act, 1951, whenever a vehicle is requisitioned, the owner of the vehicle shall be paid compensation by the State Government, determined on the basis of the fares or rates prevailing in the locality for the hire of such a vehicle.

2. Sometimes, the State Governments are obliged to requisition vehicles belonging to offices of the Central Government situated in the locality or the vehicles belonging to a public sector enterprise functioning under the jurisdiction of the Central Government. The question whether such Central Government offices or public sector enterprises should prefer hire charges for the vehicles placed at the disposal of the State Government's requisition order has been considered. It has been decided with effect from the date of issue of this office memorandum, that Central Govt, offices as well as the autonomous statutory bodies and autonomous public sector undertakings under the control of the Central Govt, may not prefer hire charges whenever their vehicles are requisitioned by the concerned State Governments or Union Territory Administrations, for the conduct of elections. However whenever such vehicles are requisitioned, the cost of petrol, oil and minor repairs during the period of requisition would be borne by the concerned State Government as hitherto.

All Ministries and Departments are requested to issue suitable instructions to subordinate/attached offices as well as the statutory autonomous bodies and public sector undertakings under their control.

ITEM NO. 68

Election Commission's letter No. 4/98/J.S.II dated 10.03.1998 addressed to CEOs of all States and UTs.

Subject: General Elections to Lok Sabha, 1998 - Requisition of Vehicles - Payment of Compensation in case of Accident - Liability of Insurance - regarding

I am directed to invite your attention to Section 160 of the Representation of the People Act, 1951, which inter-alia provides for requisitioning of vehicles, etc., for election purposes, and Section 161 of the said Act which provides for payment of compensation. Under these, there is no provision for compensation in respect of such vehicles under requisition, in case of accident, loss or damage during the period of requisition.

2. The matter was brought to the notice of Govt, of India, Ministry of Law and Justice (Legislative Department) for its clarification. In reply, the Ministry of Law and Justice has forwarded a copy of O.M. No. 64(7)Ins.I/98, dated 24th February, 1998 of Ministry of Finance, which is self-explanatory. I am to forward a copy of Ministry of Law & Justice letter No. 7(2)/98-Leg.II, dated 2nd March, 1998, together with a copy of Ministry of Finance, Department of Economic Affairs, Insurance Division, O.M. dated 24th February, 1998, referred to above.
3. The instructions/directions contained in the above quoted O.M. dated 2.3.98 of the Ministry of Finance are of standing nature and may be brought to the notice of all District Election Officers and other concerned authorities for their information and necessary action.

**No. 7 (2)/98-Leg. SS
Government of India
Ministry of Law and Justice
Legislative Department New Delhi**

2nd March, 1998

To

The Secretary,
Election Commission of India,
Nirvachan Sadan,
Ashok Road, New Delhi

**Subject: General Election to Lok Sabha 1998 and certain
Legislative Assemblies, 1998-Requisition of Vehicle -
Payment of Compensation in case of Accident-Liability of
Insurance**

Sir,

I am directed to refer to the Commission's letter No.4-98-JS-II/1 35 dated the 8th January, 1998 on the above subject and to enclose herewith a copy of O.M. No. 64 (7)- Ins.I/9 dated 24.2.98 of Ministry of Finance, Department of Economic Affairs, containing the requisite clarifications sought by the commission.

Yours faithfully,

(Dr. D.B. Singh)
Under Secretary to the Govt, of India
Tel: 3359014

Requisition of Premises/Vehicles

No. 64 (7) - Ins. 1/98
Government of India, Ministry of Finance
Department of Economic Affairs Insurance Division
Lok Nayak Bhavan, Khan Market, New Delhi
OFFICE MEMORANDUM

Dated - 24th Feb'98

Subject: General Election to Lok Sabha, 1998 and certain Legislative Assemblies, 1998 - Requisition of Vehicles - Payment of Compensation in case of Accident - Liability of Insurance

The undersigned is directed to refer to the correspondence on the above subject resting with the OM. No. 7(2)/98-Leg.II dated 27th January, 1998 from the Ministry of Law.

The matter has been examined in consultation with General Insurance Corporation of India. The following three situations may arise in respect of private vehicles requisitioned for election duty:

- (1) The vehicles so requisitioned may have been comprehensively insured, which is not compulsory.
- (2) The insurance cover may be against third party risk only, which is compulsory.
- (3) The vehicle may be uninsured in breach of provisions of Section 146 of Motor Vehicles Act.

It may be pointed out that while revising the Motor Tariff in the year 1990, the standard exclusion regarding insurance company's liability during the period of requisition or commandeering by the Government for any purpose has been deleted from; the insurance policy and thus there is no need for the endorsement on the policy during the period of requisition. The Motor insurance policy which may be in force in respect of vehicles requisitioned for election duty need not be amended and only a notice to the concerned insurance company by the insured for the vehicle to the effect that the vehicle has been requisitioned will suffice.

As regards vehicles falling under category (3) above, the Election Commission may ascertain the insurance status of the vehicles before election.

(Dr. D.C. Srivastava)
DIRECTOR to Ministry of Law and Justice
(Dr. D.B. Singh Under Secretary)
Legislative Department
Shastri Bhavan, New Delhi

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Election Commission's letter No. 576/26/2004/PLN-I / 136C / 1361, dated 26.03.2004 addressed to the Chief Secretaries/Chief Electoral Officers of all the States and Union Territories

Subject: Requisition of vehicles for Election duties - Payments regarding

I am directed to forward herewith a copy of a letter no. AITWA/2003-04/352 dated 25th March 2004 received from All India Transporters Welfare Association for your information and necessary action.

2. In the current General Elections to the Lok Sabha. Only vehicles registered in the concerned districts should be requisitioned and vehicles, which are in transit, whether loaded or empty, should be exempted from requisitioning. Similarly, only the minimum required number of vehicles should be requisitioned and any vehicle(s) found extra of the requirements should be released immediately after making payment for the detention period. It may please be ensured that no inconvenience is caused to the vehicle owners.
3. You are also requested to revise the rates for the requisitioning of vehicles taking into account the escalation of costs.
4. I am also to request that payment for the requisitioned vehicles should be made to the transport owners for performing elections duty immediately after completion of the election.
5. Kindly acknowledge the receipt.

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Election Commission's letter No. 437/6/23/2004-PLN-III, dated 26.03.2004 addressed to the Chief Electoral Officers of all States & Union Territories.

Subject: Vehicles of World Health Organization - Polio Project - not to be requisitioned for election duty.

I am directed to state that the World Health Organization has represented to the Commission that the District Administration is requisitioning the vehicles of World Health Organization-Polio Project vehicles for the purpose of utilizing them for elections. The Pulse-Polio vehicles are being used for campaign on 4th April, 9th May and 23rd May 2004. Requisitioning of these vehicles upsets the campaign of World Health Organization which is committed to the eradication of Poliomyelitis. The Commission, after considering all the factors, has decided that the vehicles of World Health Organization-Polio Project will be exempted from being requisitioned for election duties.

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Election Commission's letter No.464/Inst/2004/PLN-I, dated 08.04.2004 addressed to Chief Electoral Officers of all States and Union Territories

Subject: General Elections, 2004 - Vehicles and Staff of All India Radio and Doordarshan - not to be requisitioned for election duty.

I am directed to state that it has been brought to the notice of the Commission by Director All India Radio that staff and vehicles of AIR are being requisitioned for election duty during the aforesaid elections.

Taking into consideration the fact that AIR and Doordarshan are also involved in election related work, the Commission has decided that as far as possible the operational and technical staff and vehicles of the said departments shall not be requisitioned for election duty.

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Election Commission's letter No. 464/INST/2005-PLN-I, dated 09.02.2005 addressed to the Chief Electoral Officers of All States & Union Territories.

Subject: - Non- requisition of vehicles - regarding.

I am directed to state that Commission receives a large number of representations from various educational institutions stating therein that requisitioning of vehicles of their institutions for election duty causes a lot of problems to the students and affects their study.

Taking the facts into the account, the Commission has decided that vehicles of educational institutions which are specifically meant for carrying the students from their residence to educational institutions shall be requisitioned for election duty only when it is unavoidable.

The Commission has also decided that vehicles of World Health Organisation and UNICEF, the organizations of U.N.O. shall not be requisitioned for election duty.

Kindly acknowledge the receipt of this letter.

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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

No.464/INST/2010/EPS

Dated: 28th July, 2010

To,

The Chief Electoral Officers of
All States and Union Territories.

Subject: Use of School/College/Educational Institution premises for the purpose of elections and setting up of Strong Rooms/Counting Centre – regarding.

Sir/Madam,

Under sub-section 1 (a) of section 160 of the Representation of the People Act, 1951, the premises should be requisitioned only if it is "needed or likely to be needed for the purpose of being used as polling stations or for storage of ballot boxes after a poll has been taken".

2. It has come to the notice of the Commission that the District Authorities requisition the premises of School/College building for the purpose of setting up of polling station/Counting Centres and Strong Rooms for storage of EVMs and do not properly compensate for the damages to School Authorities or do not keep in view the larger societal duties in view. Further, personnel on duty do not take attention to keep the premises clean, which may have an adverse impact on students or educational institutions.

3. The Commission has considered the matter and has directed that the State/district authorities before requisitioning School/College buildings or any other building for the purpose of setting up of Polling/Counting Centres, Strong

Rooms for storage of polled EVMs, should keep larger societal duties in view and explore the possibilities for the availability of other suitable alternatives building/premises so that the educational institutions are least affected or the purpose for which the building has been constructed, keeping in view the larger societal needs is not defeated. Accordingly, the District Election Officers should personally take care of the aforesaid instructions before establishing "Counting Centres" and "Strong Rooms" for polled EVMs and ensure that large societal duties are not forgotten or given complete go by even where alternatives are available.

4. You are, therefore, requested to bring the above instructions to the notice of District Election Officers and ensure that these are strictly complied.

Yours faithfully

(SUMIT MUKHERJEE)
UNDER SECRETARY

EVMS

ITEM NO. 74

Election Commission's letter No. 51/8/16/6/2004PLN-IV, dated 15.03.2004 the Chief Electoral Officer of all the States/ UTs.

Subject: - General Election to Lok Sabha, 2004- Guidelines for use of Electronic Voting Machines.

I am directed to forward herewith a copy of the guideline for use of Electronic Voting Machines in General Elections 2004 for your information and necessary action.

The receipt of the letter may kindly be acknowledged.

**FOR USE OF ELECTRONIC VOTING MACHINES
IN GENERAL ELECTIONS 2004**

Background

The Representation of People Act, 1951 was amended by the R.P. (Amendment) Act, 1988, providing for use of voting machines. The relevant provisions of section 61A of the Act, are reproduced below.

EXTRACT OF SECTION 61A OF THE R.P. ACT, 1951

"61 A. Voting machines at elections: - Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituency or constituencies as the Election Commission may, having regard to the circumstances of each case, specify.

Explanation: - For the purpose of this section, "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rule made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election."

These provisions came into effect from 15th March, 1989 and provided necessary legal sanction for use of Electronic Voting Machines.

The conduct of Elections Rules, 1961, have also been suitably amended through a notification dated 24th March, 1992 and a new Chapter II in Part IV (rules 49A to 49X) has been inserted providing the procedure for use of EVMs.

The Commission had brought out a series of publications for the use of EVMs which were used for the first time under the amended law during elections held in 1998 and subsequently in various other general/bye-elections to the Parliament and State Legislative Assemblies. These are listed below: -

1. Hand Book for Returning Officers
2. Hand Book for Presiding Officers
3. Hand Book for Candidates
4. Hand Book for Polling Agents
5. Hand Book for Counting Agents
6. Manuals in the Operation of Electronic Voting Machines
7. Step-by-step Presentation on use of EVMs (separately for ECIL and BEL machines)

These are being updated to incorporate all recent instructions and guidelines of the Commission and are required to be translated into local languages and printed in sufficient numbers for use by election officials, candidates and others. The manuals will be made available to you shortly for translation.

Constituencies (where EVMs will be used during General Elections 2004)

EVMs will be used in all 543 Lok Sabha Constituencies spread across the entire country as well as in the elections to State Assemblies held simultaneously along with the general elections to Lok Sabha and in bye-elections wherever due. The CEOs, DEOs and ROs shall thoroughly familiarize themselves with the Returning Officers' Hand Book (for EVMs) 2004 edition as well as Presiding Officers' Hand Book (for EVMs) 2004 edition.

Voting Machines and Batteries

Assessment of Requirement of Machines

Each State will use only one model of machine - either BEL or ECIL. For convenience, the machines have been categorized as follows: - The total number of machines required in the State will have to be assessed carefully by each of the CEOs. On the basis of experience in using EVMs on previous occasions, it would be necessary to

keep a minimum of 12% reserve over the above the actual number required @ one EVM per polling station. In case there is any simultaneous poll in any Parliament and Assembly Constituencies, either on account of general elections, or bye-elections, it would be necessary to have two separate machines at each polling station in each such constituency. This aspect has to be taken into account while making the final assessment of the number of machines required.

A few States will require additional machines to meet their full requirements and accordingly, the Commission has directed diversion of machines of the relevant make from one State to the other. The concerned CEOs have been given separate instructions in this regard.

Wherever additional machines are to be provided to a State, the receiving State will pay for the packing, forwarding and transportation charges in full. The CEO receiving the machines will interact with the CEO who will spare the machines and work out complete details in advance. Adequate security arrangements should be made for the transportation of the machines, and the movement of the transport vehicles carrying the EVMs should be closely monitored with the help of the CEOs of the relevant States through which the vehicles are to pass.

Checking of Machines

Each CEO will arrange to check each and every machine available with him, or received from any other State by way of diversion. These machines have to be checked with the batteries of the new model and live test should be done to see that all the features and components of each machine are working properly. A proper methodology should be evolved by each CEO and a comprehensive record kept of such checking and the persons who are checking the same. A small sticker indicating the date of checking should be pasted on each machine after the checking is done. This should be locally arranged. A small seal of the DEO/RO should be stamped on the sticker for this purpose. The date of checking should also be indicated on the same.

Considering the magnitude of the exercise, it may not be possible for the two manufacturers to provide their own technical staff for checking. Therefore, the Commission has suggested to them that they should interact with the CEO and find out State level Corporation/Agency, which has experience in handling of electronic equipments - either in the manufacturing, or in the service functions. Engineers and technicians of these organisations can be trained by the manufacturers to check and service the EVMs. For

handling of first level checks on the EVMs, workshops have to be conducted with ECIL and BEL engineers at state level for which Chief Electoral Officers will prepare a list of technical personnel drawn from engineering departments / state corporations / ITIs. etc. so that for every constituency there are at least 4-5 locally trained hands available to handle first level checks.

For states where elections have been held and where some machines were found defective during poll or during counting, ECIL and BEL have agreed to undertake complete repair and replacement for these defective machines. Chief Electoral officers may segregate and bring these defective machines to the state headquarters for the required repairs/replacements immediately. All repairs / replacements etc. should be completed latest by 31st March, 2004. The fee to be paid to the manufacturers for checking of these machines as approved by the Commission is already available with the CEOs.

Unique ID Number for Each Machine

Each machine normally carries an ID Number provided by the manufacturers. During the checking process, it should be verified that the unique ID Number is available on each machine. If not, it should be ensured that such an ID Number is prominently displayed on each machine. This can be done by obtaining stickers from the manufacturers in advance. In addition, in each of the machines, this number should also be written by using permanent marker, which can be written on plastic surface. This would be written, both outside the machine and also inside. In the control unit, this can be written in the space between the labels for Result I and Result II. In the balloting unit, this can be written in backside of the cover on which ballot paper is fixed.

Pairing of Control and Balloting units

Each polling station is required to have one control unit and one balloting unit. In case the number of candidates is more than 16, additional balloting units would be required. In the current system, a maximum of 64 candidates can be accommodated by linking four balloting units to a single control unit. Consequent to the amendment of the R.P. Act, 1951 in 1996 and the increase in the amount of security deposit and in the number of proposers, the number of candidates per constituency has come down substantially. It is, therefore, unlikely that more than one balloting unit for polling station would be required to be used in any constituency.

It is important to ensure that pairing of control units and balloting units is done properly and an account / record is kept of the same.

In large scale operation of utilizing of EVMs there may be stray cases of malfunctioning of some units during the poll process. In case only the balloting unit gives trouble, a new balloting unit can be fixed and connected to the original control unit. It may be noted that record of votes cast is kept in the control unit.

In some cases where the control unit appears to malfunction, a new control unit can be utilized and the original balloting unit connected to the new control unit. It should be ensured that the new control unit has nil votes polled in it. The original control unit would retain the record of votes polled, till it is disconnected, and this should be immediately sealed as is normally done at the end of the poll. Similarly, the new control unit is also required to be sealed, before it is put to use, by following the same process as is done at the beginning of the poll.

This aspect is highlighted for ready reference only. All comprehensive instructions are available in the Presiding Officer's Handbook which should be thoroughly studied by all concerned.

Battery

The Commission has approved both the manufacturers of the EVMs to supply the new type of the battery packs. The rate payable for each battery pack has also been approved by the Commission vide its letter No. 51/8/99-PLN-IV, dated 23rd June, 1999. **A copy is enclosed for ready reference.**

The CEOs are required to place immediate orders for the required number of batteries for use in a particular election sufficiently in advance. They should also closely monitor the supply so that these batteries are available in good time before the elections. For actual polling fresh batteries have to be used in each machine without fail.

Each battery pack will have a seal and once it is put to use, the seal is broken and cannot be repaired. The RO has to take particular care at the time of preparing the machines for the poll that only fresh batteries are used and immediately thereafter the machine is sealed. The manufacturers have been directed to put a date stamp indicating the manufacturing date on each battery. A separate sticker will also be available on each battery. The RO before sealing the EVM for a particular poll can put a date stamp indicating a record of usage on this sticker.

Chief Electoral Officers will immediately make assessment of the requirement of batteries to be used for the elections as manufacture and supply of batteries required certain lead-time. **The indent would have been placed with ECIL or BEL already.**

Reuse of batteries for training purposes

The battery has a shelf life of 3 years and active life for 24 hours of continuous usage. Since the battery used for polling is generally used for only 8 hours, it can be used subsequently also. However, such used batteries are to be utilized only for purposes of training and demonstration only. It is reiterated that use batteries must not repeat must not be used for conduct of poll. For training and demonstration purposes, however, only the batteries already used on earlier occasions should normally be utilized so as to minimize expenditure. In the current round, the used batteries available with the CEOs of other States, if any, could be utilized. If these can be spared, fresh batteries should not be used for this purpose.

Training, Demonstration and Awareness Campaign

For successful introduction of EVMs and their large-scale utilization during the current elections, a comprehensive training and awareness campaign is to be organized well in advance.

Target Groups

The target groups for such campaign will include election officials, political parties and candidates, voting public and the media.

Separate strategies have to be adopted for each of these three separated target groups.

Election Officials

The election officials will include various groups like the CEO and the officers in the State headquarters' DEOs / ROs / AROs of Parliamentary Constituencies and Assembly Constituencies, Polling Personnel and Counting Personnel. Training for each group is to be specifically designed to cater to the requirements of their specific functions.

The supervisory officers have to get a thorough knowledge of all aspects of working of the machines as well as the management and operation of the electoral process while using EVMs.

The polling and counting personnel while being given a general idea about the electoral process using EVMs should get a comprehensive and thorough coverage of the actual polling, or counting process, as the case may be.

Content of Training and Methodology

The content of training for the election officials will be related to the specific function they are expected to discharge.

It is found from previous experience that training programme is not effective if the size of the training group is more than 100. Ideally, each group should not exceed 50 so that focussed and meaningful training can be provided.

It is important to note that the objective of the training should be to provide a clear understanding and the practical orientation on the use of EVM for the Electoral Process. Therefore, in the first part of the programme, general features of the EVMs and their operation, as well as the conduct of election process by using EVMs should be covered. This can be done with the help of standard video, or film being screened followed by a general demonstration by experienced persons. This should be followed by a practical demonstration. For the latter adequate number of machines have to be available at the training venue. Separate tables with a set of machines, a pair of balloting unit and a control unit, should be available. Each table should have a table number prominently displayed. Trainees allocated to each table should not exceed four, but ideally group of two is desirable. Each such table should be supported by a person already trained and fully familiar with all aspects of the operation of the machines.

Each trainee should get an opportunity of actually operating the machine and understanding its various parts and the way the different operations for conduct of elections using EVMs is taken up.

After the practical demonstration, there should be a question answer session. It should be possible to have an interactive session. A suitable quiz can be designed to confirm the clarity in the understanding of various aspects covered during the presentation and the practical session.

Training The Trainers and Planning Advanced Training

It would be clear from the above that detailed meticulous and advance planning would be necessary for organizing the training programme.

First and foremost of these is training the trainers. While the senior officers of the State headquarters and the DEOs and ROs can be covered under these groups, their training has to be done with the help of the professionals from the manufacturers, officers of the Election Commission and senior officers who have already conducted elections using EVMs in the States of Rajasthan, Madhya Pradesh, Delhi, Goa, Uttar Pradesh, Uttranchal, Tamil Nadu, Pondicherry, Chhattisgarh, Mizoram, Meghalaya, Punjab, Jammu & Kashmir Himachal Pradesh, West Bengal, etc.

Such training programme needs to be organized in two or three locations to cover the different regions in the State.

Demonstration and Awareness Campaign

This will mainly cover the political parties, candidates the voting public and the media. Of these, the programmes for political parties have to be organized sufficiently in advance so that all their key functionaries at the State, district and constituency level can be provided necessary familiarization in the use of EVM. While specifically highlighting the practical aspects, adequate opportunity for hands-on experience of operating machine is also to be provided.

As soon as the nominations process is completed and the final list of contesting candidates is available, within a day or so. all contesting candidates must be specifically provided one comprehensive training on all aspects covering the use of EVMs. This would include specifically the provisions relating to sealing of the machines by RO, sealing at the polling stations and arrangements at the counting centres.

As for the voting public, comprehensive arrangements for bringing awareness among them has to be planned in advance. Various modes for publicity may be utilized. Hoardings maybe put up at strategic locations. Posters, radio angles, TV quickies, both on the Doordarshan and cable TV, films and slides in cinema halls are to be utilized for this purpose. Suitable boards can also be fixed on public transport buses.

In addition to the above, demonstration centres have to be set up for the public to be able to get an opportunity to operate the machines and to learn the process of recording the

vote through the EVM. A few demonstration centres at prominent locations may be made operational as early as possible. In addition to that, on Sundays and holidays a number of such demonstration centres maybe set up in strategic public places so that a large number of voting public can be covered by the programme of practical demonstration. All these have to be carefully and meticulously planned and executed.

The States where machines are going to be used for the first time may take steps to obtain publicity and related materials used by the States which have already implemented the programme on earlier occasions.

The Commission has separately taken steps to produce a short film on use of EVMs. These are being made available to the CEOs shortly.

Text of presentation of a model material in English prepared by the Commission have already been made available to the CEOs. This should be suitably- modified and a presentation in the local language prepared for systematic coverage of all aspects of the EVM for the training programme of different groups. The CEOs should personally ensure that this is made with the highest professional standards with total priority and high communication efficiency.

Handbills should be printed in sufficient numbers and distributed among the public. Informative posters on the actual operation may be prepared and pasted outside each polling station immediately before the polling day. This will help the voters waiting in queue to get a rough idea of the process in case they have not become aware of this earlier through the publicity campaign.

Preparatory Actions for Conduct of Poll

The basic preparations for conduct of poll would cover availability of machines, procurement of batteries, training and awareness campaign and printing of ballot papers.

For the actual conduct of poll, individual machines, after fixing up the ballot paper, are required to be sealed. Similarly, the control units are also to be sealed. This is to be done by the Returning Officers.

While the general instructions, in this regard, are contained in the relevant manual/handbook, it may also be ensured that the unique number identifying the machine is available in the label attached to the machine and is, in addition, written in permanent marker in each machine - control unit and ballot unit.

Adequate arrangements may be made for security of the machines which are stored after these are sealed.

To take care of any problem during actual poll, a minimum of 10% of additional machines are to be kept in reserve. This should also be properly sealed and kept in reserve in advance.

Ballot paper

The design of the ballot paper for electronic voting machine is different from the normal ballot paper. The CEO and all the officers concerned should become familiar with the procedure from the relevant manuals/handbooks. Adequate care should be taken to ensure that these are printed and fixed on balloting unit under proper security arrangement.

Day of Poll

The polling stations may be grouped into units of 10 and a sector officer may be allotted the duty of supervision of the conduct of poll for each group. It should be his responsibility to ensure that any difficulty or problem faced in any polling station in the use of EVMs, is promptly attended to. Substitute voting machine - control unit/ballot unit, may be provided instantly through the sector officer.

It is important that the start of poll is monitored very closely by each Returning Officer through the sector officers. Sector officers should visit each polling station of their sector starting from the farthest and coming to the nearest location and repeating the process in reverse throughout the day. The first hour of poll is important as the smooth start of poll and the voting through the EVMs in the first hour increases the level of confidence of the polling staff, voter as well as all others concerned.

Suitable arrangements for collection and deposit of machines after the close of polls should be made as per detailed instructions contained in the Manual/Handbook.

There are clear procedures prescribed for sealing of the machines by the ROs and the procedures to be followed by the Presiding Officers at the start of the poll and at the close of the poll in the polling station. It is important that these aspects are thoroughly covered in the training programme and a dress rehearsal, for this purpose, is conducted for the trainees. At these training rehearsals every Presiding Officers and his first polling officer should be compulsorily required to operate the machine, so that he gets thoroughly conversant with

its operation and does not fumble in the handling and operation of the machine at the polling station.

Counting Arrangements

The key feature of the counting through the EVM is that each control unit gives total number of votes recorded, and thereafter the number of votes received by each candidate. Obviously, the counting will therefore be for each polling station. In a few rare cases in which more than one machine has been used in a particular polling station, the total of both the machines has to be taken into account. The relevant version of Form 20 relative to booth-wise counting has to be utilized for this purpose. All the officers concerned should familiarize themselves thoroughly with the counting process as detailed in the relevant manuals/handbooks in advance.

Checklists

The CEOs may prepare suitable checklists for the ROs, for the Presiding Officers and for the Counting AROs/ROs. A sample checklist is enclosed for reference. This will help the different functionaries to carry out their functions without any omissions and commissions.

GENERAL ELECTIONS/BYE ELECTIONS 2004 - CHECKSHEET REGARDING THE USE OF ELECTRONIC VOTING MACHINES

A. ELECTION DETAILS

1.	Name of State	
2.	Sl. No. and name of constituency	
3.	Nature of Election (General/Bye)	
4.	Date of poll	

B. CONSTITUENCY DETAILS

5.	Total number of polling stations	
6.	Total electorate	
7.	No of contesting candidates	

C. MACHINES AND BATTERIES

8.	Total Number of EVMs put to use	
9.	Number of EVMs kept as reserve	
10.	Number of batteries procured	

D. CHECKING OF EVMs

11.	Whether all EVMs, including reserve, have been got checked	
12.	Who checked the EVMs (Engineers of BEL/ECIL)	
13.	Date of checking	
14.	Serial number of checked EVMs failed during the polling	Control units Balloting units
15.	Serial number of checked EVMs failed during counting	Control units Balloting units

E. PREPARATION OF EVMs BY THE RETURNING OFFICER

16.	Date on which the EVMs were prepared	
17.	When was the notice intimating the date, time and place of preparation of EVMs was given to the candidates	
18.	How many candidates or their representative were present	
19.	Details of complaints received	
20.	Whether the register of allocation of EVMs to the polling stations was maintained	
21.	How many days before the poll, the EVMs and other poll material distributed to polling stations	

F. PUBLICITY ARRANGEMENTS

22.	How many demonstration centres have been opened for educating the public in the use of EVMs	
23.	Supply two copies of the each of the posters/ pamphlets and any other material used to educate the voters, candidates and political parties	

G. POLL DAY

24.	How many officials were deployed as Sector Officer to go around the polling stations on the date of poll	
25.	Did the Sector Officers carry reserve EVMs to replace any defective EVM during the day of poll? If so, how many reserves EVMs were allotted to Sector Officers	
26.	How many Control Units and Balloting Units were replaced during the mechanical failure or mishandling by polling officials	
27.	In how many polling stations repoll was held	
28.	Details of place where the EVMs were stored before the poll	
29.	Details of Strong Room where the EVMs were shifted after the poll	
30.	Details of counting Hall	
31.	Details of the Strong Room where the EVMs were shifted after the counting was over	
32.	Whether CRPF guards guarded the storage rooms of EVMs. If not, what security arrangements were made for safeguarding the machines	

I. COMPLAINTS & SUGGESTIONS

33.	Details of complaints received by you regarding use of EVMs	
34.	Suggestions, if any	

Enclosures:

Place

Signature of Returning Officer Date

**SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA**

NIRVACHAN SADAN,
SHOKA ROAD, NEW DELHI-110001

No. 51/8/99(P)-Vol.VIII,

Dated 23.06.1999

To

1. The Chairman cum Managing Director,
Bharat Electronics Limited,
Central Marketing Group,
Core , 6th Floor,
SCOPE COMPLEX, 7, Lodhi Road,
New Delhi 110 001
(Fax No. 211 4364401)

2. The Chairman cum Managing Director,
Electronics Corporation of India Ltd.,
Instruments & Systems Division,
M/4 and 5, Stuttee Building,
Bank Street, Karol Bagh,
New Delhi 110 005
(Fax No. 011 5723689)

Sub: Electronic Voting Machines— Price of Alkaline Battery - regarding.

I am directed to refer to BEL letter No.CM/003/051/01, dated 11.6.1999 and ECIL letter No. ECIL: ND: ISD: EVM:99 0/106, dated 10.6.1999 MI on the subject cited and to state that the Commission has approved the price of Rs. 172/ (Rupees One hundred seventy "two) per unit of Alkaline Battery at destination inclusive of freight charges, Excise Duty and Sales Tax.

2. It may be ensured that the date of manufacture, expiry date etc. is given on each battery pack. A sticker may also be affixed with the words "Date of use" and space to fill in the date when the seal is opened and the battery is put to use.

3. You are further requested to ensure that each new unused battery will have a seal on it and in order to use the battery the seal is to be removed.

Yours faithfully,

Sd/-
(K. AJAY KUMAR)
UNDER SECRETARY

Copy to the Chief Electoral Officers of all States and Union Territories for their information.

Sd/-
(K. AJAY KUMAR)
UNDER SECRETARY

Election Commission's letter No. 51/8/5/2004 PLN-IV, dated 22.04.2004 addressed to the Chief Electoral Officers of All the States/ UTs. *[Later it was informed to all CEOs vide Commission's letter No. 51/8/5/2004 PLN-IV, dated 4th May 2004 (Item No.92) that Auxiliary Display Unit that has been devised by the EVM producing Companies for retrieving memory of Control Unit in case display of Control Unit fails, are not compatible to the 1989-90 model of EVMs of both Bharat Electronics Limited and Electronics Corporation of India Limited make].*

Subject: - Electronic Voting Machines-Auxiliary Display Units.

M/s Bharat Electronics Limited and M/s Electronics Corporation of India Limited have manufactured Auxiliary Display Units for the Electronic Voting Machines. These Auxiliary Display Units will be used at the/time of counting of votes, in case any control unit fails to function; to retrieve the memory in control units of Electronic Voting Machines. The Commission has supplied the requisite number of Auxiliary Display Units (ADU) for use in yours State during the current elections. The following guidelines may be followed in the use of ADUs.

- i. A master stock register may be maintained in the office of Chief Electoral Officer to note down the distribution of ADUs to various District Election Officers.
- ii. Each District Election Officer may be supplied two ADUs for use during the counting of votes. These ADUs shall be kept under the personal custody of District Election Officer and will remain the property of the Commission.
- iii. In the case of States where the counting of votes is taken up at different locations, the District Election Officer shall make suitable arrangements for safe custody and return of ADUs from the Returning Officers.
- iv. The ADUs will be used only under the supervision of an engineer/technician of either ECIL or BEL who is available at the time of counting of votes. Under no circumstances these ADUs would be handled by any other person.
- v. The ADUs will be used only in the presence of all contesting candidates or their agents after the normal counting for all polling stations is complete and the defective control units are segregated and are to be counted.
- vi. After the counting is over the District Election Officer shall submit a report to the Commission detailing the particulars of defective EVMs and use of ADUs for obtaining the result.
- vii. At the time of inspection of EVMs these ADUs should also be inspected and verified to ensure that they are in proper condition.

The receipt of the letter may kindly be acknowledged.

(76)

Election Commission's letter No. 51/8/2/2004 PLN-IV, dated 23.04.2004 addressed to the Chief Electoral Officers of All the States/UTs

Subject:- Supply of additional Power Pack for EVMs to Polling Parties-reg.

I am directed to state that clarifications are being sought regarding supply of additional Power Pack to Polling Parties specially in remote areas. Following guidelines are being issued for compliance.

1. No additional power pack (battery) should be supplied to the polling parties.
2. In order to manage unforeseen situations of malfunctioning of machines, the standard arrangement is to provide an alternative machine at the earliest. For this purpose, Sector Officers, in-charge of a group of Polling Stations are expected to do the needful by providing spare machines to the Polling Stations where such a problem arises.
3. The malfunctioning may be due to battery level being low or any other reasons as already stressed during training. Before coming to conclusion, the machine's connection between ballot unit and control unit be thoroughly checked. If it is found that the machine is actually malfunctioning for whatever reason, the steps indicated in the above paragraph are to be followed.
4. It may be noted that in case the machine malfunctions after some votes have already been recorded and a new machine is provided for continuing the voting process, the machines initially used should be properly sealed by recording the total number of votes polled in the first machine and the information, should be recorded clearly in the Presiding Officer's diary. Details of the number of machines used and their Unique Serial Numbers are also to be noted.
5. For remote locations, adequate planning is to be made in advance for meeting such contingencies by allotting spare machines with the Sector Officer within reasonable distance. Therefore, in such cases, a smaller group of Polling Stations can be put in charge of the Sector Officer.
6. In the worst case, if no spare machine can be provided to the Polling Station in time to continue the poll and complete it on the poll date, a re-poll with a new machine can be arranged. Such cases should be promptly reported to the Commission and a formal permission for conducting the re-poll should be obtained in time by the Returning Officer.
7. The receipt of the letter may kindly be acknowledged by return fax.

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Election Commission's letter No. 51/8/5/2004 PLN-IV, dated 04.05.2004 addressed to the Chief Electoral Officers of All the States and Union Territories.

Subject: - Electronic Voting Machines - Auxiliary Display Units.

I am directed to refer to Commission's letter of even no. dated 22.4.2004 on the above mentioned subject and to state that the Auxiliary Display Unit that has been devised by the EVM producing Companies for retrieving memory of Control Unit in case display of Control Unit fails, are not compatible to the 1989-90 model of EVMs of both Bharat Electronics Limited and Electronics Corporation of India Limited make.

This may kindly be brought to the notice of all concerned.

The receipt of the letter may kindly be acknowledged.

Election Commission's letter No. 51/8/2/2004-PLN-IV, dated 01.02.2005 addressed to the Chief Electoral Office of All the State/Union Territories.

Subject: Disposal of unserviceable/expired batteries of Electronic Voting Machine.

I am directed to state that the Commission has received reference regarding disposal of unserviceable/expired batteries used in the electronic Voting Machine during poll.

Suggestions on the method of safe disposal of the power pack was called for from both the manufactures (M/s BEL & ECIL) of EVMs who are also the suppliers of power packs, used in these EVMs. The manufacturers have suggested some measures which are detailed below for strict compliance during such-disposal of power packs.

- (i) If the quantity of batteries is less, then the same may be disposed with regular trash after removing from the plastic box.
- (ii) Discarded batteries are often not completely dead. Concentrating used batteries in a container can bring these live batteries into electrical contact with one another, creating a safety risk. Any collection programme must be organized only after minimizing such risk.
- (iii) Disposing of the used batteries in small quantities, as far as possible is recommended.
- (iv) As far as possible, accumulation of expired batteries in large quantity may be avoided.
- (v) If the quantity of batteries is more and accumulated at one place, then batteries should be disposed off at a secure land fill in accordance with state and local regulations,
- (vi) Discarded batteries should never be crushed, dismantled, short circuited or recharged.
- (vii) Batteries should not be disposed-off in fire or high heated area.
- (viii) It is also desirable to consult the local Government Waste Management Authority regarding recycling regulations in respective communities.
- (ix) EVM battery packs consist of Plastic Moulded Box. Though environmentally beneficial and economically feasible recycling process has not yet been developed for Alkaline Batteries, the Plastic Moulded Boxes can be scrapped and recycled for other uses.

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Election Commission's D.O. letter No.464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

Subject: General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – Training to all Presiding Officers/Patrolling Officers & Sector Magistrates on preparation of EVMs to be in accordance with the instructions of the Commission and DEOs to ensure this

The Commission as per its letter no. 51/8/16/8/2004-PLN IV dated December 23, 2004 had issued instructions for proper training of officials/ Presiding Officers/ Patrolling & Sector Magistrates to ensure that EVMs are properly prepared and operated on the day of poll.

2. All District Election Officers/ Returning Officers are hereby directed to ensure that preparation of EVMs must be in accordance with the instructions of the Commission and all Presiding Officers/ Patrolling & Sector Magistrates be trained in EVM operation properly. Necessary certificates must be obtained by them as per enclosed instructions.
3. All Presiding Officers and Polling Officers should also be instructed to ensure that the electors at the time of casting vote should put on the Register of Electors (Form 17A) either full signature or thumb impression. Under no circumstance, an elector having a left thumb be allowed to put any other finger mark on the Register of Electors (Form 17A).

With kind regards,

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Election Commission's D.O. letter No.464/INST/2006/PLN-I, dated 17.03.2006 addressed to the Chief Electoral Officers of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry

Subject: General Elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry – Instructions for pressing 'CLOSE' button at the end of poll and preparation of Form 17A

Complaints have been received in the Commission, in the past, that some of the Presiding Officers do not close the EVM by pressing the 'CLOSE BUTTON' after the end of poll for subsequent manipulation. The Commission has been issuing various instructions in the interest of free and fair poll from time to time. The Commission desires that following instructions may be brought to the notice of all District Election Officers, Returning Officers, Presiding Officers, Observers and political parties immediately.

- (i) All Presiding Officers shall close the EVM by pressing 'CLOSE BUTTON' at the end of poll in presence of polling agents, as may be present.
- (ii) All Presiding Officers shall draw a line at the end of poll after the last entry in Form 17A and shall record the signed statement thereafter "The serial number of last entry in Form 17A is _____" and obtain the signatures of all polling agents, as may be present, below this statement.
- (iii) All Presiding Officers shall give one attested copy of Form 17C (Account of Votes Recorded) at the end of poll to all polling agents, as may be present, irrespective of their asking.

With kind regards,

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BY SPEED POST

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.464/OBS/EVM/2007 PLN-IV

Dated: 12th October, 2007

To

**The Chief Electoral Officers of
All the States and Union Territories.**

**Subject: Protocol for Security Measures for Electronic Voting Machines during
election(s)- regarding.**

Sir,

I am directed to forward herewith the instructions relating to security measures for Electronic Voting Machines to be used for the election(s) in your State. These instructions have been prepared from the point of view of strategy for ensuring the security and safety of EVMs.

2. The district administration, particularly the District Collector/ Deputy Commissioner, who is also the District Election Officer, shall ensure that these instructions are complied with in letter and spirit. Needless to add, any laxity in implementing these instructions will be viewed seriously by the Commission.

3. Kindly ensure delivery of these instructions to all District Collectors /DEOs /ROs /AROs / Observers during election(s) and acknowledge receipt.

Yours faithfully,

(K.N.Bhar)
Under Secretary

Security Measures for Electronic Voting Machines

1. Pre-Poll

- i. The Observers deputed by the Commission on their arrival in the district shall inspect along with the DEO and RO the storage center for the EVMs in the district and randomly check the stock register with the stock stored. Thereafter, the storage centre will be sealed by the DEO and RO with double locks in presence of Observer. The keys of one lock will be kept with the RO concerned and the keys of the second lock shall be kept with the DEO.
- ii. To streamline the security of these EVMs, following measures are to be taken:
 - a. Detailed log of machines indicating the number of balloting and control units to be prepared.
 - b. Test check report to be entered in each log book against every EVM entry.
 - c. EVMs requiring repair (i.e. opening of their control or balloting unit) will be segregated and their details kept.
 - d. For such repaired machines where either the control unit or the balloting unit have been opened, details will be entered in log book specifying the repairs done and part(s) replaced.
 - e. Only the technicians from ECIL/BEL will work on the machines and keep a record of repairs carried out.
 - f. No outsider will be allowed inside the storage centres.
 - g. The machines that have undergone repairs will be kept aside and trial tests carried out on them before using them.
 - h. After complete checking, the EVMs will be placed under double lock with the seals of the DEO and the RO.

2. Preparation for the Poll

- i. The machines will be prepared for poll by the ROs phase wise after the finalisation of list of candidates.

- ii. Preparation of machines to be done strictly as per the guidelines and in the presence of Observers and candidates or representatives of candidates (written notice to be served on them giving time and place).
- iii. DEOs/ROs/Observers shall ensure that representatives of political parties/candidates are informed of time and venue of EVM preparation. DEOs and ROs will be responsible for failure to involve political parties/candidates and the Observers. Observer will keep the Commission informed of any such lapse on part of the DEO/RO.
- iv. EVMs after preparation shall be kept in storage centres/dispersal centres.
- v. The prepared EVMs shall be kept under double-lock at the storage/dispersal centres.
- vi. In cases where these have to be transported to other locations outside the district headquarters where dispersal of polling parties have been arranged, the DEO/RO shall apprise the Observer, political parties and candidates and keep them informed of the movement plan. The candidates or their agents can follow the vehicles in which EVMs are carried. At such locations one Observer will invariably be responsible for checking the storage facilities, security aspects and the general plan for dispersal of polling parties. As per standard instructions referred to above, the EVMs at such places will also be kept under a double-lock arrangement with one key with the DEO and the other with the RO as the case may be. Armed security of at least a section strength, round the clock, shall be posted at all such dispersal centres.
- vii. Detailed plan for distribution of EVMs will be prepared by the DEO/RO and Observer will closely monitor the distribution.
- viii. Machines used for training shall not be used for poll. All such machines will be segregated and stored in a separate room under double lock, again with one key with DEO and other with the RO.
- ix. Commission's instructions No.464/OBS/EVM/2006 PLN-IV dated 29th December, 2006 (copy enclosed) should be complied with for ensuring the movement of EVMs by Zonal/Sector/Area Magistrates.

3. Standard Security measures:

- i. Two cordoned security, round the clock, one outer and one inner – outer of State Armed Police, inner of CPMF (if available) otherwise also of State Armed Police for strong rooms- i.e. after polling.
- ii. Guard the storage centres (i.e. inner cordon) with Armed Police of at least one section strength, round the clock.
- iii. Systems of double lock from the day the Observers arrive- one key kept with District Election Officer, another with Returning Officer concerned.
- iv. Register for movement inside the campus where EVMs stored.
- v. Register for movement inside the store rooms.
- vi. Arrangements at counting centres as per standing instruction, except that Armed Police will have to guard the locations.
- vii. DEOs/SPs personally responsible for any lapse in arrangement and security.

4. Post-poll arrangements

- i. After poll, the EVMs are kept in strong rooms at the counting centres for which detailed instructions already exist. These shall be followed strictly.
- ii. State Armed Police/CPMF will guard all strong room without any exception- make two cordons as mentioned in para 1.
- iii. Necessary fire fighting equipments shall also be installed around all Strong room to meet any exigency.

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 51/8/7/2007-PLN-IV

Dated: 12th October, 2007

To

The Chief Electoral Officers of
All the States and Union Territories.

Subject: Preparation of Electronic Voting Machines (EVMs) during election(s)- regarding.

Sir,

I am directed to say that the Commission has directed that the following steps may be followed in preparation and setting up of Electronic Voting Machines during election(s) in your state:-

1. The EVMs should be stored in properly guarded strong room. Returning Officer should ensure that a system is in place whereby only authorized persons have access to the EVMs and a proper record of the persons entering and leaving the storage area for EVMs is being maintained. The strong room should have double locking system and one key of the strong room should be kept with the District Election Officer (DEO) and other key should be with the Returning Officer (RO).
2. The RO shall ensure that intimation in writing is sent to all the contesting candidates well in time regarding the dates and venue of preparation of EVMs. He shall ensure that the signatures of the contesting candidates or their authorized agents are put on the seal at the stage of preparation of machines etc. A proper record of the candidates or their authorized agents who have put their signatures and those who have not done so should be maintained.

3. The Returning Officer shall test the machines for correct setting through an exercise similar to the mock poll in the presence of candidates or their authorized representatives.
4. The District Election Officer shall make random selection of EVMs for allocation to polling parties in every assembly segment within the Assembly Constituency.
5. At the time of preparation slide switch on the Balloting Unit may be secured with the help of transparent tape (except 2006-07 models of EVMs).
6. The Presiding Officers should give the unique numbers of EVMs used at a polling station to the polling agents.
7. The Presiding Officers should obtain the signature of candidates or their agents at the polling stations and keep the record of the same. The candidates or their agents should also be allowed to affix their signatures on the Green and Outer Strip Seal.
8. After the poll is over and the Presiding Officer seals the EVM, the candidates or their agents should be allowed to follow the vehicles carrying the EVMs to storage centres.
9. Immediately after the EVMs are received back from the polling stations and stored in the strong room, the room should be locked and sealed forthwith. The candidates, their election agents or authorized representatives may be permitted to affix their seals on the doors and windows of the storage place. If any of the candidate so desires, he may be permitted to post an agent to keep a watch from a considerable distance over the room where the machines are stored pending the counting of votes.

10. The instructions given in para 52, Chapter XIII of the Hand Book for Returning Officers 2007 (EVMs) and instructions issued vide letter no. 51/8/2001 PIn-IV dated 3.12.2001(copy enclosed) regarding sealing of the result section of the control unit of EVMs with strip seals by Presiding Officers at the polling stations should be followed scrupulously.
11. EVMs used for training are to be taken back and stored separately. They should, in no case, be used for poll.

The above instructions should be brought to the notice of all the Returning Officers, Presiding Officers and Observers during election(s).

The receipt of the letter may kindly be acknowledged.

Yours faithfully,

(K.N.Bhar)
Under Secretary

INSTRUCTION SL. NO.

Election Commission's Letter No.51/8/7/2008-EMS (Inst.-I) Dated: 11/08/08 addressed to the Chief Electoral Officers of All States and Union Territories.

Sub: Use of EVM in the elections- additional transparency measures – Randomisation.

The Election Commission of India used the Electronic Voting Machines (EVM) on an experimental basis for the first time in 1982 in an election in Kerala. After that the use of EVM was gradually increased and finally the universal use of EVM in the country became a reality in the year 2004 when EVM was used in all polling stations in the General Election to the Lok Sabha. The efficacy of EVM has stood the judicial scrutiny and the independent studies made on the use of EVM have also confirmed the voters' satisfaction about the use of EVM in elections.

The Election Commission of India, from time to time, has been issuing instructions on various measures to be taken at the time of preparation of EVM for use in the elections (vide no 51/8/7/2007-PLN-IV 12th October, 2007); protocol for first level checking of EVMs before elections (vide 51/8/16/4/2007, dated 12th October, 2007) and on protocol for security measures for EVMs (vide 464/OBS/EVM/2007 PLN-IV, 12th October, 2007). The Handbook for Returning Officers (at elections where electronic voting machines are used) published by the Commission provides detailed instructions on the various aspects of the EVM management.

As an additional measure that aims at greater transparency, the Commission has decided to introduce a randomization protocol for the deployment of EVM in various assembly constituencies/ assembly segments and has issued the following instructions to be followed meticulously without any deviation:-

1. STORAGE

As a general policy, the Commission desires that all EVMs available within a district shall be stored at the district headquarters under the direct control of the District Election Officer. It may be possible that due to want of storage space the EVMs may be stored in a decentralized manner in different locations. Even in such cases, for the purpose of first level checking and randomization procedure proposed to be introduced through this instruction, all EVMs available in the district shall be brought to the district headquarters under proper escort.

2. FIRST LEVEL CHECKING

- a. The first level checking as prescribed in the earlier instructions shall from now onwards be carried out only by the BEL/ECIL engineers, as the case may be, only at the district head quarters. For coordinating all activities connected with the first level checking, the DEO shall nominate a nodal officer at his level and intimate the name of such

officer to the CEO. The first level checking will be done by following the existing instructions and procedures.

- b. For the purpose of tracking various steps taken in the process of first level checking, randomization and deployment of EVM, an adhesive label (pre-printed sticker) will be prepared and kept ready for use. (This can be organized centrally by the CEO or the DEO can print at their level as per the decision of CEO in this regard). A sample model of such label is given in Annexure 1.

3. NUMBERING OF EVMs

As soon as the first level check is over the sticker will be pasted on the back side of the CU and the checking- engineer will put his signature indicating the date in the relevant slot provided in the sticker. This would mean that the CU is in order in every respect. The unique machine number of the control unit (CU) will be also indicated in the relevant slot in the sticker; besides, a running serial number will also be allotted to the CU and will be indicated in the relevant slot. Simultaneously, the representative of DEO duly authorized for this purpose will also put his signature in the relevant space. After this, CU shall be stored with due precaution and care. In case of any CU found to be defective during checking, such CUs shall be isolated and kept separately for follow up action for rectification of defect. The above procedure will also be applicable for the Balloting Units which will be verified, signed and numbered in the above manner.

4. DATABASE

A database of the CUs and BUs verified and certified will be prepared separately and kept in readiness for randomization. The data base structure will contain details of CUs and BUs indicating the machine number (original number given by the manufacturer as inscribed on a metallic plate at the back side of the CU/BU as the case may be.) The CUs/ BUs so verified shall be kept under proper lock and key.

5. SCHEDULE FOR RANDOMIZATION OF EVM

The DEO will fix up a schedule, which should in any case be fixed before the start of training of polling personnel, for randomization of CUs/ BUs for distribution to ACs in the presence of the representatives of recognized political parties. The randomization will be done in such a way that the CUs /BUs are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. Again, the surplus CUs/BUs shall also be randomly grouped and distributed AC wise for the purpose of training (for the training of the polling staff as well as for the purpose of voter awareness). A sticker of different color shall be affixed at the front side of the CUs/ BUs set aside for training purpose clearly indicating “.....(**Name of State/UT along with year): Training CU/ BU**”. While randomizing the CUs/ BUs the DEO shall take the number of polling stations in each constituency into account.

6. ALLOCATION OF ID

After AC wise grouping of CUs/ BUs is done in the above manner, a 'current ID' shall be assigned to each of CU/ BU in the relevant slot provided in the sticker. The 'current ID' would mean 'the AC no followed by a new running serial number for that AC'. For example if AC No 56 is allotted 280 CUs and BUs the current ID for the CUs would be from '56/CU/001' to '56/CU/280'. Similarly the current ID for BU would read '56/BU/001 to 56/BU/280'.

7. DISTRIBUTION OF LIST & EVM TO RETURNING OFFICER

- a. The randomized list of CUs and BUs allotted to each AC for use at polling stations as well as the training EVMs shall be prepared separately and signed by the DEOs representative and the R.O and that list shall be handed over to all representatives of the recognized political parties. Even if a representative is not available at the time of randomization the list shall still be sent to the party office and a receipt obtained.
- b. Thereafter, the R.O of the constituency shall take charge of the CUs/Bus randomly allotted to his constituency. The CUs/BUs meant for use at the election shall be separately taken to R.O's strong room under proper escort and will be guarded. The training EVMs shall be distributed to the relevant officers for the training purpose. At the time of sealing the strong room, the representatives of political parties can remain present and they can also affix their seal on the lock.

8. PREPARATION OF EVM

- a. On the day fixed for preparing the CUs/BUs for use in the election, the R.O will ensure that the preparation of CUs/BUs is done invariably in the presence of the candidate or his agent or authorized representative and in the presence of observer as per the existing instructions. Now, the R.O will do the second randomization of the CUs/ BUs to allot the CU/ BU to specific polling stations. After that he will write the PS No to which the CU/BU has been randomly allotted in the slot provided for it in the adhesive label. The remaining CUs/BUs (not allotted to any specific PS) shall be kept as 'Reserve' for use if needed. Such CUs /BUs shall be marked as 'R' – meaning 'Reserve' in the slot meant for PS No.
- b. At this stage, the CU and BU randomly earmarked PS wise as above shall be identified by matching the PS no and kept in pair by tagging them together. Any candidate/ agent present at the preparation hall may choose to get the CU/BU again checked by the master trainers/ technical personnel if available through a 'mock poll cum result verification' in order to satisfy himself about the functioning of the EVM. The R.O should also, as a proactive measure, do a random verification of at least 10% of such CU-BU pairs to test the working status of the EVMs.

- c. Then a Polling Station wise list indicating the Current ID and machine number of the CU/BU allotted to each PS will be prepared and signed by the R.O. The R.O will also prepare a separate list of CUs/BUs marked as 'R' indicating the current ID and machine number. Both the above lists will be signed by R.O and copies shared with the candidates/ agents/ representatives and their signature shall be obtained as the token of receipt.
- d. As per the existing instructions two types of address tags – one for use on CU and another on BU have been prescribed. From now on wards, the tag shall also contain the current ID no (as mentioned in the sticker- read para 7 above). The address tag attached to reserve CU/ BU shall indicate the 'Reserve' status of the unit. The tagging of address tag shall also be done at this stage itself – in the presence of candidates/ agents/ observer. All the CUs/ BUs allotted to Polling Stations as above as well as the reserve machines shall be kept in the strong room in the presence of candidates/ agents. They can also be allowed to affix their seal on the lock of the strong room.

8. DISPERSAL OF EVMs FOR ACTUAL POLL

- a. When the EVMs are taken out of the strong room for dispatch the usual precaution of informing the date and time of opening of strong room in writing to the candidates/ agents shall be followed.
- b. At the time of dispatch the Presiding Officers shall be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS no indicated on the sticker compared with PS no mentioned in the address tag before accepting the EVM. Discrepancy if any shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.
- c. The candidates may be advised to share the current ID and machine number of the EVM (both CU/ BU) allotted to the specific PS with their polling agent/ agents appointed by them so that they are in a position to inspect the EVM for their satisfaction before the commencement of mock poll on the poll day. The Presiding Officers shall be advised to display the sticker containing the machine number and current ID etc., to the agents present before the commencement of the mock poll. It is relevant to note that as per the existing instructions the presiding officer is supposed to mention the number of CU/ CUs used; serial numbers of CU/CUs used; numbers of BU/BUs used and serial numbers of BU/BUs used at the polling station in the Presiding Officer's Diary (refer: Chapter XXVIII, Para 1 of Handbook for Presiding Officers- At elections where electronic voting machines are used, 2004). This instruction shall be scrupulously followed.

10. REPLACEMENT OF EVM DURING POLL

In case of replacement of CU or BU due to reason at any polling station the sector officer or any authorized officer who effects such replacement shall prepare a special report indicating the machine number and current ID of the existing CU/BU and new CU /BU separately. The officer shall also mention in the special report, the reason for deployment of the spare CU/BU and the time of such replacement, votes polled in the replaced machine at that point of time and leave one copy of the special report with the Presiding Officer while retaining a copy to be handed over to the R.O..

11. RECEPTION OF EVMs AFTER POLL

The machines shall be escorted back after the poll is over to the reception centres under proper escort. After all formalities are completed, the EVMs shall be kept in strong room and the room sealed in the presence of the candidates/their agents and observer.

12. RE POLL

- a. In case of repoll, the EVM required for repoll shall be drawn from the reserve list and the CU/BU number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU and BU clearly mentions it to be the EVM for use in the repoll indicating the date and PS no..
- b. After repoll, for the storage of the repolled EVM, the strong room shall be re-opened in the presence of the candidates/ their agents and observer. This repoll EVM should be placed together with the old EVM which was used earlier in the original poll. A tag '**Not to be counted**' shall be put prominently on the old EVM and another tag '**Repoll EVM – to be counted**' shall be put on the new repoll EVM. RO shall put signature on both the tags.

13. COMMUNICATION TO POLITICAL PARTIES/ CANDIDATES

The political parties/candidates should be advised in writing to properly train their counting agents and that they should bring (for tallying purpose) their copies of Form 17-C which shows the machine numbers used at the polling station and was handed over to them at the close of the polling by the presiding officer. Besides, the candidates have also been given a consolidated list of polling station wise list of CUs used during the polls (Read Para 12 above). This along with the additional information given by RO in writing to the candidates regarding the machine numbers of CUs used as replacement and the CUs used during repoll will give a complete picture of the all the EVMs used at polling stations. In order to further facilitate, additionally, the RO shall paste the EVM deployment account indicating the CU numbers of EVM used polling station wise in the relevant counting hall itself for everyone to see.

14. VIDEOGRAPHY OF THE EVENTS

All the stages enumerated above shall invariably be fully covered with videography and records kept properly.

15. The above instructions should be complied with without any deviation and brought to the notice of all concerned, viz. the political parties, contesting

16. candidates, all field officers concerned and the Observers.
The receipt of the letter may kindly be acknowledged.

ANNEXURE-I

Name of the State/UT:				
Name of the election:				
District Name:				
Control Unit No.		District Running Srl.No.		
Current ID				
First Level Check			CU Randomization 1	
Date	Rep.BEL/ ECIL	Rep. D.E.O	Date	Rep D.E.O/ R.O
Randomization 2	Deployment Status	Polling Station No.		R.O./ARO.
Date				

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BY SPEED POST

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

K.N.BHAR
UNDER SECRETARY

No.51/8/7/2008-EMS (Inst.-II)

Date: 11/08/08

To,

The Chief Electoral Officers of
All the States and Union Territories

Sub: Use of EVM at polling stations additional instructions to ensure purity of elections.

Sir,

Feedbacks have been received about some polling officers and polling staff frequently going to the voting compartment at the time of actual poll to explain to the illiterate voters about how to use EVM. This gives scope for the polling agents of the candidates and political parties to make allegations about the neutrality of the polling staff. In order to ensure that the conduct of the presiding officer and other polling staff in no way gives scope for any complaint the Commission has issued the following instruction for the strict adherence:-

1. The D.E.O shall supply a printed sample of EVM ballot unit pasted on a cardboard (real size) to all the presiding officers along with other polling materials at the time of dispatch. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in color so that 'blue button' 'green light' and 'red light' etc are clearly represented.
2. Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.

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3. The Presiding Officer or other polling staff shall not frequent the voting compartment as that may give scope for complaints.
4. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time make an inspection of ballot unit (BU)- but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.
5. Any complaint about the conduct of the polling staff at the polling station shall be taken seriously and properly enquired. The Observers are being instructed to take serious note of such complaints and conduct or cause enquiry into such allegations and submit reports to the Commission.

This instruction shall be brought to the notice of all Presiding Officers during their training. Besides, a copy of this shall also be put in the kit handed over to the presiding officers along with other documents handed over at the time of dispatch. All political parties and candidates may also be informed about this new instruction.

The Receipt of the letter may kindly be acknowledged.

Yours faithfully,

(K.N.BHAR)

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 61/RJ-LA/28/2008

1300

Dated: 27th January, 2009

28th

To

The Chief Electoral Officer,
Rajasthan,
Jaipur.

कार्यालय मुख्य निर्वाचन अधिकारी
एवं पदेन प्रमुख शासन सचिव
निर्वाचन विभाग, राजस्थान

Sub:- Decoding of votes polled, in the EVM - regarding

कार्य क्रमांक 3572
दिनांक 3.1.09

Sir,

I am directed to refer to your letter No.P.3(1)(23)Nirva/2008/143 dated

07.01.2009 on the subject cited and to state that the manufacturer of the EVM,

namely M/s Bharat Electronics Limited, Bangalore and M/s Electronic Corporation

of India Ltd., Hyderabad have developed a device "Decoder" to detach the

particulars of the votes polled on the EVM and to establish as to which voter

voted for who. This facility, however, cannot be availed without orders of a

competent court.

Yours faithfully,

(ANUJ JAIPURIAR)
UNDER SECRETARY

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By Camp Bag

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

K.N.Bhar

Under Secretary

No.51/8/7/2009-EMS

Telefax:011-23052014

e-mail: knbhar@eci.gov.in

Dated: 8th April, 2009

To

**The Chief Electoral Officers of
All States and Union Territories.**

Subject: Cascading of additional Ballot Units when used – steps regarding.

Reference: Commission's letter No.51/8/7/2009-EMS, dated 5th April, 2009.

Sir/Madam,

In view of the large number of candidates contesting the polls during the General Elections 2009 as well as in the simultaneous elections in some of the states, the Commission directs that whenever additional Ballot Units are utilised if the number of candidates is more than 16 or 32 or so on then they should be numbered. When the additional Ballot Unit to be cascaded, one sticker should be pasted on the top of each Ballot Unit like "Ballot Unit Number 1" on the BU in which the ballot paper contains the name of candidates appearing at serial number 1-16 and "Ballot Unit Number 2" on the BU in which the ballot paper contains the name of candidates at serial numbers 17-32 and so on in the language used on the ballot paper. This should be done in such a way that 'Ready Lamp' or any other vital portion of Ballot Unit does not get covered. Under no circumstances such numbering will be done on any BU where single BU is being used.

Yours faithfully

(K.N.Bhar)

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ELECTION COMMISSION OF INDIA**Nirvachan Sadan, Ashoka Road, New Delhi-110001****K.N.BHAR
UNDER SECRETARY**

No.51/8/7/2009-EMS

Dated: 12th April, 2009

To

The Chief Electoral Officers of
the States/UTs

Sir,

I am directed to state that some states are using the EVMs of State Election Commission of their states or of other states. It has been brought to the notice of the Commission that the EVM of State Election Commission are inscribed with the word 'SEC of Maharashtra' and so on. The day the ECIL arranged a demo of the SEC's 'Multi-vote' – 'Multi –post' EVM by setting for 'Single-vote' and 'Single-post' a sticker was shown to the Commission like 'Election Commission of India'.

The Commission has decided that the states using the SEC's EVM will inform the manufacturer of the EVM to supply such sticker 'Election Commission of India' and paste it on the inscription of 'SEC of (name of the state)' on both the Control Units and Ballot Units. Once the election is over and such EVMs are being returned the sticker so pasted will be peeled off and the EVMs cleaned and then returned properly to the respective State Election Commissions.

Yours faith fully,

(K.N.BHAR)**Copy to**

1. The Chairman-cum-Managing Director,
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka.
2. The Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
Hyderabad, Andhra Pradesh
.....with a request to supply the required number of sticker mentioned above for this purpose.

(K.N.BHAR)

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/7/2009-EMS

Dated: 15th April, 2009

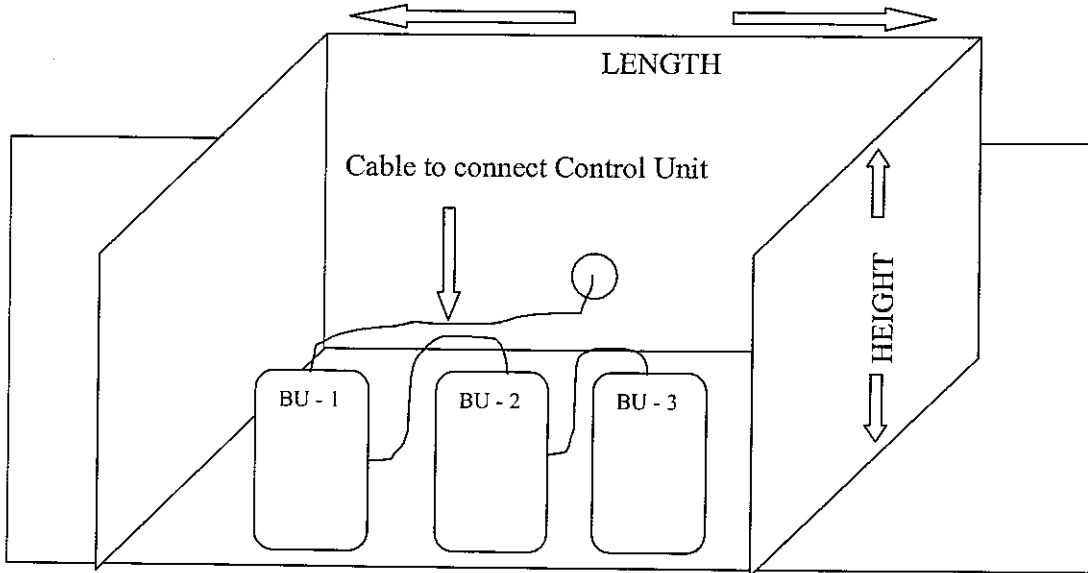
To

**The Chief Electoral Officers of
All States and Union Territories.**

Subject: Display of Ballot Units at Dispersal Centre for Demo.

Sir,

I am directed to state that multiple Ballot Units are to be used in such constituencies where number of contesting candidates has exceeded 16. Wherever more than one Ballot Units are utilized, a Demonstration on using multiple Ballot Units should be arranged at the 'Dispersal Centre' for all the Presiding Officers/Sector Officers so that there may be no confusion while connecting the multiple Ballot Units at Polling Stations (as in the figure below).



While setting up the EVMs for mock poll the Presiding Officers may obtain the assistance of Sector Officers in case of any difficulty.

Sector Officers should be instructed to ensure the cascading of multiple Ballot Units in the voting compartment (as shown above) of all the polling stations under their jurisdiction without fail before the commencement of poll.

Yours faithfully,

(K.N. Bhar)
Under Secretary

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.464/INST/2009/EPS

Dated : 12th May, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

**Sub: General Elections-2009-Security Measures for Electronic Voting
Machine-regarding.**

Sir/Madam,

In continuation of the Commission's earlier letter of even No. dated 12.05.2009 on the above subject, I am directed to state that paras (i) & (iv) of the said letter may be substituted and read as under :-

Para (i) "Keys of the EVM strongroom should be in safe custody with the RO/DEO. The candidates should be allowed to put their own seal on the strong room".

Para (iv) "A control room be opened in the premises from where watch may be kept on the strong room security".

This may be brought to the notice of all the concerned.

Yours faithfully,

**(SUMIT MUKHERJEE)
UNDER SECRETARY**

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi- 110 001.

No.464/INST/2009/EPS

Dated :12th May, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

**Sub: General Elections-2009-Security Measures for Electronic Voting
Machine-regarding.**

Sir/Madam,

The Commission vide it's letter No.464/OBS/EVM/2004, dated 12.04.2004 (copy enclosed) had issued instruction regarding the security and safety of electronic voting machines. During the General Election 2009 states would have to deploy respective State Armed Police to guard strong rooms containing polled EVMs due to the non-availability of CPF. The Commission has further reviewed the matter and has directed that the following measures be adopted for the Lok Sabha/Assembly Election 2009 in addition to the instructions mentioned in the Commission's above mentioned letter: -

- (i) Keys of the EVM strongroom should be in safe custody with the RO/DEO. The candidate should be allowed to put their own seal/lock etc. on the strong room and keep the keys with them.
- (ii) Arrangements should be made for candidates representative (not more than one each shift per candidate) to keep watch and guard the strong room.
- (iii) Video Cameras or CCTV Cameras should be installed out side strong rooms and such video recordings should be kept in safe custody.
- (iv) All contesting candidates should be intimated in writing to depute their representatives in the strong rooms to keep a close watch on security arrangement of Strong Room.

- (v) Sufficient number of police personnel should be deployed for the security of strong rooms.
- (vi) A control room adjacent to the Strong Room be opened round the clock;
- (vii) A Gazetted officer along with a police officers should be put on duty round the clock for monitoring the security arrangements of Strong Room.
- (viii) There should be sufficient arrangement of fire extinguishers near and inside the strong rooms.
- (ix) There should be an arrangement round the clock for the security of EVMs which have been segregated and stored after being used for training purposes.
- (x) District Election officer and Senior Superintendent of Police/Superintendent of Police would be completely responsible for the security of the EVM Strong Room and unused EVMs. They will analyse the arrangements and will ensure the security arrangements for EVM by visiting the place.

In this connection it is further directed that the DEOs should furnish a final report in the prescribed check list Annexure – 1 to the Chief Electoral Officers. The Chief Electoral Officers should ensure that the check list duly filled are received by them.

Yours faithfully,

(SUMIT MUKHERJEE)
UNDER SECRETARY

Annexure – 1

S. No.	Information to be furnished	Remarks
1.	Video Cameras or CCTV Cameras have been installed in strong rooms and the video recordings are kept in safe custody.	Yes/No
2.	All contesting candidates have been intimated in writing to depute their representatives in the strong rooms to keep a close watch on security arrangement of Strong Room.	Yes/No
3.	Sufficient number of police personnel has been deployed for the security of strong rooms.	Yes/No
4.	A control room adjacent to the Strong Room has been opened round the clock;	Yes/No
5.	A Gazetted officer along with a police officers has been put on duty round the clock for monitoring the security arrangements of Strong Room.	Yes/No
6.	Sufficient arrangements for installation of fire extinguishers in the strong rooms have been made.	Yes/No
7.	Arrangements have been made for round the clock security of EVMs which have been segregated and stored after being used for training purposes.	Yes/No

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By Speed Post /e-mail

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/6/2010-EMS

Dated: 3rd May, 2010

To

The Chief Electoral Officers
Of all States and Union Territories

Sub: Storage and Safety arrangement of EVMs- regarding.

Sir,

The Election Commission of India, from time to time, has been issuing instructions on the various aspects of the EVM viz. storage, movement, physical verification. In consolidation of earlier instructions in these regards and for greater transparency on use of EVMs, the Commission has decided that the following instructions to be followed meticulously without any deviation:-

1. STORAGE, MOVEMENT AND PHYSICAL VERIFICATION OF EVMs

STORAGE

A. Action to be taken immediately

- I. A committee consisting of officer nominated by Deputy Election Officer (not below the rank of Sub-Divisional Magistrate), Election Supervisor and Warehouse-in-charge of EVMs shall be constituted for every district.
- II. This committee shall carry out 100% physical verification of EVMs in the district. 100% physical verification for the current year shall be completed before 30th May, 2010. Details of all EVMs in the district shall be entered in Master Stock Register (MSR). MSR shall be maintained warehouse-wise for every district in the format given in **Annexure –A**. Every EVM in the district whether in working condition or not must be entered in the MSR.

Annexure-A

(Master Stock Register) Part- A (Control Unit)

Name of State/Union Territory:

Name of District:

Name of sub-division/taluka:

Address of Warehouse:

CU ID No.	Box No.	Name of Manufacturer	Year of Manufacture	Date of Receipt	Receipt Challan No.	Date on receipt challan	Name and designation of receiver	Signature of receiver	Signature of Warehouse e-in-charge	Remarks
1	2	3	4	5	6	7	8	9	10	11

Part-B (Ballot Unit)

BU ID No.	Box No.	Name of Manufacturer	Year of Manufacture	Date of Receipt	Receipt Challan No.	Date on receipt challan	Name and designation of receiver	Signature of receiver	Signature of Warehouse in-charge	Remarks
1	2	3	4	5	6	7	8	9	10	11

III. After complete physical verification of EVMs and entry of their details in the MSR, the committee given in point no. (i) shall certify on the MSR that physical verification of EVMs has been carried out and the details of all EVMs available in the district have been entered in the MSR of respective warehouse as well as in the Ledger of EVMs. In the ledger of EVMs every page should be allocated each of the CU for CU-Ledger and BU for BU-Ledger in the format given in **Annexure-AA**. Based on this certificate, the DEO shall send a certificate in the format given in **Annexure - B** to the Commission through the CEO of the concerned States/UTs.

Annexure-AA

CU ID No.	Box No.	Name of Manufacturer	Year of Manufacture	Date of Receipt	Receipt Challan No.	Date on receipt challan	Present Status (Available in warehouse)	If not available then reason thereof.	Date of movement from warehouse	Remarks
1	2	3	4	5	6	7	8	9	10	11

Part-B (Ballot Unit)

BU ID No.	Box No.	Name of Manufacturer	Year of Manufacture	Date of Receipt	Receipt Challan No.	Date on receipt challan	Present Status (Available in warehouse)	If not available then reason thereof.	Date of movement from warehouse	Remarks
1	2	3	4	5	6	7	8	9	10	11

**Annexure-B
(Physical Verification Report)**

Name of State/Union Territory:

Name of District:

Name of warehouse	Location of warehouse	No. of Control Units in warehouse		No. of Control Units physically verified		No. of Control Units not in warehouse as mentioned in Master Stock Register		No. of Ballot Units in warehouse as mentioned in Master Stock Register		No. of Ballot Units physically found verified		No. of Ballot Units not in warehouse	
		BEL	ECIL	BEL	ECIL	BEL	ECIL	BEL	ECIL	BEL	ECIL	BEL	ECIL

Note- Reasons for EVM for not being available in warehouse.

(Signature of District Election Officer)

B. Method of storage of EVMs

- i. As far as possible EVM should be stored in Treasury.
- ii. EVMs must be stored in a separate warehouse where nothing other than EVM is kept.
- iii. Normally the EVMs should be stored at District Head Quarters.
- iv. However, if it is not possible to store the EVMs at District HQ, then EVM storage warehouse should not be at a place below Tehsil headquarter.
- v. EVM storage warehouse must not have more than one (1) entry point. If there are any other doors or windows in the warehouse, they should be sealed using brick-masonry or concrete.
- vi. Entry of EVM storage warehouse must be secured by a double lock system, which should be held jointly by two separate officers to be nominated by the DEO. One of whom will be not below the rank of Sub-Divisional Magistrate.
- vii. Warehouse must be kept in such a manner that there is no dampness, pests, rodents etc. Proper fire-fighting arrangement must be available. Warehouse should be free from flood/water logging risk/cracks/leakage/broken window etc.. EVMs must be kept in a safe manner.
- viii. Adequate security arrangement to be made at warehouse by deputing police/security guard.

C. Procedure for opening/closing of warehouse.

- i. The DEO shall nominate one (1) officer not below the rank of Tehsildar to be in-charge of every EVM warehouse.
- ii. Warehouse will be opened only on the written orders of the DEO and not otherwise.
- iii. Since the warehouse containing the EVMs will be under double lock system, both officers nominated by the DEO, to maintain the double lock system, must be physically present at the time of opening and closing of the warehouse. They will insert their own keys in the lock and will not give their key to any other officer for this purpose.
- iv. National and State recognized political parties shall be informed in writing at least 24 hours in advance about the date and time of opening and closure of EVM warehouse. Their authorised representatives will be allowed to be present at the time of opening and closure of the warehouse and their signature shall be taken in a logbook to be maintained for this purpose. Format of the logbook is given in **Annexure-C**. The entire process should be videographed.

Annexure-C

(Log Book)

Part- A (Control Unit)

Master Stock Register No.	Purpose of opening of warehouse (Poll/ Training/ Voter awareness/ maintenance/ diagnostic test/physical verification)	Name & Signature of recognized political parties or their representatives with party affiliation	Signature of Warehouse-in-charge

Part-B (Ballot Unit)

Master Stock Register No.	Purpose of opening of warehouse (Poll/ Training/ Voter awareness/ maintenance/ diagnostic test/physical verification)	Name & Signature of recognized political parties or their representatives with party affiliation	Signature of Warehouse-in-charge

MOVEMENT OF EVMs

- i. EVMs shall not be moved in and out of the EVM warehouse without the written orders of the DEO in the format given in **Annexure -D**.

Annexure-D

(to be pasted in the Log Book after opening of the warehouse)

Permission is hereby granted to open the EVM warehouse located at.....on(date) at.....(time).

The following officers are authorized to open the double lock and will remain physically present at the time of opening/closing of the warehouse: -

- 1.....
- 2.....

The warehouse is being permitted to be opened for the following purpose in presence of representatives of the following political parties (with affiliation)

(Signature of District Election Officer)

- ii. The order shall clearly state the purpose of movement, whether the movement is temporary or permanent, and if it is temporary, the period for which EVM is being sent out of the warehouse. The order shall also clearly state the name and designation of the officer who shall be receiving the EVM from the warehouse.

iii. On receiving the written order of the DEO, the warehouse in-charge shall identify the EVMs to be moved out and make an entry of the details of such EVMs in a movement register to be kept by him as given in the format in **Annexure -E**. If the EVM is being moved out permanently then an entry to that effect shall be made in the remarks column of MSR. The warehouse in-charge shall take a written acknowledgement from the officer who is receiving the EVM in the format given in **Annexure-F** as proof of having received the EVMs.

**Annexure-E
(Movement Register)**

Part- A (Control Unit)

Master Stock Register No.	CU ID No.	Purpose of sending CU (Poll/ Training/ Voter awareness/ maintenance/ diagnostic test etc.)	Whether the movement of CUs is temporary or permanent.	When CUs are returned/received to warehouse.	Name & designation of the officer who shall be receiving/ returning CUs from/to warehouse	Name & Signature of recognized political parties or their representatives with party affiliation

Part-B (Ballot Unit)

Master Stock Register No.	BU ID No.	Purpose of opening BU (Poll/ Training/ Voter awareness/ maintenance/ diagnostic test etc.)	Whether the movement of BUs is temporary or permanent.	When BUs are returned/ received to warehouse.	Name & designation of the officer who shall be receiving/ returning BUs from/to warehouse	Name & Signature of recognized political parties or their representatives with party affiliation

*** Permanent means that the EVM is not be returned to the warehouse.**

Annexure-F

I,.....(Name, designation, Official Address) have received.....[list of ID Number of all EVMs (Ballot Unit and Control Unit separately) signed by Store-in-charge] from(Name of Warehouse-in-charge) of EVM warehouse located at.....on(date) at.....(time), for the following purpose.....

.....

(Signature of Receiver)

iv. When EVMs are returned to the warehouse an entry to that effect shall be made in the movement register and the warehouse in charge shall give a written receipt in the format given in **Annexure-G** to the officer who has returned the EVMs to the warehouse.

Annexure-G

I,.....(Name of Warehouse-in-charge, designation, Official Address) of EVM warehouse located at.....have received.....[list of ID Number of all EVMs (Ballot Unit and Control Unit separately)] from(Name of officer who has returned the EVMs) on(date) at.....(time).

(Signature of Warehouse-in-charge)

v. On the days when the EVM warehouse is opened, a stock statement in the format given in **Annexure -H** shall be prepared by the warehouse in-charge. Even if EVM warehouse is not opened for the entire month, a stock statement in **Annexure -H** shall be prepared once a month by the warehouse in-charge and sent for the perusal of the DEO on the last working day of the month.

Annexure-H

Name of State/Union Territory:

Name of District:

Name of sub-division/taluka:

Address of Warehouse:

Name of Officer-in-charge of warehouse (with designation):

1. Total No. of EVMs in Master Stock Register-.....
2. Total No. of CUs outside the warehouse-.....
 - a. For poll-.....
 - b. For Training-.....
 - c. For Voter awareness-.....
 - d. For maintenance-.....
 - e. For diagnostic test-.....
3. Total No. of CUs in the warehouse-.....
4. Total No. of BUs outside the warehouse-.....
 - a. For poll-.....
 - b. For Training-.....
 - c. For Voter awareness-.....
 - d. For maintenance-.....
 - e. For diagnostic test-.....
5. Total No. of BUs in the warehouse-.....

(Name, designation and signature of Warehouse-in-charge)

vi. An account of the EVM in usable and in unusable condition shall also be kept in **Annexure-I**.

Annexure-I

Name of Warehouse	Location of warehouse	No. of Control Units with ID Nos. in warehouse		No. of Control Units with ID Nos. Which are usable		No. of Control Units with ID Nos. which are unusable		No. of Ballot Units with ID Nos. in warehouse		No. of Ballot Units with ID Nos. which are usable		No. of Ballot Units with ID Nos. which are unusable	
		BEL	ECIL	BEL	ECIL	BEL	ECIL	BEL	ECIL	BEL	ECIL	BEL	ECIL

(Signature of Warehouse-in-charge)

QUARTERY PHYSICAL VERIFICATION OF EVMs

100% physical verification of EVMs shall be carried out by the Committee mentioned at point no. (i) above every quarters in the month of January, April, July and October so that the report of the same is made available to the Commission through the CEO of the concerned States/UTs by 20th of the next month. 100% physical verification for the current quarter will be done by 30th May, 2010 so that the report is received in the Commission through the Chief Electoral Officer latest by 15th June 2010. If there is an election during the year, the DEO shall carry out 100% physical verification of EVMs during the First Level Checking of the EVMs and send the report to the Commission through Chief Electoral Officer.

Yours faithfully,

(K.N. Bhar)
Under Secretary

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi 110 001

K.N. Bhar
Secretary

No.51/8/16/4/2010-EMS

Dated: 4th August, 2010

To,

1. Chairman-cum-Managing Director
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045,
Karnataka.
2. The Chief Electoral Officer,
Bihar, Patna.
3. Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
Hyderabad-500015,
Andhra Pradesh.
4. The Chief Electoral Officers of all States and Union Territories (except Bihar).

Sub: Protocol for First Level Checking (FLC) of EVMs.

Sir,

In consolidation of all instructions issued by the Commission on FLC, following instructions are hereby issued for the protocol to be followed in FLC: -

1. **FLC when to be done.**
FLC of EVMs shall be done before every bye-election and General Election. It will be done sufficiently in advance so that all checks are carried out without any undue haste in the presence of representatives of political parties. FLC of EVM shall be completed, in any case, before finalization of the list of contesting candidates in an election.
2. **FLC to be done in the presence of representatives of political parties.**

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Depending on the number of EVMs to be checked in FLC, the DEO shall prepare a schedule for the FLC of EVM in consultation with the EVM manufacturers (ECIL & BEL) and the CEO. The schedule will be made in such a manner that sufficient time is available for FLC of EVMs by engineers of manufacturers. The schedule for FLC shall be communicated to every national and state level recognized political party in writing by the DEO at least one week before the beginning of the FLC in the district. On the day of the FLC, representatives of all national and state level recognized political parties authorized by the District President of the party shall be allowed to be present. A register shall be kept by the DEO in Annexure –A in which signatures of all political parties shall be taken every day as token of their presence.

3. Arrangements in the premises of FLC.

FLC shall be carried out in a large hall which can accommodate EVMs to be checked. The hall should be able to accommodate officers nominated by the DEO, engineers of BEL and ECIL and also representatives of political parties. Before the hall is used for FLC, it shall be fully sanitized to ensure that the hall is free from any other electronic device or components of electronic devices. Every entry to the hall shall be guarded by police force. Every hall shall have a door frame, metal detector. Every person who enters the hall shall be frisked at every entry. Entry to this hall shall be on production of Identity Card of the authorized officials/passes issued by the District Election Officer. Nobody will be allowed to carry any electronic device inside the hall including cell phones, camera and spy pens etc.. Similarly, nobody will be allowed to carry anything out of the FLC hall.

4. Manpower in FLC.

FLC shall be carried out only by authorized engineers of BEL and ECIL. BEL and ECIL shall be fully responsible for the integrity, efficiency and competence of their engineers. List of engineers deputed by BEL and

ECIL for carrying out FLC in a district alongwith their identity card numbers etc. shall be communicated in writing by BEL and ECIL to the DEO. No engineers, technicians or other technical staff except authorized engineers/technical staff of BEL and ECIL shall be allowed to enter the FLC hall. Authorized persons will be allowed to enter the FLC hall only after proper identification using photo identity documents.

5. Work to be done during FLC.

At the time of FLC, the following shall be done:-

- a) Removal of address tags, Ballot Papers, cleaning of superscriptions on CU & BU, clearing of earlier poll data, dusting of CU & BU etc. These activities are carried-out in the secured place/protected place provided by the District Election Officers.
- b) Visual Inspection of CU/BU: Physical verification of Carrying Cases, Control Unit, Ballot Unit, Connecting Cable, Connector, Latches etc. to ensure no breakages.
- c) Full functionality checks: Checking of all switches in Control Unit & Ballot Unit, doors (flaps), sealing provisions, scratches on acrylic screen etc. Response of all switches, confirmation tests for efficacy of Control Unit, Ballot Unit etc. – **BEL and ECIL engineers shall carry out test prescribed by the manufacturers to confirm that all components of the EVM are original. BEL and ECIL engineers will certify in Annexure-B that all the components of the EVMs are original. If any EVM is found to be defective, it will be kept aside and then taken to the factory of BEL and ECIL for repairs.** No repair of the machine shall be carried out in the field. Opening of the plastic cabinet cover of the machines is not permitted in the field. Changing of components of the machines in the field is strictly prohibited. Detailed step-by-step instructions of checking of the machine shall be issued separately by BEL and ECIL for their respective machines. These instructions will include a list of equipment, which the engineers will be required to carry with them in

FLC hall. Security personnel will not allow any other equipment to be carried into the FLC hall.

- d) Conduct of Mock Poll: Casting of votes against all 16 candidate switches, observation of result & clearing of mock poll data will be done for each EVM. In **10% percent** of EVMs at least 1000 votes shall be polled during the mock poll. In rest of the machines number of votes polled during the mock poll should be to the satisfaction of the representatives of political parties. Representatives of political parties shall be allowed to do the mock poll themselves. Signatures of representatives of political parties shall be taken in a register in Annexure –C as a token of having done mock poll themselves.

- e) Demonstration of printout of results.

A printout of the results of mock poll as well as a sequential print out of every vote polled during the mock poll shall be taken out for at least 10% of EVMs and shown to the representatives of political parties. Representatives of political parties shall be allowed to pick machines randomly for this purpose. Signatures of representatives of political parties shall be taken in a register in Annexure-D as a token of having seen the print out and confirm that there is no discrepancies between the votes polled during the mock poll and results in the print out.

6. Sealing of plastic cabinet of Control Unit of EVMs with pink paper seal.

In order to ensure that the Control Unit of the EVM has not been opened after First Level Checking of the EVMs, the Control Unit shall be sealed with the 'Pink Paper Seal' supplied by the Nasik Security Press in the presence of the representatives of the Political Parties present at the time of FLC. The Pink Paper Seal shall be affixed on the portion between the Candidate Set Section and the Result Section of the Control Unit.

After fixing the Pink Paper Seal, the Engineer of the Manufacturer shall put his signature on the Pink Paper Seal; the representatives of the Political

Parties shall also be allowed to put their signature on the said seal with party name in abbreviation below the signature. The representatives of the Political Parties present should be allowed to note down the serial number of the pink paper seal affixed on the Control Unit. A register in Annexure – E shall be maintained to note down the serial number of the pink paper seal used on the Control Unit by clearly mentioning the unique ID number of Control Unit and the Pink Paper Seal number. Signatures of representatives of political parties will also be obtained on this register. Photocopy of this register will be given free of cost to all National and State level recognized political parties as soon as FLC is over. Photocopy of this register will also be given to all contesting candidates as soon as last date of withdrawal of candidature is over. Photocopy of this register should also be available at the time of candidate setting and at the time of counting, and should be shown to candidates and their representative and acknowledgement taken on the register.

7. Supervision of FLC

The DEO shall nominate one officer not below the rank of Additional District Magistrate to supervise the entire process of FLC. This officer shall be present in the FLC hall for the entire duration of FLC. The process of FLC shall be continuously videographed. Video CD will be kept in the custody of DEO. CCTV cameras shall be put in the FLC hall in such a manner that the process of FLC can be seen on CCTV in the office of DEO.

8. Copy of the letter should be given to all National and State level political parties. Copy of this letter should also be given to all the contesting candidates after the last date of withdrawal of candidatures in any elections.

Yours faithfully,

(K.N. Bhar)

Annexure-A
(Register for First Level Checking of EVMs)

Name of State/UT:
Name of District:
Address of FLC hall:
Date:

S.No.	Name of National/State Party	Name of representative of political party with party affiliation	Identity document No. with date	Signature of representative	Remarks, if any.

Note: If the representative of a party is absent the proof of due service of notice to the party should be pasted in the register.

(Name and signature of engineers of BEL/ECIL with ID No.)

(Name, designation, signature of officers nominated by District Election Officer)

Annexure-B
(Certification of EVMs by BEL/ECIL)

Name of State/UT:

Name of District:

Address of hall:

Date:

It is certified that tests prescribed by BEL/ECIL to ascertain that all components are original were carried out on the EVMs listed below on..... (date). On the basis of these tests it is certified that all components of the EVMs listed below are original.

CU Identification No.

BU Identification No.

<u>CU Identification No.</u>	<u>BU Identification No.</u>

(Name & signature of BEL/ECIL engineers with ID No.)

Annexure-C
(Mock Poll certification during First Level Checking of EVMs)

Date:.....

Name of State/UT:

Name of District:

Address of hall:

It is certified that I have done mock poll on..... EVMs and I am fully satisfied with the functioning of EVMs.

S.No.	Name of National/State Party	Name of representative of political party with party affiliation	Identity document No. with date	Signature of representative	Remarks, if any.

Annexure-D
(Mock Poll certification during First Level Checking of EVMs)

Date:.....

Name of State/UT:

Name of District:

Address of hall:

It is certified that a printout of the result of mock poll as well as a sequential print out of every vote polled during the mock poll has been taken out from EVMs picked up by me. There are no discrepancies between the votes polled during the mock poll and result in the print out.

S.No.	Name of National/State Party	Name of representative of political party with party affiliation	Identity document No. with date	Signature of representative	Remarks, if any.

Annexure-E
(Register for Sealing of Control Unit of EVMs using Pink Paper Seal)

Name of State/UT:
 Name of District:
 Address of FLC hall:
 Date:

It is certified that the sealing of the Control Units using Pink Paper Seals has been done in my presence. I have put my signature on the Pink Paper Seals after sealing of the Control Units and I am satisfied with the sealing of the Control Units.

Sl.No.	Unique ID No. of Control Unit	Pink Paper Seal Number

S.No.	Name of National/State Party	Name of representative of political party with party affiliation	Identity document No. with date	Signature of representative

(Name, designation, signature of officers nominated by District Election Officer)

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By Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

DILIP K VARMA
UNDER SECRETARY

No. 51/8/EVM-A&T/2010-EMS

Dated: 13 /8/2010

To

The Chief Electoral Officers
Of all States and Union Territories.

Subject: EVM awareness programmes and EVM training- regarding.

Sir,

The Commission has issued various instructions and guidelines on EVM awareness programmes and EVM training at various levels to ensure that EVMs are properly prepared and operated on the day of poll and electors are familiar with the use of EVMs etc.

The Commission has decided that before every election, in advance, extra thrust should be provided to organize "Hands-on" training to the Returning Officers, Presiding Officers and polling personnel in particular and to create due awareness amongst the political parties, candidates and electors of the State/UT. For this purpose you are requested to plan and organize the EVM training in two/three stages covering the Returning Officers and Government employees who would be the probable Presiding Officers or polling personnel during the elections in your state so that they can get thorough knowledge of working of the electoral process using the EVMs. The Presiding Officers /polling personnel should have a comprehensive, thorough and "Hands-on" exposure for setting up of machine, mock/actual polling and counting process as the case may be.

In addition to above, demonstration centers may be set up for the benefit of public so that they can get an opportunity to operate the EVMs and learn the process of recording the vote through them. Such demonstration centers may be set up especially on Sundays and holidays in strategic public places so that a large number of electors can be covered under the programme of demonstration.

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The Commission has directed that EVM awareness programmes and EVM training should be conducted only by officials authorised by the Election department and no EVM should be given to any non-official for any purpose.

Kindly bring these instructions to the notice of all concerned for strict compliance. Any deviation from this will be viewed seriously by the Commission.

Yours faithfully,

(Dilip K Varma)

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By Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

K.N.BHAR
SECRETARY

No. 51/8/4/2010-EMS

Dated: 17th September, 2010

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: Loaning of EVMs to State Election Commissions for conducting local bodies elections- regarding.

Sir,

I am directed to state that the Commission has directed that the following conditions, in addition, will be strictly followed for the EVMs belonging to Election Commission of India during use by the State Election Commissions: -

1. SEC-EVMs and ECI-EVMs shall not be mixed together at any level. The EVMs belonging to the Commission have to be used in a constituency exclusively.
2. The first level checking of the EVMs shall be done only by the authorized engineers of Bharat Electronics Limited, Bangalore and Electronics Corporation of India Limited, Hyderabad, as the case may be, and not by any other engineers etc. The Commission's instructions No.51/8/16/4/2010-EMS, dated 4th August, 2010 on protocol for first level checking of EVMs shall be followed in letter and spirit.
3. The storage and safety norms mentioned in the Commission's letter No.51/8/6/2010-EMS, dated 3rd May 2010 will be followed by the State Election Commission in letter and spirit.
4. Any other instructions issued by the Commission for use of its EVMs from time to time shall also be strictly followed.
5. These instructions should be communicated in writing to the State Election Commissioners and the CEOs should keep a watch that these are being strictly followed.

Kindly acknowledge the receipt.

Yours faithfully,

(K.N.BHAR)

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ELECTION COMMISSION OF INDIA

K.N. Bhar

Secretary

No.51/8/7/2010

Dated: 23rd September, 2010

To,

1. The Chief Electoral Officer, Bihar, Patna.
2. Chief Electoral Officers of all States and UTs (except Bihar).

Reference: 1. Commission's letter No. 51/8/7/2007-PLN-IV, dated 12/10/2007.
2. Commission's letter No. 464/OBS/EVM/2007 PLN-IV, dated 12/10/2007.
3. Commission's letter No. 51/8/7/2008-EMS (Inat.-I), dated 11/8/2008.

Sub: Preparation of Electronic Voting Machines (EVMs) during elections-reg.

Sir,

In addition of the instructions of the Commission on the subject cited, the following shall also be strictly done during process of preparation of EVMs during elections.

1. **Preparation of EVMs shall be done in the presence of representatives of candidates.**

Preparation of EVMs for elections shall be done invariably in the presence of representatives of candidates. The Returning Officer shall draw a schedule for preparation of EVMs. Preparation of EVM should start as soon as possible after the last date of withdrawal of candidatures. Sufficient time should be provided for preparation of EVMs for each Assembly Constituency in the case of Assembly Elections and for each assembly segment in the case of Parliamentary Elections. It may be noted that the time required for preparation of EVM under the new instructions will be sufficiently more than the time required earlier. Therefore, the schedule should be fixed in such a manner that preparation

of EVM is not done in a hurried manner. Ideally, the Returning Officer should fix between 3-5 days for each assembly segment for this purpose. In case of Parliamentary Elections, preparation of EVM for assembly segment should be supervised by Assistant Returning Officers. The schedule should be made in such a manner that preparation of EVMs is done for all the assembly segments in separate halls and is completed at least 8 – 10 days before the poll. Candidates should be informed in writing of the schedule for preparation of EVMs and should be requested to be present or send their representatives at the time of preparation of EVMs. On the day of the preparation, a register in Annexure-A will be kept by the Returning Officer in which the signature of candidates or their representatives will be taken as token of their presence.

2. Arrangements in the premises of preparation of EVM.

Preparation shall be carried out in a large hall which can accommodate all EVMs to be prepared. The hall should be able to accommodate officers nominated by the District Election Officer, engineers of Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL) and also representatives of candidates. Before the hall is used for preparation, it shall be fully sanitized to ensure that the hall is free from any other electronic device or components of electronic devices. Every entry to the hall shall be guarded by police force. Every hall shall have a doorframe metal detector. Every person who enters the hall shall be frisked at every entry. Entry to this hall shall be on production of Identity Card of the authorized officials/passes issued by the District Election Officer (DEO). Nobody will be allowed to carry any electronic device inside the hall including cell phones, camera and spy pens. Similarly, nobody will be allowed to carry anything out of the preparation hall.

3. Manpower for preparation.

Only the authorized engineers of BEL and ECIL shall be associated with the preparation of EVMs. BEL and ECIL shall be fully responsible for the integrity, efficiency and competence of their engineers. List of engineers

deputed by BEL and ECIL for carrying out task during the preparation of EVM in a district alongwith their identity card numbers etc. shall be communicated in writing by BEL and ECIL to the DEO. No engineers, technicians or other technical staff except authorized engineers/technical staff of BEL and ECIL shall be allowed to enter the preparation hall. Authorized persons will be allowed to enter the preparation hall only after proper identification using photo identity documents. It may be noted that a separate team will be required for each EVM in which 1000 votes are cast during mock poll because the time required for casting of 1000 votes will be at least 4 hours.

4. Additional tasks during preparation.

Detailed instructions of the tasks to be done during preparation of EVMs have been given in the letters referred to above. In addition to these tasks, following additional tasks shall be performed: -

- (a) **Checking of Balloting Units (BUs):** BUs shall be opened completely and shown to candidates and their representatives at the time of preparation of EVMs. BU shall be examined by BEL and ECIL engineers who will certify as in Annexure-B that all components of BUs are original. If any BU is found defective, it will be kept aside and can be taken back to the factory of BEL and ECIL for repairs. No repairs shall be carried out in the field. Changing of components in the field is strictly prohibited. Detailed instructions of checking of BU shall be issued separately by BEL and ECIL for their respective machines. These instructions will include a list of equipment which the engineers will be required to carry within the preparation hall. Security personnel will not allow any other equipment to be carried into the preparation hall.
- (b) **Conduct of Mock Poll:** Casting of votes against all 16 candidate switches, observation of result & clearing of mock poll data will be done for each EVM. In 10 % (ten percent) of EVMs at least 1000 votes

shall be polled during the mock poll. In rest of the machines number of votes polled during the mock poll should be to the satisfaction of the representatives of candidates. Representatives of candidates shall be allowed to do the mock poll themselves. Signature of representatives of candidates shall be taken in a register in Annexure –C as a token of having done mock poll themselves. It may be ensured that the pink paper seal of the CU which has been applied on the CU at the time of FLC is not damaged in any manner in this process.

- (c) **Demonstration of printout of results:** A printout of the results of mock poll as well as a sequential print out of every vote polled during the mock poll shall be taken out for at least 10% of EVMs and shown to the representatives of political parties. Representatives of candidates shall be allowed to pick machines randomly for this purpose. Signatures of representatives of candidates shall be taken in a register in Annexure- D as a token of having seen the print out and confirm that there is no discrepancy between the votes polled during the mock poll and results in the print out.
- (d) **Sealing of plastic cabinet of BU with pink paper seal:** Detailed instructions of BU with thread seals already exists. Those instructions shall be followed. In addition, the BU shall be sealed with a special “pink paper seal” supplied by India Security Press, Nasik, in the presence of candidates or their representatives at the time of preparation of EVMs. Pink paper seal shall be fixed at the lower most portion of the BU in such a manner that no candidate’s button or candidate’s name or symbol is hidden by the seal. After affixing the pink paper seal, BEL and ECIL engineer shall put his signature on the pink paper seal. Candidates or their representatives shall also be allowed to put their signatures on the pink paper seal with name of the candidate, party before the signature. Candidates and their representatives should also be allowed to note down the serial number of the pink paper seal on the CU. A register in Annexure - E shall be

maintained to note down the serial no. of the pink paper seal used on the ballot unit by clearly mentioning unique ID of the BU and pink paper seal no. Signatures of candidates and their representatives will also be obtained on this register. Photo copies of this register will be given free of cost to all candidates once preparation is over.

(e) **Supervision of the preparation:** Preparation shall be supervised either personally by the RO or one of the AROs deputed by the RO for this purpose. The process of preparation of EVM should be fully videographed.

Copy of this letter should be given to all the national and State level political parties. Copy of this letter should also be given to all contesting candidates after the withdrawal of candidates in any election.

Yours faithfully,

(K.N. Bhar)

Annexure-A
(Register for Preparation of EVMs)

Name of State/UT:

Name of District:

Address of Preparation of EVM hall:

Date:

S.No.	Name of candidate	Name of representative of candidates with party affiliation, if any	Identity document No. with date	Signature of candidates/ His representative	Remarks, if any.

Note: If a candidate or his representative is absent the proof of due service of notice to the candidate should be pasted in the register.

(Name and signature of engineers of BEL/ECIL with ID No.)

(Name, designation, signature of officers nominated by District Election Officer)

Annexure-B
(Certification of EVMs by BEL/ECIL)

Name of State/UT:
Name of District:
Address of hall:
Date:

It is certified that tests prescribed by BEL/ECIL to ascertain that all components are original were carried out on the Ballot Unit listed below on..... (date). On the basis of these tests it is certified that all components of the Ballot Unit listed below are original.

BU Identification No.

(Name & signature of BEL/ECIL engineers with ID No.)

Annexure-C
(Mock Poll certification during Preparation of EVMs)

Date:.....

Name of State/UT:
Name of District:
Address of hall:

It is certified that I have done mock poll on..... EVMs and I am fully satisfied with the functioning of EVMs.

S.No.	Name of candidate	Name of representative of candidates with party affiliation, if any	Identity document No. with date	Signature of candidate/his representative	Remarks, if any.

Annexure-D
(Mock Poll certification during Preparation of EVMs)

Date:.....

Name of State/UT:

Name of District:

Address of hall:

It is certified that a printout of the result of mock poll as well as a sequential print out of every vote polled during the mock poll has been taken out from EVMs picked up by me. There are no discrepancies between the votes polled during the mock poll and result in the print out.

S.No.	Name of candidate	Name of representative of candidate with party affiliation, if any	Identity document No. with date	Signature of candidate/his representative	Remarks, if any.

Annexure-E
(Register for Sealing of Ballot Unit of EVMs using Pink Paper Seal)

Name of State/UT:
 Name of District:
 Address of FLC hall:
 Date:

It is certified that the sealing of the Ballot Units using Pink Paper Seals has been done in my presence. I have put my signature on the Pink Paper Seals after sealing of the Ballot Units and I am satisfied with the sealing of the Ballot Units.

Sl.No.	Unique ID No. of Ballot Unit	Pink Paper Seal Number

S.No.	Name of candidate	Name of political party with party affiliation, if any	Identity document No. with date	Signature of candidate/ his representative

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.51/8/16/4/2010-EMS

Dated: 8th December, 2010

To

The Chief Electoral Officers of
all States and Union Territories.

Subject: Protocol for First Level Checking of EVMs - regarding.

Ref: Commission's instruction No.51/8/16/4/2010-EMS dated 4th August
2010.

Sir,

I am directed to refer to the above cited letter of the Commission and to state that the Commissioner desires complete transparency and complete involvement of representatives of political parties in the process of First Level Checking (FLC) of Electronic Voting Machines (EVMs). It is, therefore, clarified that the plastic cabinets of both Control Unit and Ballot Unit of the EVMs shall be opened by the BEL/ECIL engineers in the presence of political party representatives at the time of FLC and the PCB and other components of EVMs will be shown to them. Instructions contained in Para 5 (c) of the above cited letter of the Commission stand modified to that extent. Please inform all concerned and ensure strict compliance at the time of FLCs in the future.

Yours faithfully,

(K.N. BHAR)
SECRETARY

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Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110 001.

No. 576/3/EVM/2011/SDR

Dated: 14th March, 2011.

To

The Chief Electoral Officers of -

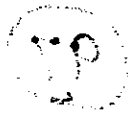
1. Assam
2. Kerala
3. Tamil Nadu
4. Puducherry
5. West Bengal

Subject:- General Election to the Legislative Assemblies, 2011— Use of Electronic Voting Machines.

Sir,

I am directed to forward herewith the Commission's Direction bearing No. 576/3/EVM/2011/SDR(LA), dated 14-3-2011 issued in pursuance of Section 61A of the Representation of the People Act, 1951, specifying 126 Assembly Constituencies in Assam, 140 Assembly Constituencies in Kerala, 234 Assembly Constituencies in Tamil Nadu, 30 Assembly Constituencies in Puducherry and 294 Assembly Constituencies in West Bengal, as the Constituencies where giving and recording of votes at the current General Elections to the State Legislative Assemblies notified/to be notified on 10th March, 2011, 18th March, 2011, 19th March, 2011, 24th March, 2011, 30th March, 2011, 2nd April, 2011, 7th April, 2011, 11th April, 2011 and 14th April, 2011, shall be by means of Electronic Voting Machines. The Direction may be published in the Official Gazette of the State immediately and two copies of the Gazette may be forwarded to the Commission for its information and record.

.....



2. I am further directed to invite your attention to the rules 49A, 49B, 49P and 49T(2) of the Conduct of Elections Rules, 1961, relating to the designs of voting machines, form and language(s) of the ballot paper on the balloting unit, design and language of tendered ballot paper and the manner of sealing of voting machines after the poll. The related instructions in this regard are contained in paragraphs 23.1, 23.2, 25.2 and 27.2 of Chapter X and paragraph 44.2 of Chapter XIII respectively of Returning Officers' Hand Book (for EVMs) 2009 Edn.

3. The above mentioned instructions may be brought to the notice of the Returning Officers of the Constituencies concerned for their information and compliance.

4. As regards counting of votes, your attention is invited to the provisions of rules 50 to 54A, 60 to 66A and 55C to 57C of the Conduct of Elections Rules, 1961, and also the Commission's detailed directions and instructions relating to counting of votes as contained in Chapter XIV of the Returning Officers' Handbook, 2009 (where EVMs are used). The Returning Officers should be instructed to follow the said directions and instructions scrupulously.

5. Kindly acknowledge receipt.

Yours faithfully,

(ASHISH CHAKRABORTY)
UNDER SECRETARY

TO BE PUBLISHED IN THE
OFFICIAL GAZETTE OF THE
STATE IMMEDIATELY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110 001.

Dated: 14th March, 2011.

DIRECTION

No. 576/3/EVM/2011/SDR(LA):— Whereas, Section 61A of the Representation of the People Act, 1951, provides that the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such constituencies as the Election Commission of India may, having regard to the circumstances of each case specify; and

2. Whereas, the Commission has considered the circumstances in all the 126 Assembly Constituencies in Assam, 140 Assembly Constituencies in Kerala, 234 Assembly Constituencies in Tamil Nadu, 30 Assembly Constituencies in Puducherry and 294 Assembly Constituencies in West Bengal, and is satisfied that sufficient number of Electronic Voting Machines are available for taking the poll in the abovementioned Assembly Constituencies, the polling personnel are well trained in efficient handling of the Electronic Voting Machines and the electors are also fully conversant with the operation of the Electronic Voting Machines;

3. Now, therefore, the Election Commission of India hereby specifies all the 126 Assembly Constituencies in Assam, 140 Assembly Constituencies in Kerala, 234 Assembly Constituencies in Tamil Nadu, 30 Assembly Constituencies in Puducherry and 294 Assembly Constituencies in

West Bengal, as the constituencies in which the votes at the current general elections to the Legislative Assemblies of the said States notified/to be notified on 10th March, 2011 & 18th March, 2011 in Assam, 19th March, 2011 in Kerala, Tamil Nadu & Puducherry and 24th March, 2011, 30th March, 2011, 2nd April, 2011, 7th April, 2011, 11th April, 2011 and 14th April, 2011 in West Bengal, shall be given and recorded by means of Electronic Voting Machines in the manner prescribed under the Conduct of Elections Rules, 1961, and the supplementary instructions issued by the Commission from time to time on the subject.

By Order,

(K.F. WILFRED)
SECRETARY

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By Camp Bag/Speed Post/Fax

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.51/8/7/2010-EMS

Dated : 24th March, 2011

To

The Chief Electoral Officer,
West Bengal,
Kolkata.

Subject: Clarification regarding Second Randomization of EVMs.

Sir

I am directed to refer to your letter No. 2370-Home(Elec), dated 17th March, 2011, on the subject cited, and to clarify that second randomization of EVMs shall be done after preparation of EVMs.

As regards your query on issue of notice regarding date, time and place of preparation of EVMs to candidates, it is clarified that ROs may be advised to issue the notice to the contesting candidates about preparation of EVMs, as per their convenience, keeping in mind that the preparation of EVM should start as soon as possible, after the last date of withdrawal of candidature and candidates/their representatives will remain present at the time of preparation of EVMs.

Yours faithfully,

(Dilip K Varma)
Under Secretary

Copy to the Chief Electoral Officers of all States/UTs (except CEO, West Bengal).

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By Camp Bag/Speed Post/Fax
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.51/8/7/2010-EMS

Dated : 3rd April, 2011

To

The Chief Electoral Officers of
All States and Union Territories.

Subject: Clarification regarding Second Randomization of EVMs.

Sir

I am directed to refer to the Commission's letter of even number, dated 24th March, 2011, on the subject cited, whereby by the Commission has clarified that second randomization of EVMs shall be done after preparation of EVMs.

It has been brought to the notice of the Commission that some difficulties are being faced by the Returning Officers to do second randomization of EVMs after preparation of EVMs as the address tag of EVM is sealed at the time of preparation of EVM (Candidate Set). The purpose of second randomization of EVMs is to allocate EVM randomly polling station-wise to ensure more transparency in allocating EVMs to polling stations. Apart from that both the process of second randomization of EVMs and preparation of EVMs are invariably done in the presence of the contesting candidates/their agents. In view of the aforesaid procedure, the Commission has no objection, if Returning Officers/Assistant Returning Officers do second randomization of EVMs on or before the day of preparation of EVMs in the presence of candidates/their representatives.

The aforesaid instructions may be brought to the notice of all concerned.

Yours faithfully,

(Dilip K Varma)
Under Secretary

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By Speed Post

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/6/2011-EMS

Dated: 26th December, 2011

To

The Chief Electoral Officers of
All States and Union Territories.

Sub: Data Entry of all Electronic Voting Machines (EVM) data in EVM tracking software -regarding.

Sir/Madam,

I am directed to refer to the Commission's instructions No. 51/8/3/2010 Vol-II, dated 4th October, 2011, on the subject cited, whereby the Commission had directed to complete data entry of all EVMs by 31st October, 2011 in every district. However, data entry of all EVMs has not yet been completed. In the CEOs' conference held on 20th December, 2011, attention of the Commission was invited towards the issue of opening of Strong Rooms containing the EVMs involved in Election Petitions or any other Court Case for the purpose of data entry in the EVM tracking software and for physical verification. The Commission has decided to issue further following guidelines in this regard in modification of Para 3 of the instructions referred to above: -

1. In the case of elections, where no election petitions have been filed or no other court cases are pending, after the expiry of a period of six months from the date of declaration of the result of the election, physical verification of the EVMs can be done by opening strong room (s). No special permission of the Commission is required for opening the strong room (s). Only in case, where the EVMs have to be used in any subsequent election by clearing the data of polled votes of the EVMs before the expiry of the six months period mentioned above, the permission may be obtained from the Commission.
2. In the case of elections, where election petitions/court cases are pending:-
 - a) The Chief Electoral Officers shall obtain a copy of the relevant petition/interim order/appeal from the concerned Court.
 - b) An application should be moved by the Chief Electoral Officer in the concerned High Court seeking permission of the Court to open the strong room and carry out physical verification of EVMs in the presence of representatives of parties before the Court, Political Parties and Candidates. It should be explained in the application that this verification is required because Election Commission of India wants to strengthen the security of EVMs by entry of the ID number of each unit into a EVM tracking software for the purpose of tracking the movement of each unit at all times. It should also be explained that this verification will be done by reading the ID number of BU & CU on the metallic strip at the back of unit and from the bar code sticker pasted on the units. There will be no need to switch on the EVM unit. The data of votes polled shall not be erased. It should



also further be explained that there is no possibility of accidentally clearing the data of votes polled because the data can only be erased when the BU & CU are inter connected with each other and the clear button on the CU is pressed.

c) If the High Court grants permission to open the strong room, physical verification of EVM should be carried out as under: -

- (i) The strong room should be opened, in the presence of all the parties to the court case, candidates or their representatives and political parties after giving them a notice in writing of atleast 72 hours;
- (ii) The BUs and CUs should be physically verified separately and should in no case be connected with each other.
- (iii) The whole process shall be videographed and a copy thereof be given to the High Court concerned, and petitioners/respondent of the Election Petition.
- (iv) The data in the EVMs shall not be cleared till the election petition is finally disposed of.

d) If the High Court declines to give permission, physical verification of EVMs shall not be carried out and it should be brought to the notice of the Commission immediately.

3. During the conference, it was also desired by some Chief Electoral Officers that the specifications of Bar Code Reader for data entry of the EVMs in software may be prescribed. The Commission has decided to specify that 'Code 39- General Standard Bar Code Reader' – plug and play, as available in the market may be procured for this purpose.

4. The Commission has directed that the Chief Electoral Officers may ensure that certificate of physical verification of EVMs, conflict resolution, security of EVM-warehouses and account of damaged EVMs shall reach the Commission by 3rd January, 2012 positively.

Yours faithfully,

(K. N. Bhar)
Secretary

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By Fax/Camp Bag

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

No.51/8/7/2012-EMS

Dated: 19th January, 2012

To

The Chief Electoral Officers of

1. Goa, Panaji
2. Manipur, Imphal
3. Punjab, Chandigarh
4. Uttarakhand, Dehradun
5. Uttar Pradesh, Lucknow

Subject: Comprehensive instructions on use of EVMs after first level checking of EVMs (FLC) -regarding.

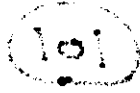
Sir,

Instructions with respect of EVMs have been issued from time to time. Instructions to be followed for use of EVMs after the completion of FLC till the counting is over have been consolidated for the convenience of all concerned. Consolidated instructions are given below for strict compliance: -

1. First Randomization of EVMs –

1.1. Process of First Randomization - First randomization of Ballot Units (BUs) and Control Units (CUs) will be done to randomly assign EVMs to Assembly Constituencies (ACs), training and Awareness Programmes. After FLC is over the DEO will fix a schedule for first randomization of EVMs. This schedule should be fixed in such a manner that first randomization is completed before the start of training of polling personnel. During first randomization CUs and BUs are assigned to ACs in the presence of the representatives of recognized political parties. The randomization will be done in such a way that the CUs and BUs are randomly selected by grouping them to match the poll day requirement including the reserve required for each constituency. Surplus CUs and BUs after assigning ACs to them shall also be randomly grouped and distributed AC wise for the purpose of training and awareness programmes. (for the training of the polling staff as well as for the purpose of voter awareness). A sticker of Green colour shall be affixed on the CUs and BUs assigned to ACs for polling. A sticker of Yellow colour shall be affixed on the CUs and BUs assigned for training and

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awareness programmes. The sticker shall clearly indicate the Name of State/UT and the Number and Name of Assembly Constituency. "Training/Awareness" will be written on the sticker of CUs and BUs assigned for training and awareness. "Election" will be written on the sticker of CUs and BUs assigned for polling. No current ID will be given during randomization. After randomization the CUs and BUs will be marked "Election" or "Training/Awareness" in the EVM tracking software.

1.2. Communication of the List of Randomized CUs and BUs to Political Parties – After first randomization list of randomized CUs and BUs clearly indicating which CUs and BUs are to be used in which AC for polling and which CUs and BUs are to be used in which AC for training and awareness should be given to each recognized political party and a written acknowledgement obtained. A copy of this list should be given to all the candidates after the last date of withdrawal of candidatures.

1.3. After first randomization the R.O of the constituency, shall take charge of the CUs and BUs randomly allotted to his constituency. The CUs and BUs meant for use at the election shall be separately taken to R.O's strong room under proper escort and will be guarded 24X7. The training EVMs shall be distributed to the relevant officers for the training purpose. At the time of sealing the strong room, the representatives of political parties can remain present and they can also affix their seal on the lock.

2. Second Randomization of EVMs –

2.1. Second randomization of EVMs has to be done before preparation of EVMs for poll by candidate setting as the address tag of EVM is sealed at the time of preparation of EVM (Candidate Set). The purpose of second randomization of EVMs is to allocate EVMs randomly to polling stations. The Returning officer should fix the date of preparation of EVMs for poll (Candidate set) and intimate all candidates to remain present or send their representatives during the process. The date should be fixed as early as possible after the last date of withdrawal of candidatures and finalization of ballot papers. On this day second randomization should be done before doing the process of preparation of EVMs for polls and CUs and BUs should be randomly allocated to polling stations. After second randomization Polling Station number should be marked in the EVM tracking software, against those BUs and CUs which have been assigned polling stations. Those BUs and CUs which have not been assigned polling stations but are meant to be used in elections should be marked "Reserve" in the EVM tracking software. A list of CUs and BUs along with the number of polling stations assigned to them

should be given to all the candidates. Similarly a list of CUs and BUs kept in reserve should also be given to the candidates and written acknowledgement taken.

2.2. Where more than one Ballot Unit is being used, the Chief Electoral Officers will ensure that the additional prepared Ballot Unit is also allocated randomly to the polling stations. For this purpose there may be two Scenarios –

2.2.1. Scenario 1- Preparation of EVMs and second level randomization is already over before the additional Ballot Units reaches the Returning Officers' Headquarters. In this case another randomization for allocating Ballot Units No.2/3 will be done to allocate the Ballot Units to the polling stations and the list of such allocation may be supplied to the Political Parties/Candidates.

2.2.2. Scenario 2- Preparation of EVMs and second level randomization is done after the arrival of additional Ballot Units. In such case the randomization will be done in such a way that against the polling stations number the Control Units number is shown first and then the Ballot Unit No.1 and Ballot Unit No2 and so on.

2.3. In the constituencies where additional Ballot Units are being used for having the number of contesting candidates more than 16, the Presiding Officers should be specifically instructed to arrange the Ballot Units in the manner as shown in the figure enclosed herewith (Annexure-1). For this purpose the size of Voting Compartment should be increased proportionality in such a way that the electors are not put to any kind of inconvenience and at the same time the secrecy of ballot is not compromised in any way.

3. Preparation of EVMs (Candidate Set) –

3.1. Preparation of EVMs for elections shall be done invariably in the presence of representatives of candidates. The Returning Officer shall draw a schedule for preparation of EVMs. Preparation of EVM should start as soon as possible after the last date of withdrawal of candidatures. Sufficient time should be provided for preparation of EVMs for each Assembly Constituency in the case of Assembly Elections and for each assembly segment in the case of Parliamentary Elections. It may be noted that the time required for preparation of EVM under the new instructions will be sufficiently more than the time required earlier. Therefore, the schedule should be fixed in such a manner that preparation of EVM is not done in a hurried manner. Ideally, the Returning Officer should fix between 3-5 days for each assembly segment for this purpose. In case of Parliamentary Elections, preparation of EVM for assembly segment should be supervised by Assistant Returning Officers. The schedule should be made in such a manner that preparation of EVMs is done for all the assembly segments in separate halls and is

completed at least 8 – 10 days before the poll. Candidates should be informed in writing of the schedule for preparation of EVMs and should be requested to be present or send their representatives at the time of preparation of EVMs. On the day of the preparation, a register in Annexure-2 will be kept by the Returning Officer in which the signature of candidates or their representatives will be taken as token of their presence.

3.2. Arrangements in the premises of preparation of EVM - Preparation shall be carried out in a large hall which can accommodate all EVMs to be prepared. The hall should be able to accommodate officers nominated by the District Election Officer, engineers of Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL) and also representatives of candidates. Before the hall is used for preparation, it shall be fully sanitized to ensure that the hall is free from any other electronic device or components of electronic devices. Every entry to the hall shall be guarded by police force. Every hall shall have a door-frame metal detector. Every person who enters the hall shall be frisked at every entry. Entry to this hall shall be on production of Identity Card of the authorized officials/passes issued by the District Election Officer (DEO). Nobody will be allowed to carry any electronic device inside the hall including cell phones, camera and spy pens. Similarly, nobody will be allowed to carry anything out of the preparation hall.

3.3. Manpower for preparation - Only the authorized engineers of BEL and ECIL shall be associated with the preparation of EVMs. BEL and ECIL shall be fully responsible for integrity, efficiency and competence of their engineers. List of engineers deputed by BEL and ECIL for carrying out task during the preparation of EVM in a district along with their identity card numbers etc. shall be communicated in writing by BEL and ECIL to the DEO. No engineers, technicians or other technical staff except authorized engineers/technical staff of BEL and ECIL shall be allowed to enter the preparation hall. Authorized persons will be allowed to enter the preparation hall only after proper identification using photo identity documents. It may be noted that a separate team will be required for each EVM in which 1000 votes are cast during mock poll because the time required for casting of 1000 votes will be at least 4 hours.

3.4. Additional tasks during preparation - Detailed instructions of the tasks to be done during preparation of EVMs have been given in the letters referred in the Commission's letters No. 51/8/7/2007-PLN-IV, dated 12/10/2007, No.464/OBS/EVM/2007 PLN-IV, dated 12/10/2007 & No.51/8/7/2008-EMS (Inst.-I), dated 11/8/2008. In addition to these tasks, following additional tasks shall be performed: -

3.4.1. Checking of Balloting Units (BUs) – Outer cover of BUs shall be opened and inside of BU shown to candidates and their representatives at the time of preparation of EVMs. BU shall be examined by BEL and ECIL engineers who will certify as in Annexure-3 that all components of BUs are original. If any BU is found defective, it will be kept aside and can be taken back to the factory of BEL and ECIL for repairs. No repairs shall be carried out in the field. Changing of components in the field is strictly prohibited. Detailed instructions of checking of BU shall be issued separately by BEL and ECIL for their respective machines. These instructions will include a list of equipment which the engineers will be required to carry within the preparation hall. Security personnel will not allow any other equipment to be carried into the preparation hall.

3.4.2. Conduct of Mock Poll: Casting of votes against all 16 candidate switches, observation of result & clearing of mock poll data will be done for each EVM. In 10 % (ten percent) of EVMs at least 1000 votes shall be polled during the mock poll. In rest of the machines number of votes polled during the mock poll should be to the satisfaction of the representatives of candidates. Representatives of candidates shall be allowed to do the mock poll themselves. Signature of representatives of candidates shall be taken in a register in Annexure –4 as a token of having done mock poll themselves. It may be ensured that the pink paper seal of the CU which has been applied on the CU at the time of FLC is not damaged in any manner in this process.

3.4.3. Demonstration of printout of results: A printout of the results of mock poll as well as a sequential print out of every vote polled during the mock poll shall be taken out for at least 10% of EVMs and shown to the representatives of political parties. Representatives of candidates shall be allowed to pick machines randomly for this purpose. Signatures of representatives of candidates shall be taken in a register in Annexure- 5 as a token of having seen the print out and confirm that there is no discrepancy between the votes polled during the mock poll and results in the print out.

3.4.4. Sealing of plastic cabinet of BU with pink paper seal - Detailed instructions of BU with thread seals already exists. Those instructions shall be followed. **In addition, the BU shall be sealed with a special “pink paper seal” supplied by India Security Press, Nasik, in the presence of candidates or their representatives at the time of preparation of EVMs.** Pink paper seal shall be fixed at the lower most portion of the BU in such a manner that no candidate’s button or candidate’s name or symbol is hidden by the seal. After affixing

the pink paper seal, BEL and ECIL engineer shall put his signature on the pink paper seal. Candidates or their representatives shall also be allowed to put their signatures on the pink paper seal with name of the candidate, party before the signature. Candidates and their representatives should also be allowed to note down the serial number of the pink paper seal on the CU. A register in Annexure - 6 shall be maintained to note down the serial no. of the pink paper seal used on the ballot unit by clearly mentioning unique ID of the BU and pink paper seal no. Signatures of candidates and their representatives will also be obtained on this register. Photocopies of this register will be given free of cost to all candidates once preparation is over.

3.4.5. Supervision of the preparation: Preparation shall be supervised either personally by the RO or one of the AROs deputed by the RO for this purpose. The process of preparation of EVM should be fully video-graphed.

4. Mock Poll on the day of Poll - In order to ensure that the mock poll serves the intended purpose, the Commission directs that-

4.1. Mock poll shall be conducted normally one hour before the scheduled hour of commencement of poll. All contesting candidates should be informed in writing well in advance that mock poll would start one hour before the commencement of poll and they should be advised to instruct their polling agents to be present in time for the mock poll. Polling agents of at least two candidates should be present at the time of Mock Poll. However, if polling agents of at least two candidates are not present, the Presiding Officer may wait for 15 more minutes before conducting the mock poll and if the agents still do not come, then the Presiding Officer may go ahead and start the mock poll. It is further clarified that after waiting for 15 minutes, there is a possibility that only one Polling agent may be present, in that situation also, the Presiding Officer should go ahead and start mock poll. In such case, there should be specific mention in the mock poll certificate on this aspect.

4.2. During the Mock poll, the Ballot Unit (s) should be placed in the Voting Compartment and Control Unit on the table of the Presiding/Polling Officer who will operate the Control Unit. At least two polling officers with the polling agents should be present in the Voting Compartment to watch the polling agents operating on the Ballot Unit, and to keep a record of the votes cast and tally the polled votes.

4.3. The mock poll should be conducted with the polling agents voting at random for each of the contesting candidates. A total of at least 100 votes should be polled in the mock poll. In the case of absence of polling agents of any of the candidates, one of the polling officers or other

polling agents may record the votes for such candidates. The polling officers present in the Voting Compartment should ensure that votes are recorded for each of the contesting candidates. After recording of the minimum of 100 votes, the Presiding Officer will ascertain the result in the Control Unit in the presence of the Polling agents and confirm that the result is tallying with the votes polled in respect of each candidate. Thereafter, Presiding Officer will prepare and sign the mock poll certificate in the prescribed format as in Annexure -7 where pre-2006 EVMs are being used.

4.4. The Presiding Officers shall ensure that the data of the mock poll is deleted, without fail, before the official poll starts. This is very critical step and this should be emphasized during training.

4.5. The Presiding Officers shall mention the names of the Polling agents and the candidates (and their party affiliations), whom they represent and also obtain their signatures on the completion of mock poll on the certificate.

4.6. Where a micro-observer has been appointed at any polling stations, he should also participate in all the proceeding of the mock poll and his signature should also be obtained on the mock poll certificate. Further, these proceedings should be videographed wherever videography arrangement has been made at a polling station.

4.7. The Returning Officer through the Sector Officers and using the communication link with the polling station/ mobile teams, shall track the conduct or otherwise of mock poll, and ascertain the mock poll status. Non-confirmation of mock poll could be indicative of non-commencement of poll and in that case the Returning Officer shall make immediate intervention to sort out the problem.

4.8. The polling stations not having the presence of agents of the candidates of recognized parties and where the mock poll had to be conducted in the absence of agents or with only the polling agent of only one candidate shall merit focused attention of the election machinery. Interventions such as deployment of micro-observers, deployment of video cameras (if not already done), frequent visits by sector officers and other senior officers should be ensured in such cases.

4.9. **Mock Poll in case of replacement of EVM** - If any defect arises in the Ballot Unit (BU) or Control Unit (CU) of the EVM during poll process, the entire set of EVM (both BU & CU) should be replaced by new set of EVM (BU & CU), a mock poll should be conducted on the new set of EVM (both BU & CU) before it is put to use. However, in this case, it would be sufficient to cast at least one vote each for each of the candidates. A new mock poll certificate

should be recorded in such a case. A note should also be added in such cases, in the original mock poll certificate that the original Control Unit was replaced, and that mock poll was conducted on the new Control Unit before putting it to use. The exact time of replacement should also be mentioned in the note.

4.10. Recording of Poll Start and Poll End Date and Time - It has been brought to the notice of the Commission that in the elections where post – 2006 make EVMs were used, in some cases, the date and time of start and end of poll displayed in the Control Unit of EVM during the process of counting of votes did not match with Indian Standard Time of start and end of poll leading to confusion in the minds of stakeholders. This can only happen if the date and time displayed in the Control Unit are not checked at the time of Candidate Set procedure and also at the time of poll. To remove such confusion in future, the Commission has decided to issue the following instruction in this regard:-

4.11. The display of date and time in the Control Unit of the EVM shall be checked each time the power switch of Control Unit is switched on during the process of First Level Checking of EVM and again at the time of Preparation of EVM by Returning Officer. In case any difference from Indian Standard Time is noticed the clock shall be recalibrated by the engineers of the BEL/ECIL.

4.12. The Presiding Officer at the end of Mock Poll at the polling station shall invariably check and note the date and time shown in the display of the Control Unit and also the actual date and time at that point of time as well as any discrepancy between the two, if any, in the Mock Poll certificate (Annexure-8) and also in Presiding Officers' Diary.

4.13. At the time of closure of poll the presiding officer shall make a note of the Poll end date and time displayed on the CU in the presiding officer's diary.

4.14. During the process of counting of votes, a copy of the Mock Poll certificate prepared by the Presiding Officer shall be brought to the counting table with the Control Unit pertaining to that polling station.

5. Standing Instructions to Zonal/Sector/Area Officers regarding EVMs – The following instructions shall be complied with for ensuring safe movement of EVMs by Zonal/Sector/Area Magistrates. Following category of EVMs move on poll day with either poll party or Sector/Zonal/Area Magistrate:-

5.1. Category "A" -Polled EVMs – Those EVMs in which votes in respect of all polling station is registered and closed at the end of poll after following due procedure.

- 5.2. Category “B” - Defective polled EVMs** – which become defective after some votes are recorded in it.
- 5.3. Category – “C” - Defective unpolled EVMs** – which become defective before commencement of poll and are replaced.
- 5.4. Category – “D” - Unused EVMs** – EVMs which are with Sector/Zonal/Area Magistrate, and are not used in actual poll.
- 5.5.** Zonal Magistrates and Area Officers who are given EVMs from reserve stock will maintain a register where the particulars of Balloting Units (BU) and Control Units (CU) issues are mentioned and a receipt shall be obtained for the machines given to them. Such officers should also maintain the accounts of EVMs replaced in the register maintained by them for this purpose duly signed by the concerned Presiding Officers, indicating time of replacement.
- 5.6.** Zonal/Sector/Area Officers should visit every polling station in their jurisdiction as many times as possible on the poll day and check working of EVMs and other things.
- 5.7.** EVMs of category ‘A’ are stored in a Strong Room as per procedure.
- 5.8.** EVMs of category ‘B’ are also stored separately with the EVMs of category ‘A’ in a Strong Room. In respect of this category of EVMs the Sector/Zonal/Area Magistrate shall keep a record of it and furnish a certificate to the effect while returning the EVMs of category ‘D’ on the next day of poll. The information furnished by them shall be tallied with Presiding Officer’s diary by the Returning Officer and the Observer before commencement of counting of votes.
- 5.9.** EVMs of category ‘C’ are stored separately in a separate room other than the strong room. The sticker of defective unpolled EVMs should be pasted on the carrying cases of such category of Ballot Unit and Control Unit, for technical evaluation of the same by the manufacturer.
- 5.10.** EVMs of category ‘D’ are also stored separately in a separate room, other than the strong room, where polled EVMs are kept, by Sector/Zonal/Area Magistrate. The sticker of unused EVMs should be pasted on the carrying cases of such category of Ballot Unit and Control Unit.
- 5.11.** The store where the EVMs of category ‘C’ and ‘D’ will be kept is to be decided in advance and intimated to the political parties/candidates. It should not be in the vicinity of the collection and the counting center so as to arouse any suspicion. This category of EVMs should also not be collected on the day of poll rather it should be collected on the next day of

poll from the concerned Zonal/Sector/Area Officers. On the day of poll these category of EVMs should be in the personal custody of Zonal/Sector/Area Officers, as these are unused EVMs. Also proper documentation of such and other unused EVMs are to be made before they are transported to the store by the Zonal/Sector/Area Magistrate themselves

6. Additional Instructions on Use of EVMs in Polling Stations - In order to ensure that the conduct of the Presiding Officer and other polling staff in no way gives scope for any complaint the Commission has issued the following instruction for the strict adherence:-

6.1. The D.E.O shall supply a printed sample of EVM ballot unit pasted on a cardboard (real size) to all the presiding officers along with other polling materials at the time of dispatch. While printing such model ballot care shall be taken to ensure that only dummy name and dummy symbols that are not in use, are used and not any real names or symbols. It shall be printed in color so that 'blue button' 'green light' and 'red light' etc are clearly represented.

6.2. Whenever any voter asks for help or expresses inability to vote using EVM, the presiding officer can explain to the voter the voting process using the cardboard model of the EVM ballot in such a manner that the voter is able to understand. This shall be done outside the voting compartment only in the presence of polling agents and never inside the voting compartment.

6.3. The Presiding Officer or other polling staff shall not frequent the voting compartment as that may give scope for complaints.

6.4. In order to ensure that no voter has committed any mischief by pasting any paper, tapes etc., on the symbol/ names / ballot button, the presiding officer may from time to time make an inspection of ballot unit (BU)- but he should make it a point to do so in the immediate presence of polling agents when there is no voter inside the voting compartment.

6.5. Any complaint about the conduct of the polling staff at the polling station shall be taken seriously and properly enquired. The Observers are being instructed to take serious note of such complaints and conduct or cause enquiry into such allegations and submit reports to the Commission.

6.6. All the CUs/ BUs allotted to Polling Stations as above as well as the reserve machines shall be kept in the strong room in the presence of candidates/ agents. They can also be allowed to affix their seal on the lock of the strong room.

7. Instructions to be followed at the time of dispersal of EVMs –

7.1. When the EVMs are taken out of the strong room for dispatch the usual precaution of informing the date and time of opening of strong room in writing to the candidates/ agents shall be followed.

7.2. At the time of dispatch the Presiding Officers shall be advised to compare the machine number inscribed on the metal label and the adhesive sticker and also verify the PS no indicated on the sticker compared with PS no mentioned in the address tag before accepting the EVM. Discrepancy if any shall be brought to the notice of the officer in charge of dispatch arrangement and be reconciled.

7.3. The candidates may be advised to share the machine number of the EVM (both CU/ BU) allotted to the specific PS with their polling agent/ agents appointed by them so that they are in a position to inspect the EVM for their satisfaction before the commencement of mock poll on the poll day. The Presiding Officers shall be advised to show the machine number to the agents present before the commencement of the mock poll. It is relevant to note that as per the existing instructions the presiding officer is supposed to mention the number of CU/ CUs used; serial numbers of CU/CUs used; numbers of BU/BUs used and serial numbers of BU/BUs used at the polling station in the Presiding Officer's Diary (refer: Chapter XXVIII, Para 1 of Handbook for Presiding Officers- At elections where electronic voting machines are used, 2004). This instruction shall be scrupulously followed.

8. Replacement of EVMs during Poll –

8.1. In case of replacement of CU or BU due to reason at any polling station the sector officer or any authorized officer who effects such replacement shall prepare a special report indicating the machine number of the existing CU/BU and new CU /BU separately. The officer shall also mention in the special report, the reason of such replacement and votes polled in the replaced machine at that point of time of replacement. One copy of the special report should be left with the Presiding Officer while retaining a copy to be handed over to the R.O.

8.2. In case replacement of EVMs becomes necessary the entire set including the CU and all the BUs shall be replaced. Before starting poll in the new EVM a mock poll will be done according to the instructions for mock poll at the beginning of the poll and a mock poll certificate will be given by the presiding officer separately for this EVM.

8.3. In case of replacement the Unique ID number of the CU and BUs which have been used after replacement should be marked against the concerned polling station in the EVM tracking software.

8.4. Reception of EVMs after Polls - The machines shall be escorted back after the poll is over to the reception centers under proper escort. After all formalities are completed, the EVMs shall be kept in strong room and the room sealed in the presence of the candidates/their agents and Observer.

9. Instructions in case of Re-poll –

9.1. In case of re-poll, the EVM required for re-poll shall be drawn from the reserve list and the CU/BU number shall be informed to the candidates/agents in writing. Care shall be taken to ensure that the address tag on the CU and BU clearly mentions it to be the EVM for use in the re-poll indicating the date and PS no.

9.2. After re-poll the strong room shall be re-opened in the presence of the candidates/ their agents and observer for the storage of the re-poll EVM. This re-poll EVM should be placed together with the old EVM which was used earlier in the original poll. A tag 'Not to be counted' shall be put prominently on the old EVM and another tag 'Re-poll EVM – to be counted' shall be put on the new re-poll EVM. RO shall put signature on both the tags.

9.3. In case of re-poll the unique ID number of the CU and BUs used in re-poll should be entered in the EVM tracking software.

10. Instructions relating to Counting –

10.1. General Instructions –

10.1.1. Before starting the counting in the EVM the unique ID number of the CU, the Unique ID number of the Pink Paper Seal and the unique ID number of Green paper seal should be verified from the record and shown to the polling agents.

10.1.2. In Post-2006 EVMs the Poll start date and time and poll end date and time displayed on the CU should be verified from the record and shown to the polling agents.

10.1.3. During counting a close up video recording of the display on the CU should be done at all time so that every thing displayed on the CU including the the votes recorded in favour of each candidate in the CU are recorded on the video.

10.2. Procedure in case the poll start date and time or poll end date and time does not match the record –

10.2.1. In case of any discrepancy in the date and time of start and end of poll displayed in the Control Unit with Indian Standard Time of start and end of poll, the difference will be compared with the date and time noted by Presiding Officer in the mock poll certificate.

10.2.2. If the date and time difference at the time of mock poll does not match with the date and time difference of start and end of poll at the time of counting, the EVM will be kept

aside and the matter will be referred to the Commission for its decision. If on other hand, the difference of date and time at the time of mock poll matches with the difference of date and time of start and end of poll noticed at the time of counting, the discrepancy will be explained to the candidates and their representatives and the votes polled in the EVM will be counted in the usual manner.

10.3. Instructions in case the Presiding officer has not pressed the close button at the end of the poll - The following action be taken during counting of votes, in such circumstances, in the presence of candidates/their authorized agents, under videography: -

10.3.1. In case any Control Unit does not display result due to not-pressing of “Close” button by the Presiding Officer in the polling station at the close of poll, it should be kept back inside its carrying case and then be kept in the Returning Officer’s custody in the counting hall. Counting of votes in other machines should continue as usual.

10.3.2. When counting of votes in other machines is completed, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in such machine (s).

10.3.3. In both the cases where the margin of votes is more or less than the total votes polled in that machine (s), the Returning Officer/Counting Supervisor shall press the “Total” button of the Control Unit to see the total votes polled in that machine (s). In case, total votes polled in the machine (s) tallies with the total votes polled mentioned in the Form-17 C, the Returning Officer/Counting Supervisor shall press the “Close” button of the Control Unit (s) so that “Result” button can be pressed for getting result data explaining the entire issue to the candidates and/or their authorised agents and recording a proceeding in this behalf with the signatures of the candidates/their authorised agents. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-9.

10.3.4. In case, total votes polled in the machine(s) does not tally with the total votes polled mentioned in the Form-17 C, the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the Commission. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-10, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the Control Unit in question, and in Annexure-11, where such margin is less.

10.4. After completion of counting, all such Control Units whether result has been retrieved from it or not, the Control Unit should be kept back inside its carrying case. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

10.5. Instructions in case of EVMs malfunctioning at the time of Counting - The following action to be taken in case of malfunctioning of EVM during counting of votes during elections: -

10.5.1. In case any Control Unit does not display result, it should be kept back inside its carrying case and then be kept in the Returning Officer's custody in the counting hall. Counting of votes in other machines should continue as usual.

10.5.2. When counting of votes in other machines is completed, the Returning Officer and Observer should see whether the margin of votes between the first candidate and the runner up is more or less than the votes polled in the malfunctioned machine (s).

10.5.3. In both the cases where the margin of votes is more or less than the total votes polled in the malfunctioning machine (s), the Returning Officer should try to retrieve the result from this machine, with the help of engineers of BEL/ECIL, using Auxiliary Display Unit (ADU) in the presence of candidates or their election agents. If the result can be retrieved by using an ADU, the result of the election can be declared accordingly. In such a case, the Returning Officer and Observer should send a detailed report to the Commission in the format mentioned at Annexure-12.

10.5.4. In case it is not possible to retrieve the result from the malfunctioning machine even by using ADU, then the Returning Officer should try to retrieve the result from the machine by taking a print out of the result with the help of engineers of BEL/ECIL. If the result can be retrieved by using a printer, the result of the election can be declared accordingly. In such a case, also the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-12.

10.5.5. If the result from the malfunctioned machine can not be retrieved even by using printer, the matter should be referred by the Returning Officer to the Commission for its decision and action may be taken as per the direction of the Commission. In such a case, the Returning Officer and Observer should also send a detailed report to the Commission in the format mentioned at Annexure-13, where the margin of vote between the candidates having highest vote and the runner up is more than the votes polled in the malfunctioned EVM, and in Annexure-14, where such margin is less. In no case the machine should be

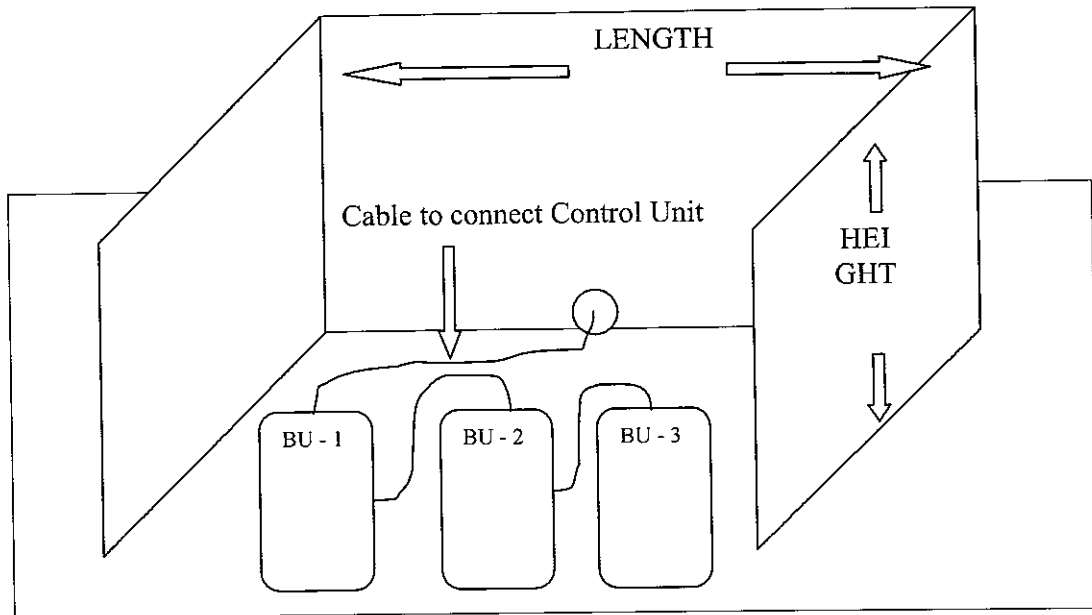
opened, or its outer or inner seals disturbed in any manner. There should be no attempt to repair the machine. Replacement of any parts of the EVM in the field level is strictly forbidden.

10.5.6. After completion of counting, all the Control Units whether result has been retrieved from it or not should be kept back inside their respective carrying cases. The carrying cases should then be sealed once again. The Returning Officer and Observer should put their signatures on the seal. All candidates and their election agents should also be allowed to put their signature on the seal. The Control Unit should be then kept in the strong room (s).

Yours faithfully,

(K N BHAR)
SECRETARY

Annexure – 1



NOTE: Ballot Unit placed as 'BU-1' will contain the names of candidates 1-16;

Ballot Unit placed as 'BU-2' will contain the names of candidates 17-32; and so on..

Annexure-2

(Register for Preparation of EVMs)

Name of State/UT:

Name of District:

Name of Assembly/Parliamentary Constituency:

Address of Preparation of EVM hall:

Date:

S.No.	Name of candidate	Name of representative of candidates with party affiliation, if any	Identity document No. with date	Signature of candidates/ His representative	Remarks, if any.

Note: If a candidate or his representative is absent the proof of due service of notice to the candidate should be pasted in the register.

(Name and signature of engineers of BEL/ECIL with ID No.)

(Name, designation, signature of officers nominated by District Election Officer)

Annexure-3

(Certification of EVMs by BEL/ECIL)

Name of State/UT:

Name of District:

Name of Assembly/Parliamentary Constituency:

Address of hall:

Date:

It is certified that tests prescribed by BEL/ECIL to ascertain that all components are original were carried out on the Ballot Unit listed below on..... (date). On the basis of these tests it is certified that all components of the Ballot Unit listed below are original.

BU Identification No.

(Name & signature of BEL/ECIL engineers with ID No.)

Annexure-4

(Mock Poll certification during Preparation of EVMs)

Date:.....

Name of State/UT:

Name of District:

Name of Assembly/Parliamentary Constituency:

Address of hall:

It is certified that I have done mock poll on..... EVMs and I am fully satisfied with the functioning of EVMs.

S.No.	Name of candidate	Name of representative of candidates with party affiliation, if any	Identity document No. with date	Signature of candidate/his representative	Remarks, if any.

Annexure-5

(Mock Poll certification during Preparation of EVMs)

Date:.....

Name of State/UT:

Name of District:

Name of Assembly/Parliamentary Constituency:

Address of hall:

It is certified that a printout of the result of mock poll as well as a sequential print out of every vote polled during the mock poll has been taken out from EVMs picked up by me. There are no discrepancies between the votes polled during the mock poll and result in the print out.

S.No.	Name of candidate	Name of representative of candidate with party affiliation, if any	Identity document No. with date	Signature of candidate/his representative	Remarks, if any.

Annexure-6

(Register for Sealing of Ballot Unit of EVMs using Pink Paper Seal)

Name of State/UT:

Name of District:

Address of FLC hall:

Date:

It is certified that the sealing of the Ballot Units using Pink Paper Seals has been done in my presence. I have put my signature on the Pink Paper Seals after sealing of the Ballot Units and I am satisfied with the sealing of the Ballot Units.

Sl.No.	Unique ID No. of Ballot Unit	Pink Paper Seal Number

S.No	Name of candidate	Name of political party with party affiliation, if any	Identity document No. with date	Signature of candidate/ his representative

Annexure - 7

Mock Poll Certificate

This is certified that I Presiding Officer at the Polling Station No -----of ----
----- Assembly Constituency (or the -----Assembly segment under -----
-----Parliamentary Constituency) conducted the mock poll at ---- AM today, the poll day i.e. -----
---, following scrupulously all the instructions issued by the Election Commission of India.

A total of ----- votes were polled in the mock poll and after the mock poll I have carefully cleared the memory of the mock poll and the total votes polled showed '0' after clearing the memory.

A. At the time of mock poll the following of polling agents representing the candidates whose names mentioned against the names of such agents were present and I have obtained their signatures.

Sl.No. Name of Polling Agent Name of Party Name of candidates Signature of Polling Agent

- 1.
- 2.
- 3.
- 4.
- 5.

B. At the time of mock poll the agent of only one contesting candidate was present. After waiting for fifteen more minutes, I conducted the mock poll along with other polling staff at ----- I have mentioned before the name of the agent present at the time of mock poll including the name of the candidate whom he represented.

(In case, no agent was present it shall be mentioned " No Polling agent was present at the time of mock poll")

Name of the agent

Name of the Candidate
(with Party affiliation)

Signature of the agent

Signature of micro-observer (if posted at the polling station)

Date:

Time:

Name & Signature
of the Presiding Officer
Polling Station No.....

Annexure – 8
Mock Poll Certificate

This is certified that I Presiding Officer at the Polling Station No -----of ----
----- Assembly Constituency conducted the mock poll at ---- AM today, the
poll day i.e. -----, following scrupulously all the instructions issued by the Election Commission
of India.

A total of ----- votes were polled in the mock poll and after the mock poll I have
carefully cleared the memory of the mock poll and the total votes polled showed '0' after clearing
the memory.

At the end of Mock Poll, I checked the date and time as shown in the display of the Control
Unit (Unique ID No. of CU.....).

The CU showed the date and time as:

Date..... Time.....

The actual date and time at that point of time was:

Date..... Time.....

Discrepancy between the above date and time, if any:.....

The above mentioned process has been performed in the presence of the following agents of
the political parties/candidates whose signatures are obtained below :-

<u>Sl.No.</u>	<u>Name of Polling Agent</u>	<u>Name of Party</u>	<u>Signature of Polling Agent</u>
---------------	------------------------------	----------------------	-----------------------------------

- 1.
- 2.
- 3.
- 4.
- 5.

Date:
Time:

Name & Signature of the Presiding Officer
Polling Station No.....

Annexure-9

(Report on getting result data from Control Unit whose CLOSE button was not pressed by
Presiding Officer at the end of poll)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been obtained from the following Control Unit(s) after pressing CLOSE button in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl.No.	Polling Station No.	Unique ID No. of Control Unit	Detailed Report	No. of votes polled in the Control Unit as per Form 17C

Final statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-10

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17-C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl.No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

Final statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Units (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-11

(Report on discrepancy in total votes shown in the Control Unit whose CLOSE button was not pressed by Presiding Officer at the end of poll and as mentioned in Form 17-C)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the discrepancy has been noticed in the total votes polled in the following Control Unit(s), after pressing TOTAL button of the Control Unit and comparing it with the total votes polled mentioned in Form 17-C.

Sl.No.	Polling Station No.	Unique ID No. of Control Unit	No. of votes polled displayed by Control Unit on pressing TOTAL button	No. of votes polled in the Control Unit as per Form 17C	Remarks

As the margin of votes between the candidate having highest votes and the runner up is less than the votes polled mentioned in the Form 17C relating to the Control Unit(s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Statement showing votes polled by the candidates having highest votes and runner up

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-12

(Report on retrieving result data from Control Unit by using Auxiliary Display Unit and Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result has been retrieved from the following malfunctioned Control Unit (s) by using Auxiliary Display Unit/Printer in the presence of the contesting candidates/their counting agents. The result of the election has been declared taking into consideration the result from this machine as well.

Sl.No.	Unique ID No. of Control Unit	Detailed Report	No. of votes polled in the malfunctioned Control Unit as per Form 17C

Final statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-13

(Report on non-retrieving result from Control Unit by using Auxiliary Display Unit and Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following malfunctioned Control Unit (s) by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed Report	No. of votes polled in the malfunctioned Control Unit as per Form 17C

Final statement showing votes polled by the winning and runner up candidates

S.No.	Name of candidate	Party affiliation, if any	Votes polled

As the margin of votes between the candidate having highest votes and the runner up is more than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for permission to set aside the votes polled in the said Control Units (s) and to declare the result.

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

Annexure-14

(Report on non-retrieving result from Control Unit by using Auxiliary Display Unit and Printer)

Name of State/UT:

Name of District:

Name of election:

Number & Name of Assembly/Parliamentary Constituency:

Date of Counting:

It is certified that the result could not be retrieved from the following malfunctioned Control Unit (s) by using Auxiliary Display Unit and Printer.

Sl.No.	Unique ID No. of Control Unit	Detailed Report	No. of votes polled in the malfunctioned Control Unit as per Form 17C

As the margin of votes between the candidate having highest votes and the runner up is less than the votes polled in the malfunctioned Control Unit (s) mentioned above, the matter is being referred to the Commission for appropriate orders.

Statement showing votes polled by the candidates having highest votes and runner up

S.No.	Name of candidate	Party affiliation, if any	Votes polled

(Name & Signature of Returning Officer)

(Name & Signature of Observer)

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By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.51/8/16/4/2011-EMS

Dated: 12th April, 2012

To

The Chief Electoral Officers of
all States and Union Territories.

Subject: Replacement of original Real Time Clock Battery during First Level Checking
of EVMs - regarding.

Sir,

The Commission has decided that whenever Post – 2006 EVMs are used in an election, during First Level Checking of EVMs, the battery of the Real Time Clock shall be checked. If the battery is the one which has a life span of 5 years and more than 3 years have passed since it was fitted in the EVM, the battery will be replaced preferably with a battery of the life span of 15 years. In all other cases, the strength of the battery will be tested and if it is found to be weak, it will be replaced preferably with a battery of a life span of 15 years. After battery replacement the Real Time Clock shall be recalibrated in consonance with the Indian Standard Time. A proper record of all the batteries replaced in this process shall be maintained EVM-wise by the District Election Officer concerned.

Yours faithfully,

(K.N. BHAR)
SECRETARY

Copy for compliance to : (By Speed Post)

1. The Chairman-cum-Managing Director,
Bharat Electronics Limited,
Nagavara, Outer Ring Road,
Bangalore-560045, Karnataka.
2. The Chairman-cum-Managing Director,
Electronics Corporation of India Limited,
Hyderabad-500 015,
Andhra Pradesh.

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BY SPEED POST/E-MAIL

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

DILIP K VARMA
UNDER SECRETARY

No. 51/8/6/2012-EMS

Dated: 23rd April, 2012

To

The Chief Electoral Officers of
All States and Union Territories.

- Reference:**
1. Commission's letter No. 51/8/3/2010-EMS, dated 27th September, 2010.
 2. Commission's letter No.51/8/3/2010-EMS, dated 8th June, 2011.
 3. Commission's letter No.51/8/3/2010-Vol-II, dated 4th October, 2011.
 4. Commission's letter No.51/8/6/2011-EMS, dated 26th December, 2011.
 5. Commission's letter No.51/8/6/2012-EMS, dated 17th March, 2012.

Subject: Electronic Voting Machines-EVM Tracking Software- regarding.

Sir/Madam,

I am directed to refer to the above cited letters by which you were directed to ensure that data of all EVMs is entered in the EVM Tracking software. During the recent CEOs' Conference, the Commission expressed extreme unhappiness that in spite of repeated reminders, this work is yet incomplete. The Commission emphasized that monitoring of all movements, First Level Checking and randomization etc. of EVMs shall be done only through EVM tracking software, which can only be done if data of all EVMs (other than 1989-90 model) is entered in the software. For this purpose following steps must be taken: -

1. 100% Data Entry of EVMs

Data entry of about 95% EVMs (Ballot Units & Control Units) has been completed in the EVM Tracking Software. The States/UTs, where data entry of all EVMs (BUs & CUs) is yet to be completed, are directed to complete this job within a week without fail. It has been observed from the report generated from EVM Tracking Software that in some States/UTs, data entry is less than 100% and in some States/UTs is more than 100%. In both the cases, the Chief Electoral Officers are required to depute their officer(s), after completing all the data entry jobs, to the Commission to sort out the discrepancy with Sh. K.N. Bhar, Secretary, Election Commission of India, within 15 days.

2. Data Entry of EVMs which are in possession of State Election Commission

ECI-EVMs which are still in possession of State Election Commissions are also required to be entered in EVM Tracking Software. In this regard, the Commission has already instructed that the Chief Electoral Officers of respective States shall provide the necessary assistance to

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the State Election Commissions for making entry of those EVMs so that these EVMs can be shown in their custody in EVM Tracking Software. For this purpose, the Chief Electoral Officers are required to take immediate necessary action for completing this task. In case, EVMs are loaned to State Election Commission of another State, the Chief Electoral Officers of sending State(s) shall coordinate with the Chief Electoral Officer as well as State Election Commission of that other State concerned for making entry of those EVMs in the software. This must be completed by 7th May, 2012.

3. Deletion of data entry of 1989-90 Model EVMs

The Commission has already decided not to use 1989-90 model EVMs in elections. Hence, those EVMs are not required to be entered in EVM Tracking Software. It has been observed from EVM Tracking Software that some States have done entry of 1989-90 model EVMs. Entries of 1989-90 model EVMs are to be deleted completely from the software. In some cases, the manufacturing year of post 1989-90 model EVMs is wrongly entered as 1989/1990. In such cases, data shall be suitably edited.

4. Data Entry of EVMs with respect to which an election petition is pending

Please refer the Commission's instruction, dated 26th December, 2011. The Chief Electoral Officers are requested to inform the Commission whether application has been filed before the Courts seeking permission of the Court to open the strong room and carry out physical verification of EVMs. If not yet done, they shall file the application before the concerned Court by 30th April, 2012. If the Chief Electoral Officers have any constraints in filing the application, they should make a reference to the ECI giving detail of it. The Chief Electoral Officers may send a report in the following format to the Commission periodically in 15 days.

S.No	ECI-EVMs blocked in Election Petition for election conducted by ECI						ECI-EVMs blocked in Election Petition for election conducted by SEC					
	AC/PC name & No.	Year of election	No. of EP in High Court/or Election appeal in Supreme Court	Number of EVMs blocked in petition as per list available		Date of application file before the competent Court.	Hearing fixed or not	Name of local bodies election	Year of election	No. of Election Petition or any appeal etc.	Number of EVMs blocked in petition as per list available	
				BUs	CUs						BUs	CUs

5. Data conflict resolution

In the CEOs' conference held on 20th December, 2011, the Chief Electoral Officers were requested to sort out these conflicts by their officers by engaging in dialogue with their counterparts or even by deputing their officers, if necessary, to concerned State (s). In spite of this, the conflicts in data entry of EVMs have not yet been sorted out.

To resolve these conflicts, provision of uploading images of unique ID engraved on the metallic plate pasted on the backside of EVM (Ballot Unit and Control Unit) has been made.

The Chief Electoral Officers are requested to upload the photos of conflict EVMs (BUs & CUs) immediately and resolve the conflict latest by 7th May, 2012.

6. Physical Verification of EVMs

New cycle for physical verification of EVMs has been generated in the EVM tracking software. The Chief Electoral Officers of States/UTs may ensure that 100% physical verification of EVMs for the quarters in the month of July shall be completed by 31st July, 2012 positively in the EVM Tracking Software. Any negligence in the matter shall be taken very seriously and explanation for the same will be called for.

The above instructions of the Commission shall be strictly followed by all concerned.

Yours faithfully,

(DILIP K VARMA)

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By fax/Speed Post/ Email

तार : निर्वायोग
नई दिल्ली
GRAM: ELECCOM
NEW DELHI

फैक्स : 23716617
FAX: 23716617
Phone- 2377338
23717391/280

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

संख्या
NO - 51/8/7/2011/EMOPS
तारीख
Dated - 2nd July, 2012

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली-110001
ASHOKA ROAD, NEW DELHI-110001

To

The Chief Electoral Officers of
all States/UTs

Subject: - Protocol for First Level Checking (FLC) of EVMs- modifications

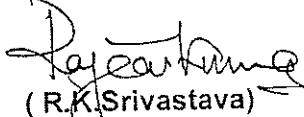
Sir/ Madam,

I am directed to refer to the Commission's instructions number 51/8/16/4/2010/EMS dated 4th August, 2010, on the subject cited, and to state that during the recent CEOs conference held at Surajkund this issue was discussed. The Commission has now decided that the mock poll in FLC as well as at the time of candidate setting shall be reduced to 5% of total EVMs from the existing 10%. However the number of votes polled shall remain 1000 in each EVM.

I am further to state that in the mock poll which has to be conducted on the day of poll, now atleast 50 votes shall be polled instead of 100, as of now. However, the number of votes polled shall never be less than the total number of contestants in the constituency.

The Commission's aforesaid instruction shall be read amended accordingly Please inform all concerned and ensure compliance

Yours faithfully,


(R.K. Srivastava)
Principal Secretary

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BY Camp Ban

ELECTION COMMISSION OF INDIA
SRI RAJIV GANDHI SADAN, ASHOKA ROAD, NEW DELHI-110001

51/8/6/2012/EAS

Date: 11 June 2012

The Chief Electoral Officer,
Muzaffarpur

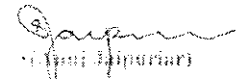
Subject: Transparency of election petition status and physical verification of Electronic Voting Machines (EVMs)

Reference:

For information, I refer to the D.O. letter No. EEC/2012/09/W dated 25th June 2012 of Chief Electoral Officer, Patna on the subject cited in copy enclosed. It is to be noted that all election Petitions (EPs) are coming in violation of EPs have been filed from the date of declaration of results of the assembly election, where the candidates are not allowed to see the particular EVMs after the declaration of results. In such cases, the physical presence of candidates in the polling station is not to be allowed in the presence of duly appointed officers or persons who are authorised to be also videographed. Para 4 of the Commission's letter would be read in conjunction accordingly clarified to this effect. It is further clarified that physical verification should be done after reducing the number of EVMs as indicated in EPs. Where necessary, record in EVM tracking Software. It is pertinent to clarify that the number of EVMs in the EP is to be entered by following. Please take note of the fact that physical verification has to be done using bar code reader or by any other way.

The Commission is informed of a petition to Chief Electoral Officer Patna regarding the above mentioned issues has been filed and in view of the above Order of the Commission, the information according to the respective pending data may be furnished to the concerned authorities.

Yours faithfully,


Anil Kumar
Secretary

Kusumjit Sidhu, IAS

Tele. No. 0172-2724038
ટેਲીફોન નં.: 0172-2724038



D.O. No. Elec-2012/M-6918
ਅ.ਸ.ਪੰ.ਨੰ.

Chief Electoral Officer-cum-
Principal Secretary to Government of Punjab
ਮੁੱਖ ਚੀਫ਼ ਐਲੀਕਟ੍ਰਾਨਿਕ-ਬੀਮ-
ਮੁੱਖ ਚੀਫ਼ ਓਫ਼ਿਸਰ, ਪੰਜਾਬ

Chandigarh, the 25/6/2012.
ਚੰਡੀਗੜ੍ਹ

Subject: Data entry of election petition status and physical verification of
Electronic Voting Machines (EVMs)

Dear

Apropos your D.O. No. 23/Conf/2012-ERS dated 13th June, 2012. Presently 20661 CUs and 31987 BUs have been physically verified and entered in the EVM tracking software.

2. General elections to the Punjab Legislative Assembly were held in the first quarter of the year, 2012 as per the directions of the ECI issued vide letter No. 51/8/G/2011-EMS dated 26.12.2011 the physical verification of the EVMs, where there is no election petition, can be done by opening strong rooms after expiry of a period of six month from the date of the declaration of the result of the election. The counting of votes of the Vidhan Sabha Elections 2012 took place on 06.03.2012 and the period of six month will expire on 05.09.2012. The physical verification of the EVMs used in the Vidhan Sabha Elections, 2012 can only be done after 05.09.2012.


3. The same is true of the EVMs used by the State Election Commission for Municipal & Corporation Elections held recently.

4. The Registrar of the High Court has been addressed on the issue of EVMs involved in Election Petitions. The High Court is closed till the first week of July. The reply is awaited. In case required, as advised, during the last meeting, a civil miscellaneous appeal would be submitted to request permission for physical verification. The ECI officers had also stated that a list of pending election petitions in the Supreme Court would be obtained and circulated, since

there is no way in which the Chief Electoral Officer comes to know if a case decided by the High Court has reached the Supreme Court. I would be grateful if that list is obtained and circulated soon.

In view of the above, progress of physical verification would necessarily not reach 100% by 30 June 2012.

Yours sincerely,


(Kusumjit Sidhu) 28/6/2012

Dr Atok Shukla,
Deputy Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi.

(106)

By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 52/2/Prep/2012-EMS

Dated: 24th November, 2012

2283/CE
30/11/12
JCEo
2

To

The Chief Electoral Officers of
all States/UTs.

Subject :- General/Bye Elections – Use of Pink Paper Seal on Electronic Voting
Machines – Regarding.

Sir/Madam,

29/11/12
Sh. N. Arora
By
30/11/12

It has been brought to the notice of the Commission that the pink paper seals affixed on the EVMs are sometimes found damaged while using in elections due to mishandling and improper storing. The Commission has directed that due care shall be taken by all concerned that all the EVMs are handled at each stage in such a way that the Pink Paper Seal affixed on Control Unit is not damaged in anyway. Returning Officer(s) should personally ensure that the storing and handling of EVMs shall be done carefully to avoid any damage to the pink paper seals affixed on the EVMs.

The Commission has also directed that the Observers shall be provided with the list of pink paper seals affixed on EVMs during FLC, which is provided to the representatives of the political parties, immediately on his arrival in the constituency, by the Returning Officer. Observers will inspect and verify the Pink Paper Seal of Control Units before preparation of EVMs, and only those EVMs will be prepared and used which the Observer verifies as OK. EVMs that are not verified as OK will not be used.

Similarly, at the time of counting of votes pink paper seal of the Control Units will be verified again by the Observer and if it is verified as OK the Control Unit will be taken up for the counting otherwise Control Unit will not be taken up for counting of votes and the matter shall be reported to the Commission for necessary directions.

These instructions of the Commission shall be brought to the notice of all District Election Officer(s) & Returning Officers. The Commission has directed that the above instructions should be followed in letter and spirit.

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30/11/12

Yours faithfully,

(K.N. BHAR)
SECRETARY

Other Election Material

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Election Commission's letter No. 53/2/2004-PLN-IV, dated 24.03.2004 addressed to the Chief Electoral Officers of all the States/UTs

Subject: General instruction- Green Paper Seals- regarding.

I am directed to invite your attention to instructions contained in paras 16.2 & 16.4 of Chapter XIII of Hand Book for RO (EVM) (1998 Reprint 1999) wherein it is laid down that the green paper seal should be so fixed that its green surface is seen through the aperture from the outer side and that the Presiding officer should affix his signature in full immediately below the serial number of the paper seal. It shall be got signed by such of the candidate or their agents as are present and are desirous of affixing their signatures.

Keeping in view the fact that the serial number on the paper seal has been ' printed on the green side of the paper seal, it is clarified that signature(s) of the Presiding Officer and Polling agents may be taken on the white side of the paper seal as before and at the time of counting in the Counting Hall, the strip seal will be removed carefully in such a manner that while doing so the green paper seal is not damaged and the number and signature are intact.

Please inform all observers, contesting candidates etc. in writing.

Please acknowledge receipt and ensure compliance.

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By Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001

K.N.Bhar
Under Secretary

No.52/2/Prep/2009-EMS

Dated: 19th February, 2009

To

काभालय मुख्य निर्वाचन अधिकारी
एवं सहायक निर्वाचन अधिकारी
आन

The Chief Electoral Officer,
of all States & Union Territories.

Subject: General Elections to Lok Sabha, 2009 – Procurement of Sealing wax –
Specification – Regarding.

Sir,

I am directed to state that the Commission has received a letter from the Chief Electoral Officer, Tamil Nadu on the subject cited, wherein they have requested the Commission to specify the type of Sealing wax to be procured for coming Lok Sabha elections as there are three types/grades of Sealing wax conforming to the standards IS: 868:1990.

In view of the above and in partial modification of Commission's letter No.52/1/2001-PLN-IV, dated 15th March, 2001, it has been decided that Sealing Wax of Grade-II conforming to IS: 868:1990 as updated from time to time may be purchased for the aforesaid purpose.

I am also to state that only good quality twine thread should be used while putting various seals on the Electronic Voting Machines and other election papers.

Yours faithfully,


(K.N.Bhar)

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2009-EPS

Dated: 23rd February, 2009

To,

The Chief Electoral Officers of
All States and Union Territories

**Sub: Colour of packing of Statutory Covers, Non- Statutory Covers
and Election Material to be submitted by the Presiding Officers
– regarding.**

Sir/Madam,

I am directed to say that after the close of poll, all election papers relating to poll are required to be sealed by the Presiding Officer in separate packets as per the provisions of Rule 49U of the Conduct of Election Rules 1961. In the past, it has been observed that while keeping the various Forms and other materials used in the polling station in respective covers, the Polling Parties inadvertently put them in wrong covers and it becomes difficult afterwards to locate those documents in case of some Court Cases or such other requirements. In order to streamline this process and to ensure that no such mistakes are repeated either intentionally or unintentionally, the Commission has decided that the following procedure should be adopted with regard to the preparation of various 'Statutory Covers' and 'Non-statutory Covers: -

I. The first packet should contain the sealed covers mentioned below and should be superscribed as "STATUTORY COVER":

- (i) The sealed cover containing the marked copy of the electoral roll;
- (ii) The sealed cover containing the register of voters;
- (iii) The sealed cover containing voter's slips;
- (iii) The sealed cover containing voter's slips;
- (iv) The sealed cover containing unused tendered ballot papers;

(v) The sealed cover containing the used tendered ballot papers and the list in Form 17-B

A format of each of these five sealed covers is enclosed herewith. The colour of Statutory Forms and covers should be **Green**.

Even if a statement or record to be put in any cover mentioned above is nil, a slip noting on it that the statement or record is "Nil" may be put in the cover and the total number of five covers made ready so that no necessity arises for the receiving official at the receiving centre to enquire about the non-production of any of the sealed covers to be received by him.

(xi) The second packet should contain the following covers and should be superscribed as "NON-STATUTORY COVER":

(xi) The cover containing the copy or copies of electoral roll (other than the marked copy);

(xi) The cover containing the appointment letters of polling agents in Form 10;

(xi) The cover containing the election duty certificate in Form 12-B

(xi) The sealed cover containing the list of challenged votes in Form 14;

(xi) The cover containing the list of blind and infirm electors in Form 14-A and the declarations of the companions;

(xi) The cover containing the declarations obtained from electors as to their age and the list of such electors;

(xi) Cover containing the receipt book and cash, if any, in respect of challenged votes;

(xi) Cover containing unused and damaged paper seals;

(ix) Cover containing unused voter's slips;

(x) Cover containing unused and damaged special tags; and

(xi) Cover containing unused and damaged strip seals.

A format of each of eleven covers is enclosed herewith. The colour of Non Statutory Forms and covers should be **Yellow**.

III. The third packet should contain the following items:

(I) The Hand Book for Presiding Officer;

(ii) Manual of Electronic Voting Machine

- (iii) indelible ink set (with stopper having been secured on each phial effectively with molten candle or wax applied thereon to prevent leakage or evaporation);
- (iv) Self-inking pads;
- (v) The metal seal of the Presiding Officer;
- (vi) The arrow cross-mark rubber stamp for marking tendered ballot papers;
- (vii) Cup for setting the indelible ink;

A Proforma of each of seven covers is enclosed herewith. The colour of these packets should be **Brown**.

IV All the other items, if any, should be kept in the Fourth Packet. The Colour of this packet should be **Blue**.

Each of the five smaller covers/packets to be included in the first packet marked Statutory Covers should be sealed. The other smaller covers/packets containing various non-statutory papers and items of election materials to be included in the second, third and fourth packets marked "Non-Statutory Covers" may be prepared separately, but not be sealed (except the cover containing list of challenged votes in Form 14).

Where the election to House of the people and legislative assembly are held simultaneously, the Voters' slip for use in the polling station (which is handed over to the electors by the second/third polling officers) may be prepared in two different colours viz. White for Lok Sabha poll and Pink for Assembly poll. After the poll is over the slips used for different poll should be kept in separate covers. Similarly, Form – 17C (Account of Votes Recorded) may also be prepared in different colour viz. White for Lok Sabha poll and Pink for Assembly poll. As regard the Register of Voters (Form – 17A), it may be noted that only one register is required even in the case of simultaneous poll.

It may be noted that the packets containing (i) the account of votes recorded and paper seal (in Form - 17C), (ii) the declarations by the Presiding Officer before the commencement of poll, during the poll and after close of poll, (iii) the Presiding Officer's Diary, (iv) form PS05 (Check Memo for Presiding Officers) and (v) Visit Sheet, should be put in separate packets.

Apart from the above, the Commission has also directed that different Forms and other papers may be pre-printed and stitched in two bundles, duly perforated, at the end viz. one for Statutory and another for Non-statutory.

The matter contained in this instruction should invariably be brought to the notice of the Polling Personnel during their training so that there is no confusion when it comes to the actual use of this facility.

Kindly acknowledge receipt of the letter.

FIRST PACKET

STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(1) Sealed Cover containing marked copy of Electoral
Roll and List of CSVS Marked Copy of Electoral Rolls

MARKED COPY

General Election to from
.....Constituency

1. No. of Polling Station:.....
2. Name of the Polling Station:.....
3. Location of Polling Station:.....

STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(2) Sealed Cover containing Register of Voters

FORM 17-A

(See Rule 49-L)

Register of Voters

General Election to from
.....Constituency

1. No. of Polling Station:.....
2. Name of the Polling Station:.....
3. Part No. Electoral Roll of:.....

STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(3) Sealed Cover containing Voter's Slips

Slip of Voters

General Election to from
.....Constituency

1. Serial No. of Elector shown in Column-1 of Register of
Voters :

2. Serial No. of Elector as entered in the Electoral Roll :
.....

3. Signature of Polling Officer :
.....

STATUTORY COVER

**General Election to House of the People, 200 / State
Legislative Assembly, 200**

from.....Parliamentary

Constituency / Assembly Constituency

Number of Polling Station.....Name of
Polling Station.....

**(4) Sealed Cover containing unused Tendered
Ballot Papers**

STATUTORY COVER

**General Election to House of the People, 200 / State
Legislative Assembly, 200**

from.....Parliamentary

Constituency / Assembly Constituency

Number of Polling Station.....Name of
Polling Station.....

**(5) Sealed Cover containing used Tendered Ballot
Papers and List in 17-B**

FIRST PACKET

STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

- (1) Sealed Cover containing marked copy of Electoral
Roll and List of CSVS
Marked Copy of Electoral Rolls

MARKED COPY

General Election to from
.....Constituency

1. No. of Polling Station:.....
2. Name of the Polling Station:.....
3. Location of Polling Station:.....

STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(2) Sealed Cover containing Register of Voters

FORM 17-A

(See Rule 49-L)

Register of Voters

General Election to from
.....Constituency

1. No. of Polling Station:.....
2. Name of the Polling Station:.....
3. Part No. Electoral Roll of:.....

STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(3) Sealed Cover containing Voter's Slips

Slip of Voters

General Election to from
.....Constituency

1. Serial No. of Elector shown in Column-1 of Register of
Voters :
2. Serial No. of Elector as entered in the Electoral Roll :
.....

3. Signature of Polling Officer :
.....

STATUTORY COVER

**General Election to House of the People, 200 / State
Legislative Assembly, 200**

**from.....Parliamentary
Constituency / Assembly Constituency**

Number of Polling Station.....Name of
Polling Station.....

**(4) Sealed Cover containing unused Tendered
Ballot Papers**

STATUTORY COVER

**General Election to House of the People, 200 / State
Legislative Assembly, 200**

**from.....Parliamentary
Constituency / Assembly Constituency**

Number of Polling Station.....Name of
Polling Station.....

**(5) Sealed Cover containing used Tendered Ballot
Papers and List in 17-B
SECOND PACKET**

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(1) COVER CONTAINING THE COPY OR COPIES OF ELECTORAL ROLLS (OTHER THAN THE MARKED COPY)

1. No. of the Polling
Station:.....
2. Name of the Polling
Station:.....
3. Location of the Polling
Station:.....

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(2) COVER CONTAINING THE APPOINTMENT LETTERS OF POLLING AGENTS IN FORM - 10

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(3) COVER CONTAINING THE ELECTION DUTY CERTIFICATE IN FORM – 12-B

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(4) LIST OF CHALLENGED VOTES IN FORM 14

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(5) COVER CONTAINING THE LIST OF BLIND AND INFIRM ELECTORS IN

FORM 14-A AND THE DECLARATIONS OF THE COMPANIONS

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(6) LIST OF VOTERS FROM WHOM DECLARATIONS AS TO THEIR AGE HAVE BEEN OBTAINED ANNEXURE - XI

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

**(7) COVER CONTAINING THE RECEIPT BOOK & CASH
IF ANY,
IN RESPECT OF CHALLENGED VOTES**

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

**(8) COVER CONTAINING THE UNUSED AND DAMAGED
PAPER SEALS**

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(9) COVER CONTAINING UNUSED VOTERS SLIPS

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200
from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

**(10) COVER CONTAINING WITH UNUSED & DAMAGED
SPECIAL TAGS**

NON - STATUTORY COVER

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(11) COVER CONTAINING UNUSED & DAMAGED STRIP SEALS

THIRD PACKET

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(1) HANDBOOK FOR PRESIDING OFFICERS

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling
Station.....

(2) MANUAL OF INSTRUCTIONS FOR USE OF ELECTRONIC VOTING MACHINE

General Election to House of the People, 200 / State Legislative Assembly,
200

from.....Parliamentary Constituency / Assembly
Constituency

Number of Polling Station.....Name of Polling Station.....

(3) INDELIBLE INK SET

General Election to House of the People, 200 / State Legislative Assembly, 200

from.....Parliamentary Constituency / Assembly Constituency

Number of Polling Station.....Name of Polling Station.....

(4) STAMP PAD

General Election to House of the People, 200 / State Legislative Assembly, 200

from.....Parliamentary Constituency / Assembly Constituency

Number of Polling Station.....Name of Polling Station.....

(5) BRASS SEAL OF PRESIDING OFFICER

General Election to House of the People, 200 / State Legislative Assembly, 200 from.....

Parliamentary Constituency / Assembly Constituency

Number of Polling Station.....Name of Polling Station.....

(6) ARROW CROSS-MARK RUBBER STAMP FOR MAKING

TENDERED BALLOT PAPERS

General Election to House of the People, 200 / State Legislative Assembly, 200

from.....Parliamentary Constituency / Assembly Constituency

Number of Polling Station.....Name of Polling Station.....

(7) CUP FOR SETTING THE INDELIBLE INK

FOURTH PACKET

**General Election to House of the People, 200 / State Legislative Assembly,
200 from.....Parliamentary Constituency / Assembly
Constituency**

Number of Polling Station.....Name of Polling
Station.....

OTHER MISCELLANEOUS MATERIAL01000

Electoral Rolls

ITEM NO. 110

Election Commission letter No.22/2/1998-PLN-II, dated 24.01.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Electoral Rolls - Supply of certified copy of the relevant entries in the electoral roll by ERO

I am directed to state that under the provisions of existing law, a person who is an elector in any parliamentary constituency can contest the election for Lok Sabha from any parliamentary constituency in any State (except Sikkim, Lakshadweep and Autonomous Districts of Assam). Under the provisions of Section 33 (5) of the Representation of the People Act, 1951, if the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof, or a certified copy of the relevant entries in such roll shall be filed along with the nomination papers.

2.It has been brought to the notice of the Commission that a person whose name is registered as an elector in one of the assembly constituencies in a certain State has applied for a certified copy of the entry in the electoral roll and the ERO of the constituency has supplied him with a certified copy thereof which is entirely in the regional language. If that individual wants to contest an election from any other State where that regional language is not known, the Returning Officer of the parliamentary constituency in the other State would find it difficult to either read or understand the contents of the certified copy of the roll filed by the candidate.

3.This may be the case in respect of all other States and Union Territories also where the electoral rolls are prepared in regional language only.

4.In order to facilitate such candidates to contest elections to Lok Sabha from any parliamentary constituency in any State, other than the State in which he is registered as an elector, the Commission hereby directs as follow:

i) If any person applies for a certified copy of the entry in the Electoral Roll, the ERO shall supply him with a certified copy of the entry in the language in which the roll of that constituency is printed.

ii) However, if the person wants an English version of the certified copy, that person has to get English version of the certified copy prepared on his own and produce the same in English version, along with the original certified copy given to him, before the ERO concerned. The ERO, after satisfying himself that the English version produced by the person is a true copy of the original in regional language, shall certify that English version.

iii) The ERO shall also keep, for his record, a copy of such English version also for any future reference.

5. The above instructions may be brought to the notice of all DEOs/EROs/AEROs immediately for strict compliance.

111

ITEM NO. 111

Election Commission's letter No.22/2/2004-PLN-II, dated 21.02.2004 addressed to the Chief Electoral Officers of All States and Union Territories.

Subject: **Electoral Rolls - Supply of certified copy of the relevant entries in the electoral roll by ERO.**

I am directed to invite your attention to the standing instructions regarding supply of certified copies of the extracts of electoral rolls to the prospective candidates at Lok Sabha elections contained in Commission's letter No.22/2/98-PLN-II dated 24th January, 1998 (copy enclosed for ready reference) and to reiterate the same for the benefit and convenience of all concerned.

The directions would now be equally applicable for prospective candidates for Rajya Sabha elections in view of amendment to Section 3 of the Representation of People Act, 1951 vide the Representation of People (Amendment) Act 2003 (40 of 2003) w.e.f.28-08-2003.

I am to request you to ensure that the said directions are strictly complied with during all future elections to the Lok Sabha and Rajya Sabha.

The receipt of this letter together with its enclosures may kindly be acknowledged.

COPY

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110 001

No.22/2/98/PLN-II
1998

Dated 24th January,

To

The Chief Electoral officers of
All States and Union Territories.

Subject: Electoral Rolls - Supply of certified copy of the relevant entries in the electoral roll by ERO.

I am directed to state that under the provisions of existing law, a person who is an elector in any parliamentary constituency can contest the election for Lok Sabha from any parliamentary constituency in any State (except Sikkim, Lakshadweep and Autonomous Districts of Assam). Under the provisions of Section 33 (5) of the Representation of the People Act 1951, if the candidate is an elector of a different

constituency, a copy of the electoral roll of that constituency or of the relevant part thereof, or a certified copy of the relevant entries in such roll shall be filed along with the nomination papers.

2. It has been brought to the notice of the Commission that a person whose name is registered as an elector in one of the assembly constituencies in a certain State has applied for a certified copy of the entry in the electoral roll and the ERO of the constituency has supplied him with a certified copy thereof which is entirely in the regional language. If that individual wants to contest an election from any other State where that regional language is not known, the Returning Officer of the parliamentary constituency in the other State would find it difficult to either read or understand the contents of the certified copy of the roll filed by the candidate.

3. This may be the case in respect of all other States and Union Territories also where the electoral rolls are prepared in regional language only.

4. In order to facilitate such candidates to contest elections to Lok Sabha from any parliamentary constituency in any State, other than the State in which he is registered as an elector, the Commission hereby directs as follows:

- i) If any person applies for a certified copy of the entry in the Electoral Roll, the ERO shall supply him with a certified copy of the entry in the language in which the roll of that constituency is printed.
- ii) However, if the person wants an English version of the certified copy, that person has to get English version of the certified copy prepared on his own and produce the same in English version, along with the original certified copy given to him, before the ERO concerned. The ERO, after satisfying himself that the English version produced by the person is a true copy of the original in regional language, shall certify that English version.
- iii) The ERO shall also keep, for his record, a copy of such English version also for any future reference.

5. The above instructions may be brought to the notice of all DEOs/EROs/AEROs immediately for strict compliance.

6. Kindly acknowledge receipt.

Yours faithfully,

(K.R. PRASAD)
SECRETARY

ITEM NO. -112

Election Commission's letter No. 3/1/2004/J.S.II, dated 10.03.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject: - Conduct of Elections (Amendment) Rules, 2003.

I am directed to refer to Commission's letter of even number dated 13th November 2003 on the above subject.

In the above referred letter, the Commission has directed that one copy of the electoral roll shall be supplied, free of cost, to the candidates of every recognised political party for a general election to the House of the People or Legislative Assembly of a State, through the Returning Officer concerned. It was also directed that the copies should be supplied within three days after the last date of withdrawal of candidatures. These instructions may be brought to the notice of all the Returning Officers.

It may also be brought to their notice that the polling station-wise sub-lists of CSVs who have appointed proxies, should also be supplied alongwith the copy of the electoral roll.

Kindly acknowledge receipt.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.22/2/2006-PLN-II

Dated: 24th March, 2006.

Tp

The Chief Electoral Officers of
all States and Union Territories

Subject:- Printing of electoral rolls –Supply of copies to recognized political parties, their candidates, and Observers and preparation of Marked copy of electoral roll – regarding.

References : 1. No.22/2/2001 dated 16th April 2001 addressed to the Chief Electoral Officer of West Bengal with copy to the Chief Electoral Officers of all other States/Union Territories.
2. No.23/2002-PLN-II dated 27th August, 2002 addressed to the Chief Electoral Officers of all States/UTs.
3. No.3/1/2003/JS-II dated 23rd September, 2003 addressed to the Chief Electoral Officers of all States/UTs.
4. No.3/1/2003/JS-II dated 20th October, 2003 addressed to the Chief Electoral Officers of all States/UTs.
5. No.3/1/2003/J.S.II dated 13th November, 2003 addressed to the Chief Electoral Officers of all States/UTs.
6. No.22/2/2004/PLN-II dated 20th January, 2004 addressed to the Chief Electoral Officers of all States/UTs.

Sir,

The Commission has issued instructions, from time to time, for conduct of free and fair elections vide above referred references on various issues, like manner of preparation of marked copy of the electoral rolls supplied to polling parties (1st reference); supply of a duly authenticated copy of the final electoral roll to be used for the election in the constituency, in a sealed cover, to the concerned District Election Officer(DEO) as well as to the Returning Officer(RO) by the Electoral Registration Officer(ERO) (2nd reference); action to be taken by the RO to prepare list/sub-list of Classified Service Voters (CSVs) who opt to vote through proxy (3rd and 4th references); supply one copy of the electoral roll, free of cost, to the contesting candidates of recognized political parties during general election by the RO within 3 days after last date of withdrawal of candidatures (5threference) and preparation of additional supplements of Additions, Deletions and Corrections made after final publication of rolls till the last date for making nominations and supply copies thereof to the recognized political parties (6th reference).

2. The Commission has been repeatedly reiterating and emphasizing upon the vital importance of maintaining accurate electoral rolls for the conduct of elections to eliminate complaints about discrepancies in the copies of electoral roll supplied to the recognized political parties and their candidates and the ones used as "marked copy" at the polling station. After computerization of electoral roll, the Commission has been insisting that no deletions or corrections should be made in the mother/integrated roll or the relevant supplement, by scoring out by hand the relevant entry or correcting it in red ink. Vide letter 1st cited it was instructed that in case of deletions an asterisk (*) and in the case of correction, a hash sign (#) should be marked by hand against the entry in the integrated roll or in the relevant supplements thereto.



3. In view of the fact that the electoral rolls, in some States/UTs/constituencies are now printed with the photograph of the electors, the following revised instructions are now issued for supply of copies of supplements of continuous updation to the recognized political parties, supply of complete set of electoral roll to the candidates of recognized political parties during general election, preserving one copy of the electoral roll used for conduct of poll by the DEO and preparation of marked copy of electoral roll. These instructions would equally be applicable for electoral rolls without photograph of electors.

4. As per the Commission's latest policy, all the supplements to the mother roll should be integrated consolidated and incorporated in the mother roll every year before draft publication. Therefore, only one supplement is appended to the draft roll at the time of final publication. Another supplement of continuous updation, wherever necessary, is appended for conduct of poll. Bare minimum no. of copies are printed at the time of draft publication. The mother roll is again reprinted at the time of final publication.

5. The following course of action should be adopted to ensure that the electoral roll supplied to recognised political parties and candidates of recognised political parties and the working/marked copies used for the conduct of poll at a **general election** are identical:-

- I. The ERO shall reprint the draft roll at the time of final publication. While reprinting the unique EPIC Nos. of the cards issued in ongoing campaign but not incorporated in the electoral roll should be inserted;
- II. All the deletions appearing in the supplement, if any, appended to the draft roll as well as the supplement prepared after disposal of claims and objections before final publication should be reflected in the reprinted mother roll by strikethrough method in the electoral roll of eight columns without photograph and with the word "D E L E T E D" superimposed on the concerned elector detail box in case of photo electoral roll.
- III. Similarly, all corrections appearing in the supplement, if any, appended to the draft roll as well as the supplement prepared after disposal of claims and objections before final publication should be carried out in the reprinted mother roll at the time of final publication. In addition a hash sign (#) should be prefixed before the serial number of the entry corrected in the eight column electoral roll without the photograph and in the concerned elector detail box to indicate that the entry is included in the supplement of correction.
- IV. The supplements of deletions and corrections should also be printed for convenience of reference in case of doubt.
- V. Two copies of the finally published roll so prepared i.e. the reprinted draft roll and the supplement appended after disposal of claims and objections during final publication should be supplied to recognised political parties immediately after the final publication.
- VI. In the States of Assam, Kerala, Tamil Nadu, West Bengal & UT of Pondicherry where general elections have already been announced and where the final publication of rolls has already taken place and where the deletions and corrections might not have been reflected as mentioned above in the draft roll, it is presumed that while supplying copies of finally published electoral rolls to the recognised political parties they were requested in writing to up-date the draft roll by incorporating all deletions and corrections so that at the time of poll they do not find any discrepancy in the copies of electoral roll supplied to them and the ones used for conduct of poll.

- VII. Some Additions, Deletions and Corrections might be necessary under the scheme of continuous updation after final publication upto the last date for making nominations for an election. For this an additional Supplement will have to be printed immediately after the last date for making nominations. The recognised political parties to whom copies of the draft and final rolls were supplied earlier shall be supplied two copies of the Supplement of Continuous updation with the request to carry out the deletions and corrections in the copy of the roll already supplied to them. It is reiterated that it is **not repeat not** necessary to supply again a complete set of electoral roll.
- VIII. The ERO should thereafter reflect all the deletions and corrections, if any, appearing in the supplement of Continuous Updation in the database as indicated in para 5 (a) & (b) above and take required number of printouts required for conduct of poll and supply to observer as in no case any scoring of entry or sign for correction can be put by hand in the copies of the roll used for conduct of poll. He shall thereafter supply –
- One authenticated copy of the roll to the DEO in a sealed cover which shall be the reference copy in case of any dispute (as per instructions contained in reference 2nd cited);
 - One authenticated copy together with copies to be used at the polling station as working copies (of which one is used as marked copy), one copy for the observer and such number of copies as there are contesting candidates of recognized political parties to the Returning Officer.
 - As per the existing instructions contained in reference 5th cited, one complete copy of the electoral roll as finally published together with the supplement of continuous updation, if any, is required to be supplied to the contesting candidates of every recognised political party in the State within 3 days after the last date of withdrawal of candidatures. ***In case it is not possible*** for the ERO to reprint the components of final roll after reflecting deletions and corrections of continuous updation within this period, then he may supply the required no. of copies of finally published roll together with the supplement of continuous updation to the Returning Officer for onward supply within the specified period to the contesting candidates of recognised political parties with the request in writing to carry out the deletions and corrections that are not reflected in the final roll.

6. The RO on receipt of the required no. of copies of electoral roll from the ERO shall take the following actions :-

- I. He shall retain one authenticated copy of the roll supplied to him by the ERO for record and reference.
- II. He shall then proceed to prepare working copies by marking “EDC” or “PB” as per rules 20(2)(b) and 23 (2)(b) of the C.E. Rules, 1961.
- III. He shall prepare the list of “Classified Service Voters” (CSVs) for the entire constituency as well as for relevant parts as per instructions contained in reference 3rd and 4th cited and paras 16.1 and 16.2 of Chapter X of R.Os Handbook (2004 edition).
- IV. One copy of the list of CSVs for the entire constituency shall be forwarded to the DEO in a sealed cover for reference in case of any dispute.
- V. List of CSVs shall also be supplied to the candidates of recognised political parties.

7. Following steps should be taken to ensure that the deletions reflected in the database and indications given for the corrections are the ones actually included in the supplements of Deletion and Correction :-

- (a) Manuscript of supplement of Addition, deletion and correction should be prepared. In no case the original Forms should be given to the SLA for data entry.
 - (b) The official who prepares the manuscript should sign with name and date at the end of the manuscript and one of the AEROs should countersign.
 - (c) After data entry two checklists should be printed. One official to be designated by each ERO and one representative of the SLA should certify that they have compared all the entries in the list after data entry with the manuscript and should certify that the data entry has been made as per the manuscript.
8. Finally before the poll one of the AEROs and one more official shall sign on each page of the copy of the electoral roll to be used as marked copy and the one to be supplied to the observer.
9. Whenever copies of the roll are reprinted, the EPIC no. issued during ongoing campaign, if any, and not reflected in the electoral roll should be incorporated. A separate list of EPICs that are issued after reprinting of the limited number of copies of the electoral roll for conduct of poll, may be printed part wise and appended to the marked copy of roll.
10. The above instructions should be brought to the notice of all concerned for strict compliance. These instructions shall be applicable for the current round of general elections to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Pondicherry and for all future elections.

The receipt of the letter shall be acknowledged without fail.

Yours faithfully,
Sd/-
(A.K. MAJUMDAR)
SECRETARY

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By Speed Post/E-Mail

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

RITVIK PANDEY
SECRETARY (IT)

No. 23/LOCATOR//2007-ERS

Dated 5th November, 2007

To

The Chief Electoral Officers
of all the States and Union Territories.

Sub.: Preparation of electoral roll in alphabetical order – Regarding.

Sir,

You are aware, at present, the electoral rolls are prepared according to house numbers of electors under rule 6 of Registration of Electors Rules, 1960. Under the said rule, the Commission can also give special instructions to prepare electoral roll of any part in alphabetical order, if it feels that the same is more convenient.

2. The Commission has been receiving reports from various sources that some times at the time of polling, electors/polling personnel find difficulties in locating the names of electors in the electoral rolls.

3. After considering various aspect, the Commission has issued the following directions -

- (i) for each premises/building location where three or more polling stations are located, a team of officials will be appointed for each such premises/building with the objective of facilitating the voter to locate his/her particular polling station number and the serial number of that voter in that electoral roll in the concerned polling station;
- (ii) necessary arrangement for sitting of the teams with a proper sized signage indicating, "VOTER ASSISTANCE BOOTH" in every location of premise/building where three or more polling stations have been set up, shall be provided;
- (iii) the "VOTER ASSISTANCE BOOTH" shall be set up in such a manner that the same is conspicuous to voters as they approach the premise/building;
- (iv) part-wise electoral roll in alphabetical order for each assembly constituency shall be generated in the same format as that of electoral roll i.e. in same 8 columns and kept at "Voter Assistance Booth".;
- (v) the alphabetical arrangement of names within a part need not be further divided section wise. Partwise arrangement of e-detail (elector detail) sorted by name in alphabetical order should be sufficient to locate a voter's name quickly.

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- (vi) The alphabetical list should preferably be printed in English. Wherever the roll is printed in other vernacular language the same can be transliterated in English if the database is in UNICODE. In case of problem, the alphabetical arrangement of names can be made in the same language in which the roll is printed.
- (vii) The names appearing in the Supplements as Addition List can be separately sorted in alphabetical order. The components of deletions and corrections need not be printed in the Locator. However, it should be ensured that only the modified database i.e. with "strike off" of the entries deleted in the supplement and carrying out corrections as per the supplement, is used for preparing and printing of the alphabetical list.
- (viii) the team of officials manning "VOTER ASSISTANCE BOOTH" shall be provided copies of the alphabetical list of electoral roll alongwith complete sets of electoral roll to be used in the polling stations located in that particular premise/building;
- (ix) The voter assistance team will locate the Booth No. and Serial No. of every voter seeking such information from them and inform the voter. (The voter may be advised to note the information properly.)
- (x) The voter will be able to vote on fulfillment of all relevant condition (like production of EPIC etc.) and on the Presiding Officer's reasonable satisfaction based on independent verification.
- (xi) In single / double Polling Station buildings, no separate team or Voter Assistance Booth would be required. Instead, in such cases, the list of alphabetical electoral roll shall be provided to Presiding Officer of each polling station for easy identification of electors inside the polling station. This will be in addition to the working copies (of which one is used as Marked Copy) supplied to each polling party.

4. A sample of electoral roll generated in alphabetical order is enclosed.

5. The receipt of this letter may please be acknowledged with confirmation that relevant instructions have been issued to concerned District Election Officer/Returning Officer and other connected officers for future compliance. A copy of instructions so issued in this behalf may also be endorsed to the Commission for its information and record.

Yours faithfully,

(RITVIK PANDEY)

Enclosures : 6 Pages (Sample)

ELECTORAL ROLL - 2007
State - GOA

No., Name and Reservation Status of Assembly Constituency : 1-Mandrem (General)	Part No. : 1
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No., Name and Reservation Status of Parliamentary Constituency in which the Assembly Constituency is located : 1-Panaji (General)

1. DETAILS OF REVISION

Year Of Revision : 2007	Roll Identification : Basic Roll of Intensive Revision, 2006 Integrated with all Supplements preceeding Summary Revision 2007
Qualifying Date : 01/01/2007	
Type Of Revision : Summary	
Date Of Publication : 06/11/2006	

2. DETAILS OF PART & POLLING AREA

No. & Name of the sections in the part :						
1.Near Church, Tiracol						
2.Near Hill Rock Restaurant, Tiracol						
<table border="1" style="width: 100%;"> <tr> <td>Main Village : Tiracol</td> </tr> <tr> <td>Police Station : Pernem Police Station Pernem-Goa</td> </tr> <tr> <td>Tehsil : Pernem</td> </tr> <tr> <td>District : North Goa</td> </tr> <tr> <td>PIN Code : 403524</td> </tr> </table>		Main Village : Tiracol	Police Station : Pernem Police Station Pernem-Goa	Tehsil : Pernem	District : North Goa	PIN Code : 403524
Main Village : Tiracol						
Police Station : Pernem Police Station Pernem-Goa						
Tehsil : Pernem						
District : North Goa						
PIN Code : 403524						

3. POLLING STATION DETAILS

No. and Name of Polling Station : 1, Tiracol	Type of Polling Station (Male/ Female/ General)	General
	Address of Polling Station : Government Primary School, Tiracol	Number of Auxillary Polling Station in this part

4. NUMBER OF ELECTORS :

Starting Sl. No.	End Sl. No.	Total Number Of Electors		
		Male	Female	Total
1	165	85	80	165

Electoral Roll, 2007 of Assembly Constituency 1-Mandrem (S05) GOA

Part No : 1

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)
68	68	Asade Hanumant	F	Asade Bhagoji	M	40	GA/01/001/000062
142	108	Dias Alen Caridade	F	Dias Caridade	F	24	CDM3600251
# 144	108/A	Dias Alex	F	Dias Sebastiao	M	51	CDM0128645
# 138	107	Dias Antonio Sebastiao	F	Dias Sebastiao	M	48	CDM0124479
140	108	Dias Caridade	F	Dias Sebasteao	M	50	GA/01/001/000009
141	108	Dias Elizabate	H	Dias Caridade	F	46	GA/01/001/000046
137	107	Dias Estelina S	H	Dias Sebasteao	F	66	GA/01/001/000013
139	107	Dias Olga Antonio	H	Dias Antonio	F	36	GA/01/001/000012
# 143	108	Dias Savio Caridade	F	Dias Caridade	M	21	CDM0124529
136	107	Dias Sebastiao G.	F	Dias Gregory	M	78	GA/01/001/000003
24	18/A	D'Mello Johny Ubal	F	D'Mello Ubal	M	46	GA/01/001/000051
25	18/A	D'Mello Natalina Johny	H	D'Mello Johny	F	43	CDM5405923
26	20	D'Souza Alex Xavier	F	D'Souza Xavier	M	63	GA/01/001/000120
9	6	D'Souza Ana Mari	H	D'Souza Methew	F	76	
6	4	D'Souza Anaruzaria Andre	H	D'Souza Andre	F	66	GA/01/001/000066
5	4	D'Souza Andre Joaquim	F	D'Souza Joaquim	M	75	GA/01/001/000001
34	24	D'Souza Angelina	H	D'Souza Gabriel	F	84	
60	40/1	D'Souza Benedit	F	D'Souza Lourensa	M	40	GA/01/001/000008
58	40	D'Souza Camilo Lourensa	F	D'Souza Lourensa	M	46	GA/01/001/000026
10	6	D'Souza Caridada	F	D'Souza Methew	M	41	
44	29	D'Souza Cecilia Joaquim	H	D'Souza Joaquim	F	66	GA/01/001/000035
32	21	D'Souza Constancio Cyril	F	D'Souza Cyril	M	32	GA/01/001/000043
30	21	D'Souza Cyril Mingel	F	D'Souza Mingel	M	55	GA/01/001/000024
62	40/2	D'Souza Damiao	F	D'Souza Lourence	M	52	GA/01/001/000083
69	69	D'Souza Diogo Constancio	F	D'Souza Xavier	M	66	GA/01/001/000081
7	4	D'Souza Eojena Andre	F	D'Souza Andre	F	39	GA/01/001/000110
70	69	D'Souza Eugenia	H	D'Souza Diogo Constancio	F	56	GA/01/001/000061
28	20	D'Souza Eulogius Charles	F	D'Souza Alex	M	30	CDM5405931
40	27	D'Souza Fatima	F	D'Souza Sabestiao	F	27	
59	40	D'Souza Fera Camilo	H	D'Souza Camilo	F	39	GA/01/001/000059
8	4	D'Souza Fermimo Andre	F	D'Souza Andre	M	34	GA/01/001/000030
46	29	D'Souza Francis Joaquim	F	D'Souza Joaquim	M	36	GA/01/001/000129
31	21	D'Souza Gracy Cyril	H	D'Souza Cyril	F	53	GA/01/001/000039
71	69	D'Souza Gregorio	F	D'Souza Diogo Constancio	M	31	
37	27	D'Souza Jasmine	F	D'Souza Sabestiao	F	34	GA/01/001/000037
51	34/A	D'Souza Jokina L.	H	D'Souza Sabestiao	F	76	
48	30	D'Souza Joseph	F	D'Souza Custan	M	81	GA/01/001/000067
61	40/1	D'Souza Lucy	H	D'Souza Benedit	F	38	GA/01/001/000057
50	30/A	D'Souza Marajal	H	D'Souza Louis	F	73	CDM0126565
45	29	D'Souza Matilda Joaquim	F	D'Souza Joaquim	F	38	GA/01/001/000028
39	27	D'Souza Michael	F	D'Souza Sabestiao	M	30	GA/01/001/000022
63	40/2	D'Souza Milagrin	H	D'Souza Damiao	F	41	GA/01/001/000058
41	27	D'Souza Monica	F	D'Souza Sabestiao	F	25	
49	30	D'Souza Piadad	H	D'Souza Joseph	F	76	
27	20	D'Souza Quitar Alex	H	D'Souza Alex	F	54	GA/01/001/000016
38	27	D'Souza Robert	F	Dsouza Sabestiao	M	32	GA/01/001/000128
47	29	D'Souza Rosy	F	D'Souza Joaquim	F	30	
36	27	D'Souza Sabestian	H	D'Souza Sabestiao	F	58	GA/01/001/000038
35	27	D'Souza Sabestiao	F	D'Souza Gabriel	M	65	GA/01/001/000025
33	21	D'Souza Sabina Cyril	F	D'Souza Cyril	F	25	CDM5405956
72	69	D'Souza Sarto Antonio	F	D'Souza Diogo Constancio	M	29	
11	6	D'Souza Wilma	H	D'Souza Caridada	F	33	CDM5406228

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)
29	20	D'Souza Xavier	F	D'Souza Alex	M	23	CDM5427810
56	54	Fernandes Abelina	F	Fernandes Alex	F	32	
1	3	Fernandes Anaroza Xavier	H	Fernandes Xavier	F	86	GA/01/001/000055
54	54	Fernandes Annie	H	Fernandes Alex	F	63	GA/01/001/000095
42	28	Fernandes Basteao Manuel	F	Fernandes Manuel	M	51	GA/01/001/000021
4	3	Fernandes Brian Sebastiao	F	Fernandes Sebastiao	M	22	CDM3600244
135	105	Fernandes Ceaslod	F	Fernandes Cosma	M	40	GA/01/001/000073
126	103	Fernandes Ermelina	H	Fernandes Rosinol	F	67	GA/01/001/000045
57	54	Fernandes Ignatius	F	Fernandes Alex	M	31	CDM5427547
3	3	Fernandes Julie Sebastiao	H	Fernandes Sebastiao	F	49	GA/01/001/000056
53	37	Fernandes Maria Magdalina	H	Fernandes Titus	F	33	GA/01/001/000127
43	28	Fernandes Pascoal Basteao	H	Fernandes Basteao	F	47	GA/01/001/000031
55	54	Fernandes Rose	F	Fernandes Alex	F	38	GA/01/001/000122
2	3	Fernandes Sebastiao Xavier	F	Fernandes Xavier	M	59	GA/01/001/000071
75	69	Fernandes Sharmina Inacio	F	Fernandes Inacio	F	22	CDM5400536
73	69	Fernandes Sharon	F	Fernandes Inacio	F	25	CDM0125021
74	69	Fernandes Swela Inacio	F	Fernandes Inacio	F	22	CDM0000281
52	37	Fernandes Titus Stephen	F	Fernandes Stephen	M	41	CDM0124842
66	59B	Godinho Agnel Alex	F	Godinho Alex	M	41	CDM5409818
102	84	Godinho Anthony Glermin	F	Godinho Salvador	M	35	CDM5409610
101	84	Godinho Garmelina Salvador	H	Godinho Salvador	F	56	CDM5409651
104	84	Godinho Helen Anthony	H	Godinho Anthony	F	32	CDM5409479
106	84	Godinho Hillary Salvador	F	Godinho Salvador	M	22	CDM5409677
103	84	Godinho Juzepaulo Salvador	F	Godinho Salvador	M	33	CDM5427430
105	84	Godinho Martin Victorin	F	Godinho Salvador	M	31	CDM5427646
# 67	59B	Gudinho Serefin Agnel	H	Gudinho Agnel	F	36	CDM0124552
165	243	Joshilkar Ashok	F	Joshilkar Apa	M	39	CDM3600319
162	124	Joshilkar Krishna	F	Joshilkar Apa	M	54	CDM3600277
163	124	Joshilkar Rekha	H	Joshilkar Krishna	F	40	CDM3600293
164	124	Joshilkar Satyavan	F	Joshilkar Krishna	M	25	CDM3600285
153	117	Lobo Agustinho	F	Lobo Joquim	M	76	
# 152	116	Lobo Derryk Dornic	F	Lobo Dornic	M	28	CDM0128710
151	116	Lobo Dornic Santan	F	Lobo Santan	M	54	GA/01/001/000126
154	117	Lobo Eugenia Alex	H	Lobo Alex	F	69	GA/01/001/000102
155	117	Lobo Francis Xavier	F	Lobo Alex	M	40	GA/01/001/000132
158	118	Lobo Izabela Xavier	H	Lobo Xavier	F	48	GA/01/001/000066
161	118	Lobo Jonita Xavier	F	Lobo Xavier	F	20	CDM3600301
159	118	Lobo Lorna Xavier	F	Lobo Xavier	F	23	CDM5406350
160	118	Lobo Maria Xavier	F	Lobo Xavier	F	22	
156	117	Lobo Natalina Francis	H	Lobo Francis	F	36	GA/01/001/000098
157	118	Lobo Xavier Jose	F	Lobo Jose	M	70	GA/01/001/000104
20	8	Mendes Anapaulina Simao	H	Mendes Simao	F	29	CDM5400494
# 21	8	Mendes Anthony	F	Mendes Santan	M	28	CDM0125294
12	8	Mendes Cicilie Santanjocky	H	Mendes Santanjocky	F	70	GA/01/001/000050
23	10	Mendes Claudin Gabriel	H	Mendes Diago	F	36	CDM0120014
19	8	Mendes Emilia Francis	H	Mendes Francis	F	29	CDM5405907
17	8	Mendes Francis Santanjocky	F	Mendes Santanjocky	M	34	CDM5409321
# 22	10	Mendes Gabriel Diago	F	Mendes Diago	M	41	CDM0124008
14	8	Mendes Girgol Santanjocky	F	Mendes Santanjocky	M	38	CDM5406293
13	8	Mendes Jeron Santanjocky	F	Mendes Santanjocky	M	42	CDM5406418
16	8	Mendes Josephina Jeron	H	Mendes Jeron	F	35	GA/01/001/000108
18	8	Mendes Liberata Girgol	H	Mendes Girgol	F	33	CDM5405915

Electoral Roll, 2007 of Assembly Constituency 1-Mandrem (S05) GOA

Part No : 1

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)
15	8	Mendes Simao Santanjocky	F	Mendes Santanjocky	M	36	CDM5406236
65	54	Mendonsa Filomena J.	H	Mendonsa Josevictor	F	66	GA/01/001/000093
64	54	Mendonsa Jose Victor J.	F	Mendonsa Joaquim	M	72	GA/01/001/000088
114	91/2	Pereira Anarosa Anton	H	Pereira Anton	F	45	GA/01/001/000089
111	91	Pereira Annie Tina	F	Pereira Domingos	F	26	
113	91/2	Pereira Anton	F	Pereira John	M	50	GA/01/001/000134
110	91	Pereira Daniel Agnelo	F	Pereira Domingos	M	30	CDM0136176
109	91	Pereira Elvis Pascoal	F	Pereira Domingos	M	32	GA/01/001/000125
117	92	Pereira Magdalina	H	Pereira Santanmanuel	F	56	GA/01/001/000034
108	91	Pereira Maria Victoria	H	Pereira Domingos	F	54	CDM0129056
107	91	Pereira Minguel Domingos	F	Pereira John	M	61	GA/01/001/000103
119	92	Pereira Raina Roselina	F	Pereira Santanmanuel	F	24	CDM5406376
116	92	Pereira Santan Manuel	F	Pereira Simocaitan	M	65	GA/01/001/000068
115	91/2	Pereira Sienadefni	F	Pereira Anton	F	23	CDM5405964
112	91	Pereira Twinkle D.	F	Pereira Domingos	F	21	CDM3600228
118	92	Pereira Wilfred Alben	F	Pereira Santamanuel	M	30	CDM5427414
79	70	Rodrigues Agnelo	F	Rodrigues Jose	M	41	GA/01/001/000118
93	73	Rodrigues Alfredo	F	Rodrigues Dominic	M	27	
149	113	Rodrigues Anselm	F	Rodrigues Gabriel	M	28	
85	73	Rodrigues Anthony	F	Rodrigues Cristod	M	51	GA/01/001/000082
89	73	Rodrigues Anymartta Joquin	H	Rodrigues Joquin	F	36	CDM5400502
83	73	Rodrigues Augustin	F	Rodrigues Cristod	M	54	GA/01/001/000011
82	73	Rodrigues Baltazar	F	Rodrigues Cristod	M	56	GA/01/001/000053
77	70	Rodrigues Catarina	H	Rodrigues Jose	F	69	GA/01/001/000097
123	100	Rodrigues Cedric A	F	Rodrigues Manuel	M	27	CDM5406384
146	113	Rodrigues Conscesao	H	Rodrigues Gabriel	F	53	GA/01/001/000040
148	113	Rodrigues Costudio Minguel	F	Rodrigues Gabriel	M	30	
98	79	Rodrigues Cristalina Salvador	H	Rodrigues Salvador	F	54	GA/01/001/000014
68	73	Rodrigues Deodila A	H	Rodrigues Augustin	F	41	CDM0128488
133	105	Rodrigues Diogo Francis	F	Rodrigues Manuel	M	58	GA/01/001/000106
# 128	104	Rodrigues Domasin	F	Rodrigues Francis	M	40	CDM0124586
# 99	79	Rodrigues Fatichit Juao	F	Rodrigues Salvador	M	30	CDM0128728
80	70	Rodrigues Filomena Honarata	H	Rodrigues Honarata	F	38	CDM5406186
87	73	Rodrigues Francis	F	Rodrigues Cristod	M	41	GA/01/001/000019
# 129	104	Rodrigues Gregory	F	Rodrigues Francis	M	39	CDM0125435
78	70	Rodrigues Honarata Jose	F	Rodrigues Jose	M	46	CDM5406442
86	73	Rodrigues Joaquim	F	Rodrigues Cristod	M	47	GA/01/001/000100
# 150	113	Rodrigues Joaquina Joanita	H	Rodrigues Costudio	F	27	
76	70	Rodrigues Jose	F	Rodrigues Anton	M	76	GA/01/001/000080
121	100	Rodrigues Julia Escolastica	H	Rodrigues Manuel J.p	F	53	GA/01/001/000032
# 132	104	Rodrigues Julie	H	Rodrigues Zeferin	F	26	CDM0125617
120	100	Rodrigues Manuel J.p	F	Rodrigues Caridade	M	57	GA/01/001/000027
124	100	Rodrigues Mathew	F	Rodrigues Manuel	M	27	
122	100	Rodrigues Melwyn A.	F	Rodrigues Manuel	M	28	CDM5427448
81	70	Rodrigues Mercy Agnelo	H	Rodrigues Agnelo	F	36	CDM5406178
94	73	Rodrigues Monty	F	Rodrigues Dominic	M	25	
84	73	Rodrigues Natalina	H	Rodrigues Dominic	F	53	GA/01/001/000048
100	79	Rodrigues Olinda Ernestina	F	Rodrigues Salvador	F	24	CDM3600269
# 95	73	Rodrigues Reagan	F	Rodrigues Dominic	M	23	CDM0125377
# 131	104	Rodrigues Rita	H	Rodrigues Gregory	F	34	CDM0125302
147	113	Rodrigues Rosalina	H	Rodrigues Xavier	F	46	GA/01/001/000023
91	73	Rodrigues Rosario	F	Rodrigues Dominic	M	31	GA/01/001/000007

Electoral Roll, 2007 of Assembly Constituency 1-Mandrem (S05) GOA

Part No : 1

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)
# 97	79	Rodrigues Salvador Domiao	F	Rodrigues Domiao	M	59	CDM0128678
90	73	Rodrigues Santan	F	Rodrigues Dominic	M	33	GA/01/001/000042
127	104	Rodrigues Sebestiana	H	Rodrigues Francis	F	65	GA/01/001/000047
92	73	Rodrigues Sebestio	F	Rodrigues Dominic	M	29	GA/01/001/000132
134	105	Rodrigues Succorine B.	H	Rodrigues Diogo Francis	F	48	GA/01/001/000101
125	100	Rodrigues Sweeta	F	Rodrigues Manuel	F	22	CDM3600210
96	73	Rodrigues Virginia Ana	F	Rodrigues Dominic	F	21	CDM3600236
# 145	113	Rodrigues Xavier	F	Rodrigues Mingel	M	64	CDM0128646
# 130	104	Rodrigues Zefenn	F	Rodrigues Francis	M	36	CDM0125625

Place : Pernem

Date : 06/11/2006

Electoral Registration Officer
1-Mandrem Assembly Constituency

Supplement Details		Supplement No. : 1
Revision ID : Summary Revision, 2007		Qualifying Date : 01/01/2007
Mother Roll	: Basic Roll of Intensive Revision, 2006 Integrated with all Supplements preceeding Summary Revision 2007	
Supplement Process & Year	: Summary Revision, 2007	
Supplement Type	: List of additions, Deletions and Corrections	
Date Of Publication	: 22/02/2007	

Component List I : ADDITIONS LIST

Sl. No. (1)	House No. (2)	Name Of Elector (3)	Relationship (4)	Name Of Relation (5)	Sex (6)	Age (7)	Epic No. (8)
166	33	D'Souza Serafina	F	D'Souza Manuel Francisco	F	60	

Number Of Additions	Male	Female	Total
	0	1	1

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By e-mail/special camp bag

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI – 110 001

No.22/2/2007-ERS

Dated: 6th November, 2007

To

The Chief Electoral Officers of All States and Union Territories

Subject: Printing of electoral rolls – Supply of copies to recognized political parties, their candidates, and preparation of Marked copy of electoral roll – regarding.

Sir,

I am directed to invite your attention to the standing instructions circulated vide Commission's letter No.22/2/2006/PLN-II dated 24th March, 2006, on the above subject, and to say that all the steps outlined in the above referred standing instructions should be followed step by step for *reprinting* of draft roll and Supplement No.1 brought out at the time of final publication *after* printing of Supplement No.2 pertaining to continuous updation upto the last date for filing nominations. It should be ensured that the copies of the electoral roll supplied to the candidates of recognised political parties and to be used as working/marked copies for conduct of poll are identical and no discrepancy creeps in due to technical or other reasons while reprinting of the roll.

2. In order to ensure the fidelity of the electoral roll, the following steps shall be taken for preparation of the electoral roll for conduct of poll: -

- (a) The roll reprinted to reflect deletions and corrections in the Supplement No.1 & 2, shall be thoroughly compared to see that while striking through the deleted entry by a horizontal line in the electoral roll of eight columns and with the word "DELETED" superimposed on the concerned elector detail box in cse of photo electoral roll or carrying out corrections or inserting the unique Nos. of the EPICs issued upto the time of reprinting no other entry is either deleted or altered or omitted.
- (b) Wherever, no discrepancy is noticed after comparison, the reprinted roll may be supplied to the candidates of recognised political parties and used for conduct of poll.

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- (c) If discrepancies are noticed on comparison in the reprinted roll with the finally published roll (all components included viz. the published draft and the 1st Supplementary) then the roll finally published and Supplement No.2 of continuous updation should be used for preparing working/marked copies instead of the reprinted roll.
- (d) For cases falling under (c) above, for preparing working / marked copies of roll for conduct of poll, all the deletions of Supplements shall be marked by striking off by-hand with red ink in the finally published roll, by the person authorized by the R.O., who shall put his initials against each deleted entry. Similarly, against the entries corrected by Supplement No.1 & 2 a hash sign (#) shall be put on the left hand side of the original entry. The total number of deletions and corrections so done manually should be indicated both in words and figures on the last page of the roll. The Returning Officer shall maintain register showing names and designations of officials authorised to carry out the above stated deletions and corrections by hand.
- (e) In all cases, the R.O./A.R.O. shall give a Certificate, as provided in the enclosed format, about the correctness of the working copies of the roll given to the Presiding Officers. The certificate shall be signed in ink by the RO/ARO and attached on the top of one copy of the roll to be used as Marked copy.
3. Required number of copies of the roll, so prepared, shall be made for use as working/marked copies in the polling stations and supply to Sector Officers, etc.
4. Wherever, the reprinted rolls could not be used for any defect and the working copies of the roll is prepared as per instructions in para 2 (c) to (d) above, then the candidates of the recognised political parties should be supplied with copy of the finally published roll (Draft roll plus Supplement No.1) and Supplement No.2 and they shall be requested in writing to carry out the deletions & corrections in the two Supplements No.1 & 2 at their end.
5. Wherever Auxiliary Polling Stations are created by bifurcating one part of the electoral roll, in such cases two copies of the electoral roll of that part shall be prepared for use as Marked copy as per above instructions. In one of the copies to be used as Marked copy in the Main polling station the total number of entries assigned to the Auxiliary polling station should be deleted by putting cross (X) mark by hand with ink across the relevant

pages/part of the page. Similarly, in the part of the electoral roll to be used at the Auxiliary polling station, the alphabet "A" shall be appended to the Part number on the Part header and the total number of entries assigned to the Main polling station should be deleted by putting cross (X) mark by hand with ink across the relevant pages/part of the page. The official entrusted with the work of preparing Marked Copy/working copies of electoral roll shall append his/her full signature after the last such entry scored out by hand.

5. The political parties have already been provided copy of the finally published roll. However, in view of the fact that the rolls are being reprinted now one more copy may be supplied to them.

6. The pdf. version of the roll used for reprinting of the roll to be used for conduct of poll shall be hosted on the website by replacing the one already posted on the website after final publication for the convenience of electors.

6. The ROs/DEOs shall preserve with them, one sealed copy of the electoral roll identical to the one to be used for conduct of poll for future reference along with PDF version thereof.

7. A separate polling station-wise list of EPICs prepared and distributed to the electors after reprinting of the roll prior to the date of poll and whose numbers are not reflected in the electoral roll, shall be prepared and be given to Presiding Officer.

8. Notwithstanding the fact whether discrepancies were detected or not after proper comparison, the Marked copy of the roll used by the Presiding Officer for conduct of poll shall be treated as the certified master copy, which shall prevail in case of any dispute. Two officers shall put their signature on the last page of the master copy.

9. The above revised instructions shall be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

(Ritvik Pandey)
Secretary

Certificate

(Refer Para 2(a) of the instructions)

This is to certify that the electoral roll of Part No.ofAssembly Constituency, reprinted after reflecting the deletions and corrections shown in Supplement Nos. 1 & 2 has been thoroughly compared and no discrepancy has been found. There are total ___ numbers of pages (From 1 to ___).

Dated:

Signature & Seal of
the Returning Officer/Asstt. Returning Officer

OR

Certificate

(Refer Para 2(c) & (d) of the instructions)

This is to certify that the electoral roll of part No.....of..... Assembly Constituency is prepared using the finally published roll and the Supplement No. 2 thereof. There are total ___ numbers of pages (From 1 to ___). This is the authentic copy of the electoral roll and in case of any discrepancy, whatsoever, this electoral roll shall prevail.

Dated:

Signature & Seal of
the Returning Officer/Asstt. Returning Officer

Note * Strike out one of the inapplicable alternatives.

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INSTRUCTION SI. No.

Election Commission's Letter No.22/2/2008-PLN-II Dated: 8th August, 2008 addressed to the Chief Electoral Officers of All States and Union Territories.

Subject:- Integration, carrying out corrections, printing and sharing of photo-rolls with political parties and contesting candidates.

As per the Commission's existing policy, all the supplements to the mother roll should be integrated and consolidated every year before draft publication so that there is no supplement at the time of draft publication. Thereafter, only one supplement is appended to the draft roll at the time of final publication to list out Additions, Deletions and Corrections allowed after draft publication of roll and before final publication of roll. (Another supplement of continuous updation, wherever necessary, is appended for conduct of poll). A bare minimum of copies of draft electoral roll are printed and the basic roll (draft roll) is again reprinted at the time of final publication in order to mark all the deletions through computer-generated horizontal strike-through (in case of text rolls) of the deleted entry(ies). In case of photo-rolls, the word "D E L E T E D" is superimposed diagonally (again computer-generated) on the elector detail box concerned. Similarly, all corrections appearing in the supplement are carried out in the reprinted basic roll (draft roll) at the time of final publication. A hash sign (#) is also prefixed before the serial number of the entry corrected and 'E' 'S' 'R' 'Q' or 'M' letter is prefixed to each deletion to denote the reasons of deletions.

The electoral roll in most of the States/UTs is now being printed in the revised format with photograph of electors (Photo-Rolls). Multiple copies of the photo electoral roll can only be laser printed or made through digital photocopier as quality copies cannot be made by photocopying with normal photocopier machines. The printing of these new photo-rolls has thus become time consuming and expensive. In an election year, it would not be possible to supply one complete set of reprinted electoral roll to the candidates of recognised

political parties within 3 days of withdrawal.

Keeping the above practical difficulties in case of photo electoral rolls in mind, the Commission has reviewed its existing instructions for photo electoral rolls and has decided the following:

On Integration of Roll and Its Supplements before Draft Publication:

1. It would not be necessary to integrate all the supplements of an existing photo-electoral roll before publication as draft electoral roll each year, unless specified by the ECI in its revision order. In non-election years, the basic roll from previous years along with all its supplements from previous years should be published together, without integration, as the draft roll, unless there is a specific direction of the Commission in which case the direction of the Commission shall be scrupulously followed.
2. However, in an election year when general election to the State Assembly or the Parliament is due, the existing photo-electoral roll with all its supplements shall first be integrated into one roll and then published as the draft roll.

On Reprinting and Marking of Amendments Arising Out of Supplements in Mother Roll (Draft Roll):

3. Similarly, in a non-election year, the final roll will be in the form of the mother (published as draft) roll with an additional supplement of additions, deletions and corrections – without any of the changes indicated in the mother roll. The political parties shall be asked, in writing while supplying copies of final roll, to make necessary markings to indicate the deletions and corrections, if any, in the additional supplements.
4. As against this, in an election year, at the time of final publication, the basic mother (integrated draft) roll shall be reprinted. The reprinted mother roll shall remain the same as was published except in the following three manners –

- (i) the word "D E L E T E D" shall be superimposed diagonally (computer-generated) on the elector detail box concerned to indicate that the entry has been deleted in the Supplement. (In the Supplement, the alphabets, 'E' 'S' 'Q' 'R' or 'M' shall be pre - fixed against serial number of each deleted entry to denote the reason for deletion.)
- (ii) Secondly, a hash (#) sign shall be prefixed before serial number of the entry corrected to indicate that the entry has been corrected in the supplement but no correction actually should be carried out in the draft (mother) roll.
- (iii) **Similarly, photographs of electors corrected in the supplement of corrections will not be added/changed/corrected in the reprinted mother roll.** Photograph of an already registered elector received/captured subsequently, or corrected or replaced should be listed in the 'correction' list and retained therein. Such photographs should not be inserted in the reprinted mother roll while reflecting all other corrections. Instead, in the reprinted mother roll, in the space provided for photograph, the words "Photo as in Correction List" in bold should be printed. These words should be stamped / imprinted over an existing photograph in case the existing photograph was wrong or needs to be changed due to any other reason.

On Sharing the Copies of Electoral Roll with Political Parties:

5. Two copies of the electoral roll – one printed copy and another soft copy in PS-CD ROM – shall be supplied to the recognised political parties, free of cost, immediately at the time of draft publication as well as the final publication. While the hard (printed) copy shall have the electors' photographs, the soft copy of the roll shall be supplied without images of the electors.
6. **Complete set of the full roll in force should be shared. It means rolls inclusive of the last part of the roll for an assembly constituency (Service Voters) as available at the time of final publication of other parts of the rolls.**
7. Whenever any Supplement of Continuous Updation is brought out for conduct of poll, copies thereof should be supplied, free of cost, to the recognised political parties. It is clarified that in such cases it is not, repeat, **not necessary** to supply again a complete set of electoral roll.
8. Whenever copies of photo-electoral roll are supplied to the political parties or candidates of recognised political parties in a non-election year, they should be informed in writing to mark the deletions (and corrections) in the supplements by hand in the mother roll and previous supplements.

On Steps to ensure that Photo-Electoral Roll Supplied to Political Parties and the Copy Set Apart for Markings (For Use in Conduct of Poll) are Identical:

9. In an election year, there shall be one integrated draft roll; one supplement (of final publication); and another supplement of continuous updation upto the last date for making nominations appended to final publication.
10. The ERO shall supply one authenticated copy of the complete roll at each stage of publication alongwith PDF version thereof, to the DEO and the RO in a sealed cover, which shall be the reference copy in case of any dispute. The DEOs/ROs shall preserve the sealed copy of the electoral roll.
11. Besides, the ERO shall give a few more copies and a CD of the roll in printable form to the DEO/RO for making as many copies as may be necessary (for use in election).

12. It shall be the responsibility of the RO to reflect all the deletions and corrections, if any, appearing in the Supplements.
13. At supplement 1 stage (final publication) the roll is computer generated and all deletions/corrections are software generated. The RO shall share this computer generated roll with political parties. It shall be same, and therefore, identical to the final reprinted roll with supplement 1.
14. At the 2nd supplement stage, which is the last day of nomination, it would not be possible to generate a reprinted mother roll with all deletions struck-through and changes indicated in the reprinted mother roll. The deletions in nd supplementary therefore shall be marked by hand through a rubber stamp D E L E T E D with 'E' 'S' 'R' 'Q' or 'M' written with red ink to indicate the reason.
15. Similarly, all corrections in supplement 2 shall be indicated by putting a (#) sign **by hand in red ink** on the entry(ies) corrected just after the name of the elector concerned. In case of corrections/addition of a photograph, the photo-box in the mother roll should be hand written in red ink with "Photo as in Correction List".
16. For authentication of the stamping/hand markings, the official entrusted to reflect the deletions/corrections of Supplements should put his/her signatures by the side of each and every relevant elector box without fail.
17. The Returning Officer shall maintain a register showing names and designations of officials authorised to mark the above stated deletions and corrections of Supplement No. 2. Not more than 2 officers should be authorized to do the work per AC.
18. The RO / ARO shall give a Certificate, as provided in the enclosed format, about the correctness of the copies of the roll. The certificate shall be signed in ink by the RO/ARO and attached on the top of the copy of the roll to be set apart for markings (like PB, EDC).
19. RO will supply one such complete copy of the electoral roll to the contesting candidates of every recognised political party in the State within 3 days after the last date of withdrawal of candidatures. They should be asked in writing to mark the deletions and corrections in

Supplement No.2 by hand.

The above revised instructions shall be brought to the notice of all concerned for strict compliance. This supercedes all previous instructions on the subject.

Certificate

(Refer Para 18 of the instructions)

This is to certify that the electoral roll of part No.....of..... Assembly Constituency contains total ___ numbers of pages (From 1 to ____). The deletions in the nd supplementary of the roll resulting from continuous updation after final publication of rolls have been indicated by putting a rubber stamp on the original entry in final rolls and corrections have been indicated by putting a “#” sign on the original entry by _____ (name & designation of the employee authorised to be indicated).

- A total of _____ number of entries have been deleted;

- A total of _____ number of entries have been corrected;

This is the authentic copy of the electoral roll and in case of any discrepancy, whatsoever, this electoral roll shall prevail.

Place:

Signature & Seal of

Date :

the Returning Officer/Asstt. Returning Officer

ITEM - 117

ELECTION COMMISSION OF INDIA

Nirvaachan Sadan, Ashoka Road, New Delhi-110001

No.22/2/2008/ERS/

Dated: 5th September, 2008.

To,

The Chief Electoral Officers of
all States and Union Territories

Subject: Integration, carrying out corrections, printing and sharing of photographs with political parties and contesting candidates.

Sir,

In continuation of Commission's letter of even number dated 8th August, 2008, on the above subject, I am directed to say that a question has been raised as to what will be printed if the photograph in the mother roll at the time of draft publication was a mismatch and the correct photo is not available even at the time of printing of supplement.

Our existing instructions are based on the presumption that the correct photo would be available/captured before printing of the supplement-1 at the time of final publication. In respect of cases where the image printed in the draft roll is wrong and the correct photo is somehow not available/captured before final publication, in such cases the word "Photo Deleted" may be stamped/imprinted on the wrong photo in the mother roll and a # sign affixed to indicate the change in supplement. In the supplementary, against the space for image, there should be no image and words "Photo Deleted" should be inscribed.

This may be added as part of instructions at para 4(iii). Kindly acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)
Under Secretary

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सरी क्रमांक ...०५५११.....
नांक 25.10.08

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

No.23/2008/ERS

Dated: 20th October, 2008.

To

The Chief Electoral Officers of
all States/UTs.

Sub: Revision of electoral roll - submission of application for inclusion,
deletions, correction and transposition of entries - Regarding.

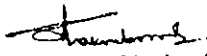
Sir,

Kindly refer to the instructions issued vide Commission's letter of even number dated 1st October, 2008, about caution to be exercised by the EROs/AEROs at the time of receiving applications (specially claim applications) in bulk from volunteers after final publication of roll, especially in States where general elections are to be conducted on the basis of the finally published roll, and before deletion of entries from the finally published roll.

2. Para 4 in the letter under reference is applicable only for the roll that has been finally published for conducting an election (in an election year). In other years, the normal provisions of suo-motu deletion after following due procedure shall continue to be followed.

[This disposes of reference made by CEO, Rajasthan vide his letter No.F3(1)(2)Roll/Nirva/2005 dated 8/9 October, 2008 and CEO, Bihar letter No.ER-1-0033/2005-8488 dated 14th October, 2008.]

Yours faithfully,


(Ashish Chakraborty)
Under Secretary

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.576/3/2009/SDR

Dated : 19th January, 2009

To

The Chief Electoral Officers of
All States/Union Territories.

**Sub: Supply of copy of electoral roll to candidates of recognized political parties-
clarification.**

Sir/Madam,

Under Rule 85D of the Conduct of Elections Rules, 1961, copies of finally published electoral rolls are to be supplied to candidates of recognized political parties free of cost. In its letter No 3/1/2003/JS-II , dated 13-11-2003, the Commission has directed that one copy of the electoral roll of the constituency concerned should be supplied free of cost to the candidates of the recognized parties contesting from that constituency. The copy has to be furnished within three days after the list of contesting candidates is prepared. While furnishing the copy, it should be ensured that the supplement of continuous updating and copy of the polling station-wise sub-lists of classified service voters, is also supplied. It is reiterated that only the candidates of the National parties and the candidates of the State parties when contesting elections from the State in which the State parties are recognized, are eligible for such free supply of the copy of electoral roll that too in general elections only.

In the constituencies in which electoral rolls are printed in more than one language, it is not necessary to supply copies in all such languages. Copy to be supplied to candidates of recognized parties in such cases shall be of the same language as the one which will be used as marked copy of the electoral roll in the polling stations.

Yours faithfully,

(K.F. WILFRED)
SECRETARY

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By e-mail/special camp bag

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.23/Continuous Updation/2009

Dated 19th March, 2009.

To

The Chief Electoral Officers of
all States and Union Territories.

Subject:- General Election to Lok Sabha, 2009 – continuous updation of electoral rolls –
regarding.

Sir/Madam,

You are aware of the existing provisions of Section 22 and 23 of the R.P. Act, 1950, read with rule 26 of the RER, 1960, which permits continuous updation of electoral roll even after final publication of roll. The extant provisions of law and the guidelines of the Commission in the matter are reproduced in Chapter VIII of the Handbook for Electoral Registration Officers, 2008 edition. As per these provisions, such updation can take place upto the last date (3.00 pm) of nomination for election.

2. The Commission has already announced the programme of countrywide general election to the Lok Sabha on 2nd March 2009. The election schedule is staggered in five phases. Therefore, applications are being filed under the provisions of continuous updation by citizens for inclusion/deletion/correction of entries in the finally published roll. It has, however, been brought to the notice of the Commission that in some places the authorities concerned are not entertaining applications after a specific date. The Commission has taken a serious note of this. It has directed that all EROs should strictly abide by the provisions of the law and should not refuse to receive applications. All the CEOs are therefore requested to instruct the EROs to scrupulously follow the instructions contained in the handbook for EROs 2008 edition.

3. It is, however, clarified that it is not necessary to dispose of all the applications filed upto the last date for filing nominations and include them in the Supplement No.2. To comply with the legal requirements of sub-rule (3) & (4) of rule 26 of RER 1960 as also for administrative reasons only the applications received atleast minimum ten days from the last

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date for filing nominations can be disposed of. This is because the date of posting of the application in the Notice Board by the ERO for inviting objections under sub-rule (3) should be excluded while computing the mandatory period of seven days within which objections can be filed by someone. One more day is required to dispose of the application under sub-rule (4) thereof. One more day would be required to make necessary entries in the Registers prescribed for the purpose and preparation of manuscript for data entry.

4. In view of the above position, all applications received upto 20/3/09 should be disposed of by constituencies of 1st phase, upto 25/3/09 for the 2nd phase, upto 30/3/09 for the 3rd phase, upto 8/4/09 for the 4th phase and upto 14/4/09 for the 5th phase. In case any of these dates are holidays then the applications received upto the previous working day shall be disposed off. All applications received thereafter till the completion of the election process shall be received but the applicants should be informed that the disposal would be taken up only after the elections.

5. The Commission has also directed that the CEOs/DEOs/EROs should monitor the process of continuous updation on a daily basis and take immediate appropriate steps to ensure that the facility of continuous updation is not misused to include or exclude large number of electors. It is also reiterated that no suo moto deletion should be done except in confirmed death cases. A daily monitoring report on receipt of applications, their inclusions and deletions should be sent to the Commission.

5. The Commission desires that the above instructions should be followed scrupulously and there is no scope for complaints on this account. The instruction should be disseminated to all concerned immediately.

6. The letter is also hosted in the Commission's website (Current Elections > important instructions).

Yours faithfully,

(Ashish Chakraborty)
Under Secretary

Standard Distribution

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 22/2/2008/ERS

Dated 02nd April, 2009.

To

The Chief Electoral Officers of
All the States / Union Territories.

Subject: Preparation of Marked copies of electoral rolls - Regarding.

Sir,

The Commission vide its letter dated 8th August, 2008 has issued comprehensive instructions about the integration, carrying out corrections, printing and sharing of photo rolls with political parties and contesting candidates. Instructions have also been given for preparation of "marked copy" of electoral roll to be used at the polling stations for conduct of poll. Now some queries have been received about how to prepare the marked copy of electoral roll for those parts of electoral roll for which auxiliary polling stations have been created after final publication of roll.

It is hereby clarified that wherever Auxiliary Polling Stations are created by bifurcating any part of the electoral roll after final publication, in such cases two copies of the electoral roll of that part shall be prepared for use as Marked Copy. In one of the copies to be used as Marked Copy in the Main Polling Station, the entries assigned to the Auxiliary Polling Station should be deleted by putting cross (X) mark by hand with ink across the relevant pages/part of the page. Similarly, in the part of the electoral roll to be used at the Auxiliary polling station, the alphabet "A" shall be appended to the Part number on the Part header and the entries assigned to the Main polling station should be deleted by putting cross (X) mark by hand with ink across the relevant pages/part of the page. The official entrusted with the work of preparing Marked Copy/working copies of electoral roll shall append his/her full signature on each page/entry, scored out by hand. In no case pages of the one part of roll should be detached to prepare marked copy of roll for the auxiliary polling station. It may also be ensured that the words "PB" or "EDC" is marked against all the concerned entries in both copies of electoral roll to be used as marked copy in main and auxiliary polling station.

Yours faithfully,

(Ashish Chakraborty)
Under Secretary

Standard distribution
Put up on website

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ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110 001.

No.3/4/2011/SDR

Dated: 17th March, 2011.

To

- (1) Secretary to the Legislative Assembly of all States and NCT of Delhi and UT of Puducherry.
- (2) The Chief Electoral Officers of all States and NCT of Delhi and UT of Puducherry.

Subject:- Form prescribed by the Commission under Section 152 of the Representation of the People Act, 1951 read with sub-rules (1) and (2) of Rule 96 of the Conduct of Elections Rules, 1961.

Sir/Madam,

Please refer to the Forms prescribed by the Commission under Section 152 of the Representation of the People Act, 1951 read with sub-rules (1) and (2) of Rule 96 of the Conduct of Elections Rules, 1961, in which the lists of members of the legislative assemblies and the members of the electoral college of a Union Territory, are to be maintained for the purposes of elections to the Council of States and State Legislative Council, vide S.O.No.18/62 and S.O.No.28/64 respectively (annexed to the Handbook for the Returning Officers for Biennial Elections as annexure-IV).

The Commission has now revised the Form so as to provide for a column to indicate the party affiliation of the members. Copy of the Direction issued in this behalf is enclosed herewith. The list of members of the Legislative Assemblies and the list of members of the electoral college of Union Territory to be maintained by the Returning Officers for elections to the Council of States and Legislative Councils (by MLAs) under Section 152 of the Representation of the People Act, 1951, shall be maintained in the enclosed revised format for future elections.

Please acknowledge receipt of this letter.

Yours faithfully,

(K.F. WILFRED)
SECRETARY

Copy to the CC & BE Section for information and necessary action.

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(551)

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

Dated: 17th March, 2011.

DIRECTION

Voting at elections by Members of the Legislative Assembly—List of Members of State Assemblies and Electoral Colleges.

No.3/4/2011(1):— In exercise of the powers conferred by sub-rule (1) of rule 96 of the Conduct of Elections Rules, 1961, and in supersession of its direction S.O. No.18/62 dated 5th March, 1962, the Election Commission hereby directs that the list of Members of Legislative Assembly of a State, to fill a seat or seats in the Council of States or in the Legislative Council of a State, shall be maintained under the said rule in the form given below :-

FORM

Serial No. of Elector	Serial No. and Name of the Constituency from which elected	Name of Elector	Address	Party affiliation (mention the name of the Political Party in the case of members belonging to political parties. In the case of others, write 'independent')	Remarks

By order,

(K.F.WILFRED)
SECRETARY

Election Commission of India

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

Dated: 17th March, 2011.

DIRECTION

LIST OF MEMBERS OF ELECTORAL COLLEGES OF UNION TERRITORIES

No. 3/4/2011(2):—In exercise of the powers conferred by sub-rule (2) of rule 96 of the Conduct of Elections Rules, 1961, and in supersession of its direction S.O. No.28/64 dated 13th January, 1964, the Election Commission hereby directs that the list of Members of Electoral College to be maintained under the said rule shall be in the form given below :-

FORM

Serial No. of Elector	Serial No. and Name of the Constituency from which elected	Name of Elector	Address	Party affiliation (mention the name of the Political Party in the case of members belonging to political parties. In the case of others, write 'independent')	Remarks

By order,

(K.F.WILFRED)
SECRETARU

Election Commission of India

THE POLL
Nomination
(Filing, Scrutiny,
Withdrawals and
Symbols)

ITEM NO. 123

Election Commission Letter No. 3/ER/94/J.S.-II dated 27.04.1994, addressed to (1) the Chief Secretaries of all States and Union Territories and (2) the Chief Electoral Officers of all States and Union Territories. [Please also see Commission's Letters No .3/ER/ES011/94/JSII dated 7th Sept., 1994 (Item No.195) and No. 3/ER/94/J.S.IIA/ol. II, dated 7-12-1994 (Item No. 197) for further modifications on these instructions].

Subject: Multiplicity of candidates at elections - Measures to reduce - regarding

The Commission has observed with concern the increasing multiplicity of the candidates at every succeeding election to the House of the People and the State Legislative Assemblies. A very large percentage of such candidates are Independent Candidates - and barring a few exceptions, almost all of them lose their deposits having failed to secure the minimum number of votes required for the return of their deposits.

2. While increase in the number of candidates in every succeeding election may be ascribed, to some extent, to the increasing awareness about the democratic rights on the part of the general public, one other possibility is that some contesting candidates put up dummy candidates with the aim of procuring in their favour additional facilities and manpower in the form of polling agents and counting agents during the process of the elections by availing of those facilities and manpower which would be available to those dummy candidates.

3. Some of the provisions of law and Standing Orders of the Commission providing for certain facilities to the candidates which are misused in this connection are as follows:-

- (i) Section 40 of the Representation of the People Act, 1951 which authorizes a contesting candidate to appoint one person other than himself to be his election agent.
- (ii) Section 46 of Representation of the People Act, 1951 read with Rule 13 of the Conduct of Elections Rules, 1961 which authorises a contesting candidate or his election agent to appoint one polling agent and two relief polling agents at every polling station.
- (iii) Section 47 of the Representation of the People Act, 1951 read with Rule 52 of the Conduct of Elections Rules 1961 which authorises a contesting candidate or his election agent to appoint counting agents up to 16 for every place of counting, subject to the Commission's directions.
- (iv) The instructions issued by the Commission to all State Governments to provide personal security to all contesting candidates and their agents.

- (v) The instructions of the Commission to every Returning Officer to allow each contesting candidate to ply on the day of poll (i) one vehicle for his own use, and (ii) one more vehicle for each assembly constituency/assembly segment in the case of Parliamentary Constituency, for the use of his agents.
- Nomination, Scrutiny, Withdrawal and Allotment of Symbols
4. The candidates who put up dummy candidates appoint their own men as polling agents and counting agents in the name of such dummy candidates whereby they get additional manpower and often muscle power, at the polling stations and counting agents. These dummy candidates also help in getting extra policemen by way of security personnel provided to candidate. Instances have come to the notice of the Commission where these armed escorts provided to the candidates have been used to overawe and brow-beat the voters. In some cases they have even helped in booth capturing.
 5. Apart from the above-mentioned additional facilities and manpower thus manipulated by some contesting candidates through their dummy candidates, the latter also help the former in covering unauthorised expenditure for which a ceiling is prescribed under the law.
 6. The Commission is also aware of the administrative problems created due to the over-crowding of polling stations and places of counting due to the agents of dummy candidates.
 7. The Commission suggested to the Government some concrete measures to check and reduce the multiplicity of the candidates at elections in its package of proposals for electoral reforms sent to the Government on 10th February, 1992. No response whatsoever has been received from the Government by the Commission so far.
 8. With a view to protecting the purity of election process so that the elections reflect the true choice of electorate exercised in free and fair manner, the Commission considers that some measures which are permissible within the existing provisions of law are called for urgently to put a check as far as possible on the practice of dummy candidates.
 9. After a careful consideration of all relevant factors, the Commission, in exercise of its plenary powers under Article 324 of the Constitution, the powers to issue specific and general directions under Rule 52 of the Conduct of Elections Rules, 1961 and all other powers enabling it in this behalf, directs hereby as follows:-
 - (i) If at any stage during the process of election after the last date for the withdrawal of the candidatures, a candidate publicly announces that he is retiring from contest in favour of another candidate or for any other reason, whatsoever, or publicly announces, extends or solicits support for any other candidate, the Returning Officer shall direct forthwith the

concerned police and other authorities to withdraw all such facilities like personal security permits to ply vehicles, etc., as have been extended to him under any of directions or the instructions of the Election Commission. In case the said candidate refuses to give such a statement in writing, the Returning Officer will cause such a refusal to be widely publicized in order to eliminate the impact of his unfounded statement on the free and fair contest. Compendium of Instructions on Conduct of Elections - Volume-II

- (ii) If at any stage on the day of poll, the Returning Officer, on a complaint or a report or otherwise, comes to the conclusion that any vehicle authorized to ply for the personal use of a particular candidate and/or his agent(s) is being used by any other candidate or for any purpose other than the authorized use of the said candidate or his agents the Returning Officer shall direct the District Superintendent of Police or any other competent authority to impound the said vehicles and shall not release it till the end of the process of polling.
 - (iii) The seating arrangement at the polling stations for the polling agents of candidates shall be guided by the following categories of priority:
 - 1. Candidates of National Recognized Political Parties;
 - 2. Candidates of recognized State Parties;
 - 3. Candidates of recognized State Parties of other States who have been permitted to use their reserved symbols in the Constituency;
 - 4. Candidates of registered-unrecognized political parties;
 - 5. Independent Candidates;
 - (iv) The seating arrangement for counting agents at each counting table in a place for counting shall also be determined in accordance with the priorities indicated in Para (iii) above.
 - (v) If at any stage in the process of election, a complaint or report is received that any candidate is allowing the security personnel provided to him for ensuring his personal security to be used by any other candidate or for any purpose other than the purpose of providing security personnel so provided shall be withdrawn by the police authorities concerned in consultation with the Returning Officer.
10. The receipt of these directions should be immediately acknowledged and be given wide publicity through quickest means.

ITEM NO. 124

Election Commission's Letter No. 3/1 /94/J. S.I I dated 05.12.1994, addressed to the Chief Electoral Officers of all States and Union Territories

Subject: Countermanding of Poll under Section 52 of the Representation of the People Act, 1951 on account of the death of a contesting candidate set up by Recognised Political Party - regarding

I am directed to state that a question has been raised whether the election will be countermanded or not under the amended Section 52 of the Representation of the People Act, 1951 on the death of a candidate set up by a political party which is recognized in another State but not in the State in which the candidate set up by that party after obtaining the concession under Para 10 of the Election Symbols (Reservation and Allotment) Order, 1968.

2. The legal position in this regard has been examined in detail and is stated as hereunder.
3. The said Section 52, as amended in 1982, provides as follows:
"52. Death of candidate before the poll. - If a candidate, set up by a recognised political party,
 - (a) dies at anytime after 11 A.M. on the last date for making nominations and his nomination is found valid on scrutiny under Section 36; or
 - (b) whose nomination has been found valid on scrutiny under Section 36 and who has not withdrawn his candidature under Section 33, dies; and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under Section 38; or
 - (c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the returning officer shall, upon being satisfied about the fact of the death of the candidate, by order, countermand the poll and report the fact to the Election Commission and also to the appropriate authority and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate:

Provided further that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll; Nomination, Scrutiny, Withdrawal and Allotment of Symbols

Provided also that no person who has given a notice of withdrawal of his candidature under subsection (1) of Section 37 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

Explanation: For the purposes of this section, "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968".

4. Under the scheme of the Representation of the People Act, 1951, election from each Parliamentary or Assembly Constituency is a separate election as has been held by the Supreme Court in *Inderjit Barua V. Election Commission and others* (AIR 198 SC 1912). Therefore, the above-mentioned amended provisions of Section 52 of the said Act would be attracted only in the case of a candidate set up by a political party which is recognised in the constituency concerned.
5. Section 52 does not expressly spell out whether the recognised political party referred to therein means a party recognised in any State or in the State concerned. That section only says by way of explanation that "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968. Therefore, the precise meaning of that expression will have to be gathered from the provisions of the said Symbols Order.
6. Under the Symbols Order, recognised political parties are of two categories, i.e., National Parties and State Parties (Vide Para 7). A National Party is recognised in all States and Union Territories in India, that is to say, in all Parliamentary and Assembly Constituencies throughout India. A State Party is recognised only in that State or States where it is specifically recognised by the Commission, that is to say, only in the Parliamentary and Assembly Constituencies in the State concerned. It is not a recognised party for the purposes of the other States. In such other States, it is only a registered-unrecognized party under the Symbols Order.
7. It is true that a State party recognised in one or more States may be granted concession by the Commission, on an application by that party under Para 10 of the Symbols Order and subject to fulfillment of conditions specified therein, allowing its candidates to use the symbol reserved for it in the State or States in which it is recognised, in an another State in which it is not so recognised as a State Party. But that would not make it a recognised as a State party in such other State where it is not so recognised for the purposes of the Symbols Order. Its candidates can ask for the concession of allotment of the party's symbol only in those specified constituencies in respect of which the Commission has granted the said concession and not in any other constituency. The grant of such concession would not carry with it the recognition of

that party as a recognised State party in the constituencies concerned. Compendium of Instructions on Conduct of Elections - Volume-II

8. One of the essential attributes of recognition of a party in a State is the exclusive reservation of a symbol for that party in all constituencies, whether Parliamentary or Assembly, of that State. Its reserved symbol cannot be allotted in that State to any other candidate in any constituency even where the party has not set up its candidates. But this is not so in other States. A symbol reserved for a State Party in one State may be reserved for another State Party in an another State or even may be specified as a free symbol in such other States. If a State Party is granted the above-mentioned concession under Para 10 of the Symbols Order to use its symbol in another State, its symbol may be allotted to its candidates only in those specified constituencies in relation to which it has been granted concession by the Commission. That symbol will be available for allotment to candidates of other registered-unrecognised parties and independent candidates in all other constituencies, if that symbol is specified as a free symbol in that State. Even if such symbol is not allotted or available for allotment to other candidates for the reason that it is not specified as a free symbol in that State, the legal position remains unchanged that such symbol is not exclusively reserved for that party in the said State as that party is not recognised State party in that State.
9. Another important aspect of recognition as a National Party or State Party in a State is that the party is supplied, free of cost, with copies of electoral rolls of every constituency in the State. No such grant of free copies of electoral rolls of every constituency in the State. No such grant of free copies of electoral rolls is available to any other party which is not recognised in that State, notwithstanding that it may be a recognised State Party in some other States and may have been granted the above-mentioned concession under Para 10 of the Symbols Order in the former State. Similarly, yet another major benefit of recognition of a party in a State is the facility of political telecast and broadcasts over the Doordarshan and AIR at the time of a general election in the State concerned. But such benefit is not extended in any circumstances to the political parties recognised in other States, notwithstanding the grant of above-referred concession to such parties under Para 10 of the Symbols Order.
10. Viewed from all these angles, the logical conclusion is that the "recognised political party" for the purposes of Section 52 of the Representation of the People Act, 1951 is only that party which is recognised either as a National Party or as a State Party in the State concerned and not a party which may be recognised in some

other State. Otherwise, the whole distinction between the National and State Parties under the Symbols Order would be obliterated for the purposes of said Section 52, and the State Parties would be at par with the National Parties in all States and Union Territories (even in those States/Union Territories where they are not recognised as State Parties) which can not be the intention of the law, as amended.

11. The above interpretation would also be in consonance with, and will further the object underlying the amendment made to the provisions of Section 52. Under the amended provisions, the election is to be countermanded only on the death of a candidate set up by a recognised party and not on the death of a candidate Nomination, Scrutiny, Withdrawal and Allotment of Symbols set up by unrecognised party. This discrimination made in Section 52 has been upheld by the Supreme Court as a valid discrimination and classification in the case of Rama Kant Pandey V. Union of India [Judgement Today 1993 (1) SC 340]. As mentioned above, a party recognised as a State Party in one State is a registered-unrecognised party in other States and the death of a candidate set up by such party in a State in which it is not recognised should be considered at par with the death of a candidate of any other registered-unrecognised party.
12. Having regard to the above legal position, the election should not be countermanded under the amended Section 52 of the Representation of the People Act, 1951 on the death of a candidate set up by a political party which is not recognised in the State concerned notwithstanding that the said party may be a recognised state party in some State and may have been given concession under Para 10 of the Symbols Order even in the constituency concerned.
13. The above may be brought to the notice of all the Returning Officers in the State/Union Territory.
14. The receipt of this letter be acknowledged by an immediate message.

ITEM NO. 125

Election Commission's Letter No. 3/ER/94/J.S.II/Vol. II, dated 07.12.1994, addressed to The Chief Electoral Officers of all States and Union Territories.

Subject: Multiplicity of candidates at elections - Measures to reduce - regarding

I am directed to invite your attention to Commission's letter No. 3/ER/94/J.S.II dated the 27th April, 1994, on the subject cited and to say that a question had arisen whether the candidate referred to in para 9(i) of that letter, i.e., the candidate who has announced retirement from contest or announced his support in favour of another candidate, can be permitted to appoint election agents, polling agents and counting agents.

2. Announcement of retirement from contest after the last date of withdrawal of candidatures has no validity in the eyes of law and such candidate continues to be a "contesting candidate". He is therefore, entitled under the law, i.e., Sections 40 to 51 of the Representation of the People Act, 1951 read with Rules 12,13,14 and 52 of the Conduct of Election Rules, 1961 to appoint his election agents, polling agents and counting agents, if he so likes.
3. The Commission has already directed vide letter dated 27.4.94, referred to above that only such of the facilities as have been given to such candidates under the direction/instructions of the Commission, like, the provision of security, permits for plying vehicles, etc., alone should be withdrawn. Facilities which are available to contesting candidates under the law cannot be withdrawn.
4. The receipt of this letter should be immediately acknowledged.

ITEM NO. 126

Letter number 576/11 /94/J.S-II Vol. I Dated 16th December 1994 addressed to the Chief Electoral Officer of all States and Union Territories

Subject: Providing the Presiding Officers with a set of specimen signatures of candidates and their Election Agents - Directions

I am directed to state that Section 46 of the Representation of the People Act, 1951 read with Rule 13 of the Conduct of Elections Rules, 1961 provides that at every election each candidate or his election agent can appoint one polling agent and two relief polling agents at each polling station. However, only one polling agent of a candidate should be allowed inside the polling station at any given time. Every polling agent must produce before the Presiding Officer of the polling station the appointment letter in Form 10 appended to the Conduct of Elections Rules, 1961 by which the candidate or his election agent has appointed him.

2. However, the Presiding Officer of a polling station is not in a position to verify the signature of the candidate or his election agent as given in appointment letter in Form 10 presented to him by the polling agent as he will not be having the specimen signatures of the candidates or their election agents. This may result sometimes in presentation of spurious Form 10 by unscrupulous persons with the purported/ forged signatures.
3. In order to prevent any such malpractices and unscrupulous methods at the polling stations, the Commission has devised a Format for obtaining and circulating the specimen signatures of the candidates and their election agents, which is forwarded herewith.
4. A copy of the Format may be furnished to all Returning Officers in your State/Union Territory with the direction that the specimen signatures of all the candidate them on the Format and after taking photocopies thereof in sufficient numbers, supply to each Presiding Officer, Observers of the Commission, Zonal Magistrate and Sector Magistrate, etc., in the constituency.
5. Under the law, it is not obligatory on the part of the candidates to appoint an election agent. Therefore, if any of the candidates has not appointed any election agent, then in the column meant for the signature of the election agent, the words "No Election Agent appointed" may be recorded in the Format. The candidates are further at liberty to revoke the appointment of an election agent and to appoint another person as the election agent. If such a change in the appointment is made at the last moment when the Presiding Officers have already been supplied with the copy of the Format containing the

specimen signatures as originally furnished by the contesting candidate, then it shall be the responsibility of the candidate concerned to supply a copy of Form 9 revoking the appointment of the election agent and a copy of Form 8 appointing the new election agent to each Presiding Officer.

6. The Commission hereby further directs that if any candidate and/or his election agent refuse(s) to affix specimen signature on the Format, they may be informed that the Presiding Officer may not entertain any appointment letter in Form 10 from the polling agents appointed by them if the Presiding Officer is in reasonable doubt as to the genuineness of the signature of the candidate or his election agent whose specimen signature is not available in the prescribed Format.
7. This procedure shall be followed at every election to be announced from now onwards without fail. A copy of these instructions translated into regional languages be supplied to each person at the time of filing of nominations. A suitable Press Note shall also be issued at the time of each election.
8. Copies of these instructions may also be forwarded to all the political parties in the State/Union Territory.
9. Receipt of this letter with its enclosures shall be acknowledged immediately.

Format for Specimen Signature of Candidates and their Election Agents

*General/Biennial/Byelection (Month/year)

No. Name of * Assembly Lok Sabha Constituency-----

Leg. Council'-----

(*Delete whatever is not applicable)

The specimen signatures of contesting candidates and their Election Agents are given below for the purpose of verification of their signatures by the Presiding Officer in the letters of appointment of Polling Agents at the time of poll :-

Name of Contesting Signature	Specimen Signature	Name of his/her Election Agent	Specimen Signature
1. Shri/Smt./Ms. (Candidate No. 1)	Shri/Smt./Ms.
2. Shri/Smt./Ms. (Candidate No. 2)	Shri/Smt./Ms.
3. Shri/Smt./Ms. (Candidate No. 3)	Shri/Smt./Ms.

Place

Date:

Signature:
(SEAL)
Returning Officer

ITEM NO. 127

Election Commission's letter No. 56/Gen/96-J.S.-II Dated 25.03.1996 addressed to all Recognized State Parties (as per list attached)

Subject: Concessions to candidates set up by recognized State Parties at elections in other States under para 10 of the Election Symbols (Reservation and Allotment) Order, 1968 - Regarding

I am directed to say that a recognized State party may be granted concession by the Commission in the matter of allotment of symbol reserved for it in the State in which it is recognised as a State party to the candidates set up by it in another State in which it is not so recognised. This concession may be granted if each of the conditions specified in para 10 of the Election Symbols (Reservation and Allotment) Order, 1968 is fulfilled. The said para 10 is reproduced below for ready reference:-

"Concessions to candidates set up by State party at elections in other State - If a candidate set up by a State party at an election in any constituency in a State in which that is not a State party, intends to choose or chooses symbol reserved for it in the State or States in which it is a State party, then such candidate shall be allotted that symbol to the exclusion of any other candidate, and no other symbol, on fulfillment of each of the following conditions, namely:-

- (a) that an application is made to the Commission by the party for exclusive allotment of that symbol to the candidate set up by it not later than the third day after the publication in the official Gazette of the notification calling the election;
 - (b) if the block for the symbol is not already available, that there is sufficient time for preparing the block;
 - (c) that sufficient time is available to the Commission for sending intimation to the returning officer of the constituency on or before the last date for withdrawal of candidature;
 - (d) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment.
2. It will be observed from the above that the concession under the said para 10 may be granted by the Commission (1) to specific candidates set up by the said recognised State party, (2) in specified constituencies in the other State, and (3) the application for the purpose must be made by the party to the Commission not later than the third day after the publication in the Official Gazette of the notification calling the election in the said constituencies.
 3. In the past, some recognised State parties were making omnibus requests for above concession in a State going to the polls without

specifying the constituencies in which they were setting up their candidates. Such requests were not in conformity with the provisions of the above-referred para 10 of the Nomination, Scrutiny, Withdrawal and Allotment of Symbols Election Symbols (Reservation and Allotment) Order, 1968.

4. The Commission hereby makes it unequivocally clear that such omnibus requests will not be entertained by it at any general election or bye election to the House of the People or a State Legislative Assembly.
5. Accordingly, if any recognised State party hereafter intends to avail of the concession under the said para 10 of the Election Symbols (Reservation and allotment) order 1968.

IT MUST SPECIFY IN ITS APPLICATION UNDER THE SAID PARA 10 THE NAME OR NAMES OF THE CONSTITUENCY OR CONSTITUENCIES IN WHICH IT IS SETTING UP ITS CANDIDATES IN RELATION TO WHOM SUCH CONCESSION IS SOUGHT. ANY OMNIBUS APPLICATION WILL BE STRAIGHTWAY REJECTED.

6. It is also clarified in this context that if any State party states in its application that it will set up its candidates in all constituencies in a State and seeks concession in respect of all such constituencies, any concession granted by the Commission on such misleading statement and understanding may be withdrawn by the Commission if the party does not set up or fails to set up its candidates in all the constituencies for any reason whatsoever. The allotment of symbols made to the party candidates in all other constituencies in pursuance of the above concession will be liable to be withdrawn and they may be allotted some other symbol from out of the list of free symbols for the State concerned.
7. Further, the application of the party so specifying the name of each constituency in which the above concession is sought must reach repeat reach the office of the Commission not later than 1730 hours (i.e., the official closing hours of the Commission's office) of the third day after the publication in the Official Gazette of the notification calling the election. For example, the Commission has announced on 19.3.1996, the programme for general elections to the House of People and State Legislative Assemblies of Assam, Haryana, Kerala, Tamil Nadu, West Bengal, Pondicherry and some bye-elections. According to the programme announced, the notifications calling the general elections will be issued on 27.3.96. Any application for the above-mentioned concession in respect of any specified constituency or constituencies in these States must reach the office of the

Commission not later than 1730 hours on 30.3.1996. Any application received thereafter will be summarily rejected as time-barred.

8. In the next place, attention may be specially invited to clause (d) of the said para 10 of the Election Symbols (Reservation and Allotment) Order, 1968 which provides that the concession applied for may be granted if, among other things, "in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment". The Commission would like to clarify that if there is any dispute with regard to the office bearers of a recognized State party and more than one person claims to be the office bearer or person authorised by the party to make the application under para 10 or send the notice with regard to the name of the official candidate of the party under para 13 of the Election Symbols (Reservation and Allotment) Order, 1968, the Commission may refuse to grant the concession under the said para 10(d) unless the Commission is satisfied with regard to the claim of any particular office bearer or authorized person of the party to make the requisite application or send the requisite notice.

Kindly acknowledge receipt of this letter immediately.

ITEM NO. 128

Election Commission's message No.576/3/96-JUD.-II, dated 20.09.1996, addressed to Chief Electoral Officers of All State and Union Territories.

Subject: Clarification of setting up of a candidate of a recognised state party in a State in which it is not recognised.

A CLARIFICATION HAS BEEN SOUGHT WHETHER A CANDIDATE OF A RECOGNISED STATE PARTY (SAY, RECOGNISED IN ANDHRA PRADESH) SET UP IN ANOTHER STATE (SAY, UTTAR PRADESH) IN WHICH IT IS NOT REPEAT NOT RECOGNISED AS STATE PARTY SHALL BE TREATED AS A CANDIDATE SET UP BY A RECOGNISED STATE PARTY FOR THE PURPOSES OF SECTIONS 33(1), 38(2) AND 52 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951, AS AMENDED BY THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1996(.)

- 2 IT IS HEREBY CLARIFIED THAT SUCH CANDIDATE SHALL BE TREATED AS HAVING BEEN SET UP ONLY BY A REGISTERED-UNRECOGNISED REPEAT REGISTERED-UNRECOGNISED POLITICAL PARTY FOR THE PURPOSE OF THE ABOVE SECTIONS(,) AS A PARTY RECOGNISED AS A STATE PARTY IN ONE STATE IN ONLY A REGISTERED - UNRECOGNISED POLITICAL PARTY IN ALL OTHER UNDER THE ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) ORDER,1968(.) IT IS FURTHER CLARIFIED THAT EVEN IF SUCH RECOGNISED PARTY ASKS FOR CONCESSION UNDER PARA 10 OF THE SYMBOL ORDER FOR USING ITS RESERVED SYMBOL IN ANOTHER STATE AND SUCH CONCESSION GRANTED BY COMMISSION^) THE CANDIDATE SET UP BY THAT PARTY IN THE SAID OTHER STATES HALL BE REGARDED AS HAVING BEEN SET UP ONLY BY A REGISTERED UNRECOGNISED POLITICAL PARTY FOR THE PURPOSE OF THE ABOVE-MENTIONED SECTIONS 33(1), 38(2) AND 52 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951(.) ACCORDINGLY, THE NOMINATION PAPERS OF SUCH CANDIDATES SHOULD BE SUBSCRIBED BY TEN ELECTORS AS PROPOSERS AND NAMES OF SUCH CANDIDATES SHOULD BE SHOWN UNDER CATEGORY(II) IN FORM 4 (LIST OF VALIDLY NOMINATED CANDIDATES) AND FORM 7A (LIST OF CONTESTING CANDIDATES)(.) ATTENTION IN THIS CONTEXT IS ALSO INVITED TO LEGAL POSITION AS CLARIFIED IN THE COMMISSION'S LETTER NO. 3/1/94/JS.II, DATED 5.12.1994, REPRODUCED AS ITEM 49 IN THE COMPENDIUM OF INSTRUCTIONS ON CONDUCT OF ELECTIONS, 1996(.)
3. A CLARIFICATION HAS ALSO BEEN SOUGHT THAT IF THE NOMINATIONS FILED BY BOTH THE MAIN AND SUBSTITUTE

CANDIDATES OF A RECOGNISED NATIONAL/STATE PARTY ARE ACCEPTED AFTER SCRUTINY BY RETURNING OFFICER AND IF THE MAIN CANDIDATE WITHDRAWS HIS CANDIDATURE WITHIN(,) WHETHER IN SUCH CASE THE SUBSTITUTE CANDIDATE CAN BE CONSIDERED AS PARTY CANDIDATE AND THE PARTY'S RESERVED SYMBOL ALLOTTED TO HIM()

4. IT IS HEREBY CLARIFIED THAT SUCH SUBSTITUTE CANDIDATE SHALL BE TREATED AS HAVING BEEN DULY SET UP BY THE SAID PARTY AND ALLOTTED THE PARTY'S RESERVED SYMBOL IF THE FOLLOWING CONDITIONS ARE FULFILLED IN HIS CASE, NAMELY: -
 - (I) SUCH SUBSTITUTE CANDIDATE HAS MADE A DECLARATION IN ANY ONE OF HIS FOUR NOMINATION PAPERS (EVEN IF THAT PARTICULAR NOMINATION PAPER IS REJECTED ON ANY GROUND) THAT HE HAS BEEN SET UP BY THE SAID PARTY AS REQUIRED UNDER PARA 13(A) OF THE ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) ORDER, 1968; AND
 - (II) THE NAME AND OTHER PARTICULARS OF SUCH SUBSTITUTE CANDIDATE ARE ALREADY FURNISHED BY THE PARTY CONCERNED IN COLUMNS (5) TO (7) OF FORM 'B' WHICH HAS BEEN DULY RECEIVED BY RETURNING OFFICER FROM THE SAID PARTY NOT LATER THAN 3 P.M. ON THE LAST DATE FOR MAKING NOMINATIONS(.)
5. INFORM IMMEDIATELY ALL RETURNING OFFICERS AND OTHER ELECTION AUTHORITIES CONCERNED OF THE ABOVE CLARIFICATIONS FOR THEIR INFORMATION AND GUIDANCE^ THESE CLARIFICATIONS MAY ALSO BE BROUGHT TO NOTICE IMMEDIATELY OF ALL RECOGNISED PARTIES IN YOUR STATE AND GIVEN WIDE PUBLICITY(.)

ITEM NO. 129

Election Commission's letter No. 576/4/2001/J.S. II dated 12.10.2001 addressed to the Chief Electoral Officers of all States & Union Territories.

Subject: Election Petition No. 1 of 1996 - Shri Suresh Chand Gupta alias Bacchu Babu, Advocate Vs. Shri Harnath Singh Yadav & others - Directions of the High Court of Judicature at Allahabad - Commission's instructions - regarding.

I am directed to invite your attention to Rules 22(3) & 30(3) of the Conduct of Elections Rules, 1961 which inter-alia provide that if two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner. There will also be no objection to the addition of any honorific, academic, hereditary, professional or any other title to the name of a candidate. Your attention is further invited to the Commission's instructions contained in para 16 of Chapter VI of the Handbook for Returning Officers for Elections to the Council of States and State Legislative Councils, wherein the Commission had given detailed instructions in the matter.

While disposing of Election Petition No. 1 of 1996 filed by Shri Suresh Chand Gupta alias Bacchu Babu, Advocate, in connection with biennial election held to the Uttar Pradesh Legislative Council from Agra Division Graduate's Constituency, the Allahabad High Court has observed that the Returning Officer for the said election had violated proviso to Rule 8(2) and Rule 30(3) of the Conduct of Elections Rules 1961, by refusing the request of the petitioner for adding the suffix "Advocate" after his name since there were more than one candidate of identical name, and the acceptance of the said request by the Returning Officer to have the suffix "Advocate" after the name of the petitioner would not possibly cause any prejudice to any other candidate or give any unfair advantage to the petitioner at the poll.

In the above Election Petition, the High Court also observed that the ballot papers relating to the said election were not available for inspection as the same were reportedly missing. .

In view of the above observations of the Allahabad High Court, the provisions of the rules and the Commission's instructions referred to in paragraph 1 above, are reiterated to all Returning Officers to ensure strict compliance of the same and the rules provided under the Conduct of Elections Rules, 1961. All Returning Officers, Assistant Returning Officers and other election authorities connected with the conduct of elections may be directed to scrupulously follow rules and the Commission's instructions in the matter.

Regarding preservation of records relating to elections, attention of all District Election Officers and Returning Officers is invited to the

instructions and directions of the Commission as given in Chapter XV of the Handbook for Returning Officers for Biennial Elections and in Chapter XVIII of the Handbook for Returning Officers (for elections to House of the People and Legislative Assemblies). It should be noted that the sealed packets of used ballot papers should be retained for a period of one year after the completion of election, and in cases where an Election Petition or any other matter in respect of an election is pending for trial Nomination, Scrutiny, Withdrawal and Allotment of Symbols before a Court, the papers relating to the election concerned, should not be destroyed until the expiry of six months from the date of final disposal of the petition or matter.

Kindly acknowledge receipt of this letter.

ITEM NO. 130

Election Commission's letter No.3/ER/2004/JS-II, dated 09.03.2004 addressed to the Chief Electoral officers of, all States and Union territories

Subject: - Affidavit to be filed by candidates alongwith nomination paper -modification of format in the light of Delhi High Court's order.

I am directed to invite a reference to the order No. 3/ER/2003 JS-II, dated 2nd March, 2003. of the Commission, relating to right to information of electors regarding the background of the candidates. The Commission had prescribed a format in which the candidates are required to submit information about criminal background, assets, liabilities and educational qualifications. In item (3) (a) (iii) relating to "government dues", it was mentioned that "No Due Certificate" was to be enclosed in case of persons holding or having held public office. In view of representations received from various individuals and departments regarding difficulty in obtaining the said certificate, the Commission has decided that "No Due Certificate" is not required to be submitted alongwith the affidavit.

In C.W.P. No. 4912 of 1998 (Kushra Bharat Vs. Union of India & Others), the Delhi High Court has directed on 1st March, 2004 that information relating to government dues owed by candidates to the departments dealing with government accommodation, electricity, water, telephone, and transport (including aircrafts and helicopters) and any other dues, should be furnished by the candidates and this formation should be published by the election authorities under the Commission in at least two newspapers having local circulations for information of electors. Accordingly, the Commission has modified item (3) (a) (in) of the format of the affidavit, relating to "government dues". A copy of the revised format of the said item (13) (a) (iii) is enclosed. There is no change in any other item of the affidavit.

The Commission has directed that the information furnished by the contesting candidates in relation to the dues to the departments mentioned above [in item (3) (a) (iii) of the affidavit], should be published by the Returning Officers concerned in at least two newspapers having local circulation, one of which should be a vernacular news paper. This should be published by the Returning Officer within two days after preparing the list of contesting candidates. A format in which the Returning Officers may publish the information is also enclosed.

If there is more than one constituency in a District, the District Election Officer may publish the above information in a consolidated form in respect of all constituencies (constituency-wise) in that district, by suitably modifying the above-referred format.

The above instructions may be immediately brought to the notice of all election authorities and political parties in your State.

Kindly acknowledge receipt.

**Revised format of item 3(a) (iii) of the affidavit prescribed vide
Election Commission's order No.3/ER/2003/JS-II,
dated 27th March, 2003.**

S.No.	Description	Name and address of department	Amount outstanding as on
(iii)	Government dues:-		
	(a) dues to departments dealing with government accommodation		
	(b) dues to departments dealing with supply of water		
	(c) dues to departments dealing with supply of electricity		
	(d) dues to departments dealing with telephones		
	(e) dues to departments dealing with government transport (including aircrafts and helicopters)		
	(f) other dues. if any		

Format in which the Returning Officer may publish the information relating to government dues
(To be published in two newspapers having local circulation)

General / Bye-Election to _____ from _____ constituency

Public Notice

Information as furnished by the contesting candidates in their affidavits in respect of Government dues is hereby published for information of all electors:-

S. No.	Name of candidate	Party affiliation, if any	Government dues to departments dealing with					other C Government dues, if any
			Government accommodation	Supply of water	Supply of elements	Telephones	Government transport (including aircrafts and helicopters)	
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.								
2.								
3.								
4.								
5.								
etc.								

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(Returning Officer for _____ constituency)

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Election Commission's letter No. 3/ER/2004/J.S.II, dated 11.03.2004 addressed to the Chief Electoral Officers of all States/Union Territories.

Subject:- Affidavit to be filed by candidates alongwith nomination paper -modification of format in the light of Delhi High Court's order.

I am directed to refer to Commission's letter of even number dated 9th March, 2004 enclosing a revised format of item 3 (a) (iii) of the affidavit to be filed by candidates alongwith nomination paper.

The heading of column 3 of the revised format of 3 (a) (iii) has been indicated only as "Name and address". This is a typographical error. The heading may be revised to read "Name and address of Department".

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Election Commission's letter No. 3/ER/2004/J.S.II, dated 01.04.2004 addressed to the Chief Electoral Officers of all States/Union Territories.

Subject:- Affidavit to be filed by candidates alongwith nomination paper.

I am directed to say that it has been brought to the notice of the Commission that in many cases, the affidavits filed by candidates alongwith the nomination paper are not properly filled up. As a consequence, the information that is required to be disseminated to the public remains incomplete, there by defeating the purpose for which such disclosures are made by contesting candidates.

The Commission after taking into account all relevant factors has directed that: -

- (i) All entries in the affidavits (both in Form 26 and in the format prescribed by the Commission) should be preferably typed, or if hand written, the entries should be legible.
- (ii) No columns are to be left blank in the affidavits. If there is nothing to be shown against any particular item, either "NIL" or "NA" (to mean not applicable) should be mentioned.
- (iii) For the measurements in various items in the Part relating to assets, the locally used and accepted units of measurements should alone be given.

The Commission has already directed that copies of the affidavits will be made available freely and liberally to all candidates, media representatives etc. at the level of the Returning Officers, and the District Election Officers will compile all the affidavits in the constituencies within the district and supply them on demand, on payment basis. For uniformity and convenience, the Commission has prescribed Rs. 10/- as the fees for copy of one set of nomination paper and affidavits of a candidate. This fee may be obtained in cash, for convenience, against proper receipt etc. It may also be noted that copies of nomination papers, affidavits, and copies of counter affidavits etc., should be supplied on demand to any individual, political party, organisation, agencies etc. without any discrimination.

This may be brought to the notice of all Returning Officers and District Election Officers.

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Election Commission's letter No. 3/ER/2004-JS-II, dated 02.06.2004 addressed to the Chief Electoral Officers of all States and Union Territories

Subject:- Commission's order dated 27.3.2003, regarding right to information of the electors about the background of candidates.

I am directed to invite reference to the provisions of rule 4A of the Conduct of elections Rules. 1961, and the Commission's order cited above. In pursuance of the said rule 4A each candidate has to file an affidavit in Form 26 appended to the Conduct of Elections Rules 1961 and as per the Commission's order dated 27.3.2003 the candidates have to file a further affidavit about pending cases, their assets including that of their dependents their liabilities including dues to Govt. Departments, etc. and about their educational qualifications, in the format prescribed by the Commission.

The Commission has received complaints that in many cases, the candidates do not give the correct information in the affidavits, especially in the part relating to the assets. In this context, it may be noted that Section 125A of the Representation of the People Act. 1951, deals with penal provisions for furnishing false information in the affidavit filed in terms of Section 33A, and Section 177 of Indian Penal Code contains penal provision for furnishing false information to a public servant in general. Under Section 195 of the Code of Criminal Procedure 1973, no Court shall take cognizance of any offence punishable under section 177 of the Indian Penal Code, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.

In order to deal with cases of filing false information, the Commission has directed that where any complaint regarding furnishing of false information by any candidate is submitted by anyone, supported by some documentary evidence, the Returning Officers concerned should initiate action to prosecute the candidates concerned by filing formal complaints before the appropriate authority.

Kindly acknowledge receipt.

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Election Commission's letter No.: 509/1/2005/JS-I, dated 14.01.2005 addressed to the Chief Secretaries/Chief Electoral Officers of all States/Union Territories

Subject: **PIL matter before Patna High Court regarding absconders contesting elections (CWJC No. 7252/2004-The India Medical Association Vs. State Govt. and others).**

I am directed to forward herewith a copy of the order dated 7.1.2005 of the Hon'ble Patna High Court in the above cited matter for information and strict compliance.

It may be noted that the Hon'ble Patna High Court has directed Police Officers Incharge to be present at the time of nomination in the offices of Returning Officers/Assistant Returning Officer, and if absconders/persons against whom arrest warrant is pending, come to file nomination, such persons should be arrested while permitting them to file their nomination.

The directions of the Hon'ble High Court should be complied at all elections.

Kindly acknowledge the receipt.

Election Commission's letter No.: 509/5/2005-JS.I, dated 14.01.2005 addressed to the Chief Secretaries/Chief Electoral Officers of all States and Union Territories

Subject: **Representation of the People Act, 1951- Sections 8(3) and 8(4) Interpretation thereof by the Supreme Court of India – CA No. 8213 of 2001 with Civil Appeal No. 6691 of 2002 – Forwarding of Judgment dated 11.1.2005 of the Hon'ble Court– Reg.**

I am directed to forward herewith a copy of the judgment of the Hon'ble Supreme Court of India dated 11.1.2005 in the matter cited above.

2. It may be noted that the Hon'ble Supreme Court in the above judgment has, inter-alia, held that :
 - (i) in the case of conviction of a person for more than one offence, in a common trial and with the sentences of imprisonment to run **consecutively**, for the purposes of Section 8(3) of the Representation of the People Act, 1951, the period of sentences of imprisonment for each offence should be **added** and if the total length of time for which a person has been ordered to remain in prison consequent upon such conviction and sentences is two years or more, the convicted person shall be disqualified under the said Section 8(3) of the Representation of the People Act, 1951;
 - (ii) the protection given under sub-section (4) of Section 8 of RP Act 1951 to a sitting member of Parliament or State Legislature from incurring disqualification will be available only so long as the House to which he belongs continues to exist and the person continues to be a member of that House.
3. You are requested to bring the above order of the Hon'ble Supreme Court to the notice of all returning officers and other authorities concerned for strict compliance in future. Where elections are in progress now, this should be brought to the notice of all Returning Officers immediately and **in any case before the date of scrutiny of nominations.**
4. In this context, it may be clarified that the interpretation placed by the Hon'ble Supreme Court on the provision of Section 8(3) of the

Representation of the People Act, 1951 would be equally applicable to the provision of Section 8(2) of the said Act.

5. Further, to remove any ambiguity, it is also clarified in conformity with the above decision of the Hon'ble Supreme Court, that if any sitting MLA or MP, who is presently protected under Section 8(4) of the said Act till the dissolution of the existing House to which he belongs, files his nomination for any election held subsequent to his conviction, either for constituting a new House on the dissolution of the existing House or even for a bye election to an existing House, he shall **not** get the protection of the said Section 8(4) and he shall be deemed to be disqualified under Section 8(1), 8(2) or 8(3) of the Act, as may be applicable to him.
6. The receipt of this letter may kindly be acknowledged and copy of instruction issued in this behalf to the Returning Officers, etc. may be endorsed to the Commission for its information and record.

Election Commission's letter No.509/5/2005-JS.I, dated 20.01.2005 addressed to the Chief Secretaries/Chief Electoral Officers of all States and Union Territories

Subject: **Judgment dated 11.1.2005 of the Hon'ble Supreme Court regarding interpretation of Section 8(3) and 8(4) - clarification.**

I am directed to invite a reference to the Commission's letter of even number, dated 14.1.2005 in the above matter. It has been brought to the notice of the Commission that there is some confusion regarding the position explained in paragraph 5 of the said letter. To remove any doubt in the interpretation, the words "on the dissolution of the existing House" appearing in lines 5 and 6 of the said paragraph may be treated as deleted. The interpretation, as explained in the said paragraph is that protection under paragraph 8(4) would be available to a sitting MP/MLA only for the membership of the House to which he/she belongs on the date of conviction, and not for any future election.

This may kindly be brought to the notice of all concerned.

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Election Commission's letter No. PS/AK/2005, dated 10.09.2005. addressed to the Chief Electoral Officer, Bihar

Subject: Restriction on number of vehicles and people at the time of nominations

The Commission has been concerned about the general order in the offices of Returning Officers at the time of filing of nominations. Some of the Returning Officers have expressed a desire that the Commission may issue necessary directions to regulate the number of vehicles & people at the time of nominations. The Commission after considering the issue carefully has decided to issue following directions.

All DEOs may inform various political parties and interest groups that the maximum number of vehicles that will be allowed to come within the periphery of 100 mtrs. of ROs / AROs office shall be three and maximum number of persons that will be allowed to enter the office of ROs/ AROs at the time of filing nomination shall be candidate plus number of proposers as prescribed by law plus four other individuals. The expenditure on the vehicles that will be coming along with the candidate at the time of filing nominations shall be taken into account for calculating his expenditure if he remains in fray.

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INSTRUCTION SI. No.

Election Commission's letter No.4/3/2008/JS-II/Vol.III Dated :2nd July 2008 addressed to the Chief Electoral Officers of all States and Union Territories.

Sub: Scrutiny of nomination papers – regarding.

The qualifications for contesting election to the House of the People and State Legislative Assemblies are given in Articles 84 and 173 of the Constitution and in Part II of the Representation of the People Act, 1951. Under Sections 4,5 and 5A of the Representation of the People Act, 1951 as the said Part II, for contesting election from a constituency reserved for SCs/STs, a candidate must belong to SC or ST, as the case may be. Under the law, the Returning Officer is the authority to determine whether a candidate fulfils the requisite qualifications.

2. There have been complaints that in certain cases candidates who do not belong to SC/ST have managed to contest elections from reserved seats by giving false declaration, or on the basis of false documents, etc. There have also been several cases of Election Petitions on the issue of Caste/Tribe status of candidate elected from reserved constituencies.

3. In order to prevent cases of non-SC/ST persons contesting election from reserved constituencies, the Returning Officers at the time of scrutiny of nominations should satisfy themselves that the candidates contesting from reserved constituencies belong to SC or ST, as the case may be. Wherever in doubt, the Returning Officer must insist on production of SC/ST certificate issued by competent authorities. Where, however, the certificate produced by the candidate is also challenged, the Returning Officer need not go into that question, except where it is alleged that the certificate produced is forged or is not issued by competent authority. In the case of any allegation/suspicion about the genuineness of the certificate, the Returning Officer should get the position cross-checked with the authority which purportedly issued the SC/ST certificate in question, before deciding the validity of the nomination paper of the candidate concerned. If on such cross-checking/verification, the Returning Officer is

satisfied that the certificate in question is not genuine, he should not only reject the nomination of the candidate concerned, but should also initiate criminal proceeding against the candidate for adducing forged documentary evidence before him.

4. The above instructions may be brought to the notice of all the Returning Officers, District Election Officers and also all political parties in your State, both recognized and un-recognized.

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/2009/PPS-II

Dated : 14th January, 2009

To

The President/General Secretary
Of all recognized State Parties.

Sub: Concession under paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1968 to use the reserved symbol of the State Party in other States.

Sir/Madam,

Under paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1968, a State Party can seek concession for allotment of its reserved symbol to the candidates set up by the party in States where the party is not recognized. It has been observed in the past that many of the State parties are not clear about the procedure for seeking concession under this paragraph.

2. The procedure to be followed by the parties is explained below for clarity and guidance :

- Application seeking concession should be submitted in the Commission's Secretariat by the 3rd day after the notification of election. For example, if election is notified on 01-01-2009, the application seeking concession under para-10 should reach the Commission's Secretariat latest by 04-01-2009. Applications received after the prescribed period will not be considered under any circumstance.
- The application should clearly indicate the name(s) of constituency(ies) where the party is setting up candidate(s) and seeking concession for allotment of symbol to the candidate(s). For this purpose, a complete list of the constituencies in which concession is sought should be enclosed. Care should be taken that the number and name of constituencies is correctly mentioned.

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- The application should be submitted to the Commission. No action will be taken on applications submitted to Chief Electoral Officers, District Election Officers, Returning Officers, etc.
 - The application should be made by the Central Office of the party from the headquarters as per the address registered with the Commission. Applications received from any other address/unit of the party will be rejected.
 - All procedural requirements of paragraph 13 of the Symbols Order should be fulfilled separately by the party/candidate in the matter of setting up of candidates in the constituency concerned.
3. The above clarifications may be noted and brought to the notice of the various units of the party.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

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INSTRUCTION SI. No.

Election Commission's letter No.56/2009/PPS-II Dated:14th January, 2009 addressed to the President/General Secretary of all recognized National and State Parties

Sub: Conditions for treating a candidate as one set up by political party- Requirements to be followed- regarding.

Paragraph 13 of the Election Symbols (Reservation & Allotment) Order, 1968, prescribes the conditions to be followed for treating a candidate as a candidate set up by a political party.

The requirements to be fulfilled in this regard are explained below for clarity of understanding:

- The candidate concerned should declare in the relevant part of the nomination paper that he has been set up by the said political party. In cases where a party nominates the main candidate and the substitute candidate, there is a provision that if the nomination paper of the main candidate is rejected, then the substitute candidate can be treated as the party's candidate. In such cases also, the substitute candidate should have made a declaration in his nomination paper (at least in one set of nomination papers if such candidate has filed more than one set) that he/she has been set up by the said political party.
- Notices in Form-A and Form-B, signed in original, are required to be submitted to the Returning Officers of the constituencies where the party is setting up its candidates **by 3.00P.M. on the last date of filing nominations.** Separate Forms A & B are to be filed in respect of each constituency before the RO concerned.
- The Forms A & B should be duly filled up in all respects.
- **Photo-copies/forms with facsimile signatures or forms transmitted by FAX/email are not acceptable.**
- Form A in which the party authorizes office-bearer(s) to sign notices in Form B **should be from the Central Office of the party.**

- Form A should be submitted separately to the Chief Electoral Officer of the State also in addition to submitting to the Returning Officers. If one single office bearer has been nominated on behalf of the party in Form-A, for the entire State, it is enough to submit one duly signed Form A to the Chief Electoral Officer. However, separate Forms A, all signed in original, should be submitted to individual R.O.s alongwith Form-B. By way of illustration, if a party is setting up candidates in 50 constituencies in a State, 50 Forms A, all duly signed in original, should be submitted to each of the 50 ROs alongwith Forms B for each constituency, duly signed in original, by the authorised office bearer.
- It is the duty of the party/candidate to submit Forms A & B (in original) to the Chief Electoral Officer/Returning Officer. It may be noted that these forms are not required to be sent to the Commission and the Commission will not take any action on such Forms if sent to it by the party/candidate.
- In the event of rescinding of notice in Form-B, submitted in favour of a candidate, the fresh notice in Form-B signed by the same authorized person, and clearly indicating therein that the earlier notice is being rescinded should be submitted **by the prescribed time limit (i.e. by 3.00 P.M. on the last date of filing nominations)** as per the provisions of Para 13A of the Symbols Order. No other form of communication regarding rescinding of notice will be accepted as valid.

These clarifications may be noted and also brought to the notice of the cadres of the party at all levels.

Copy to the Chief electoral Officers of all States/U.T.s for information, with the instruction to send a copy of this letter to all political parties based in the State(all registered un-recognized parties as well as to the State units of all recognized parties).

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 576/3/2009/SDR

Dated: 12th March, 2009

To

The Chief Electoral Officers of
All States & Union Territories.

Subject: General Election to the Lok Sabha, 2009/State legislative
Assemblies.

Sir/Madam,

The Commission vide its Press Note No. ECI/PN/13/2009 dated 2nd March, 2009 has announced the schedule for the General Election to the Lok Sabha and to the Legislative Assemblies of Andhra Pradesh, Orissa and Sikkim.

2. Noting down basic information/details about individual candidates their contact details, etc. in one place is considered useful in the election management. Therefore, the Commission has instructed that at the time of filing their nominations, the contesting candidates may be advised to submit information/contact details in the enclosed proforma. The information in respect of items 1 to 5 in the list may be filled up by the Returning Officer himself, from the information provided in the nomination paper/other accompanying documents. The information at Sl. No. 1,2,7,8,9,10,11 may be made available to the general public

3. You are requested to bring the contents of this letter to the attention of all District Election Officers/Returning Officers in your state for strict compliance.

Yours faithfully,

(Narendendra N. Butolia)
Under Secretary

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REQUEST FORM

for contact details of candidates standing in Parliamentary/Assembly Elections, 2009

1. No. and Name of Parliamentary/Assembly Constituency:
2. Full name of candidate :
3. Sex :
4. Age
5. Party :
(mention 'independent' if not set-up by political party)
6. City/area of native place :

Please enter your contact details below:

7. Full address:

8. Landline phone no. :
9. Mobile phone no. :
10. Email address(if any) :
11. Website address(if any) :

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/ER/2009/SDR

Dated : 21st March, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

Sub: Affidavits filed by the candidates alongwith nomination paper.

Sir/Madam,

Your attention is invited to the Commission's letter No. 3/ER/2004/J.S.-II, dated 1st April, 2004 (copy enclosed). In the said letter, it has been directed that all entries in the two affidavits filed by the candidates at the time of filing of nomination, should be preferably typed out, and if hand-written, the entries should be clearly and legibly written. Further, no columns are to be left blank. If there is no particulars to be indicated against any item, 'NIL', or 'NOT APPLICABLE' as may be appropriate, should be written.

There have been complaints that in many cases, the affidavits filed by the candidates contain vague and illegible entries, and some columns are even left blank. It is requested that the above instructions may be brought to the notice of all concerned including the Returning Officers and all the political parties based in your State, for strict compliance.

The scanning and uploading of the affidavits on the website should be done as early as possible after the nomination is received, and in any case, not later than 24 hrs., so that it serves the intended purpose of providing information to the electors to enable them to make an informed choice. Copy of affidavits should also be made available to anyone desiring it.

Kindly acknowledge the receipt of this letter and direct the Returning Officers to follow it scrupulously.

Yours faithfully,
(K.F. WILFRED)
SECRETARY

Copy to:-

All recognized National and State political parties.

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.576/10/2009/SDR

Dated : 1st April, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

Sub: Handbook for candidates- 2009 –clarification.

Sir/Madam,

In the Handbook for candidates (2009 edition), in paragraph-4.5, sub-paragraph (3.1) of Chapter-III (Nominations and Allotment of Symbols), it has been mentioned that while filing the affidavits alongwith the nomination papers, the candidate should also submit a statement of summary of information in Appendix-VI-C. It has also been stated therein that in the event of failure to submit the statement of summary, the nomination paper would be liable to be rejected by the Returning Officer. It is clarified that while the candidates may be asked to submit the summary of statement, **any lapse on the part of a candidate in filing this summary should not, in itself, be a ground for rejection of nomination paper.**

This may be brought to the notice of all Returning Officers immediately.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

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INSTRUCTION SI. No.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/ER/2009/SDR

Dated : 3rd April, 2009

To

The Chief Electoral Officer of
All States/Union Territories.

**Sub: Affidavits filed by candidates alongwith their nomination paper-
clarification.**

Sir/Madam,

Please refer to the Commission's letter of even number dated 21st March, 2009, on the above subject. In the said letter, it was, inter alia, mentioned that the work of scanning affidavits filed by the candidate and uploading on the website should be completed within 24 hours. It is clarified that while the scanning may be got done immediately after the affidavit is filed, uploading on the website may be done within 24 hours **after the period for withdrawal of candidatures ends**. Only the affidavits filed **by the contesting candidates** need to be uploaded on the website. The instructions in the letter dated 21st March, 2009, may be treated as modified in this respect. The other instructions in the said letter will continue to be followed.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

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INSTRUCTION SI. No.
ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 464/INST/2009/EPS

Dated: 19th April, 2009

To

The Chief Electoral Officers
of all States/UTs.

Subject: Scrutiny of Form 17A (Register of Voters) and other documents-regarding.

Sir/Madam,

A question has been raised as to whether the candidates can authorise their representatives to watch the proceedings of scrutiny of form 17A (Register of Votes) and other documents and materials in all the places fixed by the Returning Officer for this purpose.

It is clarified that candidates can authorise as many representatives as places fixed for scrutiny by the Returning Officer and Observer to watch the proceedings of scrutiny of Form 17 A and other documents. For this purpose, the Returning Officer should give advance notice in writing (under proper acknowledgement), to all the candidates about the scrutiny of Form 17A and other documents indicating the place, date and time of commencement of such scrutiny. In such notice, it shall be mentioned that either the candidate himself or his election agent or one representative duly authorized by the candidate in writing may be present to watch repeat only to watch the proceedings of scrutiny of Form 17A and other documents.

The candidates shall also be asked to intimate the name of their

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authorized representatives who will be attending the scrutiny of Form 17A and other documents well in advance.

In this context, details of instructions regarding scrutiny of Form 17A and other documents may kindly be seen in the Commission's earlier letter Nos. 464/INST/2007/PLN-I dated 12th Oct, 2007 contained compendium of instructions Volume IV, Serial No. 3 and 464/INST/2009/EPS dated 02.03.2009, 15.04.2009 and 16.04.2009.

Yours Faithfully,

**SUMIT MUKHERJEE
(UNDER SECRETARY)**

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ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

Dated : 8th February, 2011

To

The Chief Electoral Officers of all
States and Union Territories.

Sub: Affidavits filed by the candidates with their nomination paper.

Sir/Madam,

Please refer to the Commission's order No. 3/ER/2003/JS-II, dated 27th March, 2003, and the subsequent instructions issued from time to time regarding filing of affidavits by candidates about their criminal background, assets, liabilities and educational qualifications, and the dissemination of the affidavits for information of the electors.

2. As per the existing instructions, copies of the affidavits are to be displayed on the notice board of the Returning Officer immediately after the affidavit is filed and copies of the affidavit are to be supplied free of cost to any person who asks for the same. The affidavits are also required to be scanned and uploaded on the CEO's website, so that the affidavits of all contesting candidates are available immediately after the list of contesting candidates is finalized. In accordance with extant instructions and practice, the information about government dues as given in the affidavit (under the heading 'liabilities') is also published in two newspapers with local circulation.

3. For wider dissemination of information contained in the affidavits to the electors, the Commission has given the following further directions:

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- (i) In cases where the offices of the AROs are outside the headquarters where the RO's office is situated, but within the boundary of the constituency, copies of the affidavits should also be displayed in the offices of such AROs.
 - (ii) In those cases where the offices of the ROs and AROs are both situated outside the boundary of the constituency, one set of copies of affidavits should be displayed on the notice board of the RO and another set should be displayed in some public premises accessible to the general public within the constituency.
 - (iii) When the information on government dues is published in the newspaper, there should be a note added therein mentioning the places where the other details viz. criminal background, assets, liabilities and educational qualifications of all the contesting candidates can be found. The note should also mention that the affidavits can be viewed on the website of the CEO and the path to the website should also be mentioned.
 - (iv) It should be ensured that the complete set of affidavits in respect of all contesting candidates is available on the website within 24 hours after finalization of the list of contesting candidates. Special care should be taken to ensure that no part of any affidavit is left out while scanning is carried out.
4. Please communicate these instructions to all officers concerned in the State, and also acknowledge receipt of this letter and confirm action being taken.

Yours faithfully,

(K.F.WILFRED)
SECRETARY

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ELECTION IMMEDIATE

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.3/ER/2011/SDR/

Dated: 16th March, 2011.

To

The Chief Electoral Officers of all
States and Union Territories.

Subject:- Affidavits filed by the candidates with their nomination paper – revised
format – checking – regarding.

Sir,

Kindly refer to the Commission's letter of even number dated 25th February, 2011, forwarding the revised format of Affidavit to be filed by the candidates with their nomination paper for all future elections to declare details about criminal background, assets, liabilities and educational qualifications.

2. The Commission's instruction already exist that the affidavits filed by the candidates at the time of filing of nomination, should preferably be typed out, and if hand-written, the entries should be clearly and legibly written. Further, no columns are to be left blank. If there is no particular to be indicated against any item, 'NIL', or 'NOT APPLICABLE' as may be appropriate, should be written. It has been decided by the Commission that in order to ensure that the candidates, in their Affidavits give all the requisite information and do not leave any column blank, the affidavit should be checked when it is filed by the candidate. For this, Returning Officer may take the assistance of one suitable officer exclusively to check that the Affidavit is filed in the revised format and all columns are filled up legibly. In case any candidate files the Affidavit in pre-revised format or has left some column of the affidavit blank or the information given is vague or illegible then the same should be pointed out immediately and the candidate should be advised to rectify the defect. If the Affidavit is in the pre-revised format, the candidate should be asked to file a fresh Affidavit in revised format with all columns filled up by 3.00 p.m. on the last date of filing nominations. The above instructions may be brought to the notice of all concerned including the Returning Officers and all the political parties based in your State, for strict compliance.

3. Kindly acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)
Under Secretary

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.576/3/2011/SDR

Dated 22nd March, 2011

To

The Chief Electoral Officers of
All States and UTs

Subject: Filing of nomination papers by overseas electors - regarding.

Sir,

As you are aware the Parliament has recently amended the Representation of the People Act, 1950 vide the Representation of the People (Amendment) Act, 2010. By this amendment, a new Section (Section 20A) has been inserted in the Representation of the People Act, 1950. This new Section 20A provides that every citizen of India, who has not acquired citizenship of any other country and who is absenting from his place of ordinary residence in India owing to employment, education or otherwise outside India (whether temporarily or not), shall be entitled to have his/her name registered in the Electoral Roll of the constituency, at his/her place of residence in India as mentioned in his/her passport.

2. Consequently, amendments have been made in the Registration of Electors Rules, 1960 vide Registration of Electors (Amendment) Rules, 2011, notified vide Notification No. H-7(18)/9 8-Leg.II(Vol. IV), dated 03-02-2011 and subsequent Corrigenda and notification dated 09.02.2011 and 23-02-2011 of the Ministry of Law & Justice.

3. In pursuance of these amendments, an overseas elector who is entitled to be registered in the roll under Section 20A of the Representation of People Act, 1950 shall be included in the part of the roll pertaining to the locality in which his place of residence in India as mentioned in his passport is located and has to submit his claim application. The claim application in Form 6A shall be submitted either in person directly to the ERO of the constituency concerned or sent by post to the ERO alongwith self attested copy of the requisite documents as mentioned in Form 6A. Necessary instructions of the Commission for processing such applications have already been conveyed to you vide the Commission's letter No.3/1/2010/SDR dated 14.2.2011 and subsequent letter dated 12-3-2011.

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4. Enrolment in the electoral roll would also confer on an overseas elector the right to contest elections, subject to the fulfillment of the other requirements of the law. One of the essential qualifications prescribed under the law (Articles 84 and 173 of the Constitution, section 4(a) of the Government of UT Act, 1963, or section 4 (a) of the Government of NCT of Delhi Act, 1991, as the case may be,) is that the candidate should make and subscribe an oath or affirmation in the prescribed form, before a person authorized by the Commission in this behalf. The Commission, vide its three separate notifications dated 18th March, 1968, has notified the persons before any one of whom the candidate may make and subscribe the oath or affirmation. These notifications are reproduced in Annexure XIII of the Handbook for Returning Officers (2009 edition). The RO and ARO are among the persons so authorized for this purpose. In the case of a candidate who is outside India, the oath can be made before the diplomatic or consular representative of India in the country where the candidate happens to be. An overseas elector may approach the authorized person in the Indian Mission of the country concerned for making the oath or affirmation.

5. If an overseas elector who may file nomination papers is in India at the time of filling nomination, he may make the oath or affirmation before the RO/ARO. If a candidate who is an overseas elector appears before the RO/ARO to make the oath, the RO/ARO concerned shall ensure that the identity of the person is properly verified by carefully going through the particulars in the passport of the person. Thus, such person will necessarily have to produce his/her original passport for verification by the RO/ARO at the time of making the oath or affirmation.

6. At the time of voting also, the identity of the overseas electors has to be verified by checking the particulars in their passports. The Commission has separately issued instructions in this regard that the overseas electors shall produce their original passport when they come to the polling station for voting.

7. This may be immediately brought to the notices of all concerned.

Yours faithfully,

(K.F. WILFRED)
SECRETARY

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.3/ER/2011/SDR

Dated 23rd March, 2011

To

The Chief Electoral Officers of
All States & Union Territories

Subject: Filing of affidavits by candidates- details regarding bank deposits –clarification.

Sir,

In the affidavit to be filed by the candidates as per the format prescribed by the Commission vide its order dated 27-03-2003, which was amended recently vide the Commission's letter No. 3/ER/2011/SDR , dated 25th February, 2011, the candidates are required to furnish details of deposits in bank, post office, etc. under the heading "Details of Moveable Assets". In this connection, a question has been raised whether the Account No. for the said deposits need to be mentioned.

It is clarified that it is not necessary to mention the Account Number in the bank, post office etc. while giving the details of the amounts of deposits in the various financial institutions.

This may be brought to the notice of all elections authorities and all political parties in the State/UT.

Yours faithfully,

(K.F. WILFRED)
SECRETARY

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

Dated: 1st September, 2011

To

The Chief Electoral Officer of
all States and Union Territories.

Sub: Affidavit filed by the candidates with their nomination papers – regarding.

Sir/Madam,

You are aware that the Commission had in the year 2003 prescribed, in pursuance of the judgment and order dated 13th March, 2003 in People's Union for Civil Liberties and another v Union of India (Civil Appeal No. 490 of 2002) of the Apex Court, the format in which the candidates contesting elections to the Houses of Parliament and State Legislatures have to file affidavits giving information about their criminal background, assets, liabilities and educational qualifications.

Based on the experience since then, the Commission has made some modifications in the format of the affidavit for better and more effective dissemination of information to the electors about the background of the candidates. The new format was circulated to all CEOs and all recognized National and State Political Parties vide letter of even number dated 25th February, 2011 and has come into effect for use at all subsequent elections. The Political parties were also specifically informed that this format will be used for all elections from then onwards and with the advice to circulate it to all units of their party for bringing to the notice of the candidates contesting elections in future.

It has, however, been reported that during some of the recent elections some candidates had used the pre-revised format of the affidavit. The Commission has directed that the revised format of the affidavit should be brought to the notice of the Returning Officers for all elections conducted by the Commission, including elections to Rajya Sabha as well as Legislative Councils, so that they ensure that candidate file the affidavit in the revised format.

Certain clarifications issued after issue of the revised format of Affidavit are also recapitulated below for convenience: -

- (i) The Returning Officer can take the assistance of one suitable officer exclusively to check that the affidavit is filed in the revised format and all columns are filled legibly and if there is no information to be indicated/furnished against any item, "Nil" or "Not applicable", as may be appropriate, should be written against such item.
- (ii) In case, any candidate files the affidavit in pre-revised format, he should be advised to file a fresh affidavit in revised format by 3 P.M. on the last date for filing nominations.

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- 02
- (iii) The candidates are required only to furnish details of deposits in banks/post offices etc under the “details of immovable assets” without mentioning their Account Nos. of banks/post offices.
 - (iv) The affidavits are required to be sworn before a first class Magistrate or a Notary Public. In a writ petition (No. 8682 of 2011 and M.P. No. 1 of 2011) the Hon’ble Madras High Court has directed that the duly sworn affidavits should be on stamp paper of the value of Rs 20/-.
 - (v) The value of stamp paper for affidavits is prescribed under the State Act, and hence varies from State to State. In view of the above mentioned order of the Hon’ble Madras High Court, the Commission has directed that in future the affidavits to be filed by the candidates (in States other than Tamil Nadu) should be on stamp paper of such denomination as prescribed under the State law of the State concerned on the subject. In Tamil Nadu the affidavit should be on Rs.20/- stamp paper as per the direction of the Hon’ble High Court.

The Returning Officer will post a copy of the affidavit on the notice board for wider dissemination and also provide a copy to CEO for uploading it on the CEO’s website after scanning. If the Office of the Assistant Returning Officer is outside the headquarters of the Returning Officer, but within the boundary of the constituency, then a copy of the affidavit is to be displayed on the notice board of the Assistant Returning Officer also. If the offices of both Returning Officer and Assistant Returning Officer are outside the territory of the constituency then one copy of the affidavit is also required to be affixed in the notice board of Block Development Officer or in a Panchayat Office within the constituency. This will be in addition to displaying the copy on the notice board of the Returning Officer.

The Chief Electoral Officer is requested to ensure that all the Returning Officers including Returning Officers for elections to Council of States and Legislative Councils receive a copy of this letter and an acknowledgement is obtained by him and kept in his record. A consolidated certificate that all the Returning Officers have received the instructions may be forwarded to the Commission within one month of receipt of this letter, for its record.

Yours faithfully,

(Ashish Chakraborty)
Secretary

Copy to President/General Secretary of all the recognized National and State Parties (as per list enclosed) in continuation of Commission’s letter of even number dated 25/2/2011. They are once again advised to disseminate the revised format of the Affidavit within their party units and take such action as may be considered appropriate to ensure that none of the party candidates file their Nomination paper with pre-revised affidavit. The Returning Officers have been instructed not to accept any Affidavit in any other format other than the one now prescribed by the Commission.

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

F. No.113/Misc./2011-RCC

Dated: - 26 December, 2011

To,

The Chief Electoral Officers of
Goa, Manipur, Punjab, Uttar Pradesh,
and Uttrakhand,

Subject: - Scrutiny of nomination papers – Offices exempted from disqualification for holding office of profit - regarding.

Sir/Madam,

As per the provisions of the RP Act, 1951, the Returning Officer, while scrutinizing the nomination paper, shall reject a nomination on the grounds mentioned in clauses (a) to (c) of sub-section (2) of Section 36 of the Act. One of the grounds for rejection of nomination paper of a candidate is holding of any office of profit by the candidate under the government on the date of scrutiny of nomination paper in terms of Article 191 (1) (a) other than an office declared by State Legislature by Law not to disqualify its holder. Accordingly, laws have been made by the Parliament and all State Legislatures exclusive for their own States in term of Article 191 (1)(a) of the Constitution to exempt the holders of certain offices of profit from the ambit of such disqualification. Therefore, in order to facilitate the Returning Officer at the time of scrutiny of nominations you are requested to provide them latest up-to-date copies of the Act relating to removal of disqualifications pertaining to your state for reference by the ROs so that no nomination is rejected for want of up-to-date information about the law. A copy of the Act(s) may also be sent to the Commissioner for its record.

2. Kindly acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)
Secretary

Copy to the Chief Electoral Officers of all States and UTs (except Goa, Manipur, Punjab, Uttar Pradesh and Uttarakhand) for taking similar action whenever general/bye-elections are held in the State.

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244/PS/CEo/11
31-01-12

By Camp Bag/Speed post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI - 110001

File No. 76/Instruction /2012/EEPS

Dated: 10th January 2012

To

The Chief Electoral Officer,
Uttarakhand,
Dehradun

Subject: General elections to the Legislative Assembly of Uttarakhand-
Clarification on opening of separate bank account -regarding

Madam,

With reference to your letter no. 85/XXV-41/2011, dated 9th January 2012

on the subject cited, I am directed to clarify that as per Commission's instruction no. 76/Instructions/2011/EEM, dated 13th September 2011, each candidate is required to open a separate bank account for election expenditure purpose, at least one day before the filing of nomination. Wherever the candidate has not opened the bank account or not intimated the bank account number, the RO shall issue a notice to all such candidates to comply with the instructions of the Commission.

2. I am further directed to clarify that the nomination of a candidate shall not be rejected only on the ground of not opening the bank account for election purpose or for not intimating the bank account number to the R.O.

Kindly acknowledge the receipt of this letter.

Yours faithfully,

(S.K.RUDOLA)
SECRETARY

Copy to :-

1. All CEOs
2. DEC(VZ),DEC(ST),DEC(AS),DG(AR)
3. Guard file

25
31/1/12

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JCE

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30/1/2012

Acad
28
3/11

SH M. BS
32/11

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/SDR/2012

Dated: 2nd July, 2012

To

The Chief Electoral Officer of all
States and UTs.

Sub: Affidavit filed by candidates along with their nomination papers- dissemination thereof.

Sir/Madam,

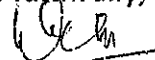
Please refer to the Commission's instructions regarding dissemination of information in the affidavits filed by the candidates along with the nomination papers. The Commission has, inter alia, directed that copies of affidavits should be displayed on the notice board of RO/ARO, and in cases where offices of RO and ARO are outside the boundary of the constituency concerned, copies of affidavits should also be displayed in the premises of a prominent public office within the limits of the constituency. Further, affidavits of all contesting candidates are required to be uploaded on the website of the CEO.

2. There are complaints at times that in the absence of adequate publicity/awareness mechanism, the general public is not sensitized about the availability of the affidavits filed by the candidates with the result that the affidavits do not fully serve the intended purpose of enabling the electors to know the background of the candidates so as to enable them to make an informed choice of their representative.

3. The Commission has directed that, at every election, press releases should be issued at the State and District level stating that affidavits of the candidates are available for the electors to see, and clearly mentioning in the Press release of the DEO, place(s) at which copies of the affidavits have been displayed. The press releases should also make it clear that the affidavits can also be viewed on the website, and the path to locate them on the website should also be mentioned.

4. Please bring these instructions to the notice of all DEOs, ROs and other authorities concerned for compliance in future elections.

Yours faithfully,



(K.F. WILFRED)

PRINCIPAL SECRETARY

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5/7/12

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

F. No.3/ER/2011/SDR

Dated:- 20th July, 2012

To,

The Chief Electoral Officers of
all States and Union Territories,

Sub:- Affidavits filed by the candidates with their nomination paper clarification – regarding.

Sir/ Madam,

Sh M B
B M

Kindly refer to the instructions issued vide the Commission's letter of even no. dated 08.02.2011 regarding dissemination of the affidavits filed by the candidates for information of the electors. The instructions contained in para 3 (iv) of the said letter was slightly amended vide letter dated 11.01.2012 to the effect that the affidavits filed by the candidates of recognized political parties shall be put up on the website within 24 hours of filing of the affidavit.

2. Clarification has been sought regarding uploading of affidavits filed by the other candidates, i.e. candidates of registered political parties and independents.

3. It is hereby clarified that the affidavits filed by all the contesting candidates must be available on the website within 24 hours after finalization of the list of contesting candidates. However, the affidavits filed by the candidates of recognized political parties shall be put up on the website within 24 hours of filing of the affidavit without waiting for the preparation of the list of contesting candidates after the last date for

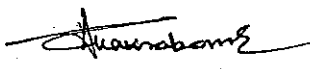
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withdrawal of candidature. In such cases, even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed from there. The affidavits filed by the other candidates (i.e. candidates set up by registered unrecognized political parties and independents) shall be put up on the website within 24 hours after finalization of the list of contesting candidates.

The above clarification may be brought to the notice of all concerned.

Kindly acknowledge receipt.

Yours faithfully,


(Ashish Chakraborty)
Secretary

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By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2012/SDR

Dated:-24th August, 2012

To,

Chief Electoral officers
of all State and Union Territories

**Sub:- Affidavit to be filed by the candidates with their nomination paper-
modification of format - regarding.**

Sir/Madam,

The candidates at elections to the Parliament and the State Legislatures hitherto wererequired to file two affidavits: one, in Form -26 appended to Conduct of Elections Rules 1961 and the other, in the Form prescribed by the Commission, vide its Order No. 3/ER/2003 dated 27.03.2003, as subsequently modified by the letter of even number dated 25.02.2011. In the affidavits, the candidates are required to declare information about their criminal background, if any, assets, liabilities and educational qualifications.

2. On a proposal moved by the Commission for amalgamating the two affidavits into one format, the Govt. has amended Form 26 so as to include in it all the information that was sought in the two separate affidavits. The Ministry of Law and Justice have notified the revised format of Form 26 in the Gazette of India on 01.08.2012. A copy of the said notification dated 1st August, 2012 is enclosed herewith.

3. In view of the amendment to Form-26, all candidatesshall, hereafter, file only oneaffidavit in the revised Form 26 notified on 01.08.2012(at elections to the Parliament and State Legislatures). The requirements to be followed while filing the affidavit have been mentioned in the notes given at the end of the format. Further, as already directed in the Commission's letter No. 3/ER/2011/SDR, dated 1st September, 2011, the affidavit should be on stamp paper of such denomination as prescribed under the State Act on the subject.

4. The Commission has directed that the revised format of the affidavit should be brought to the notice of the Returning Officers for all elections conducted by the Commission, including elections to RajyaSabhaand Legislative Councils (in the States having Legislative Council) with instructions to ensure that this is brought to the notice of all concerned.You may kindly ensure that all the Returning Officers, including Returning Officers for elections to Council of States and Legislative Councils, receive a copy of this letter along with the notification of amended Form-26 and acknowledgement of receipt be obtained from every Returning Officer in the State. A consolidated

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certificate that all the Returning Officers have received the instructions may be forwarded to the Commission within one month of receipt of this letter,

5. You are also requested to furnish a copy of this letter along with copy of the enclosed notification to every political party (including registered unrecognized parties) having headquarters in your State/UT, including the State Units of recognized National and State political parties.

Yours faithfully,

(Ashish Chakraborty)
Secretary

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भारत का राजपत्र
The Gazette of India



सत्यमेव जयते

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1433]

No. 1433]

नई दिल्ली, बुधवार, अगस्त 1, 2012/श्रावण 10, 1934
NEW DELHI, WEDNESDAY, AUGUST 1, 2012/SHRAVANA 10, 1934

विधि और न्याय मंत्रालय

(विधायी विभाग)

अधिसूचना

नई दिल्ली, 1 अगस्त, 2012

क्र.आ. 1732(अ).—केंद्रीय सरकार, लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 169 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्वाचन आयोग से परामर्श करने के पश्चात् निर्वाचनों का संचालन नियम, 1961 का और संशोधन करने के निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम निर्वाचनों का संचालन (संशोधन) नियम, 2012 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्वाचनों का संचालन नियम, 1961 के प्ररूप 26 और उससे संबंधित प्रविष्टियों को स्थान पर निम्नलिखित प्ररूप और प्रविष्टियां रखी जाएंगी, अर्थात् :—

“प्ररूप 26

(नियम 4क देखिए)

कृपया अपना
नवीनतम फोटो
यहां चस्पा दे

(निर्वाचन क्षेत्र का नाम)

निर्वाचन क्षेत्र से

अभ्यर्थी द्वारा प्रस्तुत किया जाने वाला शपथपत्र

(सदन का नाम) के लिए निर्वाचन के लिए रिटर्निंग आफिसर के समक्ष

भाग-क

मैं, **पुत्र/पुत्री/पत्नी आयु वर्ष, जो (डाक का पूरा पता लिखें) का/की
निवासी हूँ, और उपरोक्त निर्वाचन से अभ्यर्थी हूँ, सत्यनिष्ठा से प्रतिज्ञा करता हूँ/करती हूँ, शपथ पर निम्नलिखित कथन करता हूँ/करती हूँ :—

(1) मैं (**राजनैतिक दल का नाम) द्वारा खड़ा किया गया अभ्यर्थी/

** एक स्वतंत्र अभ्यर्थी के रूप में लड़ रहा हूँ।

(**जो लागू न हो उसे काट दें)

(2) मेरा नाम (निर्वाचन क्षेत्र और राज्य का नाम) में भाग सं..... के क्रम सं. पर प्रविष्ट है।

(3) मेरा संपर्क टेलीफोन नं. है/ हैं और मेरा ई-मेल आईडी (यदि कोई हो तो) है।

(4) स्थाई लेखा संख्यांक (पैन) के ब्यौरे और आय-कर विवरणी फाइल करने की प्रास्थिति :

क्रम सं.	नाम	पैन	वित्तीय वर्ष जिसके अंतिम विवरणी की गई है।	वर्ष लिए आयकर फाइल	आयकर विवरणी में उपदर्शित कुल आय (रूप में)
1.	स्वयं				
2.	पति या पत्नी				
3.	आश्रित - 1				
4.	आश्रित - 2				
5.	आश्रित - 3				

(5) मैं ऐसे किसी लंबित मामले में दो वर्ष या अधिक के कारावास से दंडनीय किसी अपराध (अपराधों) का/की अभियुक्त नहीं हूँ जिसमें सक्षम अधिकारिता वाले न्यायालय द्वारा आरोप विरचित किया गया है/किए गए हैं।

यदि अभिराक्षी ऐसे किसी अपराध (अपराधों) का/की अभियुक्त है तो वह निम्नलिखित जानकारी प्रस्तुत करेगा/करेगी :-

(i) निम्नलिखित मामला (मामले) मेरे विरुद्ध लंबित है जिसमें दो वर्ष या अधिक के कारावास से दंडनीय किसी अपराध के लिए न्यायालय द्वारा आरोप विरचित किया गया है/किए गए हैं।

(क)	मामला/प्रथम सूचना रिपोर्ट संख्या/संख्याओं सहित संबंधित पुलिस थाना/ जिला / राज्य के पूर्ण ब्यौरे
(ख)	संबंधित अधिनियम (अधिनियमों) की धारा (धाराएं) और अपराध (अपराधों) का संक्षिप्त विवरण जिसके (जिनके) लिए आरोपित किया गया है
(ग)	न्यायालय का नाम, मामला संख्या और सज्जान लेने के आदेश की तारीख
(घ)	न्यायालय, जिसके (जिनके) द्वारा आरोप (आरोपों) की विरचना की गई
(ङ)	तारीख (तारीखें) जिनको आरोप विरचित किए गए थे

(घ)	क्या सभी या कोई कार्यवाही किसी सक्षम अधिकारिता वाले न्यायालय द्वारा रोकी गई है/हैं	
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(ii) निम्नलिखित मामला (मामले) मेरे विरुद्ध लंबित है/हैं जिनमें न्यायालय द्वारा संज्ञान लिया गया है [पूर्वोक्त मद (i) में वर्णित मामलों से भिन्न]:-

(क)	न्यायालय का नाम, मामला संख्या और संज्ञान लेने के आदेश की तारीख	
(ख)	उन मामलों के ब्यौरे जहां न्यायालय ने संज्ञान लिया है, अधिनियम (अधिनियमों) की धारा (धाराएं) और अपराध (अपराधों) का संक्षिप्त विवरण जिसके (जिनके) लिए संज्ञान लिया गया है	
(ग)	पूर्वोक्त आदेश (आदेशों) के विरुद्ध पुनरीक्षण के लिए फाइल की गई अपील(अपीलों)/आवेदन (आवेदनों) (यदि कोई हों) के ब्यौरे	

(6) मुझे किसी अपराध (अपराधों) (लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 8 की उपधारा (1) या उपधारा (2) में निर्दिष्ट या उपधारा (3) के अंतर्गत आने वाले किसी अपराध (अपराधों) से भिन्न, के लिए सिद्धदोष ठहराया गया है/नहीं ठहराया गया है और एक वर्ष या अधिक के लिए कारावास का दंडादेश दिया गया है/ नहीं दिया गया है :

यदि अभिसाक्षी उपर्युक्त रूप में सिद्धदोष ठहराया गया और दंडादिष्ट किया गया है तो वह निम्नलिखित जानकारी प्रस्तुत करेगा:

निम्नलिखित मामलों में मुझे सिद्धदोष ठहराया गया है और न्यायालय द्वारा कारावास का दंडादेश दिया गया है :

(क)	उन मामलों के ब्यौरे अधिनियम (अधिनियमों) की धारा (धाराएं) और अपराध (अपराधों) का संक्षिप्त विवरण जिसके (जिनके) लिए सिद्धदोष ठहराया गया है	
(ख)	न्यायालय (न्यायालयों) का नाम, मामला संख्या और आदेश(आदेशों) की तारीख (तारीखें)	
(ग)	अधिरोपित दंड	
(घ)	क्या सिद्धदोष ठहराने के आदेश के विरुद्ध कोई अपील फाइल की गई थी/है। यदि हां, तो अपील के ब्यौरे और वर्तमान प्रास्थिति	

(7) मैं मेरे मेरे पति या पत्नी और सभी आश्रितों की आस्तियों (जंगम और स्थावर आदि) के ब्यौरे नीचे देता हूँ :

अ. जंगम आस्तियों के ब्यौरे :

टिप्पण 1 - संयुक्त स्वामित्व की सीमा को उपदर्शित करते हुए संयुक्त नाम में आस्तियों का भी विवरण दिया जाना है।

टिप्पण 2 - जमा/विनिधान की दशा में क्रम सं., रकम, जमा की तारीख, रकमी, बैंक/ संस्था का नाम और शाखा सहित ब्यौरे दिए जाने हैं।

टिप्पण 3 - सूचीबद्ध कंपनियों के संबंध में बंधपत्रों/ शेयर डिबेंचरों का मूल्य स्टॉक एक्सचेंजों में चालू बाजार मूल्य के अनुसार और गैर सूचीबद्ध कंपनियों की दशा में लेखाबहियों के अनुसार दिया जाना चाहिए।

टिप्पण 4 - यहां आश्रित का वही अर्थ है जो उसका लोक प्रतिनिधित्व अधिनियम की धारा 75क के अधीन स्पष्टीकरण (5) में है।

टिप्पण 5 - रकम सहित ब्यौरे प्रत्येक विनिधान के संबंध में पृथकतया दिए जाने हैं।

क्रम सं.	विवरण	स्वयं	पति या पत्नी	आश्रित - 1	आश्रित - 2	आश्रित - 3
(i)	हाथ में नकदी					
(ii)	बैंक खातों में जमा के ब्यौरे (नियत जमा, आवधिक जमा और अन्य सभी प्रकार के जमा जिसमें बचत खाते भी हैं), वित्तीय संस्थाओं, गैर बैंकारी वित्तीय कंपनियों और सहकारी सोसाइटियों के पास जमा और ऐसे प्रत्येक जमा में रकम					
(iii)	कंपनियों/ पारस्परिक निधियों और अन्य में बंधपत्रों, डिबेंचरों/ शेयरों तथा यूनितों में विनिधान के ब्यौरे और रकम					
(iv)	राष्ट्रीय बचत योजना, डाक बचत, बीमा पालिसियों में विनिधान के ब्यौरे और डाकघर या बीमा कंपनी में किन्हीं वित्तीय लिखतों में विनिधान और रकम					
(v)	किसी व्यक्ति या निकाय					

	जिसमें फर्म, कंपनी, न्यास आदि को दिए गए वैयक्तिक ऋण/अग्रिम और ऋणियों से अन्य प्राप्य तथा रकम					
(vi)	मोटरयान/ वायुयान/ याट/ पोत (मेक, रजिस्ट्रीकरण संख्या आदि क्रय करने का वर्ष और रकम)					
(vii)	जेवरात, बुतियन और मूल्यवान वस्तु (वस्तुएं) (भार और मूल्य के ब्यौरे)					
(viii)	कोई अन्य आस्तियां जैसे कि दावों/हित का मूल्य					
(ix)	समग्र कुल मूल्य					

ख. स्थावर आस्तियों के ब्यौरे

टिप्पण 1 - संयुक्त स्वामित्व की सीमा को उपदर्शित करते हुए संयुक्त नाम में आस्तियों का भी विवरण दिया जाना है।

टिप्पण 2 - प्रत्येक भूमि या भवन या अपार्टमेंट का इस प्रारूप में पृथकतया वर्णन किया जाना चाहिए।

क्रम सं.	विवरण	स्वयं	पति या पत्नी	आश्रित - 1	आश्रित - 2	आश्रित - 3
(i)	कृषि भूमि की अवस्थिति (अवस्थितियां)					
	सर्वेक्षण संख्यांक (संख्याएं)					
	क्षेत्र (एकड़ में कुल माप)					
	क्या विरासत में आई संपत्ति है (हां या नहीं)					
	स्वाजित संपत्ति की दशा में क्रय की तारीख					
	क्रय के समय भूमि की लागत (क्रय की दशा में)					
	विकास, सनिर्माण आदि के माध्यम से भूमि पर					

	कोई विनिधान					
(ii)	गैर कृषि भूमि : अवस्थिति (अवस्थितियां) सर्वेक्षण संख्याक (संख्याएं)					
	क्षेत्र (वर्ग फुट में कुल माप)					
	क्या विरासत में आई संपत्ति है (हां या नहीं)					
	स्वाजित संपत्ति की दशा में क्रय की तारीख					
	क्रय के समय भूमि की लागत (क्रय की दशा में)					
	विकास, सन्निर्माण आदि के माध्यम से भूमि पर कोई विनिधान					
	अनुमानित चालू बाजार मूल्य					
(iii)	वाणिज्यिक भवन (अपार्टमेंट सहित) अवस्थिति (अवस्थितियां); सर्वेक्षण संख्याक (संख्याएं)					
	क्षेत्र (वर्ग फुट में कुल माप)					
	निर्मित क्षेत्र (वर्ग फुट में कुल माप)					
	क्या विरासत में आई संपत्ति है (हां या नहीं)					
	स्वाजित संपत्ति की दशा में क्रय की तारीख					
	क्रय के समय भूमि की लागत (क्रय की दशा में)					
	विकास, सन्निर्माण आदि के माध्यम से संपत्ति पर कोई विनिधान					

	अनुमानित चालू बाजार मूल्य					
(iv)	आवासीय भवन (अपार्टमेंट सहित) अवस्थिति (अवस्थितियाँ) सर्वेक्षण संख्यांक (संख्याएँ)					
	क्षेत्र (वर्ग फुट में कुल माप)					
	निर्मित क्षेत्र (वर्ग फुट में कुल माप)					
	क्या विरासत में आई संपत्ति है (हां या नहीं)					
	स्वअर्जित संपत्ति की दशा में क्रय की तारीख					
	क्रय के समय भूमि की लागत (क्रय की दशा में)					
	विकास, संनिर्माण आदि के माध्यम से भूमि पर कोई विनिधान					
	अनुमानित चालू बाजार मूल्य					
(v)	अन्य (जैसे कि संपत्ति में हित)					
(vi)	पूर्वोक्त (i) से (v) का कुल चालू बाजार मूल्य					

(8) में, लोक वित्तीय संस्थाओं और सरकार के प्रति दायित्वों/को शोध्यों के ब्यौरे नीचे देता हूँ:-
(टिप्पण : कृपया बैंक, संस्था, निकाय या व्यक्ति के नाम और उनमें प्रत्येक के समक्ष रकम के ब्यौरों का पृथक विवरण दें)

क्रम सं.	विवरण	स्वयं	पति पत्नी	या	आश्रित - 1	आश्रित - 2	आश्रित - 3
(i)	बैंक/ वित्तीय संस्था (संस्थाओं) को ऋण या शोध्य बैंक या वित्तीय संस्था						

	का नाम, बकाया रकम, ऋण की प्रकृति				
	पूर्वोक्त वर्णित से भिन्न किन्हीं अन्य व्यष्टियों, निकाय को ऋण या शोध				
	नाम, बकाया रकम, ऋण की प्रकृति				
	कोई अन्य दायित्व				
	दायित्वों का कुल योग				
(ii)	सरकारी शोध :				
	सरकारी आवास से बरतने वाले विभागों को शोध				
	जल आपूर्ति से बरतने वाले विभाग को शोध				
	विद्युत आपूर्ति से बरतने वाले विभाग को शोध				
	टेलीफोन/ मोबाइल आपूर्ति से बरतने वाले विभाग को शोध				
	सरकारी परिवहन (वायुयान और हेलिकाप्टर सहित) से बरतने वाले विभाग को शोध				
	आय-कर शोध				
	घनकर शोध				
	सेवाकर शोध				
	नगरपालिका/संपत्ति कर शोध				
	विक्रयकर शोध				
	कोई अन्य शोध				
(iii)	सभी सरकारी शोधों का कुल योग				
(iv)	क्या कोई अन्य दायित्व विवादाधीन है, यदि हां				

तो अंतर्वलित रकम और उस प्राधिकारी जिसके समक्ष यह लंबित है का वर्णन करें।					
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(9) वृत्ति या उपजीविका के ब्यौरे :

- (क) स्वयं
- (ख) पति या पत्नी

(10) मेरी शैक्षिक अर्हता नीचे दिए अनुसार है :-

(प्रमाणपत्र/ डिप्लोमा/ डिग्री पाठ्यक्रम के पूर्ण प्रल्प का उल्लेख करते हुए उच्चतम विद्यालय/ विश्वविद्यालय शिक्षा के ब्यौरे देते हुए विद्यालय/महाविद्यालय/विश्वविद्यालय का नाम और उस वर्ष जिसमें पाठ्यक्रम पूरा किया गया था, का ब्यौरा दें)

(11) भाग-क के (1) से (10) तक में दिए गए ब्यौरे का उद्धरण		भाग-ख
1.	अभ्यर्थी का नाम	श्री/श्रीमती/कु०
2.	डाक का पूरा पता	
3.	निर्वाचन क्षेत्र की संख्या और नाम तथा राज्य	
4.	उस राजनैतिक दल का नाम जिसने अभ्यर्थी को खड़ा किया है (अन्यथा 'स्वतंत्र' लिखें)	
5.	(i) ऐसे लंबित मामलों की कुल संख्या जिनमें दो वर्ष या अधिक के कारावास से दंडनीय अपराधों के लिए न्यायालय द्वारा आरोप विरचित किए गए हैं। (ii) ऐसे मामलों की कुल संख्या जिनमें न्यायालय (न्यायालयों) ने संज्ञान लिया है ऊपर मद् (i) उल्लिखित मामलों से भिन्न।	
6.	ऐसे कुल मामलों की संख्या जिनमें सिद्धदोष ठहराया गया एक वर्ष या उससे अधिक के लिए कारावास से और दंडित किया गया है। [लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 8 की उपधारा (1), उपधारा (2) या उपधारा (3) में निर्दिष्ट अपराधों के सिवाए]	
7.	...का स्थायी लेखा सं०	वह वर्ष जिसके लिए अंतिम आय-कर विवरणी फाइल की गई है
	(क) अभ्यर्थी	कुल दर्शित आय
	(ख) पति या पत्नी	
	(ग) आश्रित	
8.	आस्तियों और दायित्वों के ब्यौरे (रूप में) विवरण	स्वयं पति या पत्नी आश्रित-1 आश्रित-2 आश्रित-3

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क.		जंगम आस्तियां (कुल मूल्य)					
ख.		स्थावर आस्तियां					
	I.	स्वाजित स्थावर संपत्ति की क्रय कीमत					
	II.	क्रय के पश्चात् स्थावर संपत्ति की विकास/संनिर्माण लागत (यदि लागू हो)					
	 की					
	III.	अनुमानित वर्तमान बाजार कीमत					
		(क) स्वाजित आस्तियां (कुल मूल्य)					
		(ख) विरासती आस्तियां (कुल मूल्य)					
9.		दायित्व					
	(i)	सरकारी शोध्य (कुल)					
	(ii)	बैंक, वित्तीय संस्थाओं और अन्य से ऋण (कुल)					
10		ऐसे दायित्व जो विवादाधीन हैं					
	(i)	सरकारी शोध्य (कुल)					
	(ii)	बैंक, वित्तीय संस्थाओं और अन्य से ऋण (कुल)					
11.		उच्चतम शैक्षिक अर्हता : (प्रमाणपत्र/डिप्लोमा/डिग्री पाठ्यक्रम के पूर्ण प्ररूप का उल्लेख करते हुए, उच्चतम विद्यालय/विश्वविद्यालय शिक्षा, विद्यालय/महाविद्यालय/विश्वविद्यालय का नाम और वर्ष जिसमें पाठ्यक्रम पूरा किया गया था, का ब्यौरे दें।)					

सत्यापन
मैं, ऊपर उल्लिखित, अभिसाक्षी इसके द्वारा यह सत्यापन और घोषणा करता हूँ कि इस शपथपत्र की विषय-वस्तु मेरी सर्वोत्तम जानकारी और विश्वास के अनुसार सत्य और सही है, और इसका कोई भाग मिथ्या नहीं है तथा इसमें से कोई भी तात्त्विक तथ्य नहीं छिपाया गया है। मैं यह और घोषणा करता हूँ कि :--

(क) मेरे विरुद्ध ऊपर भाग क और ख की मद 5 और 6 में उल्लिखित दोषसिद्धि का मामला या लंबित मामले से भिन्न कोई दोषसिद्धि का मामला या लंबित मामला नहीं है ;

(ख) मेरे पति या पत्नी या मेरे आश्रितों के पास ऊपर भाग क की मद 7 और 8 तथा भाग ख की मद 8, 9 और 10 में उल्लिखित आस्ति या दायित्व से भिन्न कोई आस्ति या दायित्व नहीं है।

आज ताराख..... की सत्यापन किया गया।

अभिसाक्षी

- टिप्पण : 1. शपथपत्र नामांकन फाइल करने के अंतिम दिन को 3.00 अपराहन तक फाइल किया जाना चाहिए ।
- टिप्पण : 2. शपथपत्र पर किसी शपथ कमिश्नर या प्रथम वर्ग मजिस्ट्रेट के समक्ष या किसी नोटरी पब्लिक के समक्ष शपथ ली जानी चाहिए ।
- टिप्पण : 3 सभी स्तंभों को भरा जाना चाहिए और कोई स्तंभ खाली न छोड़े, यदि किसी मद के संबंध में देने के लिए कोई जानकारी नहीं है तो, यथास्थिति "शून्य" या "लागू नहीं होता" उल्लिखित किया जाना चाहिए ।
- टिप्पण : 4 शपथपत्र टंकित या सुपाठ्यरूप से साफ-साफ लिखित होना चाहिए ।

[फा. सं. एच-11019(6)/2012-त्रि. II]

डॉ. संजय सिंह, अवर सचिव

टिप्पण : मूल नियम अधिसूचना संख्यांक का.आ.859, तारीख 15 अप्रैल, 1961 द्वारा प्रकाशित किए गए थे और उनमें अंतिम बार निम्नलिखित अधिसूचनाओं द्वारा संशोधन किया गया--

- (1) संख्यांक का.आ.728(अ), तारीख 8 मई, 2007 ।
- (2) संख्यांक का.आ.425(अ), तारीख 23 फरवरी, 2011 ।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 1st August, 2012

S.O. 1732(E).--In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following rules further to amend the Conduct of Elections Rules, 1961, namely:--

1. (1) These rules may be called the Conduct of Elections (Amendment) Rules, 2012.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Conduct of Elections Rules, 1961, for Form 26 and the entries relating thereto, the following Form and entries shall be substituted, namely:-

"FORM 26
(See rule 4A)

Please affix your
recent passport
size photograph
here

Affidavit to be filed by the candidate alongwith nomination paper before the returning officer for election to (name of the House)
from.....constituency (Name of the constituency)

PART-A

I..... **son/daughter/wife of
Aged.....years, resident of (mention full

postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under:-

(1) I am a candidate set up by(**name of the political party)**am contesting as an Independent candidate.
(**strike out whichever is not applicable)

(2) My name is enrolled in.....(Name of the constituency and the State), at Serial No.....in Part No.....

(3) My contact telephone number(s) is/are.....and my e-mail id (if any) is.....

(4) Details of Permanent Account Number (PAN) and status of filing of Income Tax return:

Sl. No.	Names	PAN	The financial year for which the last Income-tax return has been filed	Total income shown in Income-tax return (in Rupees)
1.	Self			
2.	Spouse			
3.	Dependent-1			
4.	Dependent-2			
5.	Dependent-3.....			

(5) I am/am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case(s) in which a charge(s) has/have been framed by the court(s) of competent jurisdiction.

If the deponent is accused of any such offence(s) he shall furnish the following information:-

(i) The following case (s) is/are pending against me in which charges have been framed by the court for an offence punishable with imprisonment for two years or more:-

(a)	Case/First Information Report No./Nos. together with complete details of concerned Police Station/District/State.	
(b)	Section(s) of the concerned Act(s) and short description of the offence(s) for which charged	
(c)	Name of the Court, Case No. and date of order taking cognizance:	
(d)	Court(s) which framed the charge(s)	
(e)	Date(s) on which the charge(s) was/were framed	

(f)	Whether all or any of the proceedings(s) have been stayed by any Court(s) of competent jurisdiction	
-----	---	--

(ii) The following case(s) is/are pending against me in which cognizance has been taken by the court [other than the cases mentioned in item (i) above]:-

(a)	Name of the Court, Case No. and date of order taking cognizance:	
(b)	The details of cases where the court has taken cognizance, section(s) of the Act(s) and description of the offence(s) for which cognizance taken	
(c)	Details of Appeal(s)/Application(s) for revision (if any) filed against the above order(s)	

(6) I have been/have not been convicted of an offence(s) [other than any offence(s) referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 8 of the Representation of the People Act, 1951 (43 of 1951)] and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information:

In the following cases, I have been convicted and sentenced to imprisonment by a court of law:

(a)	The details of cases, Section(s) of the concerned Act(s) and description of the offence(s) for which convicted	
(b)	Name of the Court(s), Case No. and date(s) of order(s):	
(c)	Punishment imposed	
(d)	Whether any appeal was/has been filed against the conviction order. If so, details and the present status of the appeal:	

(7) That I give herein below the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents:

A. Details of movable assets:

Note: 1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note: 2. In case of deposit/Investment, the details including Serial Number, Amount, date of deposit, the scheme, Name of the Bank/Institution and Branch are to be given

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Note: 3. Value of Bonds/Share Debentures as per current market value in Stock exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note: 4. Dependent here has the same meaning as assigned in Explanation (v) under section 75A of the Representation of the People Act, 1951.

Note: 5. Details including amount is to be given separately in respect of each investment

Sl. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Cash in hand					
(ii)	Details of deposit in Bank accounts(FDRs, Term Deposits and all other types of deposits including saving accounts), Deposits with Financial Institutions, Non-Banking Financial Companies and Cooperative societies and the amount in each such deposit					
(iii)	Details of investment in Bonds, debentures/shares and units in companies/Mutual funds and others and the amount					
(iv)	Details of investment in NSS, Postal Saving, Insurance policies and investment in any Financial instruments in Post office or Insurance Company and the amount					
(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc., and other receivables from debtors and the amount					
(vi)	Motor Vehicles/Aircrafts/Yachts/Ships (Details of Make, registration number etc. year of purchase					

	and amount)					
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)					
(viii)	Any other assets such as value of claims/interest					
(ix)	Gross Total Value					

B. Details of Immovable Assets:

Note: 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

Note: 2. Each land or building or apartment should be mentioned separately in this format

S. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Agricultural Land					
	Location(s)					
	Survey number(s)					
	Area (total measurement in acres)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any investment on the land by way of development, construction etc.					
Approximate current market value						
(ii)	<u>Non-Agricultural Land:</u>					
	Location(s)					
	Survey number(s)					
	Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
Cost of Land (in case						

	of purchase) at the time of purchase					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					
(iii)	Commercial Buildings (including apartments) -Location(s) -Survey number(s)					
	Area (total measurement in sq.ft.)					
	Built-up Area (total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any investment on the property by way of development, construction etc.					
	Approximate current market value					
(iv)	Residential Buildings (including apartments): -Location(s) -Survey number(s)					
	Area (total measurement in sq.ft.)					
	Built up area (Total measurement in sq.ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any investment on the land by way of development,					

	• construction etc. Approximate current market value					
(v)	Others (such as interest in property)					
(vi)	Total of current market value of (i) to (v) above					

(8) I give herein below the details of liabilities/dues to public financial institutions and government:-

(Note: please give separate details of name of bank, institution, entity or individual and amount before each item)

S. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
(i)	Loan or dues to Bank/financial institution(s) Name of the Bank or financial Institution, Amount outstanding, Nature of Loan					
	Loan or dues to any other individuals/entity other than mentioned above Name(s), Amount outstanding, nature of loan					
	Any other liability					
	Grand total of liabilities					
(ii)	Government dues: Dues to departments dealing with government accommodation					
	Dues to department dealing with supply of water					
	Dues to department dealing with supply of electricity					
	Dues to department dealing with supply of telephones/mobiles					

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	Dues to department dealing with government transport (including aircrafts and helicopters)					
	Income tax dues					
	Wealth tax dues					
	Service tax dues					
	Municipal/Property Tax dues					
	Sales Tax dues					
	Any other dues					
(iii)	Grand total of all Government dues					
(iv)	Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.					

(9) Details of profession or occupation:

- (a) Self.....
 (b) Spouse.....

(10) My educational qualification is as under:-

.....
 (Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

PART-B

(11) ABSTRACT OF THE DETAILS GIVEN IN (1) TO (10) OF PART-A:

1.	Name of the candidate	Sh./Smt./Kum.
2.	Full postal address	
3.	Number and name of the constituency and State	
4.	Name of the political party which set up the candidate (otherwise write 'Independent')	
5.	(i) Total number of pending cases where charges have been framed by the Court for offences punishable with imprisonment for two years or more	
	(ii) Total number of pending cases where the court(s) have taken cognizance [other than the cases mentioned in item (i) above]	

6.	Total Number of cases in which convicted and sentenced to imprisonment for one year or more [except for offences referred to in sub-sections (1), (2) or (3) of section 8 of Representation of the People Act, 1951].					
7.		PAN of	Year for which last income Tax return filed	Total income shown		
	(a) Candidate					
	(b) Spouse					
	(c) Dependents					
8.	Details of Assets and Liabilities in Rupees					
	Description	Self	Spouse	Dependent-I	Dependent-II	Dependent-III
A.	Moveable Assets (Total value)					
B.	Immovable Asset					
	I. Purchase Price of self-acquired immovable property					
	II. Development/ construction cost of immovable property after purchase (if applicable)					
	III. Approximate Current market price of -					
	(a) self-acquired assets (Total Value)					
	(b) inherited assets (Total Value)					
9.	Liabilities					
	(i) Government dues (Total)					
	(ii) Loans from Bank, Financial Institutions and others (Total)					
10.	Liabilities that are under dispute					
	(i) Government dues (Total)					

● (ii)	Loans from Bank, Financial Institutions and others (Total)						
11.	Highest educational qualification: (Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)						

VERIFICATION

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom. I further declare that:-

- (a) there is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above;
- (b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at.....this theday of.....

DEPONENT

Note: 1. Affidavit should be filed latest by 3.00 PM on the last day of filing nominations.

Note: 2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note: 3. All column should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either "Nil" or "Not applicable", as the case may be, should be mentioned,

Note: 4. The Affidavit should be either typed or written legibly and neatly."

[F.No. H-11019(6)/2012-Leg. II]

Dr. SANJAY SINGH, Addl. Secy

Note: The principal rules were published *vide* notification number S.O.859, dated the 15th April, 1961 and last amended *vide* notifications—

(1) number S.O.728(E), dated the 8th May, 2007.

(2) number S.O. 425(E) dated 23rd February, 2011.

certificate that all the Returning Officers have received the instructions may be forwarded to the Commission within one month of receipt of this letter,

5. You are also requested to furnish a copy of this letter along with copy of the enclosed notification to every political party (including registered unrecognized parties) having headquarters in your State/UT, including the State Units of recognized National and State political parties.

Yours faithfully,

(Ashish Chakraborty)
Secretary

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By Email / Speed Post

ELECTION COMMISSION OF INDIA
NirvachanSadan, Ashoka Road, New Delhi-110001

No. 3/4/2012/SDR

Dated: 10th September, 2012

To,
Chief Electoral officers of-
1. Uttarakhand
2. West Bengal

Sub:- Affidavit filed by the candidates with their nomination paper- regarding.

Sir,

The Commission has announced on 05.09.2012 the schedule for bye-elections to fill the casual vacancies in the Parliamentary constituencies of 1-Tehri Garwal of Uttarakhand and 9- Jangipur of West Bengal. The process of nominations for these bye-elections is scheduled to commence on 15.09.2012. These bye-elections are being conducted after the Ministry of Law & Justice have notified in the Gazette of India on 01.08.2012 the revised format of Form- 26 to be filed by a candidate at elections to Parliament and State Legislatures together with the nomination paper. The revised format of Form-26 was circulated to all CEOs with the Commission's letter of even no. dated 24.08.2012. You are, therefore, requested to ensure that affidavit in any format other than the revised Form-26 is not accepted by the RO for the bye-elections. In order to avoid any mistake, in the set of documents that are handed over to persons seeking to contest the elections, the pre-revised format of Affidavit in Form-26 and the one prescribed by the Commission vide letter of even number dated 25.02.2011 shall be replaced with the revised Form-26 by the RO.

2. In order to avoid any confusion, it is also clarified that in Item (5) (ii) of the revised affidavit in Form -26, details of all pending cases in which cognizance has been taken by the Court, irrespective of the quantum of punishment, and framing of charges will have to be disclosed by the candidates.

3. This may be brought to the notice of all candidates when they file their nomination paper.

Yours faithfully,

(Ashish Chakraborty)
Secretary

Copy to the Chief Electoral Offices of all State and Union Territories (Except Uttarakhand and West Bengal) for taking similar action whenever the next general / bye-election election is conducted in the state.

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By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 509/172/2011-RCC

Dated: 17th September, 2012.

JCEO
24/9/2012

To,

1720/CEO
24.9.12

The Chief Electoral Officers of all the States and Union Territories.

Subject:

Affidavits filed by candidates with their nomination paper- revised format for filing affidavit regarding criminal background, assets, liabilities and educational qualification- Regarding.

Acfb
24/9/12
Shri M. Lyngdoh

Sir/Madam,

The candidates at elections to the Parliament and State Legislatures are required to file affidavits giving information, inter alia, about their criminal antecedents - pending cases and cases of conviction with imprisonment of one year or more. Prior to the amendment made to Form 26 recently (as communicated in the Commission's letter No.3/4/2012/SDR dated 24th August, 2012) the candidates were required to file two separate affidavits in this behalf. Further, information regarding conviction and sentence for offences referred to in sub-sections(1),(2) and (3) of Section 8 of the Representation of the People Act 1951 is mentioned in Part III A of the nomination paper. All information in these affidavits are being disseminated to people at large by displaying copies thereof on the notice board of the Returning Officers and the website of the concerned CEOs as well as by supplying copies thereof to anyone who seeks the same.

In Writ Petition(Criminal) No 208 of 2011- Shri J. M. Lyngdoh and others Vs Union of India & others, filed before the Hon'ble Supreme Court of India, one of the reliefs sought is to direct the Election Commission to furnish details of all pending criminal cases against the parliamentarians and legislatures. Further, on several occasions, the Commission has also been receiving Parliament questions seeking information on the criminal background

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26/9/12

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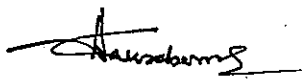
of elected members etc., to which the Commission has been replying that such information is not compiled by the Commission.

The Commission has now decided that information about all pending and conviction cases in respect of candidates who got elected at the Lok Sabha Election 2009 and the sitting MLAs, of the existing State Legislative Assemblies should be compiled based on the information furnished in the affidavits filed by them along with their nomination papers for the election.

The Commission desires that the DEOs may be directed to compile the aforesaid information of pending and conviction cases in respect of elected Members of Parliament and Members of Legislative Assemblies separately in Format- 1 in respect of the Constituencies (Parliamentary and Assembly Constituencies) under their jurisdiction and send the same to the CEO concerned within 30 days. The CEO, will thereafter, consolidate the information for the State on the basis of the information received from the DEOs and send it to the Commission in Format -2 within 15 days. The consolidated information in respect of Parliamentary Constituencies and Assembly Constituencies should be furnished separately. You are also requested to forward a soft copy of the information compiled by you in MS-Excel format.

Kindly acknowledge receipt of this letter.

Yours faithfully,


(ASHISH CHAKRABORTY)
SECRETARY

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FORMAT-2

Format for compiling abstract data of criminal cases in which convicted and/ or pending cases in which cognizance has been taken by the Court on the basis of affidavits submitted by the candidates.

Name of the State/UT:

Name of the District:

Name of election: (Lok Sabha/Assembly)

Nature of Election: General

Year of election:

No. & Name of Parliamentary Constituency/Assembly Constituency	Names of the elected members (as they appear in Form 7A/7B)	Party Affiliation, if any	Educational Qualification	Whether PAN No. given (Yes/No)	Financial year for which last Income Tax Return filed	Pending cases in which cognizance taken by Court		Cases in which convicted				
						Name of the Court	Case No. (date)	Description of offence (section of the Act)	Name of the Court	Case No.	Date of the Order	Punishment Imposed
1	2	3	4	5	6	7	8	9	10	11	12	13

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[Separate statement for Lok Sabha election and Assembly election].

Signature of CEO

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FORMAT-I

Format for compiling abstract data of criminal cases in which convicted and/ or pending cases in which cognizance has been taken by the Court on the basis of affidavits submitted by the candidates.

Name of the State/UT:

Name of the District:

Name of the Constituency:

Name of election: (Lok Sabha/Assembly)

Nature of Election: General / Bye

Year of election:

Names of the elected members (as they appear in Form 7A/7B)	Party Affiliation, if any	Educational Qualification	Whether PAN No. given (Yes/No)	Financial year for which last Income Tax Return filed	Pending cases in which cognizance taken by Court		Cases in which convicted				
					Name of the Court	Case No. (date)	Description of offence (section of the Act)	Name of the Court	Case No.	Date of the Order	Punishment Imposed
1	2	3	4	5	6	7	8	9	10	11	12

Signature of DEO

PTG

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By Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/4/2012/SDR

Dated:-26th September, 2012

To,
The Chief Electoral Officer
Of all State / UTs

Sub: Affidavit to be filed by the candidates with their nomination paper- regarding.

Sir,
Kindly refer to the Commission's letter of even number dated 24th August, 2012, forwarding a copy of the Gazette of India No. 1433 dated 01.08.2012 publishing the notification S.O. 1732 (E) dated 01.08.2012 issued by the M/o Law and Justice to substitute the "Form 26" appended to C.E. Rules, 1961.

2. Item 5 of Part A and Part B of the revised Form 26 relates to information regarding criminal antecedents to be furnished by the candidates. It is clarified that in item (5)(ii) of the said Part A & Part B of Form-26 the details of all pending cases in which cognizance has been taken by the Court, irrespective of the quantum of punishment or framing of charges will have to be disclosed by the candidate. This may be brought to the notice of all candidates when they file their nomination at all future general/bye-elections in the State. A copy of this letter may be forwarded to all ROs in the State/UT, including ROs for election to the Rajya Sabha and State Legislative Council (wherever applicable).

3. You are also requested to bring the aforesaid clarification to the notice of every political party (including registered unrecognized parties) having headquarters in your State/UT, including the State Units of recognized national and State political parties.

Kindly acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)
Secretary

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2011/SDR

Dated: 12th October, 2012

To

The Chief Electoral Officers
Of all States / Union Territories

Sub: Affidavits filed by the candidates with their nomination paper-uploading on website- regarding

Sir,

Attention is invited to the Commission's letter of even number dated 20th July, 2012 regarding uploading of the affidavits filed by the candidates on the website for dissemination of the information to the electors.

2. In the above mentioned letter, it was instructed that the scanned affidavits filed by the candidates of recognized political parties shall be put up on the website within 24 hours of filing of the affidavit and the affidavits filed by the other candidates (I.e. candidates set up by registered unrecognized political parties and independents) within 24 hours after finalization of the list of contesting candidates.

3. Now the Commission has reviewed the above instruction and has decided that the affidavit filed by all candidates, whether set up by the recognized political parties or unrecognized political parties or independents shall be put up on the website soon after the candidates file same and within 24 hours in any event. Even if any candidate withdraws his candidature, the affidavit already uploaded on the website shall not be removed.

4. These instructions shall be followed at all elections, i.e. general/biennial election and all bye-elections.

Please acknowledge receipt.

Yours faithfully,

(Ashish Chakraborty)
Secretary

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली- 110001.

सं. 3/ई.आर./2011/एस.डी.आर.

दिनांक- 12 अक्टूबर, 2012

सेवा में,

सभी राज्यों एवं संघ राज्य क्षेत्रों के
मुख्य निर्वाचन अधिकारी,

विषय- अभ्यर्थियों द्वारा अपने नामांकन पत्रों के साथ दाखिल किए गए शपथ-पत्र- वेबसाइट पर अपलोड करने- तत्संबंधी।

महोदय/या,

निर्वाचकों को सूचना प्रसारित करने के लिए अभ्यर्थियों द्वारा दाखिल किए गए शपथ-पत्रों को वेबसाइट पर अपलोड करने संबंधी आयोग के दिनांक 20 जुलाई, 2012 के समसंख्यक पत्र की ओर ध्यान आकर्षित किया जाता है।

2. उपर्युक्त पत्र में, यह अनुदेश दिया गया था कि मान्यता प्राप्त राजनीतिक दलों के अभ्यर्थियों द्वारा दाखिल किए गए शपथ-पत्रों की स्कैन की गई प्रतियाँ शपथ-पत्र दाखिल करने के 24 घंटे के भीतर वेबसाइट पर डाल दी जाएगी तथा अन्य अभ्यर्थियों (अर्थात् पंजीकृत अमान्यता प्राप्त राजनीतिक दलों के द्वारा खड़े किए गए अभ्यर्थी तथा निर्दलीय अभ्यर्थी) द्वारा दाखिल किए गए शपथ-पत्र, निर्वाचन लड़ने वाले अभ्यर्थियों की सूची को अंतिम रूप देने के 24 घंटे के भीतर अपलोड किए जाएंगे।

3. अब, आयोग ने उपर्युक्त अनुदेश की समीक्षा की है तथा यह निर्णय लिया है कि सभी अभ्यर्थियों, चाहे वे मान्यता प्राप्त राजनीतिक दलों या अमान्यता प्राप्त राजनीतिक दलों द्वारा खड़े किए गए हों, अथवा निर्दलीय हों, के द्वारा दाखिल किए गए शपथ-पत्रों को अभ्यर्थियों द्वारा इसे दाखिल करने के तुरन्त पश्चात तथा किसी भी स्थिति में 24 घंटे के भीतर वेबसाइट पर डाला जाएगा। यदि कोई अभ्यर्थी अपनी अभ्यर्थिता वापिस भी ले लेता है, तो भी अपलोड किए गए शपथ पत्र को वेबसाइट से हटाया नहीं जाएगा।

4. इन अनुदेशों का सभी निर्वाचनों में पालन किया जाएगा, अर्थात् साधारण/द्विवार्षिक निर्वाचन तथा सभी उप-निर्वाचन।

क्रप्या प्राप्ति सूचना भर्जे।

भवदीय,
आशीष चक्रवर्ती
(आशीष चक्रवर्ती)
सचिव

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.576/3/2013/SDR

Date: 21 January, 2013

To,

The Chief Electoral Officers of
All States/Union Territories.

Subject: Filing of nominations and scrutiny of nomination papers- additional measures to ensure transparency/accountability.

Sir/Madam,

The Commission has prescribed a format of CHECK LIST of seven documents required to be filed by a candidate along with the nomination paper vide its letter No.576/3/2009/SDR dated 10-02-2009 in order to ensure transparency and accountability and to streamline the procedure of filing of nomination and scrutiny of nomination papers. Consequent upon modification of the format of Affidavit filed in FORM- 26 appended to C.E. Rules, 1961 with effect from 01-08-2012 as notified by the Ministry of Law & Justice, candidates are now required to file only one affidavit (in Revised Form 26) with the nomination paper and hence the total number of documents in the CHECK LIST would now be six (6). The format of the revised CHECK LIST is reproduced in Para 5.31 of Chapter-V (Nominations) of the Handbook for Returning Officers (2012 edition). The Handbook is also uploaded on the Commissions website.

A Division Bench of the Hon'ble Supreme Court in a judgment passed on 09-12-2011 in Civil Appeal No.4956 of 2010-- Ramesh Rout Vs. RavindraNath Rout [2012 (1) SCJ 567] has observed that once the returning officer records in the CHECK LIST prepared by him at the time of presentation of the nomination paper that a particular document/requirement has been filed/fulfilled he cannot later take the stand that the document was not in order. In that particular case before the Hon'ble Supreme Court, the R.O. at the time of scrutiny of nomination rejected the nomination paper of a candidate sponsored by a recognized Party on the ground that Forms "A" and Form "B" furnished by the candidate were photocopies and not originals after having recorded in the Check List earlier that these Forms had been filed. The Supreme Court has not

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approved of the rejection of the nomination paper on the above ground by the returning officer and declared the election of the returned candidate as void. The Hon'ble Supreme Court has held that in case the RO had noticed that the original Form "A" and Form "B" filed along with the nomination paper were not duly signed in ink then he should have made an endorsement to that effect in the CHECK LIST itself before handing over a copy thereof to the candidate.

In order to prevent recurrence of such cases, the Commission has directed that henceforth the R.O/A.R.O. while checking the documents filed with nomination paper and filling up the Check List, should also make an endorsement about defect, if any, noticed in the documents filed with the nomination papers.

A modified format of the Check List is sent herewith. Please replace the existing Format of Check List in the ROs handbook as well in other records where the Check List is kept.

In cases where a candidate put up by a political party has either not filed Forms "A" and "B" , or the Forms filed are not as per the requirements (not properly filled up or are not signed in original, etc.) while preparing Form 3A (Notice of Nominations) a mention to this effect shall be made under Column 6 with respect to such candidate.

A copy of this letter alongwith the enclosed format of Check List may also be forwarded to all the ROs and AROs for parliamentary and assembly constituencies in your State/UT.

Kindly acknowledge receipt.

Yours faithfully,

(K.F. Wilfred)
Principal Secretary

Original/Duplicate

(Original to be kept with nomination paper and duplicate to be handed over to candidate)

Check list of documents in connection with filing of nomination

Name of constituency
Name of the candidate
Date and time of filing nomination paper
Sl.No. of nomination paper

Sl.No.	Documents	Whether filed (write Yes/No) { If there is any defect / shortcoming in the documents, the same should be specified }
1.	Affidavit in Form 26	
2.	Certified extract of electoral roll(when candidate is an elector of a different constituency)	
3.	Forms A and B (applicable in the case of candidates set up by political parties).	
4.	Copy of cast certificate (if the candidate claims to belong to SC/ST)	
5.	Security deposit (whether made)	
6.	Oath/ affirmation (whether taken)	

The following documents which have not been filed should be filed as indicated below:

(a) _____ should be filed latest by _____.
(b) _____ should be filed latest by _____.

.....

Received.

.....

.....

(Signature of candidate)

Signature of RO/ARO

Date & time:

Place:

N.B

1. The affidavit in Form 26 and Forms A & B have to be filed latest by 3.00 P.M on the last date of filing nominations.
2. Oath has to be taken after filing nomination paper and before the date fixed for scrutiny.
3. Certified extract of electoral roll can be filed up to the time of scrutiny.
4. Security deposit should be made either before filing of nomination paper or at the time of filing of nomination paper. Therefore, there is no question of issuing notice for making the security deposit.

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ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 3/ER/2013/SDR/

Dated : 12th June, 2013

To

The Chief Electoral Officers of
All States and Union Territories.

Sub: Affidavits filed by candidates – complaints/counter affidavits filed against the statements in the affidavits – dissemination thereof.

Sir/Madam,

As per the directions in the Commission's order No. 3/ER/2003/JS-II, dated 27-03-2003, the affidavits filed by candidates were to be disseminated by displaying copies thereof on the notice board of the Returning Officer and by making copies available freely to those seeking the same. In the said order, it was also directed that if anyone furnishes information countering the statements made by any candidate in his affidavit by means of a duly sworn affidavit, such counter affidavit shall also be disseminated alongwith the affidavit of the candidate concerned in the same manner, i.e. by displaying copy on the notice board and furnishing copies to others on demand.

From the year 2004 onwards, the affidavits of candidates are being uploaded on the website of the CEO. However, the same is not done in respect of counter-affidavits filed, if any. The Commission has now decided that, henceforth, all counter-affidavits (duly notarized) filed by any person against the statements in the affidavit filed by the candidate shall also be uploaded on the website alongwith the affidavit concerned. Such uploading should also be done within 24 hours of filing of the same.

Kindly convey these directions to all DEOs, ROs (including ROs for elections to Council of States and State Legislative Council) and other election authorities concerned with the matter.

Yours faithfully,



(K.F. WILFRED)
PRINCIPAL SECRETARY

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